

**For the Meeting of Mayor and Council  
City of Zachary, LA  
Council Chambers, 4700 Main Street  
Tuesday, September 12, 2023, 6:30 P.M.**

**A. CALL TO ORDER**

Mayor McDavid called the meeting to order at 6:30 p.m., on Tuesday September 12, 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 the Zachary Fire Department

**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

The motion was made by Councilwoman Boyd

The motion was seconded by Councilman Graves

To approve to amend the agenda to add discussion regarding Waste Management as item N22.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

**D. READING OF THE MINUTES**

1. Approval of Minutes of the August 22, 2023, regular meeting, and approve them as written.

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilman LeBlanc

To approve the Minutes of the August 22, 2023, regular meeting, and approve them with corrections as noted.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

**E. HONORS, RECOGNITIONS, AND INTRODUCTIONS**

1. Recognition of Zachary Firefighters for serving in Beauregard Parish.  
Mayor McDavid recognized members of the Zachary Fire Department for their efforts to help with the Beauregard Parish wildfires.

**F. CONTRACT ITEMS/CONTRACTS OR ITEMS RELATING TO PROJECTS**

**1. Street/Road Projects**

- a. Pay Request - 2023 Road Rehabilitation Project Pay Request No. 1

The motion was made by Councilman LeBlanc

The motion was seconded by Councilwoman DeVirgilio

To approve a Pay Request - 2023 Road Rehabilitation Project Pay Request No. 1 in the amount of \$684,396.01.

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. Change Order Request – COR12 – Brick material pricing

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilman LeBlanc

To approve a Change Order Request – COR12 – Brick material pricing in the amount of \$3799.46.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

- b. Change Order Request – COR 008 – RFI 67 Detention Door 170B

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilman LeBlanc

To approve a Change Order Request – COR 008 – RFI 67 Detention Door 170B in the amount of \$12,390.00.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

## G. PRESENTATION OF DELEGATIONS

### 1. Requests to Speak

Daniel Banquel, candidate for State Representative District 62, was present to introduce himself and speak to Mayor McDavid and council members.

### 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

#### 7. Consent Agenda

The motion was made by Councilman LeBlanc

The motion was seconded by Councilwoman DeVirgilio

To remove item I7B from the consent agenda and to add the item to the regular agenda.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

- a. **RZ-3-23 (19850 Old Scenic Highway)** - To rezone Lot A-1 from Neighborhood Commercial (CN) to General Commercial (CG), on property located at 19850 Old Scenic Highway, Zachary, La 70791.

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilwoman DeVirgilio

To approve **RZ-3-23 (19850 Old Scenic Highway)** - To rezone Lot A-1 from Neighborhood Commercial (CN) to General Commercial (CG), on property located at 19850 Old Scenic Highway, Zachary, La 70791.

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

- b. **CUPAB-2-23 (Hot Tails)** - Proposed restaurant to serve alcoholic beverages, located on Lot 1-B-2 of the Robert Flanders Tract, on property located at 4696 Zachary-Slaughter Hwy, Zachary, LA 70791.

Mayor McDavid opened the PUBLIC HEARING at 6:46 p.m. Samantha Carol, owner, was present to speak in favor of the conditional use permit. Councilwoman Westmoreland asked Ms. Carol about serving alcohol without a permit from the City of Zachary. Ms. Carol explained that they did serve alcohol without a City of Zachary permit but did have a state permit to serve alcohol. There being no one else to speak in favor or against the conditional use permit Mayor McDavid closed the PUBLIC HEARING at 6:50 p.m.

The motion was made by Councilwoman Boyd

The motion was seconded by Councilwoman Westmoreland

To approve **CUPAB-2-23 (Hot Tails)** - Proposed restaurant to serve alcoholic beverages, located on Lot 1-B-2 of the Robert Flanders Tract, on property located at 4696 Zachary-Slaughter Hwy, Zachary, LA 70791.

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

**J. RECEIVE RECORD OF PAYMENT OF ACCOUNTS PAYABLE**

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

The motion was made by Councilwoman DeVirgilio

The motion was seconded by Councilman Graves

To Receive accounts payable for August 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 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. Dixon gave a brief update and said that he has not received a no rise certificate as of yet from Mr. May.

**N. NEW BUSINESS**

1 Approval of a Special Events Permit to David Gautreaux, Sneaux Season, to sell alcohol at the Downtown Live Event to be held on September 21, 2023.

The motion was made by Councilwoman DeVirgilio

The motion was seconded by Councilman LeBlanc

To approve a Special Events Permit to David Gautreaux, Sneaux Season, to sell alcohol at the Downtown Live Event to be held on September 21, 2023, and October 10, 2023.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

The motion was made by Councilwoman DeVirgilio

The motion was seconded by Councilman LeBlanc

To approve to amend the agenda to approve a Special Events Permit to David Gautreaux, Sneaux Season, to sell alcohol at the Downtown Live Event to be held on September 21, 2023 and October 10, 2023.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

The motion was made by Councilman Graves

The motion was seconded by Councilman Westmoreland

To approve to amend the agenda to add the October 10, 2023 date.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

2. Issuance of subpoena to 4317 Old Weis Road, Zachary, La 70791, Marvin Guest, Jr, Junk Vehicles & property.

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilman LeBlanc

To approve Issuance of subpoena to 4317 Old Weis Road, Zachary, La 70791, Marvin Guest, Jr, Junk Vehicles & property.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

**ALTER AGENDA**

3. Issuance of subpoena to 5245 McHugh Drive, Zachary, La 70791, Michael Albert East, Junk Vehicles.

The motion was made by Councilwoman Westmoreland  
The motion was seconded by Councilwoman DeVirgilio  
To remove the issuance of subpoena to 5245 McHugh Drive, Zachary, La 70791,  
Michael Albert East, Junk Vehicles, and Issuance of subpoena to 4317 Old Weis Road,  
Zachary, La 70791, Claudius Kessler East, Junk Vehicles & Property from the agenda.  
YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd  
NAYS: None  
ABSENT: None  
ABSTAINED: None

**RETURN TO REGULAR ORDER**

5. Issuance of subpoena to 5309 Harlem Street, Zachary, La 70791, Adolph Kelly  
Junk Vehicles & Property.

The motion was made by Councilwoman Westmoreland  
The motion was seconded by Councilman LeBlanc  
To approve Issuance of subpoena to 5309 Harlem Street, Zachary, La 70791, Adolph  
Kelly Junk Vehicles & Property.  
YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd  
NAYS: None  
ABSENT: None  
ABSTAINED: None

6. Issuance of subpoena to 4431 Stewart Street, Zachary, La 70791, Ronda Miles  
Junk Vehicles.

The motion was made by Councilwoman DeVirgilio  
The motion was seconded by Councilman LeBlanc  
To defer Issuance of subpoena to 4431 Stewart Street, Zachary, La 70791, Ronda Miles  
Junk Vehicles until September 21, 2023.  
YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd  
NAYS: None  
ABSENT: None  
ABSTAINED: None

**ALTER AGENDA**

7. Issuance of subpoena to 4689 Avenue D, Zachary, La 70791, Doreather Carter  
Junk Vehicles.

The motion was made by Councilwoman Westmoreland  
The motion was seconded by Councilwoman DeVirgilio  
To approve Issuance of subpoena to 4689 Avenue D, Zachary, La 70791, Doreather  
Carter Junk Vehicles, Issuance of subpoena to 5234 Gloria Street, Zachary, La 70791,  
Rena Hixon Matthews, Junk Vehicles & Property, Issuance of subpoena to 3780 Cypress  
Park Drive, Zachary, La 70791, Jackquine Laquisha Quintella Thomas, Junk Property.  
YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd  
NAYS: None

ABSENT: None  
ABSTAINED: None

**RETURN TO REGULAR ORDER**

10. Issuance of subpoena to 3725 Truman Street, Zachary, La 70791, Thomas Sterling, Junk Vehicles & Property.  
Glynn Ford, 3725 Truman Street was present to speak to council members to ask for 30 days to move the trailer and vehicles.

The motion was made by Councilman Graves

The motion was seconded by Councilwoman Westmoreland

To defer Issuance of subpoena to 3725 Truman Street, Zachary, La 70791, Thomas Sterling, Junk Vehicles & Property until the October 24, 2023, meeting.

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

**ALTER AGENDA**

11. Issuance of subpoena to 3639 Truman Street, Zachary, La 70791, Demetric Jackson, Junk Vehicles.

The motion was made by Councilman LeBlanc

The motion was seconded by Councilwoman Westmoreland

To approve Issuance of subpoena to 3639 Truman Street, Zachary, La 70791, Demetric Jackson, Junk Vehicles, and Issuance of subpoena to 20766 HWY 964, Zachary, La 70791, Exchangeright Net-Leased Portfolio 53 DST (Dollar General) Junk Property.

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

**RETURN TO REGULAR ORDER**

13. Hearing on Rule via Subpoena Request (8/4/23) to Joshua O’Neal – RE: 2301 Munson Dr. -Non-permitted commercial/business activities on site  
Josh O’Neal, 2831 Rush Drive, was present to speak regarding the parish line that runs through his property and the junk vehicles.

The motion was made by Councilman LeBlanc

The motion was seconded by Councilwoman Westmoreland

To defer Hearing on Rule via Subpoena Request (8/4/23) to Joshua O’Neal – RE: 2301 Munson Dr. -Non-permitted commercial/business activities on site until the October 24, 2023, meeting.

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

ABSTAINED: None

14. Hearing on Rule via Subpoena Request (8/4/23) to Daryl Carpenter – RE: 2715 March St. – Junk, wrecked, non-operating or discarded vehicles or parts on site.

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilman LeBlanc

To defer Hearing on Rule via Subpoena Request (8/4/23) to Daryl Carpenter – RE: 2715 March St. – Junk, wrecked, non-operating or discarded vehicles or parts on Site until the September 26, 2023, meeting.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

15. Hearing on Rule via Subpoena Request (8/4/23) to Kayla Williams – RE: 5566 Newell St. – Non-permitted commercial vehicles &/or equipment on site.

Kayla Willias, 5566 Newell Street, was present to speak to council members and explain that she is not operating a business out of her home. Ms. Williams said that DHH did not approve a permit and that she does not cook and sell food from her home. Ms. Williams explained that she has a mobile business.

The motion was made by Councilwoman DeVirgilio

The motion was seconded by Councilman Graves

To defer Hearing on Rule via Subpoena Request (8/4/23) to Kayla Williams – RE: 5566 Newell St. – Non-permitted commercial vehicles &/or equipment on site until the October 24, 2023, meeting.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

16. Approval of Resolution 2023 East Baton Rouge Parish Multi-Jurisdictional Hazard Mitigation Plan.

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilwoman DeVirgilio

To approve Resolution 2023 East Baton Rouge Parish Multi-Jurisdictional Hazard Mitigation Plan.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

17. Council approval to set Trick or Treat for October 31, 2023, from 6:00 p.m. until 8:00 p.m.



The motion was made by Councilwoman DeVirgilio

The motion was seconded by Councilman LeBlanc

To approve to set Trick or Treat for October 31, 2023, from 6:00 p.m. until 8:00 p.m.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

18. Approval of a Cooperative Endeavor Agreement (“CEA”) between the city of Zachary and the Zachary community school system for student resource officers and crossing guards.

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilman LeBlanc

To approve a Cooperative Endeavor Agreement (“CEA”) between the city of Zachary and the Zachary community school system for student resource officers and crossing guards.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

19. **Introduction of Ordinance 2023- 12** ORDINANCE 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, DONATION OR ABANDONMENT.

The motion was made by Councilwoman Westmoreland

The motion was seconded by Councilwoman DeVirgilio

To approve the **Introduction of Ordinance 2023- 12** ORDINANCE 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, DONATION OR ABANDONMENT.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

At 7:51 p.m. Mayor McDavid recessed the meeting.

At 8:00 p.m. Mayor McDavid reconvened the meeting.

20. **PUBLIC HEARING and Adoption of ORDINANCE 2023-11** AUTHORIZING THE CITY OF ZACHARY TO AMEND CHAPTER 58 OF THE CITY’S CODE OF ORDINANCES TO ALLOW THE CITY TO ADOPT REGULATIONS DESIGNED TO REGULATE THE SALE AND POSSESSION OF MITRAGYNA SPECIOSA KORTH (“KRATOM”) AND TO BE DESIGNATED AT §58-40 ALL REGULATED WITHIN THE CITY

LIMITS AND FOR ANY AND ALL RELATED MATTERS IN FURTHERANCE.

Mayor McDavid opened the PUBLIC HEARING at 8:01 p.m. John Hopewell introduced the item. Melissa Vidrine, Sunset, La, was present to speak to council members to explained that her son died from an overdose of Kratom. Roy Mitchell, Baton Rouge, Abuse Counselor, was present to speak in favor of the adoption of the ordinance. Chad Willis, Abuse Counselor, was present to speak in favor of the adoption of the ordinance. Don Charlet, 1161 Americana Blvd. was present to speak in favor of the adoption of the ordinance. Will Fox, Hammond, La, was present to speak in favor of the adoption of the ordinance. Councilman Graves announced that he had two letters from medical people in favor of the adoption. At this time there were comments made by Mayor McDavid and council members regarding the adoption of the ordinance. Ryan Boros, Gainesville, VA was present to speak in opposition of the adoption of the ordinance. Jordan, Baker, La, Joe Hoffman, Zachary, Kelvin Butler, Zachary, Adam Peak, Baton Rouge, and Paul Schexnayder, Denham Springs, was present to speak in opposition of the adoption of the ordinance and explained how Kratom helps their individual situations on a daily basis. There being no one else to speak in favor or against the adoption of the ordinance Mayor McDavid closed the PUBLIC HEARING at 8:59 p.m.

The motion was made by Councilman LeBlanc

The motion was seconded by Councilman Graves

To approve the **Adoption of ORDINANCE 2023-11 AUTHORIZING THE CITY OF ZACHARY TO AMEND CHAPTER 58 OF THE CITY’S CODE OF ORDINANCES TO ALLOW THE CITY TO ADOPT REGULATIONS DESIGNED TO REGULATE THE SALE AND POSSESSION OF MITRAGYNA SPECIOSA KORTH (“KRATOM”) AND TO BE DESIGNATED AT §58-40 ALL REGULATED WITHIN THE CITY LIMITS AND FOR ANY AND ALL RELATED MATTERS IN FURTHERANCE.**

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

**ALTER AGENDA**

21. Discussion regarding Waste Management

Councilwoman Westmoreland spoke and explained that a Waste Management truck was leaking oil on the road in front of every stop that was made. Mayor McDavid spoke and said that he would call them the next day.

22. Executive Session of the Council and of the Mayor pursuant to LSA- R.S. 42:17 (A)(2) with regard to status of civil litigation & continuance of counsel of record- *Goodson vs. CoZ- 19<sup>th</sup> JDC EBR #667741- 24* (John Hopewell)

The motion was made by Councilwoman DeVirgilio

The motion was seconded by Councilman LeBlanc

To approve Council members to recess the regular meeting and enter into an executive

Session at 9:28 p.m.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

Note: A super majority was met to enter into executive session.

The motion was made by Councilman LeBlanc

The motion was seconded by Councilwoman Westmoreland

To reconvene the regular meeting at 9:43 p.m.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

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

Councilwoman Boyd and John Hopewell gave a brief update of the August meeting.

**P. REPORTS FROM DEPARTMENT HEADS**

1. Inspection Report for August 2023.

The motion was made by Councilwoman DeVirgilio

The motion was seconded by Councilman LeBlanc

To receive the Inspection Report for August 2023.

YEAS: Westmoreland, LeBlanc, DeVirgilio, Graves, Boyd

NAYS: None

ABSENT: None

ABSTAINED: None

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

**R. ADJOURNMENT**

The meeting was adjourned at 9:45 p.m.

**CERTIFICATION**

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

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**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, September 12, 2023, a proper quorum being there and then present.

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**Dana LeJeune, Clerk of the City Council**