

**WEST BATON ROUGE PARISH COUNCIL  
REGULAR MEETING – JANUARY 10, 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, January 10, 2013 and called to order. Council Chairman Gary Spillman requested that all electronic devices be silenced and recognized Chris Kershaw, 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, Gary M. Spillman, Randal “Randy” Mouch, Edward G. “Bob” Robertson, Ms. Naomi Fair, Mr. Barry Huggins

Parish President Riley Berthelot, Jr. was also present

\*\*\*\*\*

Chairman Spillman announced the annual election of office was in order at this time beginning with nominations for chairman. Mr. Huggins nominated Gary Spillman for another term as Chairman, seconded by Mr. Kershaw. There were no other nominations and the nominations for chairman were closed. Mr. Spillman was elected Council Chairman by acclamation and thanked members for confidence. Mr. Spillman announced that nominations for vice chairman were open. Mr. Porto nominated Mr. Huggins, there were no other nominations and the nominations for Vice Chairman were closed. Mr. Huggins was elected Vice Council Chairman by acclamation and expressed thanks.

\*\*\*\*\*

A motion was made by Ms. Charlene Gordon, seconded by Mr. Randal Mouch to approve the minutes of the Regular Meeting of December 13, 2012 as published in the Parish Official Journal.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

As a result of the roll call vote the motion was unanimously adopted.

\*\*\*\*\*

President Berthelot was recognized under item 6 (consider any amendments to the agenda) and requested amending the agenda for the following two items (1) need to fill Rhonda Kelley, Constable Ward 1 vacancy as she was elected to the Addis Town Council, and (2) call special election for position.

Chairman Spillman stated vote must be unanimous to amend the agenda and requested Clerk call roll to consider the aforementioned amendments.

Roll call vote on amending the agenda was recorded as follows:

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

NAYS: 0 (None)

As result of roll call vote the amendments to the agenda will be considered.

\*\*\*\*\*

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

\*\*\*\*\*

Mr. Mouch was recognized under item 8 (communications with council members and/or other elected or appointed officials) regarding attendance of Town of Addis meeting last week and on behalf of the Council & Parish welcomed new Mayor David Toups along with two new council members (Rhonda Kelley & Tate Acosta) and as in past offered any assistance needed. Mr. Mouch introduced David & Melissa Toups, who were in audience. Chairman Spillman thanked Mr. Toups for attendance, congratulated, and requested comment. Mr. Toups expressed thanks for recognition and stated looked forward to working with Council and other elected officials for citizens' benefit.

Ms. Gordon informed the Council that the new meeting room chairs were scheduled to arrive in Baton Rouge January 18<sup>th</sup> with an anticipated delivery date of January 24<sup>th</sup>.

Mr. Porto congratulated the newly elected Chair and Vice Chair, and wished colleagues, administration and parish employees prosperous and healthy New Year.

Mr. Porto responded to comments made at last meeting by the CEO of Fire Sub-district No. 2 Joey Normand. Mr. Porto agreed to the following statements:

Present law on books is bad law;

Brusly & Addis have grown since 1991 and deserve bigger piece of the pie;

Should readjust the formula every 4 years when property reassessments come out and every 10 years when the census comes out.

Mr. Porto also stated:

Doesn't agree with is just the two criteria population and property value;

Doesn't agree with not requiring unanimous vote rather just 2 of the 3 CEO's of the fir sub-districts could get passed;

Have no problem with the fire district going to the legislature, but will contact members of legislature and give them points of view on it.

Mr. Porto stated that citizen Normand said problem could be resolved by creating one fire department/district for the entire parish. Discussed the matter with Fire Chief Tim Crockett, who does not think would be best thing for Lobdell, but is okay with slice of pie getting smaller. Mr. Porto provided the following history on Lobdell:

Mr. Crockett took over department at the end of 2009 at the passing of Fire Chief Sam Fontana, membership has increased and for the first time there is waiting list to get in department, increase in members certified in EMTs/First Responders/Hazmat/NFPA/NEMS, expect to lower fire rating due to training, received 175 calls in 2012, awarded \$225,000.00 FEMA Grant in December to upgrade air-packs/bunker gear/ new radios. Mr. Porto stated supported fire chief, who is reluctant to be under someone else's command as fire department is moving in right direction, spending money wisely for purchase of equipment.

\*\*\*\*\*

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 104 Zoning for re-zoning request of Dean Hotard, 5243 Choctaw Road, Brusly, La., Lot 15, Woodview Subdivision from R-SF-2 (Residential Single Family 2 District) to R-MF-2 (Residential Multi-Family 2 District). Public Works Director Kevin Durbin was recognized, explained location, projected on overhead screen, stated that applicant was present to answer any questions, and confirmed that the Zoning Commission had unanimously recommended approval of request on January 2, 2013.

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. 1 of 2013 appears elsewhere in these minutes.

\*\*\*\*\*

The following ordinance was offered by Mr. Chris Kershaw, seconded by Mr. Ricky Loupe

ORDINANCE NO. 1 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 Dean Hotard, 5243 Choctaw Road, Brusly, La., Lot 15, Woodview Subdivision, from R-SF-2 (Residential Single Family 2 District) to R-MF-2 (Residential Multi-Family 2 District).

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 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 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 vote:

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

NAYS: 0 (None)

WHEREUPON the ordinance was adopted on the 10<sup>th</sup> day of January, 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 10<sup>th</sup> day of January, 2013.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:20 o'clock AM on the 11<sup>th</sup> day of January, 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 14<sup>th</sup> day of January, 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 14<sup>th</sup> day of January, 2013.

/s/Sharon Zito  
Sharon Zito, Council Clerk  
\*\*\*\*\*

Mr. Berthelot was recognized under item 10 (discuss speed bump policy) to review draft changes of two-step approach involving 1) local law enforcement to help remedy the problem, and 2) official petition with disclaimer (provided by Administration and handled through Council representative) for the installation of speed control devices (to be signed by 75 per cent of the property owners along street - one per dwelling). Mr. Berthelot stated that signage notification would precede installation for roadways with speeds of 25 to 35MPH due to liability, and once installed cannot be removed for at least 1 year due to past experience. Mr. Berthelot stated consideration would be made for handicapped residents, and suggested adoption as policy rather than ordinance.

Mr. Loupe confirmed all residents within subdivision and/or street should be included in petition. Ms. Gordon requested and the Council concurred to changing number of days from 90 to 60 day period for local law enforcement to remedy the speeding problem. Mr. Huggins requested that Airline Park Subdivision speed bumps be redone to comply with new policy. Mr. Kershaw stated that he would vote no on policy not because of wording, but intent, (not Council issue), but law enforcement issue and proper jurisdiction should be contacted as only deters law-abiding citizens not speeders, who break law. Mr. Kershaw discussed damage to heavy equipment such as school buses, ambulances, garbage vehicles, and fire trucks traveling over speed bumps/humps, expressed opposition and need to get law enforcement to write tickets and patrol areas. Mr. Loupe explained policy will prevent more speed bumps from being installed and will resolve problem. Ms. Gordon stated feel Council issue if Council installs devices requested by constituents. Mr. Mouch confirmed speed bumps cost of \$500.00 and are manufactured rubberized, drilled down with anchor bolts, and that petition signatures will be verified by zoning office. Mr. Spillman clarified that parish will handle proof of reasonable effort to contact owners of vacant property for signatures by certified mail, requested petition have yes or no box, and expressed support to provide Administration with implementation policy. Discussion determined that the zoning office will pre-fill petitions with lot number information for each subdivision/street.  
\*\*\*\*\*

The following resolution was offered by Mr. Barry Huggins, seconded by Ms. Charlene Gordon

RESOLUTION

A Resolution establishing a Policy for Speed Control Device Installation for West Baton Rouge Parish

1. It is noted that speed control devices are **“last resort” measures** and that all other speed control and traffic calming activities (including meetings with local law enforcement) should be considered before a decision is made to install speed control devices on a particular roadway. The Administration is implementing a **Two Step approach** to speed control as follows:

**Step One:** The Council Member for the affected district meets with the Parish President to discuss speeding concerns along a Parish-maintained street. The Parish President will then take those concerns to the West Baton Rouge Sheriff to see if local law enforcement can help remedy the problem. The Administration will give local law enforcement at least sixty (60) days to alleviate the speeding problem.

**Step Two:** Should the local law enforcement be unable to remedy the speeding problem within the sixty (60) day period, the Parish Council Member may request an official petition form from the Administration to pass out to the residents along the street in question.

2. The location of the roadway for which speed control devices are installed **must be a straight section** of roadway and be reasonably far enough from **stop signs** as to justify the need for speed control devices.
3. At least **75% of the property owners** along the street must **sign a petition** in favor of the speed control devices. There shall be only **ONE signature per dwelling unit**. The petition shall be presented to the Parish Administration by the respective Parish Council member for that district. This petition shall first be presented by the Administration to local law enforcement officials for their consideration. Furthermore, the **unanimous consent of all property owners on both sides of the street – within a 200-ft radius** of where the speed control devices are physically installed - must be obtained. Certified mail can be sent to the vacant owners by the Office of Community Planning & Development on behalf of the petitioners.
4. The homeowners shall help the Administration determine the best location for the speed control devices. To do that, the Roads Department shall **place signage (and mark the pavement) in the approximate locations** of the speed control devices for **at least two (2) weeks** prior to the installation with the following (or similar) language:

**SPEED CONTROL DEVICES  
("speed bumps or humps")  
PROPOSED AT THIS LOCATION**  
To comment, please call:  
\_\_\_\_\_

5. The posted speed limit on the road for which the speed control device shall be installed must be in the **range of 25 to 35 mph**, inclusive.

6. The Parish Administration – in consultation with the Roads Department – will determine the specifications of exactly which type of speed control device shall be used based on safety and effectiveness. Such determinations will be made on a case-by-case basis.
7. No petition for removal or relocation of the speed control devices shall be entertained for at least one (1) year from the date of installation.

Roll call vote on the resolution was recorded as follows:

YEAS: 7 (Messrs. Loupe, Spillman, Mouch, Robertson, Ms. Fair, Messrs. Huggins, Porto)

YEAS: 1 (Ms. Gordon with the following statement: “Yes with the 60 days.”)

NAYS: 1 (Mr. Kershaw with the following statement: “No, call the police.”)

As a result of the roll call vote the resolution was adopted by a majority of the members.

#### 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 January 10, 2013 at which meeting all of the members were present and voting.

/s/Sharon Zito

\*\*\*\*\*

Mr. Loupe left the meeting at this time.

Executive Assistant Jason Manola and Allied Waste d/b/a Republic Services Representative Karla Swacker were recognized at this time and reviewed key points of renewal negotiations, terms and conditions, rate and comparison schedules, and administration recommendation on current contract, which expires 9/1/14 through 8/31/19 for Parish Solid Waste Collection Services. Discussion held on distribution of new 96 gallon recycling carts on request basis, satisfaction with current level of outstanding service provided, Keep West Baton Rouge Beautiful will implement recycling educational program, cancellation clause, and publicize availability of second cart/additional holiday pickups/Administration/Utilities contact numbers. Mr. Spillman thanked Ms. Swacker for presentation and Administration for negotiating contract. Ms. Swacker was recognized, thanked supervisors/drivers/employees of company, and expressed appreciation for business.

Mr. Loupe reentered the meeting at this time.

A motion was made by Mr. Randal Mouch, seconded by Ms. Charlene Gordon to renew current contract for Parish Solid Waste Collection Services for period 9/1/14 through 8/31/19 based on key points of renewal negotiations, terms and conditions, rate and comparison schedules, and administration recommendation as presented with Allied Waste d/b/a Republic Services.

Roll call vote on the motion was recorded as follows:

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

YEAS: 1 (Mr. Loupe with the following statement: "I'll make a statement. I stepped out for a minute. I apologize, but I did talk thoroughly with the administration and I'll say yes.")

NAYS: 0 (None)

As a result of the roll call vote the motion was unanimously adopted.

\*\*\*\*\*

Mr. Manola was recognized under item 12 (consider status report, change order, and/or other matters as required on current projects) and requested authorizing administration to advertise to receive bids for all current budgeted year equipment purchases and return for approval following bid opening. Mr. Spillman stated he saw no problem with that.

\*\*\*\*\*

Riley Berthelot, Jr. was recognized under Parish President's Report regarding the following:  
Confirmed that cooperative endeavor agreements on Allied Waste contract would be forwarded to Mayors of Addis and Brusly and thanked company for services;  
Congratulated chairman on reelection and brand new grandson;  
Concurred with Mr. Porto's previous statement and commended Tim Crockett as Lobdell's fire chief;  
Announced meeting scheduled for next Wednesday at 1:00PM (West Baton Rouge Transportation Authority) at State DOTD building to consider status of La. 1/I-10 Connector and recent toll roadside survey;  
Informed received 8 inches of rain recently, canals full, but can maintain if rainfall is spread out over 2 days rather than downpour of 5 inches within an hour or two. Only 1 road actually closed small part of Poydras Bayou (La. 413) between Section and Flynn Roads.

Requested update from Mr. Durbin on levee trails grants as well as grant obtained by Margaret Safford Canella for Brusly for \$100,000.00. Mr. Durbin confirmed \$700,000.00 trail funding grant obtained through Federal Highway Administration transportation bill called Congestion Mitigation and Air Quality due to non-attainment zone for air quality and expressed thanks to Margaret Canella, Tipton and Associates, SJV Group, and Capital Region Planning Commission for assistance in completing packet. Mr. Durbin stated 10 per cent match and will come back later in year to update on project. Mr. Berthelot confirmed that 10 per cent match had been budgeted and project will enhance grant Canella obtained for additional 3 or 4 miles of levee top for walk trails including City of Port Allen extension.

Mr. Loupe clarified timeline as end of month on roadside toll survey results from 12,500 cards distributed, 1,800 to 1,900 results returned, and traffic count came in at approximately 48,000 per day on La. 1.

Mr. Berthelot explained one lane closure northbound on Intracoastal Canal Overpass this week was due to emergency (popping of expansion joint) but provided idea of traffic congestion for future lane closures if no alternate routes available.

Mr. Spillman requested that agenda amendments be taken at this time. Mr. Berthelot requested that Council take action by making appointment to fill the Constable Ward 1 vacancy and provided area ward covered. Mr. Mouch stated that had contacted Donald Toups, who was interested in position, wanted to nominate Mr. Toups and take up at this time due to timeline for appointment and scheduling of election to permanently fill the vacancy. Mr. Kershaw explained nomination should be by acclamation but just so there was no impropriety wanted to abstain on vote due to relationship to Donald Toups.

A motion was made by Mr. Randal Mouch to appoint Donald Toups to fill the unexpired term of Rhonda LeBlanc Kelley (who resigned) as Constable for Justice of the Peace for Ward 1 in West Baton Rouge Parish until newly elected constable takes office.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSTAINED: 1 (Mr. Kershaw)

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

Mr. Berthelot provided qualifying/election dates (date chosen that of school board tax proposition election) in connection with proclamation, which appears elsewhere in these minutes, calling for special election to fill vacancy permanently.

At this time the Parish Attorney Lou Delahaye gave oath of office and swore in Donald Toups as Constable, Ward 1, West Baton Rouge Parish, audience applause and congratulations followed.

\*\*\*\*\*

The following proclamation was offered by Mr. Randal Mouch, seconded by Mr. Ricky Loupe

## **PROCLAMATION**

WHEREFORE, a vacancy exists in the office of Constable, Ward 1, West Baton Rouge Parish, due to the resignation of Rhonda Kelley on January 2, 2013; and

WHEREFORE, R. S. 18:602 mandates that the West Baton Rouge Parish Council shall call a special election to fill the vacancy in an office , where the unexpired term exceeds one (1) year, in accordance with the provisions of R. S. 18:602 (E) (2) (a) and/or the dates for elections set forth in R. S. 18:402;

NOW THEREFORE, the West Baton Rouge Parish Council, in regular session called for this purpose on January 10, 2013, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: A special primary and a special general election shall be held throughout the jurisdiction of West Baton Rouge Parish Constable, Ward 1, for the purpose of electing a Constable for Ward 1 to fill the vacancy in the office.

SECTION 2: Any qualified person desiring to become a candidate shall file a notice of candidacy, accompanied with by a qualifying fee or a nominating petition, as required or authorized by law, with the appropriate election official in the manner and form and under the procedures and conditions provided by R. S. 18:461, *et seq.*, and all other applicable provisions of the Louisiana Election Code, R. S. 18:1, *et seq.*, during the period commencing Wednesday, February 13, 2013, and ending at 5:00 p.m. Friday, February 15, 2013.

SECTION 3: The special election shall be held and conducted under the applicable provisions of the Louisiana Election Code, R. S. 18:1, *et seq.*

SECTION 4: The primary election shall be held Saturday, April 6, 2013, and the general election shall be held Saturday, May 4, 2013, at the times and places and in the manner, prescribed by law.

SECTION 5: The Secretary of State, Commissioner of Elections, Parish Board of Supervisors, Clerk of Court, Registrar of Voters, and all other persons charged with any power, function, right, duty or responsibility in conducting elections in the jurisdiction of the West Baton Rouge Parish, Constable, Ward 1, are hereby authorized, requested, directed and empowered to exercise every lawful function and to do every act necessary to conduct the special election, to cause the returns to be made, to canvass and promulgate the results, and to perform all related and incidental functions.

Roll call vote on the proclamation was recorded as follows:

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

NAYS: 0 (None)

As a result of the roll call vote the proclamation 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 proclamation adopted by said body at its Regular Meeting of January 10, 2013 at which meeting all of the members were present and voting.

/s/Sharon Zito  
\*\*\*\*\*

Gary Spillman was recognized under Council Chairman's Report regarding the following:  
Water from recent rains moving, although canals full;  
Thanked "Fish" Kershaw for attending meeting tonight as still trying to recover from recent surgery.  
\*\*\*\*\*

Mr. Berthelot clarified that resolution was part of State DOTD process since Faye Street state highway donating to Parish including credit of \$318,496.24, which can be used on another state project (administration recommends paying off state loan of \$187,700.15 for relocation of Parish gas lines during widening of Main Street in Brusly). Mr. Berthelot stated now that there no residents on Faye Street, roadway will be closed by next month and will return to request dedicating street back to Placid Refinery. Mr. Spillman discussed possibility of state forgiving debt. Said resolution appears elsewhere in these minutes.  
\*\*\*\*\*

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

**RESOLUTION**

WHEREAS, The West Baton Rouge Parish Council agrees to accept ownership of whatever rights the State of Louisiana, Department of Transportation and Development (the "Department"), may own in and to the following described property and agrees to accept all duties, obligations, and responsibilities for the operation, maintenance, and liabilities associated therewith, for its use as a parish road, subject to the conditions stated herein:

**The portion of state route LA 987-2 known as Faye Street from its intersection with state route LA 1 in Port Allen proceeding east approximately 0.58 miles to its intersection and terminus with state route LA 986 known as North River Road west of the Mississippi River.**

The West Baton Rouge Parish Council agrees to accept ownership of whatever rights the Department may own in and to the aforesaid described property in if and only when the Department completes the following:

- I. **CONDITION:** Provide a Roadway Transfer credit of **\$318,496.24** total for the roadway portion to be transferred in its current condition. This will be applied towards the relief of the current URAF (Utility Relocation Assistance Funding) as per agreement No. 08772 of **\$187,700.15**. The remainder will either be applied towards the relief of other URAF or towards the construction of future roadway projects in West Baton Rouge Parish to be identified no later than December 31, 2013. Otherwise this credit or the remainder will be applied to the repair or replacement of deficient bridges owned by West Baton Rouge Parish.

RESOLVED, that the West Baton Rouge Parish Council shall accept ownership of whatever rights the Department may own in and to the aforesaid described property as a binding agreement between the State of Louisiana and the Parish of West Baton Rouge, provided the State of Louisiana, Department of Transportation and Development complies with the conditions stated herein.

FURTHER RESOLVED, That the West Baton Rouge Parish Council authorizes the presiding Parish President to execute the documents necessary to transfer the aforesaid described property once the conditions of this agreement are met.

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

As a result of the roll call vote the resolution was unanimously adopted.

ATTEST:

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

**CERTIFICATE**

I, Sharon Zito, Council Clerk of the West Baton Rouge Parish Council do hereby certify with my official signature and the impress of the official seal of the West Baton Rouge Parish Council that the above and foregoing is a true and correct copy of a resolution adopted by said body at its Regular Meeting of January 10, 2013 at which meeting all of the members were present and voting.

/s/Sharon Zito  
\*\*\*\*\*

The following resolution was offered by Ms. Naomi Fair, seconded by Mr. Edward Robertson

RESOLUTION

Approval and adoption of West Baton Rouge Parish Council Flexible Benefits Plan (Cafeteria Plan) to be effective January 1, 2013

ON THIS DATE the West Baton Rouge Parish Council did meet and discuss the implementation of the West Baton Rouge Parish Council Flexible Benefits Plan to be effective January 1, 2013, and

LET IT BE KNOWN that the following resolution was duly adopted by the West Baton Rouge Parish Council and that such resolution has not been modified or rescinded as of the date hereof, and

BE IT RESOLVED that the form of Cafeteria Plan as authorized under Section 125 of the Internal Revenue Code of 1986 presented at this meeting is hereby adopted and approved and that the proper officers of the Employer are hereby authorized and directed to execute and deliver to the Plan Administrator one or more copies of the Plan, and

BE IT RESOLVED that the Plan Year shall be for a period beginning January 1, 2013 and ending December 31, 2013, and

BE IT FURTHER RESOLVED that the Employer shall contribute to the Plan amounts sufficient to meet its obligation under the Cafeteria Plan in accordance with the terms of the Plan Document and shall notify the Plan Administrator to which periods said contributions shall be applied, and

BE IT FURTHER RESOLVED that the proper officers of the Employer shall act as soon as possible to notify employees of the adoption of the Cafeteria Plan by delivering to each Employee a copy of the Summary Plan Description presented at this meeting, which form is hereby approved.

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

As a result of the roll call vote the resolution was unanimously adopted.

**CERTIFICATE**

I, Sharon Zito, Council Clerk of the West Baton Rouge Parish Council do hereby certify and attests that the above and foregoing is a true and correct copy of a resolution made with the consent of the full Council and adopted at its Regular Meeting of January 10, 2013 at which meeting all of the members were present and voting.

/s/Sharon Zito  
\*\*\*\*\*

The following resolution was offered by Mr. Chris Kershaw, seconded by Mr. Ricky Loupe

RESOLUTION

West Baton Rouge Parish Council offers a Resolution of support for the West Baton Rouge Parish Utility Department Water Project to (a) expand the telemetry to the South end of the Parish, (wells and towers currently operated by Water Works District #2; (b) abandonment of

(2) two water wells in Addis as per Department of Health & Hospitals requirements; (c) and upgrade of water lines on the North end of the Parish.

Said Resolution shall accompany application to the Governor's Office of Community Development for Community Water Enrichment Fund Grant Application for FY 2012-2013 in the amount of \$100,000.00.

WHEREAS, West Baton Rouge Parish desires to secure funding through the aforementioned application for installation of much needed upgrades to assist electronic monitoring and control of the well-sites, pumps and towers, and providing radio communication between sites and the existing telemetry system; abandoned two (2) water wells due to arsenic issues; upgrade water lines in needed areas.

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby express its support of the 2012-2013 Governor's Office of Community Development for Community Water Enrichment Fund Grant Application for \$100,000.00 to (a) expand the telemetry to the South end of the Parish, (wells and towers currently operated by Water Works District #2; (b) abandonment of (2) two water wells in Addis as per Department of Health & Hospitals requirements; (c) and upgrade of water lines on the North end of the Parish.

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

As a result of the roll call vote 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 January 10, 2013 at which meeting all of the members were present and voting.

/s/Sharon Zito

\*\*\*\*\*

Mr. Durbin was recognized regarding plat recommended unanimously for approval by the Planning Commission 1/2/13 on Prejean family tract just north of Cinclare (in between Cinclare and Antonia Plantation Subdivision), which is subdivision of Lot P-1 & Tract P-3 into Lots P-1-A, P-3-A & Tract P-3-B with no variances, and note on installation of fire hydrant should a residence be constructed on Tract P-3-B, and confirmed that surveyor was present to answer any questions.

Mr. Loupe clarified number of lots and roadway as shown on plat. Mr. Spillman discussed fire hydrant note and access to P-3-B.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Randal Mouch to approve the final plat showing the Subdivision and Family Partition of Lot P-1 & Tract P-3 into Lots P-1-A, P-3-A & Tract P-3-B of the original Emile Prejean Estate located in Section 8, T8S-R12E for Steven H. Prejean and Charles R. Prejean, Sr., Etals, as recommended by the Planning Commission.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

As a result of the roll call vote the motion was unanimously adopted.

\*\*\*\*\*

Mr. Durbin stated that next item were variance requests for setback, fence, and parking issues from Fluker Farms (represented by Dean Hotard) and turned over to Lynn Cline for further clarification. Mrs. Cline explained variances from setback, fencing and buffer requirements and Fluker Farms location. Mr. Hotard clarified that Mr. Fluker was adding warehouse for storage of dry goods (cardboard boxes). Mr. Porto discussed deferring until meeting scheduled to consider local fire chief's concerns. Mr. Hotard confirmed driveways were paved 10 feet beyond property line and that 18-wheelers can adequately pass through narrower portion of property. Mr. Hotard requested approving variances due to applicant's timeline, contingent upon scheduling meeting next week regarding concerns. Mr. Spillman stated request was upsetting as didn't just come-up at last minute, but had been ongoing. Mr. Loupe clarified 18-wheeler traffic access issue. Mr. Mouch stated facility had adequate water and fire protection (citing location of hydrants on plat). Mr. Huggins concurred with Mr. Spillman that cut-off date should be established for these requests that are not presented in timely manner.

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Randal Mouch to approve the variance requests of Fluker Farms, 1333 Plantation Avenue, Port Allen, La. for existing fencing, 10 foot building setback and no buffer against residential district, contingent upon applicant meeting with local fire chief and Council representative next week regarding concerns.

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

NAYS: 0 (None)

As a result of the roll call vote the motion was unanimously adopted.

\*\*\*\*\*

Mr. Durbin was again recognized and made update presentation on Plan-West tonight, and due to time issue will present 2012 annual report, but before beginning requested that Kathy Stuart of the Chamber say a couple words and introduce guest. Ms. Stuart introduced Scott Gaudin, and expressed appreciation for strong partnership on economic development.

Mr. Durbin stated required by law to furnish yearly report on status of master plan adopted last September, which is in implementation phase, and reviewed committees and some of the 76 action items on accomplishments checklist. Mr. Durbin offered to answer any questions, but there were none.

\*\*\*\*\*

Following discussion regarding change in ownership for establishments (from John to Arthur Ewing) now operating under current alcohol permits, a motion was made by Mr. Phil Porto, Jr., seconded by Mr. Ricky Loupe to approve the following 2013 beer and/or liquor permits: Ewing's of False River, LLC d/b/a LA Express #9, 222 Highway 415, Port Allen, La. – Class B Beer and/or Liquor; LA Express #91 (previously LA Express Daiquiri Shop #9), 220 Highway 415, Port Allen, La. – Class A Beer and/or Liquor;

LA Express #92 (previously LA Express BBQ), 216 Lobdell Highway, Port Allen, La. –  
Class A Beer only & Class A Restaurant Beer and/or Liquor.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

As a result of the roll call vote the motion was unanimously adopted.

\*\*\*\*\*

Chairman Spillman at this time requested that members arrive 30 minutes early (6:00PM)  
prior to the next meeting (January 24, 2013) for practice demonstration on use of Roll Call  
Pro (electronic voting device).

At this point under Correspondence Report the Council Clerk read excerpt from the West  
Baton Rouge Parish Planning & Zoning Commission meeting agenda scheduled January 15,  
2013 cancelled due to clear agenda.

\*\*\*\*\*

There being no further business, a motion to adjourn was made by Ms. Charlene Gordon,  
seconded by Mr. Randal Mouch and adopted by acclamation at 8:30PM.

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

/s/Sharon Zito  
Sharon Zito, Council Clerk