

**For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, February 23, 2016, 6:30 P.M.**

A. CALL TO ORDER

Mayor Amrhein called the special meeting to order at 6:30 p.m., on Tuesday February 23, 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 Womack

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 February 09, 2016 regular meeting and approve them with corrections as noted.

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

NAYS: None

ABSENT: None

ABSTAINED: None

E. HONORS, RECOGNITIONS AND INTRODUCTIONS

Fire Chief Danny Kimble announced that Zachary Firefighters were being deployed to aid in the assistance to Paincourtville, La due to severe weather.

F. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS

1. Street/Road Projects

a. Pay Estimate #16 Mount Pleasant Boulevard

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve Pay Estimate #16 Mount Pleasant Boulevard in the amount of \$178,175.89 to RJ Daigle & Sons Contractors, Inc.

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

NAYS: None

ABSENT: None

ABSTAINED: None

b. Pay Estimate #1 Road Rehabilitation Program

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Cavin

To approve Pay Estimate #1 Road Rehabilitation Program in the amount of \$28,552.50 to RWB Contracting, LLC

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

NAYS: None

ABSENT: None

ABSTAINED: None

2. Sewer

a. Pay Estimate #2 Sanitary Sewer Collection System Improvements – Contract 6

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve Pay Estimate #2 Sanitary Sewer Collection System Improvements – Contract 6 in the amount of \$266,284.83 to Insituform Technologies, LLC

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

b. Pay Estimate #4 Sanitary Sewer Collection System Improvements
Contract 6

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Noel

To approve Pay Estimate #4 Sanitary Sewer Collection System Improvements –

Contract 6 in the amount of \$140,155.62 to Insituform Technologies, LLC

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

NAYS: None

ABSENT: None

ABSTAINED: None

3. Subdivision Inspections

4. Water and Gas Projects

G. PRESENTATION OF DELEGATIONS

1. Requests to Speak

Richard Nalencz, 6375 Woodside Drive, Zachary, La 70791, was present to speak to the council on a non-agenda item regarding the construction on Main Street. Mr. Nalencz asked Mayor Amrhein and the Council what the delay was for the construction by the Post Office and Walmart. Mayor Amrhein said that because it is a state highway the city has no control over the time frame of construction. He noted that they were ahead of schedule. Mayor Amrhein noted that Chris Davezac, the City's Public Works Director, had gone out there that day to check on the job. He said the only thing we can do is ask for more progress.

2. Hardship Waivers

3. Other Variances

ALTER AGENDA

b. Marjorie Wilkerson- 5455 Old Slaughter Road, Zachary, LA –Request to operate an in-home family day care for no more than six children. (Maw Maw's Babies Learning Academy)

The motion was made by Councilman O'Brien

The motion was seconded by Councilman Womack

To approve an occupational waiver request to Marjorie Wilkerson- 5455 Old Slaughter Road, Zachary, LA –Request to operate an in-home family day care for no more than six children. (Maw Maw's Babies Learning Academy)

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

NAYS: None

ABSENT: None

ABSTAINED: None

- c. William Hornsby- 1555 E. Mt. Pleasant Road, Zachary, La- Sections 9.402 and 9.403B of the UDC- no frontage and access connection spacing for lots C, D and A.

The motion was made by Councilman Womack

The motion was seconded by Councilman Nezianya

To approve a variance to William Hornsby- 1555 E. Mt. Pleasant Road, Zachary, La- Sections 9.402 and 9.403B of the UDC- no frontage and access connection spacing for lots C, D and A.

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

NAYS: None

ABSENT: None

ABSTAINED: None

- d. William Hornsby- 1555 E. Mt. Pleasant Road, Zachary, LA – Table 2.301 of the UDC- minimum lot area waiver for Lot A.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Womack

To approve a variance to William Hornsby- 1555 E. Mt. Pleasant Road, Zachary, LA – Table 2.301 of the UDC- minimum lot area waiver for Lot A.

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

NAYS: None

ABSENT: None

ABSTAINED: None

Return to Regular Agenda Order

- a. Occupational Waiver Request – Kevin Wilkinson 9313 Redwood Lake Blvd., Zachary – Request to operate a Lawn Care Business from his home.

The motion was made by Councilman Womack

The motion was seconded by Councilman Nezianya

To approve Occupational Waiver Request – Kevin Wilkinson 9313 Redwood Lake Blvd., Zachary – Request to operate a Lawn Care Business from his home.

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 _____ of the Planning Commission and the Minutes of the Regular meeting of _____ of the Zoning Commission.

2. Planning Matters REQUIRING a Public Hearing

a. **Resubdivision-** Lot B-1-A-2 of the James Pickering Tract
Into 4 lots (A, B, C, D)(Tabled from the January 26, 2016 Meeting)

Mayor Amrhein declared to reopen a PUBLIC HEARING at 7:00 pm. Randy Herring, 23221 Sunnyside Lane, Zachary, La was present to speak in favor of the resubdivision. He said he is working on the project next door regarding the restaurant with Pastor Starr Hornsby. There being no one to speak against the resubdivision Mayor Amrhein declared a PUBLIC HEARING to be closed at 7:02 pm.

The motion was made by Councilman Nezianya

The motion was seconded by Councilwoman O'Brien

To approve a Resubdivision- Lot B-1-A-2 of the James Pickering Tract into 4 lots (A, B, C, D).

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

NAYS: None

ABSENT: None

ABSTAINED: None

b. **Resubdivision-** Lot A-4-A and A-5-A of the G.B. Annison Property into
Lots A-4-A-1 and A-5-A-1

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:03 pm. Amy Schulze was present to speak. Mrs. Schulze said that this item was recommended for resubdivision by the Planning and Zoning Commission. There being no one to speak in favor or against the resubdivision Mayor Amrhein declared a PUBLIC HEARING to be closed at 7:04 pm.

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O'Brien

To approve a Resubdivision- Lot A-4-A and A-5-A of the G.B. Annison Property into Lots A-4-A-1 and A-5-A-1

YEAS: Nezianya, Noel, O'Brien, Womack

NAYS: None

ABSENT: None

ABSTAINED: Cavin

- 3. Planning Matters NOT requiring a Public Meeting**
- 4. Zoning Matters REQUIRING a Public Hearing**

- a. Rezoning – Lot A-4-A-2-B of the F.E. Bennett Tract from RE/CS to CG.

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:05pm. Amy Schulze was present to speak. She said that this was recommended for rezoning by the Planning and Zoning Commission. She said that the back of the property was zoned one way and the front was zoned another way. Mr. Nash Abraham, 9599 Millwood Creek, Zachary, La was present to speak in favor of the rezoning. He explained that there was an existing commercial building on the property and he wanted to operate an auto repair shop there. There being no one to speak against the rezoning Mayor Amrhein declared a PUBLIC HEARING to be closed at 7:06 pm.

The motion was made by Councilman Womack

The motion was seconded by Councilman Nezianya

To approve a Rezoning – Lot A-4-A-2-B of the F.E. Bennett Tract from RE/CS to CG.

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

- 5. Zoning Matters NOT Requiring Public Hearing**
- 6. Other Matters-Requiring a Public Hearing**
- J. APPROVE PAYMENT OF BILLS**
- 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.

- 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. Request for Resolution proclaiming March 11, 2016 - “Paint the Town Purple Day” on behalf of the American Cancer Society Relay for Life.

Councilman Womack was present to speak to the council members about the Relay for Life. He then introduced Johnna Womack Roose and Jill Bua, Relay for Life Leadership Committee Members. They announced that the Zachary Relay for Life will be held on April 15 at BREC’s Zachary Community Park from 5 pm until 11 pm.

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O’Brien

To approve a request for Resolution proclaiming March 11, 2016 - “Paint the Town Purple Day” on behalf of the American Cancer Society Relay for Life.

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

NAYS: None

ABSENT: None

ABSTAINED: None

4. Request for Council approval to approve the changes to the Municipal Civil Service Pay Plan.

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Noel

To approve the changes to the Municipal Civil Service Pay Plan.

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

NAYS: None

ABSENT: None

ABSTAINED: None

5. Request for Council approval to allow the Zachary City Court to negotiate and enter into a contract with David Burton of Burton Services, Inc. for his online module for handling the Pre-Trial Diversion Program.

John Hopewell was present to speak for City Prosecutor Trae Welch. He explained that defendants will be qualified by the Prosecutor’s Office for acceptance into the program, take online classes deemed necessary and pay class fees associated with their offense.

Councilman Cavin said he did not want it to be a net decrease in revenue to the city.

There was discussion on who should sign the contract.

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve the Zachary City Court to negotiate and enter into a contract with an online provider of a Pre-Trial Diversion Program and to give Mayor Amrhein the authority to sign the contract.

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

NAYS: None

ABSENT: None

ABSTAINED: None

6. Approval of Special Counsel Contract for Stacy Moak & Associates as outside defense counsel on – Keller adv ZFD 645690 # 24- 19th JDC EBR and Linda Wallace adv Roberts & Zachary Fire Department, et al (CoZ)- 19th JDC # 645752 Sec 23, East Baton Rouge Parish, State of Louisiana.

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To approve a Special Counsel Contract for Stacy Moak & Associates as outside defense counsel on – Keller adv ZFD 645690 # 24- 19th JDC EBR and Linda Wallace adv Roberts & Zachary Fire Department, et al (CoZ)- 19th JDC # 645752 Sec 23, East Baton Rouge Parish, State of Louisiana.

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

7. Adoption of Ordinance 2016-01 – AN ORDINANCE PERTAINING TO THE ENLARGEMENT OF THE BOUNDARIES OF THE CITY OF ZACHARY BY THE ANNEXATION OF LOT F-4 OF THE E.D. ANNISON PROPERTY LOCATED WITHIN EAST BATON ROUGE PARISH LOUISIANA INTO THE MUNICIPAL LIMITS OF THE CITY OF ZACHARY.

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:21 pm. There being no one to speak in favor or against the ordinance Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:22 pm.

The motion was made by Councilwoman O'Brien

The motion was seconded by Councilman Nezianya

To approve Adoption of Ordinance 2016-01 – AN ORDINANCE PERTAINING TO THE ENLARGEMENT OF THE BOUNDARIES OF THE CITY OF ZACHARY BY THE ANNEXATION OF LOT F-4 OF THE E.D. ANNISON PROPERTY LOCATED WITHIN EAST BATON ROUGE PARISH LOUISIANA INTO THE MUNICIPAL LIMITS OF THE CITY OF ZACHARY.

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

8. Request for action on Condemnation Report January 14, 2016 for 6461 Highway 19, Zachary, La

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:23 pm. Scott Masterson, Chief Building Official was present to speak. He requested to the council that the property remain on the condemnation list. He said that although the building had been torn down there was still debris that had not been picked up. There being no one to speak in favor or against the item Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:24 pm.

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To approve a request for action on Condemnation Report January 14, 2016 for 6461 Highway 19, Zachary, La and to leave this item on the condemnation list.

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

NAYS: None

ABSENT: None

ABSTAINED: None

9. Request for action on Condemnation Report January 14, 2016 for 6417 Highway 19, Zachary, La

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:24 pm. Scott Masterson, Chief Building Official was present to speak. He requested to the council that the property remain on the condemnation list. He said that although the building had been torn down there was still debris that had not been picked up. There being no one to speak in favor or against the item Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:25 pm.

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To approve a request for action on Condemnation Report January 14, 2016 for 6417 Highway 19, Zachary, La and to leave this item on the condemnation list.

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

NAYS: None

ABSENT: None

ABSTAINED: None

10. Request for Council approval to approve the new Municipal Civil Service Board Member, Thomas Scott.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Nezianya

To approve a request for Council approval of the new Municipal Civil Service Board Member, Thomas Scott, contingent upon LSU approval.

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

NAYS: None

ABSENT: None

ABSTAINED: None

11. Initial discussion for the 2016 Ad Valorem Millage rates.

Mayor Amrhein began by explaining that many citizens of Zachary do not realize how little property taxes actually go to the City of Zachary. He said that someone living in the most expensive house in Zachary pays less than \$200.00 a year to the city. Councilman Cavin said that he has done research on the issue and we have to be able to diversify the revenue stream. He said that citizens refer the city with the school system and that we are not the same. Mayor Amrhein said that he has cut the budget everywhere that he can.

Councilman Noel said he would not entertain a tax until he knew that we have cut everything possible and that we are lean. He explained that the Mayor and council are doing the right thing by looking at the issue.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Womack

To approve a request to allow John Hopewell to introduce an ordinance to roll forward and/or stay the same for the millage rates for the 2016 year.

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

NAYS: None

ABSENT: None

ABSTAINED: None

O. REPORTS FROM DEPARTMENT HEADS

John Hopewell was present to note that he was working on the ordinance for the step increase for elected officials for the next term.

P. DISCUSSION OF BUSINESS NOT ON AGENDA

(No Action May Be Taken Unless Declared an Emergency)

Q. ADJOURNMENT

The meeting was adjourned at 7:57 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, February 23, 2016, a proper quorum being there and then present.

Dana Poole, Clerk of the City Council