

**REGULAR MEETING – WEST BATON ROUGE PARISH COUNCIL
WEST BATON ROUGE PARISH COUNCIL/GOVERNMENTAL BUILDING
880 NORTH ALEXANDER AVENUE, PORT ALLEN, LOUISIANA
APRIL 25, 2013 – 6:30PM**

The Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, April 25, 2013 and called to order. Council Chairman Gary Spillman request that all electronic devices be placed on silent and recognized Edward Robertson, 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.

Mr. Berthelot was recognized and confirmed that only one bid had been submitted for 2013 Library High-top Van, which was within budget, and Director was present to answer any questions.

A motion was made by Mr. Randal Mouch, seconded by Ms. Charlene Gordon to accept the lone bid from Alliance Bus Group of Slidell, La. for the purchase of Ford Versa Shuttle High-top Van for the Library at cost of \$42,380.00 as recommend by said board.

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.

Mr. Berthelot was again recognized under item 5 (consider any amendments to the agenda) and requested authorization for Homeland Security/Emergency Preparedness and 911 Department to advertise for requests for qualifications in connection with emergency plan update through grant program.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Barry Huggins to amend the agenda to authorize Homeland Security/Emergency Preparedness and 911 Department to advertise for Request for Qualifications in connection with Emergency Plan Update through Grant Program

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. Randal Mouch, seconded by Mr. Ricky Loupe to authorize Homeland Security/Emergency Preparedness and 911 Department to advertise to receive Request for Qualifications for procuring consulting firm services to update and/or amend the existing Parish All Hazards Emergency Operations Plan in connection with Emergency Management Performance Grant Program as recommended by said department. Mr. Spillman confirmed Homeland Security Director Memorandum had clarified state law requires plan be updated.

Roll-Call Pro System was recorded 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. Huggins was recognized under item 7 (communications with council members and/or elected or appointed officials) to inform the Council that George Robertson, who with his family had Ethel's Seafood for many years, is in hospital and not doing well, and requested members keep George and family in prayers. Mr. Spillman thanked Mr. Huggins for letting the members know.

Mr. Loupe discussed changing starting time for Parish Council meetings to 5:30 and/or 6:00pm due to traffic timing. Mr. Robertson stated change would be too early due to job schedule and carpool duties. Council concurred that meeting time remain the same.

Chairman Spillman announced that the Public Hearing was now in order and all interested persons were invited to appear and be heard regarding amending Chapter 74, Sec. 71, Sec. 72, and Sec. 73 for consolidation of Waterworks District No. 2 into the West Baton Rouge Parish Natural Gas & Water Systems (Public Utilities). Mr. Berthelot was recognized, explained advertising schedule as required by law prior to ordinance adoption, informational meetings with residents and employees, consolidation recommended by DEQ, and effective date of 7/1/13. Mr. Kershaw clarified public utilities water cut-off procedure timeline as well as service hours and fee schedule. Mr. Berthelot confirmed Waterworks District No. 2 customer transfer letter. Discussion held on board member resolutions for years of service, water service area covered through utilities department, payment options, sewer user fee, and renter responsibility.

No 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. 9 of 2013 appears elsewhere in these minutes.

The following ordinance was offered by Mr. Chris Kershaw, seconded by Ms. Charlene Gordon

ORDINANCE NUMBER 9 OF 2013

AN ORDINANCE TO ENACT CHAPTER 74, SECTION 71, SECTION 72, AND

SECTION 73 OF THE COMPILED ORDINANCES OF THE PARISH OF WEST

BATON ROUGE

NOW, THEREFORE, BE IT ORDAINED, by the Parish Council of the Parish of West Baton Rouge, in legal session, that CHAPTER 74, Section 71, Section 72 and Section 73 of the compiled ordinances of West Baton Rouge Parish, are hereby repealed and the said Water Works District No. 2 is abolished as follows:

~~Sec. 74-71. -- Created; boundaries.~~

~~There is hereby created a Waterworks District in West Baton Rouge Parish, Louisiana, to be known as "Waterworks District No. 2 of West Baton Rouge Parish." Said waterworks district shall contain within its boundaries the following described territory: A certain area in the parish shown on a map dated Baton Rouge, Louisiana, February 25, 1958, and revised July 8, 1958, and September 12, 1958, and entitled "Waterworks District No. 2 of West Baton Rouge Parish, Louisiana" made by Mccain and Associates, Consulting Engineers, and described as follows, to wit: Beginning at the northwest corner of section 55, township 8 south, range 12 east; thence easterly along the north line of sections 55 and 13, township 8 south, range 12 east, to a point 1,500 feet east of the east line of the right of way of Louisiana Highway No. 1 and corner; thence northerly along a line parallel to said eastern right of way line of Highway No. 1 a distance of 1,765 feet to the centerline of Cinclare Road in section 10, township 8 south, range 12 east and corner; thence westerly along the centerline of said Cinclare Road to the western line of said section 10 and corner; thence northerly along the west boundary of sections 10, 9, 8, 7, 6 and 5, township 8 south, range 12 east, and section 80, township 7 south, range 12 east, to the northwest corner of said section 80; thence easterly along the north boundary line of said section 80, township 7 south, range 12 east, and section 5, township 8 south, range 12 east, to the east line of right of way of Louisiana Paved Highway No. 1; thence southerly within said section 5 along the east right of way of said Louisiana Paved Highway No. 1 to the centerline of the highway known as Levert Lane; thence easterly along the centerline of said Levert Lane and easterly projection thereof to the centerline of the Mississippi River, which is the line between the Parish of East Baton Rouge and West Baton Rouge; thence southerly along the centerline of said Mississippi River to the easterly projection of the south line of Ward Two, Parish of West Baton Rouge, Louisiana; thence westerly along said projection and the south line of Ward Two to the southwest corner of section 68, township 8 south, range 12 east; thence northerly along the west line of said section 68 to a point common to sections 68, 80 and 81, township 8 south, range 12 east; thence westerly along the south line of said section 80 to the southwest corner of said section 80; thence northerly along the west line of said section 80 to the northwest corner thereof; thence easterly along the north line thereof to the south line of section 66, township 8 south, range 12 east; thence westerly along the south line of said section 66 to the southwest corner of said section 66; thence northerly along the western lines of sections 66, 65, 64, 63, 62 and 61, township 8 south, range 12 east, to section 18 (shown on some late maps as section 60), township 8 south, range 12 east; thence northerly across said section 18 on a line projected by the most direct route from the northwest corner of said section 61 to the southwest corner of section 59, township 8 south, range 12 east; thence northerly along the west lines of sections 59, 58, 57, 56 and 55, township 8 south, range 12 east, to the northwest corner of said section 55 and the point of beginning.~~

(Code 1973, § 20-164; Ord. of 3-12-1958, §§ 1, 2; Ord. of 10-8-1958, § 1)

~~Sec. 74-72. Powers, duties, etc.~~

~~Such district shall have all of the rights, powers, privileges and duties granted to and imposed on waterworks districts under the provisions of R.S. 33:3811—33:3821, as said statutes now exist or may hereafter be amended.~~

~~(Code 1973, § 20-165; Ord. of 3-12-1958, § 1)~~

~~Sec. 74-73. Domicile.~~

~~The domicile of said district shall be Brusly Town Hall, 150 East St. Francis Street, Brusly, Louisiana, said place being located within the boundaries of said district.~~

~~(Code 1973, § 20-167; Ord. of 3-12-1958, § 4; Ord. No. 26-96, 10-10-1996)~~

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Parish Council of the Parish of West Baton Rouge, Louisiana, that this ordinance shall become effective on July 1, 2013.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Parish Council of the Parish of West Baton Rouge, Louisiana, 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 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 yeas and nays on roll call:

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 25th 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 25th day of April, 2013.

I further certify that the above and foregoing was submitted to the Parish President at 9:10 o'clock AM on the 26th 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 26th 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 29th 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 10:20 o'clock AM on the 29th of April, 2013.

/s/Sharon Zito
Sharon Zito, Council Clerk

Chairman Spillman announced that the Public Hearing was now in order and all interested persons were invited to appear and be heard regarding amending Chapter 2 Administration, Article IV 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. Lengthy discussion held on obtaining confirmation of gate receipts as well as number and

type of events held at facility, review of proposed ordinance on rental fees currently charged, need for clarification, concessions, and intent of law.

No 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. 10 of 2013 appears elsewhere in these minutes.

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

ORDINANCE NO. 10 OF 2013

An ordinance to amend and reenact the West Baton Rouge Parish Code of Ordinances, Part II (“Code of Ordinances”), Chapter 2 (“Administration”), Article IV (“Community Centers and Parks”), Section 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.

WHEREAS Part II (“Code of Ordinances”), Chapter 2 (“Administration”), Article IV (“Community Centers and Parks”), Section 2-70 (“Community centers, parks and multi-purpose facility fees”) provides for rental fees for various events to be held at the West Baton Rouge Parish Louis Mouch Multi-Purpose Facility **AND**

WHEREAS it is the responsibility of the West Baton Rouge Parish Council to provide for the levying of fees and charges pursuant to West Baton Rouge Code of Ordinances, Part I (“Home Rule Charter”), Section 2-11 (“Actions Requiring an Ordinance”) **AND**

WHEREAS it has been reported by the Recreation Department and Parish Administration that there was an error in the wording for the previous ordinance adopted affecting fees for rentals of the West Baton Rouge Parish Louis Mouch Multi-Purpose Facility **AND**

WHEREAS the West Baton Rouge Parish Council seeks to remedy said error in order to provide for the proper revenue streams for rental of the West Baton Rouge Parish Louis Mouch Multi-Purpose Facility **THEREFORE**

BE IT ORDAINED BY THIS COUNCIL that Part II (“Code of Ordinances”), Chapter 2 (“Administration”), Article IV (“Community Centers and Parks”), Section 2-70 (“Community centers, parks, and multi-purpose facility fees”) of the West Baton Rouge Parish Code of Ordinances be amended and reenacted to read as follows (NOTE: underlined words are additions and ~~strickthrough words~~ are deletions. Three asterisks - * * * - indicate sections of the code skipped for brevity of this ordinance. Such sections are to be retained by the code editors.):

PART II – CODE OF ORDINANCES

CHAPTER 2

ADMINISTRATION

* * *

ARTICLE IV – COMMUNITY CENTERS AND PARKS

Sec. 2-70. Community centers, parks, and multi-purpose facility fees.

Community centers, parks and multi-purpose facility fees and deposits, including pavilion fees and deposits, shall be as set below and the following conditions will apply:

* * *

Multi-purpose Facility Rental Fees:

(a) *Full day rental (Facilities only)*. Rental hours are from 7:00 a.m. until 1:00 a.m. If rental exceeds 18 hours per day, an additional \$50.00 per hour will be charged. (This 18-hour rate does not apply to multiple day events) 18-hour rental prices are as follows:

(1) *Livestock events (Rodeos excluded)*.

a. Single day rentals.

1. ~~\$600.00 for the first four hours and \$200.00 per hour thereafter.~~ \$400.00 for a single day rental, or ten percent of gross receipts, whichever is greater.

b. Multiple day rentals

1. If rental is for two or more consecutive days, rental will be \$350.00 per day, or ten percent of gross receipts, whichever is greater.

(2) *Non-livestock events and rodeos*

a. ~~\$600.00 per day~~ for the first four (4) hours and \$200.00 per hour thereafter or ten percent of gross receipts, whichever is greater.

* * *

THEREFORE BE IT ORDAINED by the West Baton Rouge Parish Council that this ordinance shall become 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 Parish Council of the Parish of West Baton Rouge, Louisiana, that all ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

NOW THEREFORE BE IF FURTHER ORDAINED 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 yeas or nays on roll call:

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 25th 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 25th day of April, 2013.

I further certify that the above and foregoing was submitted to the Parish President at 9:10 o'clock AM on the 26th day 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 26th 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 forgoing ordinance on the 29th 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 10:20 o'clock AM on the 29th day of April, 2013.

/s/Sharon Zito

Sharon Zito, Council Clerk

Riley Berthelot, Jr. was recognized under Parish President's Report regarding the following:
Reminded of next Wednesday, May 1, 2013 Police Jury Association Legislative Day including registration, briefing, and Region 3 Board meeting;
Announced National Prayer Day event scheduled for next Thursday, May 2, 2013 on the Port Allen Levee pavilion at 6:30pm;
Invited to annual golf tournament in Brusly tomorrow morning and boiled crawfish about 5:00pm.

Mr. Robertson announced WAFB (Channel 9) Road Show scheduled for tomorrow morning from 5:00am – 7:00am at West Baton Rouge Museum.

Gary Spillman was recognized under Council Chairman's Report regarding the following:
Informed State Capital committee deferred revisions to WBR fire tax law for one week during which time Senators Ward & Brown will schedule meeting with representatives to bring something back to legislature.

The Council Clerk read by title the below proposed ordinance being introduced and publicized by title, and considered for adoption following public hearing at the meeting of May 23, 2013 at 6:30pm in the Council Meeting Room, 880 North Alexander Avenue, Port Allen, La.:

Amend Chapter 104 Zoning for rezoning request of Jacob Coots and Point Solitude Trading Company, 6448 Smithfield Road, Port Allen, La. from Agricultural District to Light Industrial District.

Public Works Director Kevin Durbin was recognized and reviewed variance application & evaluation form for Diana McCool, 8185 Colt Lane (private drive off of Bueche Road), Bueche, La. not to install fire hydrant for building permit for construction of pole barn, which is 945 feet from closest hydrant rather than required 800 feet, and confirmed department head signatures of "no objection". Mr. Spillman as area representative had no objection having viewed location, discussed issue with Mrs. Cline and Rosehill Fire Chief, and future residence is to be constructed in front of barn within required distance from hydrant.

A motion was made by Mr. Gary Spillman, seconded by Mr. Barry Huggins to approve the variance request as aforementioned of Diana McCool, 8185 Colt Lane (private drive off of

Bueche Road), Bueche, La. not to install fire hydrant for issuance of building permit for construction of pole barn, which is 945 feet from closest hydrant rather than required 800 feet.

Roll-Call Pro 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.

At this time the Council Chairman read excerpt from the Annual Conference of the National Association of Counties (NACo) 2013, Fort Worth, Texas requesting confirmation of attendance in order to send in registration and book rooms.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Ricky Loupe to nominate Alfreda Jackson to fill the vacancy created by the resignation of Lucas Dipuma until term expires July 12, 2013 on the West Baton Rouge Planning & Zoning Commission.

Roll-Call Pro System recorded the votes as follows:

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

NAYS: 1 (Mr. Mouch with the following statement "I meant to put abstain, but I didn't have my glasses on, I didn't mean no.")

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

Chairman Spillman stated that after speaking with the Parish President and Attorney no need at this point and time to go into executive session so agenda item 19 was skipped.

There being no further business, a motion to adjourn was made by Ms. Charlene Gordon and adopted by acclamation at 7:25PM.

/s/Gary M. Spillman
Gary M. Spillman, Council Chairman

/s/Sharon Zito
Sharon Zito, Council Clerk