

**For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, October 26, 2021, 6:30 P.M.**

A. CALL TO ORDER

Mayor Amrhein called the meeting to order at 6:30 p.m., on Tuesday, October 26, 2021, 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 Montgomery

C. OPENING PROCEDURES

1. ROLL CALL

MAYOR

David Amrhein

COUNCIL MEMBERS

Francis Nezianya – District 1

John LeBlanc– District 2

Laura O’Brien – District 3

Hunter Landry – District 4

Lael Montgomery – District 5

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 Councilwoman O’Brien

The motion was seconded by Councilman Landry

To approve to amend the agenda to move item K2 up in order.

YEAS: Nezianya, LeBlanc, O’Brien, Landry, Montgomery

NAYS: None

ABSENT: None

ABSTAINED: None

ALTER AGENDA

K. BUDGET AND FINANCIAL MATTER

2. Discussion and Approval of Insurance renewals.
The motion was made by Councilman Landry
The motion was seconded by Councilman Montgomery
To approve the insurance renewals for the property liability, cyber liability, drone aviation liability insurance for the year 2021-2022.
YEAS: Nezianya, LeBlanc, O'Brien, Landry, Montgomery
NAYS: None
ABSENT: None
ABSTAINED: None

RETURN TO REGULAR ORDER

D. READING OF THE MINUTES

1. Approval of Minutes of the October 12, 2021, regular meeting and to approve them as written.
The motion was made by Councilwoman O'Brien
The motion was seconded by Councilman Nezianya
To approve the Minutes of the October 12, 2021, regular meeting and to approve them as written.
YEAS: Nezianya, LeBlanc, 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**
 - a. Pay Request #17 - City of Zachary Fire Station, Project 11401; Capitol Construction, LLC in the amount of \$56,138.45 (Tabled at the October 12, 2021 meeting)
The motion was made by Councilman Landry
The motion was seconded by Councilwoman O'Brien

To table Pay Request #17 - City of Zachary Fire Station, Project 11401; Capitol Construction, LLC in the amount of \$56,138.45.

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

- b. Pay Request #18 - City of Zachary Fire Station, Project 11401; Capitol Construction, LLC in the amount of \$98,620.58 representing the retainage on the project (Tabled at the October 12, 2021 meeting)

The motion was made by Councilman Landry

The motion was seconded by Councilwoman O'Brien

To table Pay Request #18 - City of Zachary Fire Station, Project 11401; Capitol Construction, LLC in the amount of \$98,620.58 representing the retainage on the project.

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

G. PRESENTATION OF DELEGATIONS

1. Requests to Speak

Barry Hanks, 6034 Woodland Drive, Zachary, was present to ask Mayor Amrhein and council members a question regarding the sewer pump station in Sandy Creek Subdivision.

2. Hardship Waivers

3. Other Variances

4. Exceptions to Regulations

H. ACTION MANDATED BY HOME RULE CHARTER

I. PLANNING & ZONING MATTERS

- 1. **Receive Minutes of the Regular meeting of October 4, 2021, of the Planning Commission and the Minutes of the Regular meeting of October 4, 2021, of the Zoning Commission.**

The motion was made by Councilwoman O'Brien

The motion was seconded by Councilman Montgomery

To Receive Minutes of the Regular meeting of October 4, 2021, of the Planning Commission and the Minutes of the Regular meeting of October 4, 2021, of the Zoning Commission.

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

2. Receive consent agenda items of the Regular meeting of October 4, 2021, of the Planning Commission and the consent agenda items of the Regular meeting of October 4, 2021, of the Zoning Commission.

- a. 4715 Fleming – Subdivision Final
- b. Americana Lots 178-187 – Subdivision Final
The motion was made by Councilman Landry
The motion was seconded by Councilman LeBlanc

To approve the consent agenda items.

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

3. Planning Matters REQUIRING a Public Hearing

- a. Settlers Row, Tract D-1-A on Lower Zachary Road – Subdivision Preliminary Plat.

Mayor Amrhein opened the PUBLIC HEARING at 6:59 p.m. Rudy Crnko, McLin Taylor Engineering, was present to speak in favor of the subdivision. John Blount was also present to speak in favor of the item. There being no one else to speak in favor or against the subdivision preliminary plat Mayor Amrhein closed the PUBLIC HEARING at 7:11 p.m.

The motion was made by Councilwoman O'Brien
The motion was seconded by Councilman LeBlanc

To approve Settlers Row, Tract D-1-A on Lower Zachary Road – Subdivision Preliminary Plat.

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

4. Planning Matters NOT requiring a Public Meeting

5. Zoning Matters REQUIRING a Public Hearing

- a. 9125 West Vernon Road – Conditional Use Manufactured Home

Mayor Amrhein opened the PUBLIC HEARING at 7:12 p.m. Ladarian Vessel, 21397 Samuels Road, Zachary, was present to speak in favor of the conditional use. There being no one else to speak in favor or against the conditional use Mayor Amrhein closed the PUBLIC HEARING at 7:15 p.m.

The motion was made by Councilman Nezianya
The motion was seconded by Councilman Montgomery
To approve 9125 West Vernon Road – Conditional Use Manufactured Home
YEAS: Nezianya, LeBlanc, O’Brien, Montgomery
NAYS: Landry
ABSENT: None
ABSTAINED: None

ALTER AGENDA

L. OLD BUSINESS PENDING FOR FINAL ACTION

2. **Public Hearing and Adoption of Ordinance 2021-18** Ordinance Authorizing The City Of Zachary To Amend And To Update The Unified Development Code And Which Are Described As “Group 4” Amendments And For All Related Matters In Furtherance (Tabled at the August 10, 2021, meeting)
Mayor Amrhein opened the PUBLIC HEARING at 7:46 p.m. There being no one to speak in favor or against the adoption Mayor Amrhein closed the PUBLIC HEARING at 7:55 p.m.

The motion was made by Councilman Landry
The motion was seconded by Councilman LeBlanc
To approve the **Adoption of Ordinance 2021-18** Ordinance Authorizing The City Of Zachary To Amend And To Update The Unified Development Code And Which Are Described As “Group 4” Amendments And For All Related Matters In Furtherance.
YEAS: Nezianya, LeBlanc, O’Brien, Landry, Montgomery
NAYS: None
ABSENT: None
ABSTAINED: None

6. Zoning Matters NOT Requiring Public Hearing

7. Other Matters

Councilman LeBlanc expressed concerns regarding the daycare that is proposed to be located on 40th street. There was discussion regarding the Unified Development Code and the section of the code naming “Public Gatherings.”

J. APPROVE PAYMENT OF BILLS

K. BUDGET AND FINANCIAL MATTER

1. Receive the Balance Sheet and Income statement as of September 30, 2021.
The motion was made by Councilman Landry
The motion was seconded by Councilwoman O’Brien
To Receive the Balance Sheet and Income statement as of September 30, 2021.

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

RETURN TO REGULAR ORDER

L. OLD BUSINESS PENDING FOR FINAL ACTION

1. **Public Hearing and Adoption of Ordinance 2021-16** An ordinance authorizing the City of Zachary, State of Louisiana, to enter into a development agreement and lease agreement with respect to a multi-purpose real estate development project; approving the form and terms of such agreements; and providing for other matters in connection therewith.
(Remained Tabled at the August 10, 2021, meeting)

Mayor Amrhein opened the PUBLIC HEARING at 7:56 p.m. Laura Bly, owner/partner of Maverick's Q and Brew was present to speak in favor of the adoption. David Gaines, owner of Z-Market, was present to speak in favor of the adoption. Debra Bellingham was present to speak in favor of the adoption. Michael Jansheski was present to speak in favor of the item. There being no one to speak in favor or against the adoption Mayor Amrhein closed the PUBLIC HEARING at 8:17 p.m. There was discussion from each council member regarding the item and a vote was taken as follows:

The motion was made by Councilman Montgomery

The motion was seconded by Councilwoman O'Brien

To deny the **Adoption of Ordinance 2021-16** An ordinance authorizing the City of Zachary, State of Louisiana, to enter into a development agreement and lease agreement with respect to a multi-purpose real estate development project; approving the form and terms of such agreements; and providing for other matters in connection therewith.

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

M. OLD BUSINESS PENDING

N. NEW BUSINESS

1. **Public Hearing and Adoption of Ordinance 2021-22 ORDINANCE AUTHORIZING THE CITY OF ZACHARY TO AMEND §86 - UTILITIES OF THE CODE OF ORDINANCES TO ADDRESS CHANGES TO CERTAIN FEES AND CHARGES FOR THE CITY OF ZACHARY AND FOR ANY AND ALL RELATED MATTERS IN FURTHERANCE**

Mayor Amrhein opened the PUBLIC HEARING at 8:37 p.m. There being no one to speak in favor or against the adoption Mayor Amrhein closed the PUBLIC HEARING at 8:38 p.m.

The motion was made by Councilman Landry

The motion was seconded by Councilman Nezianya

To approve the **Adoption of Ordinance 2021-22** ORDINANCE
AUTHORIZING THE CITY OF ZACHARY TO AMEND §86 - UTILITIES
OF THE CODE OF ORDINANCES TO ADDRESS CHANGES TO
CERTAIN FEES AND CHARGES FOR THE CITY OF ZACHARY AND
FOR ANY AND ALL RELATED MATTERS IN FURTHERANCE

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

2. **Introduction Of Ordinance 2021-23** Pertaining To The Declaration Of
Intent By The City Of Zachary To Have Certain Movable Property Declared
To Be Surplus And Allowing For The Disposal Or Abandonment In Place.

The motion was made by Councilman Landry

The motion was seconded by Councilwoman O'Brien

To approve **the Introduction Of Ordinance 2021-23** Pertaining To The
Declaration Of Intent By The City Of Zachary To Have Certain Movable Property
Declared To Be Surplus And Allowing For The Disposal Or Abandonment In Place.

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

3. Request of Council to direct Mayor to issue subpoena to owners of immovable
property located at 6630 Woodland Dr. on Rule to provide status on condition of
improvements Zachary East Baton Rouge Parish, State of Louisiana.

The motion was made by Councilman LeBlanc

The motion was seconded by Councilman Landry

To approve to direct Mayor to issue subpoena to owners of immovable
property located at 6630 Woodland Dr. on Rule to provide status on condition of
improvements Zachary East Baton Rouge Parish, State of Louisiana.

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

4. Request of Council to direct Mayor to execute URA with DotD et al for
relocation of utilities in conjunction with all Comite River Diversion Canal
project contracts involving City maintained utilities and for ratification of
same.

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Montgomery

To approve Council to direct Mayor to execute URA with DotD et al for
relocation of utilities in conjunction with all Comite River Diversion Canal

project contracts involving City maintained utilities and for ratification of same.

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

5. Hearing on rule by issuance of subpoena to owners of immovable property located at 5714 Joan St. to provide status on condition of violation of code of ordinances regarding the operation of a commercial enterprise in a residential subdivision.

Kristian Rodriguez, 5714 Joan Street, Zachary was present to speak regarding the violation of the code of ordinances. Ms. Rodriguez explained that her husband's hobby is working on cars. Ms. Rodriguez said that the issues would be corrected to be in compliance with the city ordinances.

The motion was made by Councilman Landry

The motion was seconded by Councilman LeBlanc

To approve to release the owners of 5714 Joan Street from the subpoena.

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

6. Council discussion regarding garbage pick-up

Council members discussed issues of trash that has not been picked up around the city and asked Mayor Amrhein if the trash company can make a sweep of the city again to pick up remaining trash piles. No action was required on this item.

7. Council discussion regarding Little Farms issue with the heavy equipment and dirt pit in a residential area.

Councilman Montgomery spoke regarding the continued issue of heavy equipment going down Little Farms Drive and the dirt pit in a residential area. Council members asked that the owner of the property be issued a subpoena at the next council meeting.

8. Council discussion regarding Zachary Senior Center

Councilman Montgomery expressed concerns regarding the utilities that the City has been providing for the Zachary Senior Center. Mayor Amrhein explained that when the Council on Aging began receiving tax dollars, they were supposed to begin paying their own utilities but had not done so.

9. Executive Session of the Council pursuant to LSA- R.S. 42:17 (A)(2) with regard to the discussion of a civil litigation matters – Kevin K. Nguyen vs City of

Zachary et al Suit #711630 19th JDC EBRP; and Leonard Hollins adv Zachary Police Department & City of Zachary # 00565-JWD-RLB MDLA.

The motion was made by Councilman Montgomery

The motion was seconded by Councilman Nezianya

To approve to recess the regular meeting at 9:00 p.m. and to enter into executive session.

A two-thirds vote was met to recess the meeting.

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

NAYS: None

ABSENT: None

ABSTAINED: None

The motion was made by Councilman Nezianya

The motion was seconded by Councilman LeBlanc

To approve to reconvene the regular meeting at 9:14 p.m.

YEAS: Nezianya, LeBlanc, 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 NOT REQUIRING a public hearing.

Council members discussed the property located at 4420 New Weis Road. Council members requested a subpoena be issued for the next council meeting.

2. Review/Reports relative to Proposed/Active Condemnations REQUIRING a public hearing.

P. REPORTS FROM DEPARTMENT HEADS

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

Councilman Montgomery expressed concerns regarding the lighting on several streets. Councilman Landry requested a letter be sent to the owner located at Old Baker Road and Chestnut regarding a parked RV.

R. ADJOURNMENT

The meeting was adjourned at 9:21 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 and Council of the City of Zachary, Louisiana, held on Thursday, October 26, 2021, a proper quorum being there and then present.

Dana LeJeune, Clerk of the City Council