

**For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, March 28, 2023, 6:30 P.M.**

A. CALL TO ORDER

Mayor McDavid called the meeting to order at 6:30 p.m., on Tuesday, March 28, 2023, at the Zachary City Hall located at 4700 Main Street, Zachary, LA

B. INVOCATION AND PLEDGE OF ALLEGIANCE

Invocation by Councilwoman Boyd
Pledge of Allegiance by Councilman Graves

C. OPENING PROCEDURES

1. ROLL CALL

MAYOR
David McDavid
COUNCIL MEMBERS
Westmoreland – District 1
John LeBlanc– District 2
Ambre DeVirgilio – District 3
James Graves – District 4
Jennifer Boyd – District 5

2. READING OF CITY POLICY RELATIVE TO OPEN MEETINGS

Before proceeding with the meeting, Mayor McDavid 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 March 14, 2023, regular meeting and approve them as written.

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilwoman DeVirgilio

To approve the Minutes of the March 14, 2023, regular meeting and approve them as written.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

E. HONORS, RECOGNITIONS, AND INTRODUCTIONS

Chief Kimble was present to recognize Captain Camron Thompson for his life saving assistance. Chief Lawrence was present to introduce the new Community Liaison, Raegan Carter.

F. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS

1. Street/Road Projects

- a. 2022 Road Rehabilitation Program – Phase 3 Certificate of Substantial Completion.

The motion was made by Councilman Graves

The motion was seconded by Councilman LeBlanc

To approve the 2022 Road Rehabilitation Program – Phase 3 Certificate of Substantial Completion.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

- b. 2022 Road Rehabilitation Program – Phase 3 Change Order #2 (Final)

The motion was made by Councilman LeBlanc

The motion was seconded by Councilwoman DeVirgilio

To approve the 2022 Road Rehabilitation Program – Phase 3 Change Order #2 (Final).

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

- c. 2022 Road Rehabilitation Program – Phase 3 Pay Request #5

The motion was made by Councilman LeBlanc

The motion was seconded by Councilwoman Westmoreland

To approve the 2022 Road Rehabilitation Program – Phase 3 Pay Request #5.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

2. Sewer

3. Subdivision Inspections

4. Water and Gas Projects

5. Other Projects

- a. Council approval for Pay Application 002 for the new Zachary Police Department to Stuart & Company.

The motion was made by Councilwoman Boyd
The motion was seconded by Councilman LeBlanc
To approve to Pay Application 002 for the new Zachary Police Department to Stuart & Company.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
NAYS: None
ABSENT: None
ABSTAINED: None

G. PRESENTATION OF DELEGATIONS

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

H. ACTION MANDATED BY HOME RULE CHARTER

1. Council approval of Department Heads (Deferred until further notice)

I. RECEIVE RECORD OF PAYMENT OF ACCOUNTS PAYABLE

1. Receive the Balance Sheet and Income statement as of February 2023.

The motion was made by Councilman LeBlanc

The motion was seconded by Councilwoman Boyd

To Receive the Balance Sheet and Income statement as of February 2023.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
NAYS: None
ABSENT: None
ABSTAINED: None

J. PLANNING & ZONING MATTERS

1. **Receive Minutes of the Regular meeting of March 06, 2023 of the Planning Commission and the Minutes of the Regular meeting of March 06, 2023 of the Zoning Commission.**

The motion was made by Councilwoman DeVirgilio

The motion was seconded by Councilwoman Westmoreland

To Receive Minutes of the Regular meeting of March 06, 2023 of the Planning Commission and the Minutes of the Regular meeting of March 06, 2023 of the Zoning Commission.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
NAYS: None
ABSENT: None
ABSTAINED: None

ALTER AGENDA

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilwoman DeVirgilio

To approve to remove item J2C from the consent agenda, move the item to the regular agenda.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

c. **CUPMV-1-23 (10011 Main Street)** – Proposed mobile vendor for Aji

City, on property located at 10011 Main Street, Zachary, La 70791

Mayor McDavid opened the PUBLIC HEARING at 6:55 p.m. Rodrigo Linan, was present to speak in favor of the conditional use permit and said that the mobile vendor will be parked at the Tractor Supply parking lot two days a week. Nita Edwards was present to speak in favor of the item. There being no one else to speak in favor or against the conditional use permit, Mayor McDavid closed the PUBLIC HEARING at 6:56 p.m.

The motion was made by Councilman LeBlanc

The motion was seconded by Councilwoman Westmoreland

To approve a **CUPMV-1-23 (10011 Main Street)** – Proposed mobile vendor for Aji

City, on property located at 10011 Main Street, Zachary, La 70791

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilwoman DeVirgilio

To approve to remove item J2A and B from the consent agenda and to move the items to the regular agenda.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

2. Consent Agenda

a. **COB-2-23 (3937 David Street)** – Proposed combination of Lots 13 & West ½ of Lot 12 into Lot 13-A, on property located at 3937 David Street, Zachary, La 70791

b. **CUPMH-2-23 (3937 David Street)** – Proposed manufactured home to be placed on Lot 13-A of Kirkwood Subdivision property, located at 3937 David Street, Zachary, La 70791

Mayor McDavid opened the PUBLIC HEARING at 6:58 p.m. Tonya Robinson was present to speak in favor of the items. Harvey Manning was present to speak against the items. Teresa Burmley was present to speak against the conditional use permit. There being no one else to speak in favor or against the items Mayor McDavid closed the PUBLIC HEARING at 7:06 p.m.

The motion was made by Councilwoman Boyd

The motion was seconded by Councilman Graves

To deny the **COB-2-23 (3937 David Street)** – Proposed combination of Lots 13 & West ½ of Lot 12 into Lot 13-A, on property located at 3937 David Street, Zachary, La 70791 and the **CUPMH-2-23 (3937 David Street)** – Proposed manufactured home to be placed on Lot 13-A of Kirkwood Subdivision property, located at 3937 David Street, Zachary, La 70791.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
NAYS: None
ABSENT: None
ABSTAINED: None

RETURN TO REGULAR ORDER

3. Planning Matters REQUIRING a Public Hearing

- a. **FP-1-23 (Fairview Gardens 4th & 5th Filing)** – Proposed Final Plat for Lots 167-244 and Tract 3-A-1-A-1-A-1-A of Fairview Gardens 4th & 5th Filing on property located at 2000-2100 Flanacher Road, Zachary, La 70791

Mayor McDavid opened the PUBLIC HEARING at 7:13 p.m. Adam Henning was present to speak in favor of the final plat. There being no one else to speak in favor or against the final plat Mayor McDavid closed the PUBLIC HEARING at 7:15 p.m.

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilman LeBlanc

To approve the **FP-1-23 (Fairview Gardens 4th & 5th Filing)** – Proposed Final Plat for Lots 167-244 and Tract 3-A-1-A-1-A-1-A of Fairview Gardens 4th & 5th Filing, on property located at 2000-2100 Flanacher Road, Zachary, La 70791 contingent upon final inspection by the Department of Public Works Director and the 90 degree angle pipe be removed and replaced.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
NAYS: None
ABSENT: None
ABSTAINED: None

- b. **SP-1-23 (Universal Children’s Learning Academy)** – Proposed 1,500 sf addition to existing building for the Universal Children's Learning Academy, on property located at 5052 Highway 19, Zachary, La 70791

Mayor McDavid opened the PUBLIC HEARING at 7:17 p.m. Kimberly McDowell was present to speak in favor of the site plan. There being no one else to speak in favor or against the site plat Mayor McDavid closed the PUBLIC HEARING at 7:18 p.m.

The motion was made by Councilwoman Boyd

The motion was seconded by Councilwoman DeVirgilio

To approve the **SP-1-23 (Universal Children’s Learning Academy)** – Proposed 1,500 sf addition to existing building for the Universal Children's Learning Academy, on property located at 5052 Highway 19, Zachary, La 70791.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
NAYS: None
ABSENT: None
ABSTAINED: None

4. Planning Matters NOT requiring a Public Meeting

5. Zoning Matters REQUIRING a Public Hearing

- a. **CUPMH-1-23 (9032 E Vernon Road)** – Proposed manufactured home to be placed on Lot 7 of Whiddon Acres property, located at 9012 E Vernon Road, Zachary, La 70791.

Mayor McDavid opened the PUBLIC HEARING at 7:20 p.m. Nicole Herring was present to speak in favor of the conditional use permit. James McCleary was present to speak in favor of the conditional use permit. Richard Blalock was present to speak against the permit. Mr. Dixon also reported that two citizens telephoned his office in favor of the item and one citizen telephoned his office against the item. There being no one else to speak in favor or against the conditional use permit, Mayor McDavid closed the PUBLIC HEARING at 7:27 p.m.

The motion was made by Councilman LeBlanc

The motion was seconded by Councilwoman Boyd

To approve the **CUPMH-1-23 (9032 E Vernon Road)** – Proposed manufactured home to be placed on Lot 7 of Whiddon Acres property, located at 9012 E Vernon Road, Zachary, La 70791.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
NAYS: None
ABSENT: None
ABSTAINED: None

6. Zoning Matters NOT Requiring Public Hearing

- a. **ZOI – PUD-3-22 (Northridge Phase 1)** – Proposed 64.25-acre development to include 215 low density residential lots and common open space areas within PUD 3-22.

The motion was made by Councilwoman DeVirgilio

The motion was seconded by Councilwoman Boyd

To approve a recommendation of objection for a **ZOI – PUD-3-22 (Northridge Phase 1)** – Proposed 64.25-acre development to include 215 low density residential lots and common open space areas within PUD 3-22.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
NAYS: None
ABSENT: None
ABSTAINED: None

- b. **ZOI – 52125-SS (Hillside Farms)** – Proposed resubdivision of Lot 10 into Lots 10-A and 10-B, on property located on Port Hudson-Pride Road.
The motion was made by Councilwoman Boyd
The motion was seconded by Councilwoman DeVirgilio

To approve a recommendation of objection for a **ZOI – 52125-SS (Hillside Farms)** – Proposed resubdivision of Lot 10 into Lots 10-A and 10-B, on property located on Port Hudson-Pride Road.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
 NAYS: None
 ABSENT: None
 ABSTAINED: None

- c. **ZOI – 54126-SS (Hillside Farms)** – Proposed resubdivision of Lot 11-A and Lot 12 of the Hillside Farms Subdivision into Lots 11-A-1, 11-A-2 and 12-A, on property located on Port Hudson-Pride Road.

The motion was made by Councilwoman Westmoreland
 The motion was seconded by Councilwoman DeVirgilio

To approve a recommendation of objection for a **ZOI – 54126-SS (Hillside Farms)** – Proposed resubdivision of Lot 11-A and Lot 12 of the Hillside Farms Subdivision into Lots 11-A-1, 11-A-2 and 12-A, on property located on Port Hudson-Pride Road.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
 NAYS: None
 ABSENT: None
 ABSTAINED: None

7. Other Matters

- a. **T&T Liquor (sign waiver)** – 6201 Highway 19
The motion was made by Councilman Graves
The motion was seconded by Councilwoman Boyd

To approve the **T&T Liquor (sign waiver)** – 6201 Highway 19.

YEAS: LeBlanc, Graves, Boyd
 NAYS: Westmoreland, DeVirgilio
 ABSENT: None
 ABSTAINED: None

- K. BUDGET AND FINANCIAL MATTERS**
- L. OLD BUSINESS PENDING FOR FINAL ACTION**
- M. OLD BUSINESS PENDING**

- 1. Update of Hearing of subpoena to Michael May 3700 Little Farms Dr. regarding non-compliance with requests regarding Flood Plain/Control Ordinances at 5100-5200 Lower Zachary Rd.

The motion was made by Councilwoman Westmoreland
 The motion was seconded by Councilwoman DeVirgilio

To approve to release Michael May from the subpoena.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
NAYS: None
ABSENT: None
ABSTAINED: None

2. Update of Discussion regarding the Annison House.

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilman LeBlanc

To approve to defer this item until the April 11, 2023 meeting.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
NAYS: None
ABSENT: None
ABSTAINED: None

N. NEW BUSINESS

1. Council approval for a Special event permit to sell alcohol at the Lane Foundation Chili Cook Off to be held on April 29, 2023 on City premises.

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilwoman DeVirgilio

To approve a Special event permit to sell alcohol at the Lane Foundation Chili Cook Off to be held on April 29, 2023 on City premises.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
NAYS: None
ABSENT: None
ABSTAINED: None

2. Council approval for a special event permit for May 5 (Cinco De Mayo) at Tquila's restaurant.

The motion was made by Councilwoman Boyd

The motion was seconded by Councilwoman Westmoreland

To approve a special event permit for May 5 (Cinco De Mayo) at Tquila's restaurant.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
NAYS: None
ABSENT: None
ABSTAINED: None

3. Hearing of issuance of a City Council ordered subpoena to Michael S. Jarreau, Jr. 21366 Hwy 964 (Old Scenic), Zachary LA 70791 to appear at a City Council Meeting to answer for his non-compliance with a written request to cease and desist the keeping of horses on referenced premises in violation of Zachary Code of Ordinances §10-12, et seq.

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilwoman Boyd

To approve to release Michael Jarreau, Jr. from the subpoena.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
NAYS: None
ABSENT: None
ABSTAINED: None

4. Hearing of issuance of a City Council ordered subpoena to Lou Bertha Gayden 4763 Ford Street, Baton Rouge, La 70811; Enforcement action on refusal to adhere to local ordinances relating to 4839 Old Slaughter Rd. Zachary, La 70791; Lot 4 Block 62 Bond S/D; East Baton Rouge Parish, State Of Louisiana.(Deferred until the May 9th meeting)

5. **Public Hearing and Adoption of Ordinance 2023-02** 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.

Mayor McDavid opened the PUBLIC HEARING at 8:06 p.m. There being no one to speak in favor or against the adoption of the ordinance, Mayor McDavid closed the PUBLIC HEARING at 8:06 p.m.

The motion was made by Councilwoman DeVirgilio

The motion was seconded by Councilman LeBlanc

To approve the **Adoption of Ordinance 2023-02** 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: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
NAYS: None
ABSENT: None
ABSTAINED: None

6. **Introduction of Ordinance 2023-03** Ordinance Authorizing The City Of Zachary To Amend The Code Of Ordinances §70 Relating To Streets, Sidewalks And Public Places Regulations Within The Corporate Limits Of The City Of Zachary And For All Other Matters Related Thereto.

The motion was made by Councilwoman Boyd

The motion was seconded by Councilwoman Westmoreland

To approve **Introduction of Ordinance 2023-03** Ordinance Authorizing The City Of Zachary To Amend The Code Of Ordinances §70 Relating To Streets, Sidewalks And Public Places Regulations Within The Corporate Limits Of The City Of Zachary And For All Other Matters Related Thereto.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd
NAYS: None
ABSENT: None
ABSTAINED: None

7. Discussion and Council approval to order an appraisal for the Maverick's equipment (Deferred at the March 14, 2023 meeting)

The motion was made by Councilwoman DeVirgilio

The motion was seconded by Councilman LeBlanc

To remove approval to order an appraisal for the Maverick's equipment from the agenda.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

8. Discussion regarding live streaming/recording Council meetings
No action was taken on this item.

9. Discussion regarding live streaming/recording the Planning and Zoning meetings
No action was taken on this item.

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

1. Review/Reports relative to Proposed/Active Condemnations

John Hopewell and Councilwoman Boyd gave an update to council members on the status of the properties on the condemnation list and said progress is being made.

2. Approval of the Condemnation Board Minutes of the March 23, 2023 regular meeting and approve them as written.

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilwoman DeVirgilio

To approve the Condemnation Board Minutes of the March 23, 2023 regular meeting and approve them as written.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

P. REPORTS FROM DEPARTMENT HEADS

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

There was discussion about the responsibility of the tow company regarding cleaning up the debris when a wreck happens and citizens parking vehicles on the streets in neighborhoods.

R. ADJOURNMENT

The meeting was adjourned at 8:41 p.m.

CERTIFICATION

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

David McDavid, 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, March 28, 2023, a proper quorum being there and then present.

Dana LeJeune, Clerk of the City Council