

**BATON ROUGE PARISH COUNCIL
REGULAR MEETING – APRIL 11, 2013
WEST BATON ROUGE PARISH COUNCIL/GOVERNMENTAL BUILDING
880 NORTH ALEXANDER AVENUE, PORT ALLEN, LOUISIANA
6:30PM**

The Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, April 11, 2013 and called to order. Council Chairman Gary Spillman requested that all electronic devices be placed on silent and recognized Naomi Fair, who led everyone in the pledge of allegiance.

Roll Call Pro System recorded the following members being present:

Messrs. Randal “Randy” Mouch, Chris “Fish” Kershaw, Ms. Naomi Fair, Mr. Ricky Loupe, Ms. Charlene Gordon, Messrs. Phil Porto, Jr., Gary M. Spillman, Barry Huggins, Edward G. “Bob” Robertson

Absent: None

Parish President Riley Berthelot, Jr. was also present.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Ricky Loupe to approve the minutes of the Regular Meetings of March 14, 2013 and March 28, 2013 as published in the Parish Official Journal.

Roll Call Pro System recorded the votes on the motion as follows:

YEAS: 9 (Messrs. Mouch, Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

As a result the motion was unanimously adopted.

Mr. Berthelot was recognized and stated that in compliance with Community Development Block Grant proclamation has to be adopted declaring April as “Fair Housing Month” and read brief excerpt from same into the record.

Mr. Berthelot also read brief excerpt of proclamation declaring April 14th – 20th, 2013 as “National Telecommunicators’ Week” dealing with emergency services.

Pam Keowen with the Utilities Office was recognized and reviewed bids received and opened 4/1/13 for purchase of large international truck (2014 Terra Star SFA 4 x 2 or approved equal) and recommended acceptance of low bid of \$53,174.90 submitted by Timmons Truck Center as budgeted.

A motion was made by Mr. Barry Huggins, seconded by Mr. Ricky Loupe to accept the low bid of Timmons Truck Center in the amount of \$53,174.90 per bid submitted 4/1/13 for purchase by the Utilities Department of large international truck (2014 Terra Star SFA 4 x 2 or approved equal) as budgeted and recommended by said department.

Roll Call Pro System recorded the votes on the motion as follows:

YEAS: 9 (Messrs. Mouch, Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

As a result the motion was unanimously adopted.

The Parish Attorney was recognized and requested amending the agenda to retire to executive session to discuss litigation in the matter of CHC Port Allen, LLC vs. West Baton Rouge Parish Council, Civil Action No. 12-CV-0093, U. S. District Court for the Middle District of Louisiana. The Council Clerk also requested that the agenda be amended to consider utility trailer title to Sheriff's the Office and Mr. Berthelot concurred. Mr. Spillman explained the vote has to unanimous to vote to amend the agenda.

A motion was made by Mr. Ricky Loupe, seconded by Ms. Charlene Gordon to amend the agenda to consider the following items prior to adjourning:

Retire to executive session to discuss litigation in the matter of CHC Port Allen, LLC vs. West Baton Rouge Parish Council, Civil Action No. 12-CV-0093, U. S. District Court for the Middle District of Louisiana;

Transfer utility trailer title to the Sheriff's Office.

Roll Call Pro System recorded the votes on the motion as follows:

YEAS: 9 (Messrs. Mouch, Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

As a result the motion was unanimously adopted.

Public comments were requested at this time and there were none.

Mr. Loupe was recognized under item 9 (communications with council members and/or other elected or appointed officials) to request consider moving the council meeting time up by 30 minutes to 1 hour. Concurrence was to place this item on the next meeting agenda for consideration.

Ms. Gordon was recognized and discussed best method of handling water park participants entering community center during scheduled events. Mr. Berthelot confirmed location of outside restroom facilities making event entrance unnecessary.

Chairman Spillman announced that the Public Hearing was in order at this time and all interested persons were invited to appear and be heard regarding amending Chapter 104 Zoning for the rezoning request of Edgen Murray Corporation, 2421 North Line Road, Port Allen, La. designated as Tract 14-A, Beaulieu Plantation from Light Industrial District to Moderate Industrial District. Cletus Langlois of Patin Engineers and Surveyors was recognized representing Edgen Group and confirmed location as old Thomas Pipe site, which had been considered by Zoning Commission (including map), and requested correction in zoning designation. Marc Barker of Latter & Blum Realtors was recognized and concurred in rezoning request due to designation of surrounding properties. Lynn Cline of the Office of Community Planning & Development confirmed that on 4/2/13 the Zoning Commission had unanimously recommended approval.

No other interested citizens appeared either for or against said ordinance. No written protests opposing the ordinance were received. The Council Chairman at this point declared the Public Hearing concluded. Ordinance No. 5 of 2013 appears elsewhere in these minutes.

The following ordinance was offered by Mr. Ricky Loupe, seconded by Ms. Charlene Gordon

ORDINANCE NO. 5 OF 2013

AN ORDINANCE TO AMEND CHAPTER 104 ZONING TO INCORPORATE AMENDED ZONING DESIGNATION MAP (ZONING PLAN) UNDER SEC. 104-3 ESTABLISHMENT OF DISTRICTS, OFFICIAL ZONING MAP

NOW THEREFORE BE IT ORDAINED by the West Baton Rouge Parish Council in legal session that Chapter 104 Zoning, Sec. 104-3 Establishment of Districts, Official Zoning Map of the Compiled Ordinances of the Parish of West Baton Rouge, Louisiana is amended and re-enacted to read as follows:

Sec.104-3. Establishment of districts, official zoning map for rezoning request of Edgen Murray Corporation, 2421 North Line Road, Port Allen, La., designated as Tract 14-A containing 67.887 acres located in Sections 95 & 96, T7S-R12E being part of Beaulieu Plantation from I-1 (Light Industrial District) to I-2 (Moderate Industrial District).

THEREFORE BE IT ORDAINED by the West Baton Rouge Parish Council that this ordinance shall be com effective thirty (30) days after advertisement in the Parish Official Journal pursuant to Section 2-12 (C) of the Home Rule Charter.

NOW THEREFORE BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council, that all other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

NOW THEREFORE BE IT FURTHER RESOLVED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items, or applications of this ordinance are hereby declared severable.

The foregoing ordinance having been submitted to a vote was adopted by the following yea or nay on roll call vote:

YEAS: 9 (Messrs. Mouch, Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

WHEREUPON the ordinance was adopted on the 11th day of April, 2013.

ATTEST:

/s/Sharon Zito
Sharon Zito, Council Clerk

CERTIFICATE

I, Sharon Zito, hereby certify that I am the duly qualified Council Clerk of the West Baton Rouge Parish Council.

I further certify that the above and foregoing is a true and correct copy of the ordinance adopted by the West Baton Rouge Parish Council in regular session on the 11th day of April, 2013.

I further certify that the above and foregoing was submitted to the Parish President at 9:00 o'clock AM on the 12th of April, 2013.

IN FAITH WHEREOF, witness my signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana, on this 12th day of April, 2013.

/s/Sharon Zito
Sharon Zito, Council Clerk

PARISH PRESIDENT'S APPROVAL OR VETO

I, Riley Berthelot, Jr., Parish President, West Baton Rouge Parish, State of Louisiana, do hereby approve the foregoing ordinance on the 12th day of April, 2013.

/s/Riley Berthelot, Jr.
Riley Berthelot, Jr., Parish President

COUNCIL CLERK'S RETURN RECEIPT

I certify that the above and foregoing ordinance was returned from the Parish President at 8:05 o'clock AM on the 12th of April, 2013.

/s/Sharon Zito
Sharon Zito, Council Clerk

Kevin Gravois with Professional Engineering Consultants Corporation (PEC) was recognized and reviewed the final adjustment change order decreasing the contract amount by (\$10,431.00), increasing contract period by 14 days, certificate of substantial completion for the 2012 LCDBG Road Rehabilitation Program in Erwinville with Coastal Bridge Company, LLC, and recommended same.

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Chris Kershaw to approve the Change Order No. 1 for the adjustment of actual installed quantities as paid on a unit price basis, extending contract period by 14 days, and Certificate of Substantial Completion for the 2012 Louisiana Community Development Block Grant Road Rehabilitation Program in Erwinville (Coastal Bridge Company, LLC) as of March 16, 2013 as recommended by Administration and Project Engineer, and authorizing Parish President to execute same, contingent upon contractor completing punch list items.

Roll Call Pro System recorded the votes on the motion as follows:

YEAS: 9 (Messrs. Mouch, Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

As a result the motion was unanimously adopted.

Riley Berthelot, Jr. was recognized under Parish President's Report regarding the following: Meeting with Department of Transportation, legislators, and Transportation Authority members for CDM Smith Consultants presentation on preliminary final draft of the La 1

Connector investment grade study, which determined that tolls alone will not fund project, and options consider included Council funding portion, Capital Outlay funding, private partner;

Meeting with state and local officials on back-road connectivity route study of North Line Road (adjacent to Intracoastal Canal) to Schneblin Street, Plaquemine, La. (north of Bayou Plaquemine) currently at stage zero, and options available to alleviate traffic;

Invited members to Employee Development Day Workshop event scheduled for Wednesday, April 17, 2013 at Port Allen Community Center from 8:00AM to 5:00PM (all offices will be closed for employee attendance with lunch provided) to discuss generational differences in workplace and team-building;

Announced National Day of Prayer scheduled for 6:30PM May 2nd Port Allen levee at Court Street;

Announced West Baton Rouge Parish Fire & Law Enforcement Public Safety Day scheduled for Saturday from 9:00AM – 2:00PM in Wal-Mart Parking Lot in Port Allen, La. to meet local fire and law enforcement officers and view public safety equipment.

Mr. Mouch requested additional information on connector lack of funding, and Mr. Berthelot provided the following estimates:

Connector cost - 130 million dollars;

Connector to generate ½ million dollars first year toward debt cost;

Note cost 6 million on 30 year loan;

Other funding options through state and/or federal grant.

Mr. Loupe requested update on Lynndale Project and Mr. Gravois provide the following information:

Half of gravity sewer tanks tied to system;

Bore under Highway 1 completed;

Estimated completion within 30 days following street patching.

Discussion held on proximity of Antonio Road mailboxes to road shoulder and ditches, postal regulations, and Mr. Berthelot agreed to look into the matter.

Gary Spillman was recognized under Council Chairman's Report regarding success and growth of Kite Fest, which will celebrate its 10 year anniversary next year as Kite Fest Capital of the State.

Council Clerk read excerpt of resolution commending Lucas Dipuma for years of service as Commissioner on the West Baton Rouge Parish Planning Commission and/or West Baton Rouge Parish Planning & Zoning Commission continuously from January 11, 1973 – April 2, 2013 upon his retirement. Said resolution appears elsewhere in these minutes. Mr. Spillman briefly expressed appreciation to Mr. Dipuma.

The following resolution was offered by Mr. Barry Huggins, seconded by Mr. Randal Mouch

RESOLUTION

A Resolution commending Lucas Dipuma for years of service as a Commissioner on the West Baton Rouge Parish Planning Commission and/or the West Baton Rouge Parish Planning & Zoning Commission commencing January 11, 1973 – April 2, 2013 (40 years and 3 months)

WHEREAS, during this period of time Mr. Dipuma additionally served as member of various West Baton Rouge Parish Planning Commission and/or the West Baton Rouge Parish Planning & Zoning Commission committees, and

WHEREAS, the West Baton Rouge Parish Council does hereby wish to recognize Mr. Dipuma's years of unselfish public service rendered the Parish and its citizens as a Commissioner on the West Baton Rouge Parish Planning Commission and/or the West Baton Rouge Parish Planning & Zoning Commission continuously from January 11, 1973 – April 2, 2013.

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby in Regular Session assembled on this 11th day of April, 2013 express its gratitude, appreciation and best wishes and that of the citizens of West Baton Rouge Parish to Mr. Dipuma upon his well deserved retirement as Commissioner on the West Baton Rouge Parish Planning Commission and/or the West Baton Rouge Parish Planning & Zoning Commission.

BE IT FURTHER RESOLVED that a duly certified copy of this resolution be forwarded to Mr. Dipuma.

Roll-Call Pro recorded the votes on the resolution as follows:

YEAS: 9 (Messrs. Mouch, Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

As a result of the resolution was unanimously adopted.

CERTIFICATE

I, Sharon Zito, Council Clerk of the West Baton Rouge Parish Council do hereby certify that the above and foregoing is true and correct copy of a resolution adopted by said body at its Regular Meeting of April 11, 2013 at which all of the members were present and voting.

/s/Sharon Zito

The Council Chairman read by title the proposed ordinance being introduced by title, publicized by title, and considered for adoption following a public hearing at the meeting of Thursday, April 25, 2013 at 6:30PM in the Council Meeting Room of the Council/Governmental Building, 880 North Alexander Avenue, Port Allen, La. as listed below:

Amend Chapter 2 Administration, Article IV Community Centers and Parks, Sec. 2-70 Community Centers, Parks, and Multi-purpose Facility Fees to provide for rates associated with rental of the West Baton Rouge Parish Louis Mouch Multi-purpose Facility.

The Council Clerk read 4/2/13 Planning Commission unanimous approval recommendation of the final map showing the subdivision of Lot 164 and Lot 165 into Lots 164-A, 164-B and 165-A of Flynnland Subdivision for Leo Chalmers with variances for the depth of Lots 164-B and 165-A and the side setback of the existing house on Lot 164-A into the record. Mrs. Cline clarified property located on the corner of Ena Street in Erwinville, two lots are 108 and 109 feet deep instead of required 120, but have enough square footage as well as road frontage, and connected to public sewer.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Edward Robertson to approve the final map showing the subdivision of Lot 164 and Lot 165 into Lots 164-A, 164-B and 165-A (Flynnland Subdivision) located in Section 24, T6S-R10E for Leo Chalmers with variances for the depth of Lots 164-B and 165-A and the side setback of the existing house on Lot 164-A as aforementioned and as recommended by the Planning Commission.

Roll Call Pro System recorded the votes on the motion as follows:

YEAS: 9 (Messrs. Mouch, Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

As a result the motion was unanimously adopted.

The Council Clerk read 4/2/13 Planning Commission unanimous approval recommendation of final plat of map showing subdivision of family partition of Tract A-2 & A-3 original Louis Kaufman Estate into Tracts A-2-A, A-2-B & A-2-C for Louis Kaufman Newman, Carol Louise Newman, Hubert Lee Newman, III with variance for installation of a fire hydrant at the time of the building permit. Mrs. Cline confirmed current plat is correct copy with punch list items completed, property/utilities/fire hydrant locations, and variance for the installation of fire hydrant at the time of the building permit.

A motion was made by Mr. Gary Spillman, seconded by Mr. Phil Porto, Jr. to approve the final plat of map showing the subdivision of Tracts A-2 & A-3 original Louis Kaufman Estate into Tracts A-2-A, A-2-B & A-2-C located in Section 40, T5S-R11E for Louis Kaufman Newman, Carol Louise Newman, Hubert Lee Newman, III with variance for the installation of a fire hydrant at the time the building permit is issued as aforementioned and as recommended by the Planning Commission.

Roll Call Pro System recorded the votes on the motion as follows:

YEAS: 9 (Messrs. Mouch, Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

As a result the motion was unanimously adopted.

The Council Clerk read 4/2/13 Planning Commission unanimous approval recommendation of final plat showing the subdivision and family partition of Lot E into Lots E-1 & E-1 of the original tract 4(a) Jules L. Rebelle Estate locate in Sections 17 & 20, T7S-R12E for June Chaney Farr with variance for the installation of a fire hydrant at the time of the building permit. Mrs. Cline confirmed plat was for division of back lot, requesting variance for fire hydrant installation at time of building permit for this extension of older family partition prior to current requirements, 60 foot servitude of passage shared between two lots, and utility servitude is not extended to older front lots. Mr. Triche was recognized and clarified size and location of existing lots and servitudes. Lengthy discussion held on servitude resolution options.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Barry Huggins to defer action on approval for two weeks on the final plat showing the subdivision and family partition of Lot "E" into Lots E-1 & E-2 of the original Tract 4(A) Jules L. Rebelle Estate located in Sections 17 & 20, T7S-R12E for June Chaney Farr with variance for installation of a fire hydrant at the time the building permit is issued as recommended by the Planning Commission.

Following further discussion and clarification of required variance the original motion to defer action for two weeks was withdrawn by Messrs. Loupe & Huggins.

A motion was made by Mr. Gary Spillman, seconded by Mr. Phil Porto, Jr. to approve the final plat showing the subdivision and family partition of Lot "E" into Lots E-1 & E-2 of the original Tract 4(A) Jules L. Rebelle Estate located in Sections 17 & 20, T7S-R12E for June

Chaney Farr with variance for installation of a fire hydrant at the time the building permit is issued as aforementioned and as recommended by the Planning Commission.

Roll Call Pro System recorded the votes on the motion as follows:

YEAS: 8 (Mr. Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Hugghins, Robertson)

NAYS: 0 (None)

ABSTAINED: 1 (Mr. Mouch)

As a result the motion was adopted by a majority of the members.

Mrs. Cline was recognized and reviewed the variance application & evaluation form for David DeSoto, 2444 Lafiton Lane, Port Allen, La. (father deceased, mother diabetic, requesting permission to move trailer onto property for her care), with 43,241 square feet (22,500 required per residence), provided aerial view, and confirmed neighbors' signatures of "no objection". Mr. Porto provided further information on circumstances, property topography, location, and offered no objection.

A motion was made by Mr. Barry Hugghins, seconded by Mr. Phil Porto, Jr. to approve the variance request of David DeSoto, 2444 Lafiton Lane, Port Allen, La. for placement of mobile home (second residence) onto property containing only 43,241 square feet rather than 45,000 required due to family medical hardship (care of diabetic mother) as aforementioned.

Roll Call Pro System recorded the votes on the motion as follows:

YEAS: 9 (Messrs. Mouch, Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Hugghins, Robertson)

NAYS: 0 (None)

As a result the motion was unanimously adopted.

A motion was made by Ms. Naomi Fair, seconded by Mr. Ricky Loupe to approve the 2013 Class A Beer and/or Liquor Permit for CK's Daiquiris (formerly Daiquiri Café), 4119 State Highway 1 S, Port Allen, La. as same has met all requirements in accordance with the Compiled Ordinances, Parish of West Baton Rouge, Louisiana, Chapter 6 Alcoholic Beverages.

Roll Call Pro System recorded the votes on the motion as follows:

YEAS: 9 (Messrs. Mouch, Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Hugghins, Robertson)

NAYS: 0 (None)

As a result the motion was unanimously adopted.

At this time the Council Clerk read excerpts from the following West Baton Rouge Parish Planning & Zoning Commission meeting agendas scheduled at 6:30PM on dates indicated:

April 16, 2013 – cancelled due to clear agenda;

Next meeting - May 7, 2013.

Mr. Berthelot was recognized, clarified previous amendment to the agenda for title transfer of utility trailer with equipment obtained through CAHSD state incentive grant program to aid in curbing underage drinking to the Sheriff's office for use at road-side DWI checkpoints, and requested authorization for cooperative endeavor agreement with Sheriff in order to transfer title to said department.

A motion was made by Mr. Barry Huggins, seconded by Mr. Edward Robertson authorizing the Parish President to enter into a Cooperative Endeavor Agreement with the Sheriff's Department for transfer of equipped utility trailer title to said department for use at road-side DWI checkpoints as aforementioned.

Roll Call Pro System recorded the votes as follows:

YEAS: 9 (Messrs. Mouch, Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

As a result the motion was unanimously adopted.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Barry Huggins to retire to executive session at 7:30PM to discuss the litigation in the matter of CHC Port Allen, LLC vs. West Baton Rouge Parish Council, Civil Action No. 12-CV-0093, U. S. District Court for the Middle District of Louisiana.

Roll Call Pro System recorded the votes as follows:

YEAS: 9 (Messrs. Mouch, Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

As a result the motion was unanimously adopted.

A motion was made by Mr. Chris Kershaw, seconded by Ms. Charlene Gordon to return to the regular session at 8:00PM following executive session.

Roll Call Pro System recorded the votes as follows:

YEAS: 9 (Messrs. Mouch, Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

As a result the motion was unanimously adopted.

There being no further business, a motion was made by Ms. Charlene Gordon and adopted by acclamation at 8:02PM.

/s/Gary M. Spillman

Gary M. Spillman, Council Chairman

/s/Sharon Zito
Sharon Zito, Council Clerk