

**For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, February 26, 2019, 6:30 P.M.**

A. CALL TO ORDER

Councilman Noel, Mayor Pro Temp, called the meeting to order at 6:30 p.m., on Tuesday February 26, 2018 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 Councilwoman O'Brien

C. OPENING PROCEDURES

1. ROLL CALL

COUNCIL MEMBERS

Francis Nezianya – District 1

Brandon Noel – District 2

Laura O'Brien – District 3

Hunter Landry – District 4

Lael Montgomery – District 5

ABSENT

Mayor David Amrhein

2. READING OF CITY POLICY RELATIVE TO OPEN MEETINGS

Before proceeding with the meeting, Councilman Noel, Mayor Pro Temp 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. Approval of Minutes of the February 12, 2019 regular meeting.

The motion was made by Councilman Landry

The motion was seconded by Councilwoman O'Brien

To approve the Minutes of the February 12, 2019 regular meeting and approve them as written.

YEAS: Nezianya, Noel, O'Brien, Landry, Montgomery
NAYS: None
ABSENT: None
ABSTAINED: None

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**
5. **Other Projects**

G. PRESENTATION OF DELEGATIONS

1. **Requests to Speak**
2. **Hardship Waivers**
3. **Other Variances**

- a. Variance Request – Kevin Smith – 5180 Hillcrest Drive – request to add a second electrical meter to a horse barn/tractor shed.

The motion was made by Councilwoman O'Brien

The motion was seconded by Councilman Landry

To approve a Variance Request – Kevin Smith – 5180 Hillcrest Drive – request to add a second electrical meter to a horse barn/tractor shed.

YEAS: Nezianya, Noel, O'Brien, Landry, Montgomery
NAYS: None
ABSENT: None
ABSTAINED: None

4. **Exceptions to Regulations**

H. ACTION MANDATED BY HOME RULE CHARTER

1. Appointment of Sharon Turner to serve on the Zachary Historic Advisory Board
The motion was made by Councilman Montgomery
The motion was seconded by Councilman Landry

To approve the Appointment of Sharon Turner to serve on the Zachary Historic Advisory Board.

YEAS: Nezianya, Noel, O'Brien, Landry, Montgomery
NAYS: None
ABSENT: None
ABSTAINED: None

I. PLANNING & ZONING MATTERS

1. Receive Minutes of the Regular meeting of February 4, 2019 of the Planning Commission and the Minutes of the Regular meeting of February 4, 2019 of the Zoning Commission.

The motion was made by Councilman Nezianya

The motion was seconded by Councilwoman O'Brien

To Receive Minutes of the Regular meeting of February 4, 2019 of the Planning Commission and the Minutes of the Regular meeting of February 4, 2019 of the Zoning Commission.

YEAS: Nezianya, Noel, O'Brien, Landry, Montgomery
NAYS: None
ABSENT: None
ABSTAINED: None

2. Planning Matters REQUIRING a Public Hearing

a. Final Plat – Meadow View, Phase 2 – Part 1 and Phase 3 – Part 1

Councilman Noel, Mayor Pro Temp, declared a PUBLIC HEARING to be in session at 6:37 p.m. Marlon Lemond was present to explain the item to the council members. Jake Lambert, DR Horton, was present to speak in favor of the Final Plat. Scott Montalbano, 1370 Birdie Drive, Zachary, was present to speak against the Final Plat. Mr. Montalbano expressed his concerns regarding flooding issues that effects the surrounding areas. Mr. Lambert was allowed to explain what precautions that are in place within the development and that the developer is in compliance with DEQ and their storm water prevention program. Councilman Nezianya referred Mr. Montalbano to Chris Davezac if he had any other questions regarding the development and drainage issues. There being no one else to speak in favor or against the Final Plat Councilman Noel, Mayor Pro Temp, declared the PUBLIC HEARING to be closed at 6:47 p.m.

The motion was made by Councilwoman O'Brien

The motion was seconded by Councilman Nezianya

To approve Final Plat – Meadow View, Phase 2 – Part 1 and Phase 3 – Part 1

YEAS: Nezianya, Noel, O'Brien, Landry, Montgomery
NAYS: None
ABSENT: None
ABSTAINED: None

3. Planning Matters NOT requiring a Public Meeting

4. Zoning Matters REQUIRING a Public Hearing

a. Rezone- Lots 2 and 3 of the W T Cathcart Tract – from RS to CS
Councilman Noel, Mayor Pro Temp, declared a PUBLIC HEARING to be in session at 6:59 p.m. Mike Gennero, 1274 Rockport Drive, Zachary, was present to speak in favor of the rezone. Planning and Zoning denied this item for rezoning. Mr. Gennero explained that the item will be brought back to the council when a decision on the use of the property is determined. There being no one else to speak in favor or against the rezone Councilman Noel, Mayor Pro Temp, declared the PUBLIC HEARING to be closed at 7:06 p.m.

The motion was made by Councilwoman O'Brien

The motion was seconded by Councilman Landry

To remove a Rezone- Lots 2 and 3 of the W T Cathcart Tract – from RS to CS contingent upon written consent from the applicant before the March 12, 2019 ZCC meeting.

YEAS: Nezianya, Noel, O'Brien, Landry, Montgomery

NAYS: None

ABSENT: None

ABSTAINED: None

b. Conditional Use – Manufactured Home – 4808 Old Slaughter Road
Councilman Noel, Mayor Pro Temp, declared a PUBLIC HEARING to be in session at 7:10 p.m. Mr. George, 4808 Old Slaughter Road, Zachary was present to speak in favor of the conditional use permit. Mr. George explained that the house that was located on the property burned down and requested to replace it with a mobile home. Councilman Landry explained the ordinance regarding a five-acre lot minimum that is required to place a mobile home on a property. There being no one else to speak in favor or against the conditional use Councilman Noel, Mayor Pro Temp, declared the PUBLIC HEARING to be closed at 7:13 p.m.

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Montgomery

To approve a Conditional Use – Manufactured Home – 4808 Old Slaughter Road

YEAS: Nezianya, Montgomery

NAYS: Noel, O'Brien, Landry

ABSENT: None

ABSTAINED: None

c. Conditional Use – Alcohol – 20377 Old Scenic Hwy, Suites 201 & 202 (Arzi's)
Councilman Noel, Mayor Pro Temp, declared a PUBLIC HEARING to be in session at 7:16 p.m. Mr. Yasmee Laymon, 671 Kennelworth Parkway, Baton Rouge, was present to speak in favor of the conditional use. There being no one else to speak in favor or against the conditional use Councilman Noel, Mayor Pro Temp, declared the PUBLIC HEARING to be closed at 7:18 p.m.

The motion was made by Councilman Landry

The motion was seconded by Councilwoman O'Brien

To approve a Conditional Use – Alcohol – 20377 Old Scenic Hwy, Suites 201 & 202 (Arzi's)

YEAS: Nezianya, Noel, O'Brien, Landry, Montgomery
NAYS: None
ABSENT: None
ABSTAINED: None

5. Zoning Matters NOT Requiring Public Hearing

6. Other Matters

J. APPROVE PAYMENT OF BILLS

K. BUDGET AND FINANCIAL MATTERS

1. Receive the Balance Sheet and Income statement as of January 31, 2019.

The motion was made by Councilman Landry

The motion was seconded by Councilwoman O'Brien

To Receive Balance Sheet and Income Statement for the month of January 31, 2019.

YEAS: Nezianya, Noel, O'Brien, Landry, Montgomery
NAYS: None
ABSENT: None
ABSTAINED: None

L. OLD BUSINESS PENDING FOR FINAL ACTION

M. OLD BUSINESS PENDING

N. NEW BUSINESS

1. Approval of LMA Gas Purchasing and Distribution Authority delegates (Tabled from the February 12, 2019 meeting)

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Landry

To table LMA Gas Purchasing and Distribution Authority delegates.

YEAS: Nezianya, Noel, O'Brien, Landry, Montgomery
NAYS: None
ABSENT: None
ABSTAINED: None

2. Reconsideration of stop signs at Rollins Rd. & Church St. and 41st St. & Main St. intersections.

The motion was made by Councilwoman O'Brien

The motion was seconded by Councilman Nezianya

To approve Reconsideration of stop signs at Rollins Rd. & Church St. and to table 41st St. & Main St. intersections.

YEAS: Nezianya, Noel, O'Brien, Landry, Montgomery
NAYS: None
ABSENT: None
ABSTAINED: None

3. Discussion and request to increase of fees pursuant to HRC 2-09 (A) (2) for Utilities Department cashier handling of NSF's & other returned items

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Landry

To approve a request to increase of fees pursuant to HRC 2-09 (A) (2) for Utilities Department cashier handling of NSF's & other returned items from \$25.00 to \$35.00.

YEAS: Nezianya, Noel, O'Brien, Landry,
NAYS: Montgomery
ABSENT: None
ABSTAINED: None

4. Executive Session of the Council and of the Mayor pursuant to LSA- R.S. 42:17 (A)(2) with regard to civil litigation – *Scott vs. McDavid (CoZ), et al* - 19th JDC EBR #31071- 24. (Claim - APL-008953) Executive Session of the Council and of the Mayor pursuant to LSA- R.S. 42:17 (A)(2) with regard to civil litigation – *RJ Daigle vs CoZ*, 19th JDC EBR #652681- 23.

The motion was made by Councilman Nezianya

The motion was seconded by Councilwoman O'Brien

To approve Council members to recess the regular meeting to and enter into an executive Session at 7:45 p.m.

YEAS: Nezianya, Noel, O'Brien, Landry, Montgomery
NAYS: None
ABSENT: None
ABSTAINED: None

Note: A super majority was met to enter into executive session.

The motion was made by Councilman Nezianya

The motion was seconded by Councilwoman O'Brien

To reconvene the regular meeting at 7:57 p.m.

YEAS: Nezianya, Noel, O'Brien, Landry, Montgomery
NAYS: None
ABSENT: None
ABSTAINED: None

The motion was made by Councilman Nezianya

The motion was seconded by Councilwoman O'Brien

To pay the retainage fee and sign a settlement agreement with RJ Daigle and Sons.

YEAS: Nezianya, Noel, O'Brien, Landry, Montgomery
NAYS: None
ABSENT: None
ABSTAINED: None

The motion was made by Councilman Nezianya
The motion was seconded by Councilwoman O'Brien
To enter into a full settlement agreement with Ms. Scott of self-insured up to \$50,000.00.
YEAS: Nezianya, Noel, O'Brien, Landry, Montgomery
NAYS: None
ABSENT: None
ABSTAINED: None

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

1. **Review/Reports relative to Proposed/Active Condemnations**

P. REPORTS FROM DEPARTMENT HEADS

**Q. DISCUSSION OF BUSINESS NOT ON AGENDA
(No Action May Be Taken Unless Declared an Emergency)**

Mr. James McCall, 9452 Millcreek, Zachary, was present to ask for a copy of the drainage impact study regarding the Adelyn Trace Subdivision.

R. ADJOURNMENT

The meeting was adjourned at 8:11 p.m.

CERTIFICATION

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

David Amrhein, Mayor

I, Dana LeJeune, 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 Pro Tempore and Council of the City of Zachary, Louisiana, held on Tuesday, February 26, 2019 a proper quorum being there and then present.

Dana LeJeune, Clerk of the City Council