

**For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, April 24, 2018, 6:30 P.M.**

A. CALL TO ORDER

Mayor Pro Tem Nezianya called the meeting to order at 6:30 p.m., on Tuesday April 24, 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
Ben Cavin – District 4
Tommy Womack – District 5

ABSENT

David Amrhein

2. READING OF CITY POLICY RELATIVE TO OPEN MEETINGS

Before proceeding with the meeting, Mayor Pro Tem Nezianya 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 Cavin

The motion was seconded by Councilman Womack

To amend the agenda to add the addendum to the agenda and to move items E, item P, item N3, and item 4.

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

NAYS: None

ABSENT: None

ABSTAINED: None

D. READING OF THE MINUTES

1. Approval of Minutes of the April 10, 2018 regular meeting.

The motion was made by Councilman O'Brien

The motion was seconded by Councilman Cavin

To approve the Minutes of the April 10, 2018 regular meeting with corrections as noted

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

NAYS: None

ABSENT: None

ABSTAINED: None

ALTER AGENDA

F. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS

1. Street/Road Projects

- a. Request for pay estimate #2 – Road Rehabilitation and Improvement Program – Phase II.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Womack

To approve Request for pay estimate #2 – Road Rehabilitation and Improvement Program – Phase II in the amount of \$145,199.90.

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

NAYS: None

ABSENT: None

ABSTAINED: None

2. Sewer

- a. Request for pay estimate #2 – Sanitary Sewer Collection System Improvements Contract 7B.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Womack

To approve Request for pay estimate #2 – Sanitary Sewer Collection System Improvements Contract 7B in the amount of \$293,467.35

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

NAYS: None

ABSENT: None

ABSTAINED: None

3. Subdivision Inspections

4. Water and Gas Projects

- a. Request for pay estimate #2 - FY2016 LCDBG Water Distribution System Improvements.

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To approve Request for pay estimate #2 - FY2016 LCDBG Water Distribution System Improvements in the amount of \$365,310.85.

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

NAYS: None

ABSENT: None

ABSTAINED: None

ALTER AGENDA

N. NEW BUSINESS

- 3. Request for Special Event Permit and permission to sell alcohol on City property on May 12, 2018 at the Zachary Youth Park to benefit the playground in memory of Joseph Hembra.

The motion was made by Councilman Noel

The motion was seconded by Councilwoman O'Brien

To approve a Request for Special Event Permit and permission to sell alcohol on City property on May 12, 2018 at the Zachary Youth Park to benefit the playground in memory of Joseph Hembra.

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

NAYS: None

ABSENT: None

ABSTAINED: None

- 4. Request for a Special Event Permit – Papis Fajita Factory for Cinco de Mayo Fiesta.

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve a Request for a Special Event Permit – Papis Fajita Factory for Cinco de Mayo Fiesta.

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

NAYS: None

ABSENT: None

ABSTAINED: None

Back to regular order

5. Other Projects

G. PRESENTATION OF DELEGATIONS

1. Requests to Speak

CFO, Steve Nunnery was present to speak to the council regarding a workshop to discuss the 2018-2019 budget. A date was set for May 14, 2018 at 6 p.m. in the council chambers.

2. Hardship Waivers

3. Other Variances

- a. **Variance Request** - Deron Bond – 3333 Old Baker Road – to allow for an accessory building to be closer to the property lines that what is allows in section 2.503 of the UDC.

The motion was made by Councilwoman O'Brien

The motion was seconded by Councilman Cavin

To approve a **Variance Request** - Deron Bond – 3333 Old Baker Road – to allow for an accessory building to be closer to the property lines that what is allows in section 2.503 of the UDC.

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

NAYS: None

ABSENT: None

ABSTAINED: None

- b. **Variance Request** - CC's/ AAA Signs – 19560 Old Scenic Hwy – To allow a larger wall sign than what is allowed in Table 5.301B of the UDC; also, to allow for directional signs.

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve a **Variance Request** - CC's/ AAA Signs – 19560 Old Scenic Hwy – To allow a larger wall sign than what is allowed in Table 5.301B of the UDC; also, to allow for directional signs.

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

NAYS: None

ABSENT: None

ABSTAINED: None

- c. **Variance Request** - Zachary Commons Investment Partners, LLC/ GBT Realty – to allow for off-site signage with increased height and area (5801 Main Street.)

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To approve a **Variance Request** - Zachary Commons Investment Partners, LLC/ GBT Realty – to allow for off-site signage with increased height and area (5801 Main Street)

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

NAYS: None

ABSENT: None

ABSTAINED: None

- d. **Variance Request** - Zachary Commons Investment Partners, LLC/GBT Realty – to allow for off-site signage with increased height and area (5545 Main Street.)

The motion was made by Councilman Cavin

The motion was seconded by Councilman Womack

To approve a **Variance Request** - Zachary Commons Investment Partners, LLC/GBT Realty – to allow for off-site signage with increased height and area (5545 Main Street)

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

NAYS: None

ABSENT: None

ABSTAINED: None

- e. **Variance Request** - Jason Brown/ Premier Collision – 20201 Machost Road – to allow for a metal building that is not allowed per section 11.500 of the UDC.

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To approve a **Variance Request** - Jason Brown/ Premier Collision – 20201 Machost Road – to allow for a metal building that is not allowed per section 11.500 of the UDC

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

NAYS: None

ABSENT: None

ABSTAINED: None

4. Exceptions to Regulations

H. ACTION MANDATED BY HOME RULE CHARTER

- a. Approval of the Zachary Historic Village Board

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O’Brien

To approve the nine members of the Zachary Historic Village Board.

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

NAYS: None

ABSENT: None

ABSTAINED: None

I. PLANNING & ZONING MATTERS

- 1. **Receive Minutes of the Regular meeting of April 2, 2018 of the Planning Commission and the Minutes of the Regular meeting of April 2, 2018 of the Zoning Commission.**

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O’Brien

To Receive Minutes of the Regular meeting of April 2, 2018 of the Planning Commission and the Minutes of the Regular meeting of April 2, 2018 of the Zoning Commission.

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

2. Planning Matters REQUIRING a Public Hearing

- a. **Resubdivision**– rearrangement of lots 11-15, Square 6 of the West End Addition into 10-A, 11-A, 12-A, 13-A, 14-A and 15-A
Owner/Applicant: Z Street Holdings (Ryan Talbot, agent)

Mayor Pro Tem Neziانيا declared a PUBLIC HEARING to be in session at 7:19 p.m. Amy Schulze was present to speak and said that this item was recommended for approval by the Planning and Zoning Commission. Shelby Patterson, 4470 Main Street, Zachary was present to speak in favor for the resubdivision. Ms. Patterson represents Z Street Holdings. Brandy Westmoreland, 23309 Old Scenic Hwy, Zachary, was present to speak in favor of the resubdivision. Jennifer Boyd, 3341 Old Baker Road, Zachary was present to speak in favor of the resubdivision. Bond Babin, 4124 40th Street, Zachary, was present to speak in favor of the resubdivision. Regina Rushing, 4422 40th Street, Zachary was present to ask the council to clarify what was the procedure regarding the resubdivision There being no one to speak against the resubdivision Mayor Pro Tem Neziانيا declared the PUBLIC HEARING to be closed at 7:23 pm.

The motion was made by Councilman O’Brien

The motion was seconded by Councilman Womack

To approve a **Resubdivision**– rearrangement of lots 11-15, Square 6 of the West End Addition into 10-A, 11-A, 12-A, 13-A, 14-A and 15-A Owner/Applicant: Z Street Holdings.

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

3. Planning Matters NOT requiring a Public Meeting

4. Zoning Matters REQUIRING a Public Hearing

- a. **Conditional Use-** Manufactured Home –8824 Munson Drive (Replacement) Owner/Applicant: Bryan Whittington.

Mayor Pro Tem Neziانيا declared a PUBLIC HEARING to be in session at 7:25 p.m. Amy Schulze was present to speak and said that this item was recommended for approval by the Planning and Zoning Commission. Bryan Whittington, 8824 A Munson Drive, Zachary, was present to speak in favor of the conditional use permit. Amy Schulze also clarified that the new address would be 8820 Munson Drive. There being no one to speak against the conditional use permit Mayor Pro Tem Neziانيا declared the PUBLIC HEARING to be closed at 7:28 pm.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Womack

To approve a **Conditional Use-** Manufactured Home –8824 Munson Drive (Replacement) Owner/Applicant: Bryan Whittington.

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

NAYS: None

ABSENT: None

ABSTAINED: None

b. **Rezoning-** Tract 1 of the Brian Annison Property, Section 40

T-5-S, R-1-E, GLD, EBR, Zachary, From S-20 to RU

Owner/Applicant: George B. Annison, Jr.

Mayor Pro Tem Neziانيا declared a PUBLIC HEARING to be in session at 7:29 p.m. Amy Schulze was present to speak and said that this item was recommended for approval by the Planning and Zoning Commission. Robert Snowden, 22850 Plainsland Drive, Zachary, was present to speak in favor of the rezoning. Mr. Snowden represented Mr. George Annison, owner/applicant. Mr. Snowden explained to the council that no plans have been decided on what is to be built on the tract. Mr. Snowden spoke to the council explaining different ideas of what the tract may be developed as. Mr. Snowden also told the council that a sewer lift station was built on the property to help with sewer for future development. Dwight Olander, landlord of Willow Creek Apartments, was present to speak to the council. Mr. Olander asked the council to consider sewer upgrades for the area and to consider a development that was less dense. There was discussion from the council for the owner/applicant to submit plans for a development to decide appropriate zoning. There being no one else to speak Mayor Pro Tem Neziانيا declared the PUBLIC HEARING to be closed at 7:39 pm.

The motion was made by Councilman Noel

The motion was seconded by Councilwoman O’Brien

To deny **Rezoning-** Tract 1 of the Brian Annison Property, Section 40 T-5-S, R-1-E, GLD, EBR, Zachary, From S-20 to RU Owner/Applicant: George B. Annison, Jr.

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

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. Approval of bad debt write offs (Steve Nunnery)

The motion was made by Councilman Cavin

The motion was seconded by Councilman Womack

To approve the bad debt write offs.

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

NAYS: None

ABSENT: None

ABSTAINED: None

L. OLD BUSINESS PENDING FOR FINAL ACTION

- 1. **Adoption of Ordinance 2018-07** ORDINANCE PERTAINING TO THE DECLARATION OF INTENT BY THE CITY OF ZACHARY TO HAVE THE CERTAIN MOVABLE PROPERTIES DECLARED TO BE SURPLUS AND ALLOWING FOR THE DISPOSAL OR ABANDONMENT IN PLACE

Mayor Pro Tem Neziانيا declared a PUBLIC HEARING to be in session at 8:18 p.m. There being no one to speak in favor or against the adoption Mayor Pro Tem Neziانيا declared the PUBLIC HEARING to be closed at 8:19 pm.

The motion was made by Councilwoman O'Brien

The motion was seconded by Councilman Cavin

To approve the **Adoption of Ordinance 2018-07** ORDINANCE PERTAINING TO THE DECLARATION OF INTENT BY THE CITY OF ZACHARY TO HAVE THE CERTAIN MOVABLE PROPERTIES DECLARED TO BE SURPLUS AND ALLOWING FOR THE DISPOSAL OR ABANDONMENT IN PLACE

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

NAYS: None

ABSENT: None

ABSTAINED: None

- 2. **Adoption of Ordinance 2018-08** ORDINANCE AUTHORIZING THE CITY OF ZACHARY TO AMEND AND CORRECT CERTAIN DEPARTMENTAL BUDGETS IN THE GENERAL FUND UTILITY FUND AND SPECIAL REVENUE FUND FOR THE FISCAL YEAR COMMENCING JULY 1, 2017 AND ENDING JUNE 30, 2018.

The motion was made by Councilman Noel

The motion was seconded by Councilman Cavin

To table the Adoption of **Ordinance 2018-08** ORDINANCE AUTHORIZING THE CITY OF ZACHARY TO AMEND AND CORRECT CERTAIN DEPARTMENTAL BUDGETS IN THE GENERAL FUND UTILITY FUND AND SPECIAL REVENUE FUND FOR THE FISCAL YEAR COMMENCING JULY 1, 2017 AND ENDING JUNE 30, 2018.

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

NAYS: None

ABSENT: None

ABSTAINED: None

- 3. **Adoption of Ordinance 2018-09** ORDINANCE AUTHORIZING THE CITY OF ZACHARY TO IMPLEMENT THE GENERAL FUND, UTILITY FUND, SPECIAL REVENUE FUND AND CAPITAL IMPROVEMENT FUND BUDGETS FOR THE FISCAL YEAR COMMENCING JULY 1, 2018 AND ENDING JUNE 30, 2019.

The motion was made by Councilman Noel

The motion was seconded by Councilman Cavin

To table the **Adoption of Ordinance 2018-09** ORDINANCE AUTHORIZING THE CITY OF ZACHARY TO IMPLEMENT THE GENERAL FUND, UTILITY FUND, SPECIAL REVENUE FUND AND CAPITAL IMPROVEMENT FUND BUDGETS FOR THE FISCAL YEAR COMMENCING JULY 1, 2018 AND ENDING JUNE 30, 2019.

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

M. OLD BUSINESS PENDING

N. NEW BUSINESS

- 1. Request to install a stop sign located at 40th Street and Main Street

The motion was made by Councilwoman O’Brien

The motion was seconded by Councilman Womack

Amanda Denson, 4450 40th Street, Pat Bennett, 4000 Main Street, Robert Sanders, wrote statements in favor of the stop sign being placed

To approve a Request to install a stop sign located at 41st Street and Main Street.

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

- 2. Request for a Special Event Permit – El Agave Mexican Restaurant

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To approve a Request for a Special Event Permit – El Agave Mexican Restaurant

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

ALTER AGENDA

- 5. **Introduction of Ordinance 2018-10** ORDINANCE PERTAINING TO THE DECLARATION OF INTENT BY THE CITY OF ZACHARY TO HAVE THE CERTAIN MOVABLE PROPERTIES DECLARED TO BE SURPLUS AND ALLOWING FOR THE DISPOSAL OR ABANDONMENT IN PLACE

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve the **Introduction of Ordinance 2018-10** ORDINANCE PERTAINING TO THE DECLARATION OF INTENT BY THE CITY OF ZACHARY TO HAVE THE CERTAIN MOVABLE PROPERTIES DECLARED TO BE SURPLUS AND ALLOWING FOR THE DISPOSAL OR ABANDONMENT IN PLACE.

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

6. **Introduction of Ordinance 2018-11** ORDINANCE TO FIX THE ANNUAL PROPERTY MILLAGE RATE FOR 2018 AND TO ESTABLISH THE RATE OF TAXATION AND LEVY A TAX IN THE AMOUNT OF 5.48 MILS TO DEFRAY EXPENSES OF OPERATION OF THE CITY GOVERNMENT FOR ALL GENERAL PURPOSES FOR THE YEAR 2018 ON ALL TAXABLE PROPERTY WITHIN THE COLLECTION OF THE SAME AND FOR OTHER MATTERS IN CONNECTION THEREWITH

The motion was made by Councilman Cavin

The motion was seconded by Councilman Womack

To approve the **Introduction of Ordinance 2018-11** ORDINANCE TO FIX THE ANNUAL PROPERTY MILLAGE RATE FOR 2018 AND TO ESTABLISH THE RATE OF TAXATION AND LEVY A TAX IN THE AMOUNT OF 5.48 MILS TO DEFRAY EXPENSES OF OPERATION OF THE CITY GOVERNMENT FOR ALL GENERAL PURPOSES FOR THE YEAR 2018 ON ALL TAXABLE PROPERTY WITHIN THE COLLECTION OF THE SAME AND FOR OTHER MATTERS IN CONNECTION THEREWITH.

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

7. **Introduction of Ordinance 2018-12** ORDINANCE PERTAINING TO THE ENLARGEMENT OF THE BOUNDARIES OF THE CITY OF ZACHARY BY THE ANNEXATION OF THAT CERTAIN PORTION OF FORMER STATE ROUTE LA 64 FROM ITS INTERSECTION WITH BARNETT ROAD EAST TO ITS INTERSECTION WITH STATE ROUTE LA 964 AND WITHIN EAST BATON ROUGE PARISH LOUISIANA INTO THE MUNICIPAL LIMITS OF THE CITY OF ZACHARY.

The motion was made by Councilman Womack

The motion was seconded by Councilman Noel

To approve the **Introduction of Ordinance 2018-12** ORDINANCE PERTAINING TO THE ENLARGEMENT OF THE BOUNDARIES OF THE CITY OF ZACHARY BY THE ANNEXATION OF THAT CERTAIN PORTION OF FORMER STATE ROUTE LA 64 FROM ITS INTERSECTION WITH BARNETT ROAD EAST TO ITS INTERSECTION WITH STATE ROUTE LA 964 AND WITHIN EAST BATON ROUGE PARISH LOUISIANA INTO THE MUNICIPAL LIMITS OF THE CITY OF ZACHARY.

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

ALTER AGENDA

Mary Landry, Historic Village Director was present to give an update to the council regarding the first board meeting, new landscaping, and the upcoming festivities.

P. REPORTS FROM DEPARTMENT HEADS

The motion was made by Councilman Cavin

The motion was seconded by Councilman Womack

To receive the balance sheet and income statement for March 2018.

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

NAYS: None

ABSENT: None

ABSTAINED: None

ADDENDUM

Discussion relating to LA Highway 64 Regional Pump Station and Force Main to allow for coordination of several sewer projects in the Zachary area and for concurrence for the use of current and future sewer impact fees in the amount of approx. \$625,000.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Womack

To approve coordination of several sewer projects in the Zachary area and for concurrence for the use of current and future sewer impact fees in the amount of approx. \$625,000.

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

NAYS: None

ABSENT: None

ABSTAINED: None

E. HONORS, RECOGNITIONS AND INTRODUCTIONS

Mayor Pro Tem Neziانيا announces that Amy Schulze will be leaving the City of Zachary to pursue other opportunities. The council congratulates Mrs. Schulze and thanks her for the work she has done for the City of Zachary.

- 8. Executive Session of the Council and of the Mayor pursuant to LSA- R.S. 42:17 (A)(2) with regard to civil litigation - *Goodson vs. CoZ*- 19th JDC EBR #667741-24 & *Scott vs. McDavid (CoZ), et al* - 19th JDC EBR #31071- 24

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O'Brien

To approve entering into an executive session at 8:44 p.m. Three quarters of the vote was met to enter into this executive session.

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

NAYS: None

ABSENT: None

ABSTAINED: None

The council returned to the council chambers at 9:00 p.m.

The motion was made by Councilman Womack
The motion was seconded by Councilwoman O'Brien
To reconvene the regular session of the council meeting at 9:00 p.m.
YEAS: Cavin, Nezianya, O'Brien, Noel, Womack
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**

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

R. ADJOURNMENT

The meeting was adjourned at 9:00 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, April 24, 2018, a proper quorum being there and then present.

Dana LeJeune, Clerk of the City Council