

**For the Meeting of Mayor and Council
City of Zachary, LA
Council Chambers, 4700 Main Street
Tuesday, July 11, 2023, 6:35 P.M.**

A. CALL TO ORDER

Mayor McDavid called the meeting to order at 6:30 p.m., on Tuesday July 11, 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
Brandy 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 June 27, 2023, regular meeting, June 27, 2023, Workshop, and approve them as written.

The motion was made by Councilman LeBlanc

The motion was seconded by Councilwoman DeVirgilio

To approve the Minutes of the June 27, 2023, regular meeting, June 27, 2023, Workshop, and approve them as written.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

E. HONORS, RECOGNITIONS, AND INTRODUCTIONS

1. Proclamation for July as Recreation and Parks Month
BREC business manager, Chris Marchiafava, was present to receive a proclamation from Mayor McDavid and Council members proclaiming July as “Parks and Recreation Month.”

F. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS

1. Street/Road Projects

- a. Award Base Bid to MTrak – 2023 Road Rehabilitation & Improvement Program.
The motion was made by Councilwoman DeVirgilio
The motion was seconded by Councilman LeBlanc

To approve and Award a Base Bid to MTrak – 2023 Road Rehabilitation & Improvement Program.

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

2. Sewer

3. Subdivision Inspections

4. Water and Gas Projects

- a. Award Base Bid Only to Grady Crawford Construction Contingent Upon OCD Approval – Contract 1 (Distribution Lines) FY 2020-21 LCDBG Water System Improvements.

The motion was made by Councilman LeBlanc
The motion was seconded by Councilwoman DeVirgilio

To approve and Award a Base Bid Only to Grady Crawford Construction Contingent Upon OCD Approval – Contract 1 (Distribution Lines) FY 2020-21 LCDBG Water System Improvements.

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

- b. Award Base Bid to Grinner Drilling Contingent Upon OCD Approval – Contract 2 (Water Well) FY 2020-21 LCDBG Water System Improvements.

The motion was made by Councilman LeBlanc
The motion was seconded by Councilman Boyd

To approve and Award Base Bid to Grinner Drilling Contingent Upon OCD Approval – Contract 2 (Water Well) FY 2020-21 LCDBG Water System Improvements.

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

- c. Change Order No. 1 Contingent Upon OCD Approval – Contract 2 (Water Well) FY 2020-21 LCDBG Water System Improvements.

The motion was made by Councilwoman Boyd

The motion was seconded by Councilwoman DeVirgilio

To approve a Change Order No. 1 Contingent Upon OCD Approval – Contract 2 (Water Well) FY 2020-21 LCDBG Water System Improvements.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

5. Other Projects

G. PRESENTATION OF DELEGATIONS

1. Requests to Speak

2. Hardship Waivers

3. Exceptions to Regulations

H. ACTION MANDATED BY HOME RULE CHARTER

I. PLANNING & ZONING MATTERS

1. Receive Minutes of the Regular meeting of _____, of the Planning Commission and the Minutes of the Regular meeting of _____, of the Zoning Commission.

2. Planning Matters REQUIRING a Public Hearing

3. Planning Matters NOT requiring a Public Meeting

4. Zoning Matters REQUIRING a Public Hearing

5. Zoning Matters NOT Requiring Public Hearing

6. Other Matters

- a. **ZOI – PA 9-23** – The change from Agricultural/Rural land use to Neighborhood Center & Regional Neighborhood will accommodate the commercial rezoning LC3 running concurrently, and

- b. **ZOI – Case 38-23** – To rezone portions of the M. M. Miller Tract and W.N. McVea Tract from Rural (R) to Light Commercial Three (LC3), on property located at 16600-16700 and 16470 Old Scenic Highway.

The motion was made by Councilman LeBlanc

The motion was seconded by Councilwoman Westmoreland

To approve a recommendation of objection for **ZOI – PA 9-23** – The change from Agricultural/Rural land use to Neighborhood Center & Regional Neighborhood will accommodate the commercial rezoning LC3 running concurrently, and **ZOI – Case 38-23** – To rezone portions of the M. M. Miller Tract and W.N. McVea Tract from Rural (R) to Light Commercial Three (LC3), on property located at 16600-16700 and 16470 Old Scenic Highway.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves

NAYS: Boyd

ABSENT: None

ABSTAINED: None

Councilwoman DeVirgilio explained to members the reason her decision of being in opposition of the development. Councilwoman DeVirgilio expressed concerns saying that an infrastructure plan not being in place is not an unreasonable request when making decisions regarding life, safety, health, and welfare of the City of Zachary.

- c. **ZOI – PUD-2-23 - 16481 Old Scenic Highway** To rezone property from Rural to Planned Unit Development (PUD) located on the west side of Old Scenic Highway, north of Miraval Avenue, on a portion of property now or formerly known as Tract C-1 of the Lucy E. Crumholt Property. Sections 76, 78 and 84, T5S, R1W, GLD, EBRP, LA (Council District 1-Noel) [Application Related to PA-11-23](#), and
- d. **ZOI – PA-11 - 16481 Old Scenic Highway** To amend the Comprehensive Land Use Plan from Agricultural/Rural to Employment Center located on the west side of Old Scenic Highway, north of Miraval Avenue, on a portion of property now or formerly known as Tract C-1 of the Lucy E. Crumholt Property. Sections 76, 78 and 84, T5S, R1W, GLD, EBRP, LA (Council District 1-Noel) **Related to PUD-2-23**

The motion was made by Councilman LeBlanc

The motion was seconded by Councilwoman Westmoreland

To approve a recommendation of objection for **ZOI – PUD-2-23 - 16481 Old Scenic Highway** To rezone property from Rural to Planned Unit Development (PUD) located on the west side of Old Scenic Highway, north of Miraval Avenue, on a portion of property now or formerly known as Tract C-1 of the Lucy E. Crumholt Property. Sections 76, 78 and 84, T5S, R1W, GLD, EBRP, LA (Council District 1-Noel) [Application Related to PA-11-23](#), and **ZOI – PA-11 - 16481 Old Scenic Highway** To amend the Comprehensive Land Use Plan from Agricultural/Rural to Employment Center located on the west side of Old Scenic Highway, north of Miraval Avenue, on a portion of property now or formerly known as Tract C-1 of the Lucy E. Crumholt Property. Sections 76, 78 and 84, T5S, R1W, GLD, EBRP, LA (Council District 1-Noel) **Related to PUD-2-23.**

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

7. Consent Agenda

J. RECEIVE RECORD OF PAYMENT OF ACCOUNTS PAYABLE

- 1. Receive accounts payable for June 2023 and the natural gas bill when it is received.

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilwoman DeVirgilio

To Receive accounts payable for June 2023 and the natural gas bill when it is received.

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

K. BUDGET AND FINANCIAL MATTERS

L. OLD BUSINESS PENDING FOR FINAL ACTION

M. OLD BUSINESS PENDING

- 1. Update 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. Ty Stephens, Code Compliance Officer, gave a brief update and explained that he had not been in contact with the person residing at this address. No action was taken on this item.

ALTER AGENDA

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilwoman DeVirgilio

To alter the agenda to move item N2 until N6.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

N. NEW BUSINESS

1. Hearing of issuance of subpoena to 3708 Little Farms Drive Zachary, La 70791, 5100-5200 lower Zachary Rd Zachary, la 70791, MICHAEL MAY, Cease and Desist for illegal business and performing dirt work in a flood way without a No Rise certificate.

Mr. Michael May did not show up for the hearing. No action was taken on this item.

2. Council approval to subpoena 4322 Cherry Court Zachary, La 70791, MICHAEL LEE SMITH, Junk vehicles/storage container (Deferred until the August 08, 2023, meeting) No action was taken on this item.

3. Hearing of issuance of subpoena to 5236 E Mae Street Zachary, La 70791, CEDRIC BROUSSARD, Junk property/illegal second residence. No action was taken on this item.

4. **Adoption and Public Hearing of Ordinance 2023-08 ORDINANCE AUTHORIZING THE CITY OF ZACHARY TO REVISE AND AMEND SECTION 46-51 OF THE FLOOD DAMAGE PREVENTION ORDINANCE IN FURTHERANCE OF RECOMMENDATIONS RELATING TO COMPLIANCE WITH THE FEDERAL FLOOD INSURANCE ACT.**

Mayor McDavid opened the PUBLIC HEARING at 7:53 p.m. There being no one to speak in favor or against the adoption of the ordinance Mayor McDavid closed the PUBLIC HEARING at 7:53 p.m.

The motion was made by Councilwoman Boyd

The motion was seconded by Councilwoman DeVirgilio

To approve the **Adoption of Ordinance 2023-08 ORDINANCE AUTHORIZING THE CITY OF ZACHARY TO REVISE AND AMEND SECTION 46-51 OF THE FLOOD DAMAGE PREVENTION ORDINANCE IN FURTHERANCE OF RECOMMENDATIONS RELATING TO COMPLIANCE WITH THE FEDERAL FLOOD INSURANCE ACT.**

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

5. **Adoption and Public Hearing of Ordinance 2023-09 ORDINANCE PERTAINING TO THE INCREASE OF AND MANNER OF CALCULATION OF RATES AND CHARGES FOR CITY OF ZACHARY UTILITY SYSTEM SERVICES PROVIDED BY THE CITY OF ZACHARY TO USERS OF UTILITY SYSTEM SERVICES.**

Mayor McDavid opened the PUBLIC HEARING at 7:55 p.m. There being no one to speak in favor or against the adoption of the ordinance Mayor McDavid closed the PUBLIC HEARING at 7:55 p.m.

The motion was made by Councilman Graves

The motion was seconded by Councilwoman DeVirgilio

To approve the **Adoption of Ordinance 2023-09 ORDINANCE PERTAINING TO THE INCREASE OF AND MANNER OF CALCULATION OF RATES AND CHARGES FOR CITY OF ZACHARY UTILITY SYSTEM SERVICES PROVIDED BY THE CITY OF ZACHARY TO USERS OF UTILITY SYSTEM SERVICES.**

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

2. Update on subpoena request – 5738 Avenue K – Junk Vehicles violations (Deferred at the June 27, 2023, meeting) No action was taken on this item.

RETURN TO REGULAR ORDER

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

1. Receive Inspection Report from June 2023 (Scott Masterson)

No action was taken on this item. The item will be heard at the next council meeting.

Q. DISCUSSION OF BUSINESS NOT ON AGENDA

(No Action May Be Taken Unless Declared an Emergency)

Councilwoman Westmoreland asked to revisit items I6A & B. Councilwoman Westmoreland explained that she is in favor of commercial growth and asked Bryant Dixon, Planning and Zoning Director, to explain what a PUD is. Councilwoman Westmoreland asked to revote on the items. John Hopewell, City Attorney, spoke and explained that while the council could take a revote, it was not in the best interest of the council to do so because persons that were there to hear the discussion on the items may have left and was not recommended to take a revote.

R. ADJOURNMENT

The meeting was adjourned at 8:12 p.m.

CERTIFICATION

Dana LeJeune, LMMC
Clerk of the 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, July 11, 2023, a proper quorum being there and then present.

Dana LeJeune, Clerk of the City Council