

AGENDA
For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, March 24, 2015, 6:30 p.m.

A. CALL TO ORDER

Mayor Amrhein called the meeting to order at 6:30 p.m., on March 24, 2015 at the Zachary City Hall located at 4700 Main Street, Zachary, LA. Suffering with laryngitis, Mayor Amrhein asked Mayor Pro Tempore Brandon Noel to preside over the meeting.

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation by Councilwoman Laura O'Brien
Pledge of Allegiance by Councilman Ben Cavin

C. OPENING PROCEDURES

1. ROLL CALL

MAYOR

Councilman 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:

None

2. READING OF CITY POLICY RELATIVE TO OPEN MEETINGS

Before proceeding with the meeting, Mayor Pro Tempore Noel 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 – None were requested

D. READING OF THE MINUTES

Motion by Councilman Nezianya
Second by Councilman Womack

To waive the reading of the minutes of the regular meeting of March 10 and Special Meeting of March 13, 2015, and approve them as presented.

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

E. HONORS, RECOGNITIONS AND INTRODUCTIONS - None presented

F. PRESENTATION OF DELEGATIONS

1. Requests to Speak – None requested to speak.

2. Hardship Waivers – None presented

3. Other Waivers – None presented

4. Exceptions to Regulations

a. Resub lots B-1-A, B-3-A, B-3-B of the Otey M. Hughes Property into 1 new lot – Hwy. 964 (Engels)

This property was presented for three separate issues relative to the addition of 40 additional units at Parkside Apartments:

F4a: Request for re-subdivision
H2b Request for approval of site plan
H4A Request for rezoning

Discussion opened with questions concerning whether it should be rezoned prior to the resubdivision of the property. It was decided to alter the order of the Agenda items concerning this property.

Motion by Councilman Cavin
Second by Councilwoman O'Brien

To move item F4a (resubdivision) to be taken up after H4a (rezoning)

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

G. ACTION MANDATED BY HOME RULE CHARTER – None presented

H PLANNING & ZONING MATTERS

1. Receive Minutes of March 2, 2015 Planning Commission and March 2, 2015 Zoning Commission

Received at previous meeting – No further discussion or action.

2. Planning Matters REQUIRING a Public Hearing

- a. Resubdivision of Lot 4-J of the Lilly Tract (Pope Road) (Engels)
Mayor Pro Tempore Noel declared a PUBLIC HEARING to be in session at 6:39 pm. Speaking in favor of the resubdivision was Israel Hull. There were none to speak against. The public hearing was closed at 6:40 p.m.

Motion by Councilman Nezianya

Second by Councilman Cavin

To approve the resubdivision of Lot 4-J of the Lilly Tract (Pope Road)

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

NAYS: None

ABSENT: None

ABSTAINED: None

- b. Site Plan Review: Lots B-1-A, B-3-A, B-3-B of the Otey M. Hughes Property (Parkside Apartments) Hwy. 964 (Engels)
Mayor Pro Tempore Noel declared a PUBLIC HEARING to be in session at 6:41 p.m. Speaking in favor of the site plan for Lots B1A, B3A, B3B of Otey M. Hughes property for Parkside Apartments was Lawrence Maestri, of Maestri-Murrell, LLC. There being none present to speak against the apartments, the public hearing was immediately closed.

Ensuing brief discussions primarily concerned the position of the proposed 40 units. Council members said they would like to see them set back somewhat from the road. They were concerned also about school bus pick-up and drop-off sites. Developers have made an agreement with BREC to allow bus drivers to use the park area for picking up and dropping off students.

There was also discussion concerning the City of Zachary Master Plan and UDC relative to the original design and plan of the developers for their project.

Motion by Councilman Womack

Second by Councilman Nezianya

To approve the site plan for Lots B1A, B3A, B3B of the Otey M. Hughes property for Parkside Apartments, on Highway 964.

YEAS: Nezianya, Womack

NAYS: Noel, O'Brien, Cavin

ABSENT: None

ABSTAINED: None

- c. Site Plan Review: Lot B-8 of the Roger P. Gay Tract (Lane Memorial Long Term Acute Care Facility) Carpenter Road (Engels)

Mayor Pro Tempore Noel declared a PUBLIC HEARING to be in session at 6:45 pm. Randy Olsen, CEO of Lane Regional Medical Center, 23152 General Gardner Lane, was present to answer questions.

In answer to the size of the facility, Mr. Olsen reported it to be 16 bed acute care facility. It is anticipated that it will eventually be a 24 bed facility, however for now it has a license for 16 beds.

There being no further comments for or against the site plan, the public hearing was closed at 6:50 p.m.

Motion by Councilwoman O’Brien

Second by Councilman Neziyanya

To approve the site plan for Lot B-8 of the Roger P. Gay tract for Lane Memorial Long Term Care Facility on Carpenter Road.

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

- d. Conditional Use Permit (Alcohol) - Z Fest – Kate McArthur
 Mayor Pro Tempore Noel declared a public hearing to be in session to consider granting waiver of the Conditional Use Permit to allow alcohol at ZFest.
 Kate McArthur, of 4636 Main Street, was present representing the ZFest.
 Mayor Pro Tempore Noel declared a PUBLIC HEARING to be in session at 6:51 pm. There being no others to speak for or against the granting of the waiver, the public hearing was closed at 6:53 pm.

Motion by Councilman Cavin
 Second by Councilwoman O’Brien

To grant a waiver of the Conditional Use Permit requirement for the ZFest.

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

3. Planning Matters NOT requiring a Public Meeting
 There were no matters not requiring a public hearing.

4. Zoning Matters REQUIRING a Public Hearing

- a. Rezone Lots B-1-A, B-3-A, B-3-B of the Otey M. Hughes Property (Parkside) from UC to RU – Hwy. 964 (Engels)

Before going into a public hearing on the rezoning proposal matter, Lawrence Maestri, representing the firm of Maestri-Murrell, LLC, for the three matters concerning the Parkside Apartment project asked for clarification of the effect of the failed site plan, and whether they should proceed in rezoning and resubdivision. They asked for a re-vote of the site plan, and offered further discussions of the original “master plan” for their development.

Councilman Noel explained concerns that influenced his vote. He said that the future land use plan for the property is Commercial Suburban, instead of the current Urban Center zoning. He believes Commercial Suburban to be more appropriate. Urban Center zoning could allow commercial development at ground level with apartments above, which would allow considerably more units than the proposed 40 units. Mr. Maestri stated that that is not the intention of the developers. His comment was that further commercial development would not be in the best interest of the residents. It is their intention to create a quiet community environment.

Councilman Cavin commented that the plan offered by Maestri-Murrell doesn’t conform to the City’s Master Plan and future use plan, and he feels the rezoning would have a negative impact.

Councilwoman O’Brien commented on the effect of further development on the school system.

Councilman Noel, Councilwoman O’Brien and Councilman Cavin, suggested tabling these requests for further discussion on issues of concern to both sides.

Parkside representatives agreed to table the three items – site plan, rezoning and resubdividing – if the vote could be re-taken on the site plan.

City Attorney Hopewell, suggested that that the Council open a Public Hearing on this issue, H4a (rezoning), and suspend action, then re-open Item H2b (site plan), and vote to reconsider the matter, and then table H4a and F4a, with the public hearing for H4a (rezoning) remaining open until the next Council meeting on April 14, 2015.

Mayor Pro Tempore Noel declared a Public Hearing to be in session at 7:20 pm

Motion by Councilman Noel

Motion by Councilman Womack

To follow the recommendation of the City Attorney, and open a public hearing on H4a (rezoning) and suspend action, and re-open the public hearing for H2b for reconsideration of the site plan vote, and to table H4a and F4a until the next regular meeting of the Council, April 14.

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

NAYS: None

ABSENT: None

ABSTAINED: None

Mayor Pro Tempore Noel declared a public hearing to be in session to reconsider the vote previously taken on the Site Plan Review on Lot B1A, B3A and B3B of the Otey M. Hughes property for Parkside Apartments. The vote was retaken with the following result:

Motion by Councilman Cavin
Second by Councilwoman O'Brien

To table the matter of the Site Plan Review on Lot B1A, B3A and B3B of the Otey M. Hughes property for Parkside Apartments until the April 14, meeting.

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

5. Zoning Matters NOT Requiring Public Hearing - None presented

6. Other Matters – None presented

I. APPROVE PAYMENT OF BILLS – None were presented

J. BOOKKEEPING AND BUDGET CHANGES – None were presented

K. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS

1. Street/Road Projects

a. Rollins Road Change Order #2, Kort's Construction Services
\$43,555.00 (PEC)

Motion by Councilman Womack
Second by Councilman Cavin

To approve Rollins Road Change Order # 2, presented by Kort's Construction Services in the amount of \$43,555.00.

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

b. Rollins Road - Final Pay Request from Kort's Construction Services
\$158,909.57 (PEC)

Motion by Councilman Womack
Second by Councilman Cavin

To approve final pay request submitted by Kort's Construction Services in the amount of \$158,909.57.

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

- c. Bypass Road – Request to Pay # 8 presented by Industrial Enterprises, Inc, in the amount of \$457,577.47 (PEC)

Motion by Councilman Nezianya

Second by Councilman Womack

To approve Request to Pay Request #8, to Industrial Enterprises, Inc., in the amount of \$457,577.47 for the Bypass Road project.

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

NAYS: None

ABSENT: None

ABSTAINED: None

2. Sewer

- a. Authorization to Advertise for bids for Sewer Contract #6 (PEC)

Motion by Councilman Womack

Second by Councilman Cavin

To authorize the advertising for bids for Sewer Contract #6.

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

NAYS: None

ABSENT: None

ABSTAINED: None

3. Subdivision Inspections None submitted

4. Water and Gas Projects None presented

5. Zachary Youth Park None submitted

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

- 1. Review/Reports relative to Proposed/Active Condemnations** - None presented

M. OLD BUSINESS PENDING FOR FINAL ACTI - None presented

N. 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.

O. 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. Introduce Ordinance # 2015-02 – Declaration of Surplus and Approve Donation to Slaughter Fire Department (9 metal gear lockers)

Motion by Councilman Womack

Second by Councilman Neziyanya

To introduce Ordinance 2015-02, pertaining to the declaration of certain property to be surplus and to approve a donation of same to Slaughter Fire Department (9 metal gear lockers)

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

NAYS: None

ABSENT: None

ABSTAINED: None

P. REPORTS OF COMMITTEES/COMMISSIONS/BOARDS

None presented

Q. REPORTS FROM DEPARTMENT HEADS

None presented

R. DISCUSSION OF BUSINESS NOT ON AGENDA

(No Action May Be Taken Unless Declared an Emergency)

City Attorney Hopewell gave a brief report on the search for a replacement for Clerk of City Council.

S. ADJOURNMENT – 7:50 pm

CERTIFICATION

Jean Byers, Clerk of City Council
CITY OF ZACHARY
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

David Amrhein, Mayor

I, Jean Byers, 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, March 24, 2015 a proper quorum being there and then present.

Jean Byers, Clerk of the City Council