

**For the Meeting of Mayor and Council  
City of Zachary, LA  
Council Chambers, 4700 Main Street  
Tuesday, March 28, 2017, 6:30 P.M.**

**A. CALL TO ORDER**

Mayor Amrhein called the meeting to order at 6:30 p.m., on Tuesday March 28, 2017 at the Zachary City Hall located at 4700 Main Street, Zachary, LA

**B. INVOCATION AND PLEDGE OF ALLEGIANCE**

Invocation by Councilwoman O'Brien  
Pledge of Allegiance by Councilman Noel

**C. OPENING PROCEDURES**

1. ROLL CALL

MAYOR

David Amrhein

COUNCIL MEMBERS

Francis Nezianya – District 1

Brandon Noel – District 2

Laura O'Brien – District 3

Ben Cavin – District 4

Tommy Womack – District 5

ABSENT

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

**D. READING OF THE MINUTES**

1. Minutes of the March 14, 2017 Regular Meeting.  
The motion was made by Councilman Noel  
The motion was seconded by Councilwoman O'Brien  
To approve the minutes of the March 14, 2017 Regular Meeting and approve them with corrections noted.  
YEAS: Nezianya, Noel, O'Brien, Cavin, Womack  
NAYS: None  
ABSENT: None  
ABSTAINED: None

**E. HONORS, RECOGNITIONS AND INTRODUCTIONS**

Zachary Police Chief David McDavid presented Mr. Larry Michael a plaque in recognition of his service years for the ZPD. Mr. Michael's service started in 2007 and ended in 2016.

Mayor Amrhein complimented Chief McDavid and his officers for assisting in an incident that happened at a local restaurant.

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

**1. Street/Road Projects**

- a. Approval of Bids and award contract for the 2017 Road Rehabilitation and Improvement Program.  
The motion was made by Councilman Womack  
The motion was seconded by Councilman Noel  
To approve the bid and award the contract to Barriere Construction in the amount of \$338,562.20.  
YEAS: Nezianya, Noel, O'Brien, Cavin, Womack  
NAYS: None  
ABSENT: None  
ABSTAINED: None
- b. Approval of bids and award contract for the Pedestrian Pathways and Bike Trails.  
The motion was made by Councilman Womack  
The motion was seconded by Councilman Nezianya  
To approve the bid and award the contract to Industrial Enterprises in the amount of \$575,973.78.  
YEAS: Nezianya, Noel, O'Brien, Cavin, Womack  
NAYS: None  
ABSENT: None  
ABSTAINED: None

- 2. Sewer
- 3. Subdivision Inspections
- 4. Water and Gas Projects

**G. PRESENTATION OF DELEGATIONS**

**1. Requests to Speak**

Mr. Ed Frank, 3431 Cherry Street, Zachary, was present to speak about various issues in the city. He expressed his concerns regarding drainage and flooding. He also noted that a sidewalk was not replaced after construction was completed on 39<sup>th</sup> Street.

**2. Hardship Waivers**

**3. Other Variances**

- a. **Kids Karousel-** Tract C-3-A-3 Americana- requesting a variance to waive the requirement for a 25' bufferyard on the east side of the property, adjacent to Lot A-61

The motion was made by Councilwoman O'Brien

The motion was seconded by Councilman Noel

To approve a Variance Request to **Kids Karousel-** Tract C-3-A-3 Americana- requesting a variance to waive the requirement for a 25' buffer yard on the east side of the property, adjacent to Lot A-61.

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

- b. **Tire Express LLC-** (proposed business)- 4978 C St. Louis Street – variance for 6 ft masonry wall and buffer yard Type C, Table 1.404 and 10.31 of the UDC.

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Womack

To approve a Variance Request to **Tire Express LLC-** (proposed business)- 4978 C St. Louis Street – variance for 6 ft. masonry wall and buffer yard Type C, Table 1.404 and 10.31 of the UDC.

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

The motion was denied and a second motion was presented.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Noel

To approve a Variance Request to Tire Express LLC – (proposed business) 4978 C St. Louis Street – variance to waive the masonry wall in the front of the business and to construct a 6’ masonry wall in the rear.

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

NAYS: None

ABSENT: None

ABSTAINED: None

#### **4. Exceptions to Regulations**

### **H. ACTION MANDATED BY HOME RULE CHARTER**

### **I. PLANNING & ZONING MATTERS**

#### **1. Receive Minutes of the Regular meeting of March 6, 2017 of the Planning Commission and the Minutes of the Regular meeting of March 6, 2017 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 March 6, 2017 of the Planning Commission and the Minutes of the Regular meeting of March 6, 2017 of the Zoning Commission.

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

NAYS: None

ABSENT: None

ABSTAINED: None

#### **2. Zoning Matters REQUIRING a Public Hearing**

##### **a. Conditional Use- Manufactured Home- Lot A-4-A-1-A-2-C of the F.E. Bennett Tract Owner/Applicant: Robert Curtis, Jr.**

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:19 p.m. Amy Schulze was present to speak and said that the Planning and Zoning Commission approved the conditional use permit with a favorable recommendation. Robert Curtis, Jr, 8601 Reserve Oak, Zachary, was present to speak in favor of the conditional use permit. He explained that a mobile home was already there on neighboring tracts. He also said that he plans to build a home within the next two years. There being no one to speak against the conditional use permit Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:26 p.m.

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O’Brien

To approve a **Conditional Use- Manufactured Home- Lot A-4-A-1-A-2- C** of the F.E. Bennett Tract Owner/Applicant: Robert Curtis, Jr.

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

**b. Conditional Use- Home Based Business- 9414 Redwood Lake Blvd  
 (Fudge n More/Fudge de Lis- sweets)**

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:27 p.m. Ms. Penny Etue, 9414 Redwood Lake Blvd., Zachary, was present to speak in favor of the conditional use permit. She spoke to the Mayor and Council and said she would comply regarding the grease trap. There being no one to speak against the conditional use permit Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:30 p.m.

The motion was made by Councilwoman O'Brien

The motion was seconded by Councilman Noel

To approve a **Conditional Use- Home Based Business- 9414 Redwood Lake Blvd  
 (Fudge n More/Fudge de Lis- sweets)**

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

**c. Conditional Use- Home Based Business – 4989 Queens Carriage  
 (bymystuff llc- silk screen printing- online)**

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:31 p.m. Ms. Erika Haynes, 4989 Queens Carriage Street, Zachary, was present to speak in favor of the conditional use permit. She said that the business is for her husband who is currently out of the country for military reasons. There being no one to speak against the conditional use permit Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:32 p.m.

The motion was made by Councilwoman O'Brien

The motion was seconded by Councilman Cavin

To approve a **Conditional Use- Home Based Business – 4989 Queens Carriage  
 (bymystuff llc- silk screen printing- online)**

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

**3. Zoning Matters NOT Requiring Public Hearing**

**4. Planning Matters REQUIRING a Public Hearing**

- a. **Resubdivision** – Tracts X-2, A-2-A, B-4 and C of the Montegudo Property into 14 Tracts Owner(s)/Applicant(s): Barogon Properties, LLC by William N. Fakouri/ William N. Fakouri- Manager/ Edward L. Rotenberg- Manager

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:33 p.m. Amy Schulze was present to speak on the resubdivision. She said that the Planning and Zoning Commission approved the resubdivision with a favorable recommendation. There being no one to speak against the resubdivision Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:32 p.m.

The motion was made by Councilman Nezianya

The motion was seconded by Councilman Cavin

To approve a **Resubdivision** – Tracts X-2, A-2-A, B-4 and C of the Montegudo Property into 14 Tracts Owner(s)/Applicant(s): Barogon Properties, LLC by William N. Fakouri/ William N. Fakouri- Manager/ Edward L. Rotenberg- Manager

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

NAYS: None

ABSENT: None

ABSTAINED: None

b. **Resubdivision** – Tract CH into Tracts CH-1 and CH-2 (Copper Mill)

Owner(s): Jeff Ferguson, Copper Mill H.O.A. and

Ross Bruce, Copper Mill Residential Development, LLC

Applicant: Mickey L. Robertson, MR Engineering and Surveying

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:34 p.m. Amy Schulze was present to speak on the resubdivision and said this was just cleanup work. Chad Stevens, 9345 Interline, Baton Rouge, was present to speak in favor of the resubdivision. There being no one to speak against the resubdivision Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:36 p.m.

The motion was made by Councilman Cavin

The motion was seconded by Councilman Womack

To approve a **Resubdivision** – Tract CH into Tracts CH-1 and CH-2 (Copper Mill)

Owner(s): Jeff Ferguson, Copper Mill H.O.A. and Ross Bruce, Copper Mill Residential Development, LLC Applicant: Mickey L. Robertson, MR Engineering and Surveying

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

NAYS: None

ABSENT: None

ABSTAINED: None

c. **Site Plan**- Kidz Karousel – Americana

Owner: Americana Development Company, LLC

Applicant: Trula H. Remson, FAIA- Architect (Amy Schulze)

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:37 p.m. Amy Schulze was present to speak on the site plan. She said that the Planning and Zoning Commission approved the site plan with a favorable recommendation. There being no one to speak against the site plan Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:40 p.m.

The motion was made by Councilman Noel

The motion was seconded by Councilman Cavin

To approve a **Site Plan**- Kidz Karousel – Americana Owner: Americana Development Company, LLC Applicant: Trula H. Remson, FAIA- Architect

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

- d. **Site Plan**- EMS # 8 – Carpenter Road Owner: Randy M. Olson  
Applicant: William H. Cress, Jr – Architect

Mayor Amrhein declared a PUBLIC HEARING to be in session at 7:40 p.m. Amy Schulze was present to speak on the site plan. She said that the Planning and Zoning Commission approved the site plan with a favorable recommendation. There being no one to speak for or against the site plan Mayor Amrhein declared the PUBLIC HEARING to be closed at 7:42 p.m.

The motion was made by Councilman Nezianya

The motion was seconded by Councilwoman O'Brien

To approve a **Site Plan**- EMS # 8 – Carpenter Road Owner: Randy M. Olson  
Applicant: William H. Cress, Jr – Architect

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

**5. Planning Matters NOT requiring a Public Meeting**

**6. Other Matters**

**J. APPROVE PAYMENT OF BILLS**

**K. BUDGET AND FINANCIAL MATTERS**

**L. OLD BUSINESS PENDING FOR FINAL ACTION**

**M. OLD BUSINESS PENDING**

1. Brown Property – MacHost Road

Subpoena issued to Laurie Brown to attend Jan 28, 2014 meeting pertaining to failure to abide by Ordinance (46-53) and continued violation of same.

Laurie Brown represented by her father Joseph Brown

Remains under Subpoena, remains on the agenda until removed by Council.

The motion was made by Councilman Womack

The motion was seconded by Councilman Cavin

To approve a request by John Hopewell to remove item M1 from the agenda.

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

2. Introduce Ordinance #2014-07 – Petition of Annexation East Mt. Pleasant Rd. & the remainder of the Marshall Bond Property – Located on Hwy. 61 & Hwy.64 (Remains Tabled)
3. Introduce Ordinance #2014-12 – Calling for the Annexation of Tracts 1 & 2 of the J. A. Carruth Subdivision (Remains Tabled)

**N. NEW BUSINESS**

1. **Introduction** of ORDINANCE 2017-03 PERTAINING TO THE DECLARATION OF INTENT BY THE CITY OF ZACHARY TO HAVE THE CERTAIN MOVABLE PROPERTY DECLARED TO BE SURPLUS AND ALLOWING FOR THE DISPOSAL OF SAME

The motion was made by Councilman Womack

The motion was seconded by Councilwoman O'Brien

To approve an **Introduction** of ORDINANCE PERTAINING TO THE DECLARATION OF INTENT BY THE CITY OF ZACHARY TO HAVE THE CERTAIN MOVABLE PROPERTY DECLARED TO BE SURPLUS AND ALLOWING FOR THE DISPOSAL OF SAME

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

Mr. Hopewell explained that he had been out of town and has not done anything with any condemnations. He explained that it was a very difficult and timely process.

Mayor Amrhein thanked the Fire Fighters for helping with frying fish for the girls softball team.

**P. REPORTS FROM DEPARTMENT HEADS**

**Q. DISCUSSION OF BUSINESS NOT ON AGENDA**

**(No Action May Be Taken Unless Declared an Emergency)**

**R. ADJOURNMENT**

The meeting adjourned at 7:49 p.m.



**CERTIFICATION**

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

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**Ben Cavin, Mayor Pro Tempore**

I, Dana Poole, 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, March 28, 2017, a proper quorum being there and then present.

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