

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING – APRIL 12, 2012
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 12, 2012 and called to order. Vice Council Chairman Ricky Loupe requested that all electronic devices be silenced and requested that prior to pledge of allegiance everyone bow their heads and observe a moment of silence for Mr. Huey Brown, former Council member who passed away last week. Following the moment of silence Mr. Loupe recognized Charlene Gordon, who led everyone in the pledge of allegiance.

Roll call was taken with the following members being present:
Messrs. Phil Porto, Jr., Chris “Fish” Kershaw, Ms. Charlene Gordon, Messrs. Ricky Loupe, Randal “Randy” Mouch, Edward G. “Bob” Robertson, Ms. Naomi Fair, Mr. Barry Huggins

Absent: Mr. Gary M. Spillman

Parish President Riley Berthelot, Jr. was also present.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Phil Porto, Jr. to approve the minutes of the Regular Meetings of March 8, 2012 and March 22, 2012 as published in the Parish Official Journal.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

As a result of the roll call vote the motion was unanimously adopted by those members present.

Public comments were requested at this time and Kenneth Jackson was recognized and began presentation on item 8A (Jackson rezoning request), but Council requested that Mr. Jackson reserve comments until item comes up for public hearing on agenda.

Mr. Mouch was recognized under item 7 (communications with council members and/or other elected or appointed officials), briefly discussed Planning & Zoning Commission District 1 Kevin LeBlanc’s resignation and replacement requesting item be considered at the meeting of 4/26/12. The Clerk clarified excerpt from resignation email would be read into the record under correspondence and item had been scheduled for the 4/26/12 agenda.

Ms. Gordon was recognized and expressed thanks and appreciation to Janitor Pat Woodfork on cleanliness of restroom facilities as commented on by visitors.

Mr. Porto was recognized and read into the record type and number of items gathered on third Household Hazardous Collection Day and expressed thanks to all involved and sponsors.

Mr. Kershaw was recognized and thanked administration for assistance in removal of culvert in Addis for landowner.

Vice Chairman Loupe announced that the Public Hearing was now in order and all interested persons were invited to appear and be heard regarding adoption of an ordinance to amend Chapter 22-59 Polling places to relocate 01-B from Addis Fire Station to YMCA. Public comments were requested and there were none. Mr. Kershaw was recognized and provided recap something in works for a good while changing polling places in Addis from the old fire station (District 1-B) moving to YMCA. Mr. Kershaw stated if ordinance approved tonight will be sent to Justice Department for final approval and requested favorable vote.

No interested citizens appeared either for or against the ordinance. No written protests opposing the ordinance were received. The Vice Chairman at this point declared the Public Hearing concluded. Ordinance No. 11 of 2012 appears elsewhere in these minutes.

The following ordinance was offered by Mr. Chris Kershaw, seconded by Mr. Barry Huggins

ORDINANCE NO. 11 OF 2012

AN ORDINANCE TO AMEND CHAPTER 22 ELECTIONS, SEC. 22-59 POLLING PLACES TO RELOCATE 01-B FROM ADDIS FIRE STATION, 4353 HARRIS STREET, ADDIS, LA. TO THE YMCA, 3688 SUGAR PLANTATION PARKWAY, ADDIS, LA.

BE IT ORDAINED by the West Baton Rouge Parish Council in legal and regular session that Sec. 22-59 is hereby enacted as follows, to-wit:

Sec. 22-59 Polling places. The respective polling place hereinabove is hereby fixed as follows:

01-B: YMCA, 3688 Sugar Plantation Parkway, Addis, La.

BE IT ORDAINED that the aforementioned polling place location is hereby established for the Parish of West Baton Rouge, Louisiana, and shall become effective, subject to the U S Justice Department approval.

THEREFORE BE IT ORDAINED BY THE West Baton Rouge Parish Council, that this ordinance shall become effective 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 ORDAINED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that is 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: 8 (Mr. Kershaw, Ms. Gordon, Messrs. Loupe, Mouch, Robertson, Ms. Fair, Messrs. Huggins, Porto)

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

WHEREUPON the ordinance was declared adopted on the 12th day of April, 2012.

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 an ordinance adopted by the West Baton Rouge Parish Council in regular session on the 12th day of April, 2012.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 8:40 o'clock AM on the 13th day of April, 2012.

IN FAITH WHEREOF witness my official signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana on the 13th day of April, 2012.

/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 13th day of April, 2012.

/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 11:10 o'clock AM on the 13th day of April, 2012.

/s/Sharon Zito
Sharon Zito, Council Clerk

Vice Chairman Loupe announced that the Public Hearing was now in order and all interested persons were invited to appear and be heard regarding adoption of an ordinance to amend Chapter 104 Zoning on the rezoning request of Bernard E. Jackson, 2959 Lukeville Lane, Brusly, La. from residential single family district containing 22,500 square feet to community-scaled commercial district. Bernard Jackson was recognized and explained trying to reopen a family restaurant, and had obtained neighbors "no objection" signatures. Public Works Director Kevin Durbin was recognized and confirmed that on 4/3/12 the Zoning Commission had recommended denial of the application as the proposed commercial rezoning is located in the middle of a residential subdivision. Mr. Mouch clarified that the property was located on the east side of La. 1, south-side of Lukeville Lane, and approximately 1/3 way toward the river road. Mr. Jackson confirmed father sold him business in 2006, kept

permits current although closed, but now wanted to reopen. Discussion held on proposed use as BBQ take out, history of business, seasonal commercial, special use permit criteria within residential to allow type of business, and creation of new designation/category. Mr. Durbin recommended reposting and re-advertising in order to qualify under seasonal commercial and return in May to amend ordinance for new category, and deny current request. Confirmed use of existing building currently located on property.

No interested citizens appeared either for or against said ordinance. No written protests opposing the ordinance were received. The Vice Chairman at this point declared the Public Hearing concluded.

A motion was made by Mr. Randal Mouch, seconded by Mr. Chris Kershaw to deny the rezoning request of Bernard E. Jackson, 2959 Lukeville Lane, Brusly, La. from R-SF-3 (Residential Single Family District containing 22,500 square feet) to C-1.2 (Community-Scaled Commercial District) based on recommendation of the Zoning Commission and Administration as property is located in the middle of residential subdivision.

Roll call vote on the motion was recorded as follows:

YEAS: 8 (Ms. Gordon, Messrs. Loupe, Mouch, Robertson, Ms. Fair, Messrs. Huggins, Porto, Kershaw)

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

As a result of the roll call vote the motion was unanimously adopted by those members present.

President Berthelot was recognized under item 9 (consider status report, change order and/or other matters as required on current projects) and provided status report on developers concurrence to fund \$100,000.00 cost for materials and culverts to improve and widen 800' road exiting the rear of Sugar Mill Subdivision scheduled for completion in late September.

Riley Berthelot, Jr. was recognized under Parish President's Report regarding the following:
Expressed thanks to Mr. Porto for update on Household Hazardous Collection Day, and acknowledged thanks to Dow employees for supporting project;

Reminded of upcoming election for renewal of Museum & Council on Aging millages scheduled for 4/21/12 with early voting continuing through Saturday 8:30AM-6:00PM, and urged support;

Parish Attorney Lou Delahaye not present due to death in family;

Confirmation letter received from Facility Planning allowing use of money for investment grade study;

Distributed flyer on Relay for Life scheduled for Saturday, April 21, 2012 from 3:00PM – 5:00AM at Brusly High School requesting elected officials walk one lap and donate \$100.00 benefiting the American Cancer Society;

Requested volunteers for the Great American Clean-up scheduled for Saturday, April 28, 2012;

Early voting takes place at newly relocated Registrar of Voters Office in annex building accomplished with in-house forces.

Mr. Mouch commended information published on tax renewals. Mr. Porto was recognized and read excerpt of informational Museum flyer with regard to tax renewal. Discussion followed regarding Museum accreditation and services provided by Museum and Council on Aging. Briefly discussed responsible party for turning off lights at ball-fields.

The following resolution was offered by Mr. Barry Huggins, seconded by Mr. Chris Kershaw

RESOLUTION

A Resolution affirming West Baton Rouge Parish Council's efforts in fighting housing discrimination and enhancing community diversity throughout the Parish of West Baton Rouge

WHEREAS, April 15, 2012 marks milestone of the National Fair Housing Law of 1968 that prohibits discrimination in housing and declares a national policy to provide within constitutional limits for fair housing in the United States, and

WHEREAS, the Fair Housing Law states that it is illegal to discriminate against any person because of race, color, religion, sex, national origin, handicap, or have children, in the rental/financing of housing, or in the provision of real estate brokerage services, and is a fundamental human concept and an entitlement of all Americans.

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby affirm efforts in fighting housing discrimination and enhancing diversity throughout the Parish of West Baton Rouge.

Roll call vote on the resolution was recorded as follows:

YEAS: 8 (Messrs. Loupe, Mouch, Robertson, Ms. Fair, Messrs. Huggins, Porto, Kershaw, Ms. Gordon)

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

As a result of the roll call vote the resolution was unanimously adopted by those members present.

CERTIFICATE

I, Sharon Zito, Council Clerk of the West Baton Rouge Parish Council do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by said body at its Regular Meeting of April 12, 2012 at which meeting a majority of the members were present and voting.

/s/Sharon Zito

The following resolution was offered by Mr. Randal Mouch, seconded by Mr. Chris Kershaw

RESOLUTION

A Resolution of support to request Governor Jindal to consider proclamation honoring and recognizing Vietnam War service men and women

WHEREAS, the West Baton Rouge Parish Council is in receipt of concurring resolution from the Tangipahoa Parish Council regarding the aforementioned request to Governor Jindal, and

WHEREAS, the West Baton Rouge Parish Council is of the opinion that these men and women are indeed worthy of said honor and recognition, and our country owes them a debt of gratitude for their patriotism.

NOW THEREFORE BE IT RESOLVED by the West Baton Rouge Parish Council does hereby express its support of the aforementioned request.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to Governor Bobby Jindal for consideration.

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

As a result of the roll call vote the resolution was unanimously adopted by those members present.

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 12, 2012 at which meeting a majority of the members were present and voting.

/s/Sharon Zito

The following resolution was offered by Mr. Barry Huggins, seconded by Mr. Phil Porto, Jr.

RESOLUTION

A Resolution authorizing the Parish President to execute the Temporary Personal Servitude of Passage from Rhonda & Shawn Magee (grantors) unto the Parish of West Baton Rouge (grantee)

WHEREAS, Rhonda & Shawn Magee have agreed to grant a temporary (180 days) personal servitude of passage in favor of Grantee only, and for the limited purposes of odorizing natural gas, obtaining meter readings, and operating and maintaining natural gas transmission equipment located on Lot C as shown on Exhibit "B", and being more fully described in the actual Temporary Personal Servitude of Passage.

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby authorize the Parish President to execute the Temporary Personal Servitude of Passage from Rhonda & Shawn Magee (grantors) unto the Parish of West Baton Rouge (grantee).

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

As a result of the roll call vote the resolution was unanimously adopted by those members present.

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 12, 2012 at which meeting a majority of the members were present and voting.

/s/Sharon Zito

Following discussion, a motion was made by Mr. Phil Porto, Jr., seconded by Mr. Randal Mouch to table the resolution requesting gas Pipeline Company to resolve servitude issue through agreement for permanent right-of-way with property owners Rhonda & Shawn Magee until 4/26/12 as recommended by the Parish President when attorney can be present to render an opinion.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

As a result of the roll call vote the motion was unanimously adopted by those members present.

RESOLUTION

RESOLUTION IN SUPPORT OF ALL TRANSPORTATION PROJECTS SUBMITTED BY WEST BATON ROUGE PARISH GOVERNMENT TO THE BATON ROUGE MPO WITHIN THE UNINCORPORATED AREAS OF WEST BATON ROUGE PARISH, NAMELY: (1) INTERCHANGE STUDY AND IMPROVEMENTS FOR THE LA. HWY. 415 / I-10 INTERCHANGE; (2) PAVEMENT REHABILITATION FOR LA. HWY. 415 SOUTH OF I-10; (3) ANY PORTION OF THE ROSEDALE RD. CULVERT AND SIDEWALK PROPOSAL; (4) INTERCHANGE STUDY AND IMPROVEMENTS FOR LA. HWY. 415 / U.S. HWY. 190 INTERCHANGE; (5) S. WESTPORT DR. PAVEMENT REHABILITATION; (6) COMMERCIAL DR. PAVEMENT REHABILITATION; (7) AMERICAN WAY PAVEMENT REHABILITATION; FOR A MATCHING AMOUNT OF AT LEAST 20% OF THE COST OF WHATEVER PROJECTS ARE SELECTED AS VIABLE BY THE BATON ROUGE MPO ONCE THE PARISH HAS RECEIVED AN ESTIMATE DEEMED REASONABLE BY WEST BATON ROUGE PARISH FOR THE PROJECTS.

WHEREAS, the Parish of West Baton Rouge is submitting an application for funding of nine (9) total needed transportation projects with seven (7) of these projects located in the unincorporated areas of West Baton Rouge Parish; and

WHEREAS, the Federal and State governments require the local public entity receiving the benefits of these projects to participate financially with other public agencies in order to receive the transportation funding; and

WHEREAS, the West Baton Rouge Parish Council is submitting said funding requests for these large projects within the next budget cycle; and

WHEREAS, the Parish of West Baton Rouge is willing to participate in an amount of at least twenty percent (20%) of the cost of whichever worthwhile projects are selected as viable by the Baton Rouge MPO - upon receipt of a cost estimate deemed reasonable by the Parish of West Baton Rouge.

NOW, THEREFORE, BE IT RESOLVED, that the Parish of West Baton Rouge does hereby adopt the Resolution contained herein and offers to assist the State of Louisiana in funding these worthwhile projects in the unincorporated area of West Baton Rouge Parish in an amount of at least twenty percent (20%) of the cost of these MPO-selected projects when it receives a cost estimate deemed reasonable by the Parish of West Baton Rouge for the projects.

A motion to adopt the above resolution was made by Councilman Mouch and seconded by Councilman Kershaw, and after being read and considered, resulted in the following vote:

YEAS: Councilmen Huggins, Kershaw, Loupe, Mouch, Porto, Robertson; Councilwomen Fair, Gordon

NAYS: ----

ABSENT: Council Chair Spillman

ABSTAINING: ----

As a result of the roll call vote, the resolution was unanimously adopted on this, the 12th day of April, 2012 in legal session of the Parish of West Baton Rouge Council.

Attested:

/s/Sharon Zito
Sharon Zito, Council Clerk
West Baton Rouge Parish

/s/Riley Berthelot, Jr.
Honorable Riley L. Berthelot, Jr., President
West Baton Rouge Parish

Mr. Porto confirmed that Parish would finalize 20% matching funds for Metropolitan Planning Organization Projects listed on application resolution following state approval.

Mr. Durbin was recognized at this time, projected sketch on overhead screen, clarifying location, and read excerpts from variance application & evaluation form from the Office of Community Planning & Development, parcel description, and site plan for Joyce Hawkins, 3661 State Highway 1 S located on Larry Russo Property. Mr. Durbin stated applicant was requesting side setback variance, variance from 8' wooden fence, 35' turning radius on the driveway for commercial property, and confirmed signatures of "no objection" from neighbors (Mr. Russo) and Department Heads, contingent upon sewer tie-in. Ms. Hawkins was recognized and made brief presentation on request for operation of snowball stand at corner of Reverend Manual and Highway 1.

A motion was made by Ms. Naomi Fair, seconded by Mr. Barry Huggins to grant the request for approval of the (3) three variances as aforementioned for Joyce Hawkins, 3661 State Highway 1 S, Port Allen, La. for snowball stand based on receipt of signatures of "no objection" to proposed relocation of buffer setback lines, and contingent upon sewer tie-in.

Roll call vote on the motion was recorded as follows:

YEAS: 8 (Messrs. Huggins, Porto, Kershaw, Ms. Gordon, Messrs. Loupe, Mouch, Robertson, Ms. Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

As a result of the roll call vote the motion was unanimously adopted by those members present.

Mr. Durbin projected pictures on overhead screen on condemnation site for denial appeal filed in timely manner by John Kissner, 10000 U S Highway 190 W, Port Allen, La. stating applicant was present, and confirmed condemnation date as February 9, 2012. Mr. Kissner

was recognized and made presentation on trailer needed for hay storage. Messrs. Durbin, Huggins, Porto, and Loupe clarified right of entry to take pictures, condemnation regulations, complaints process, sites and extensions.

A motion was made by Mr. Barry Huggins and died for lack of second to grant additional 30 day extension on condemnation site of John Kissner, 10000 U S Highway 190 W, Port Allen, La. and requested applicant proceed with clean-up in timely manner.

A motion was made by Mr. Randal Mouch, seconded by Mr. Phil Porto, Jr. to deny the condemnation appeal filed by John Kissner, 10000 U S Highway 190 W, Port Allen, La. and proceed with condemnation process on site based on inspections and complaints received.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

As a result of the roll call vote the motion was unanimously adopted by those members present.

Mr. Durbin confirmed that applicant now has approximately 2 weeks to remove trailer from property or Parish will do so and assess charges.

Mr. Durbin reviewed proposed condemnation of site at 1481 Rosedale Road, Port Allen, La., clarified location, provided previous condemnation history, current hazard to community as result of fire, and recommended demolition of building owned by Deborah Williams. Ms. Gordon confirmed that owner was aware of process and had concurred with condemnation.

A motion was made by Mr. Randal Mouch, seconded by Mr. Barry Huggins to ratify the Parish President's signature to proceed with condemnation process of site located at 1481 Rosedale Road, Port Allen, La. based on inspection and recommendation of the Office of Community Planning & Development.

Roll call vote the motion was recorded as follows:

YEAS: 8 (Ms. Gordon, Messrs. Loupe, Mouch, Robertson, Ms. Fair, Messrs. Huggins, Porto, Kershaw)

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

As a result of the roll call vote the motion was unanimously adopted by those members present.

At this time under Correspondence Report the Council Clerk read excerpt of Kevin LeBlanc email letter of resignation from the Planning & Zoning Commission and by Council concurrence this item will be placed on the 4/26/12 meeting agenda for consideration.

A motion was made by Mr. Randal Mouch and approved by acclamation to reappoint Charlene Gordon to the West Baton Rouge Council on Aging Board to commence 5/20/12 as the Council's Representative, based on her desire to serve in this capacity.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Barry Huggins and approved by acclamation to appoint Brenda Morgan as Community/Civic Organization Representative to the Keep West Baton Rouge Beautiful Board to fill the vacancy created by the resignation of Welhemenia Decuir to commence immediately based on the recommendation of said board, and representative confirming desire to serve.

There being no further business, a motion to adjourn was made by Mr. Barry Huggins, seconded by Ms. Charlene Gordon and approved by acclamation at 7:30PM.

/s/Ricky Loupe

Ricky Loupe, Vice Council Chairman

/s/Sharon Zito

Sharon Zito, Council Clerk