

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

The Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, July 25, 2013 and called to order. Council Chairman Gary Spillman requested that all electronic devices be silenced and recognized Edward Robertson, who led everyone in the pledge of allegiance.

Roll-Call Pro System recorded the following members being present:

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

Absent: Mr. Chris “Fish” Kershaw

Parish President Riley Berthelot, Jr. was also present.

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Amendments to the agenda and public comments were requested at this time and there were none.

Mr. Mouch was recognized under item 6 (communications with council members and/or elected or appointed officials), reported wonderful experience at Addis Splash Park with granddaughter, and expressed thanks to all involved in creating great environment for all to enjoy.

Ms. Gordon was recognized and concurred with Mr. Mouch’s comments as result of constituents’ remarks on Splash Pad facilities.

Mr. Porto was recognized, reported on meeting held at Lobdell fire station regarding sewer system for said area, and expressed thanks to Administration, Utilities Department, and Council members for attendance, presentation and response to residents’ questions.

Mr. Loupe was recognized and expressed thanks to administration/employees for work on current project and handling of minor concerns.

Finance Director Phillip Bourgoyne was recognized and commended Parks and Recreation Director Anatole Vincent on success of ongoing programs (Summer Camps, Bulldog Football & Cheerleaders, Hershey Track & Field, Flag Football, and Soccer) and Council member concurred.

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Chairman Spillman announced that a Public Hearing was in order at this time and all interested citizens were invited to appear and be heard regarding adoption of an ordinance to amend Chapter 104 Zoning for rezoning request of Francois Boulanger, State Highway 76 (Rosedale Road), Port Allen, La., designated as portion of Westover Planting (Northwest Quarter) from C-1.2 (Community-Scaled Commercial District) to R-SF-1 (Residential Single Family District). Public Works Director Kevin Durbin was recognized, showed property location on overhead projector, explained proposed development major subdivision with 23 lots, confirmed owner was present tonight and request had been recommended unanimously for approval by the Zoning Commission 7/16/13. Mr. Spillman clarified years ago constituents had expressed concerns regarding portion of property zoned commercial and requested motion to approve rezoning to residential. Mr. Huggins confirmed that rezoning would make the remainder of property consistently residential.

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. Said Ordinance No. 15 of 2013 appears elsewhere in these minutes.

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

ORDINANCE NO. 15 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 Francois Boulanger, State Highway 76 (Rosedale Road), Port Allen, La., designated as front commercial section (approximately 6.21 acres of Tract SG-1) containing 30 acres of Westover Planting Northwest Quarter of Section 17, T7S-R12E from C-1.2 (Community-Scaled Commercial District) to R-SF-1 (Residential 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: 8 (Mr. Mouch, Ms. Fair, Messrs. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 1 (Mr. Kershaw)

WHEREUPON the ordinance was adopted on the 25<sup>th</sup> day of July, 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 an ordinance adopted by the West Baton Rouge Parish Council in regular session on the 25<sup>th</sup> day of July, 2013.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 8:50 o'clock AM on the 26<sup>th</sup> day of July, 2013.

IN FAITH WHEREOF, witness my signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana, on this 26<sup>th</sup> day of July, 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 29<sup>th</sup> day of July, 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 10:00 o'clock AM on the 29<sup>th</sup> day of July, 2013.

/s/Sharon Zito  
Sharon Zito, Council Clerk  
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Executive Assistant Jason Manola was recognized under item 8 (consider status report, change order and/or other matters as required on current projects) presented/explained change order no. 1 (2013 Commercial Drive Improvements), and clarified overlay program bids well under \$220,000.00 budget. Mr. Manola explained roadway was not in original bid package (right off Court Street behind old Wal-Mart actually owned by Parish-235 feet of concrete road), requested as addition to current project at cost of \$77,314.50, and confirmed project remains \$72,000.00 under budgeted amount.

A motion was made by Mr. Ricky Loupe, seconded by Ms. Charlene Gordon to approve Change Order No. 1 per table description on the 2013 Commercial Drive Improvements Project by including 235 feet of concrete roadway off of Court Street behind the old Wal-Mart actually owned by the Parish for overlay at cost of \$77,314.50 as aforementioned (Hard Rock Construction) and adding 30 days to contract period as recommended by the Project Engineer and Administration, and authorizing the Parish President to execute same.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Kershaw)

As a result the motion was unanimously adopted by those members present.

Mr. Manola stated road overlay program to commence shortly in indicated areas by placement of construction signs.

Mr. Manola confirmed Splash Pads at Parks now operational and being utilized. Mr. Mouch confirmed that pedestal instructional signs were to be installed at all of the pad facilities. Ms. Gordon requested placement of “no smoking” signs at facilities and Mr. Spillman confirmed list of prohibited activities were also to be installed.

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Riley Berthelot, Jr. was recognized under Parish President’s Report regarding presentation made to State Department of Transportation & Development on I-10/La 1 Connector. Mr. Berthelot commended Public Works Director Kevin Durbin on production of 12 minute power point presentation. At this time film version of power point presentation was shown followed by audience applause.

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Gary Spillman was recognized under Council Chairman’s Report regarding: Constituents’ request for misting of slides located near splash pad facilities and election of National Association of Counties officers.

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Brief discussion held on resolution authorizing execution of Cooperative Endeavor Agreement with Fire Protection Sub-Districts No. 1 (Addis), No. 2 (Brusly), and No. 3 (Port Allen) to restore power to municipalities in connection with budgets and Act 129 of the 2013 Legislature until consolidation completed. Said resolution appears elsewhere in these minutes.

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

#### RESOLUTION

A Resolution authorizing the Parish President to execute the Cooperative Endeavor Agreement on behalf of the West Baton Rouge Parish Council with West Baton Rouge Parish Fire Protection Sub-Districts No. 1 (Addis), No. 2 (Brusly), No. 3 (Port Allen) in connection with their budgets

WHEREAS, it has become necessary for the Parish President to execute the Cooperative Endeavor Agreement as aforementioned in conjunction with recently adopted Louisiana SB 239 which became Act 129 of 2013 RS.

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby authorize the Parish President to execute the Cooperative Endeavor Agreement on behalf of the West Baton Rouge Parish Council with West Baton Rouge Parish Fire Protection Sub-Districts No. 1 (Addis), No. 2 (Brusly), No. 3 (Port Allen) in connection with their budgets.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Kershaw)

As a result 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 July 25, 2013 at which meeting a majority of the members were present and voting.

/s/Sharon Zito  
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Mr. Berthelot was recognized and clarified that prior authorization given for execution of Cooperative Endeavor Agreement with American Transportation Partners to facilitate construction of private tollway for I-10/La 1 Connector, but preferred amending term from 2 year to 1 year period. Mr. Spillman concurred.

A motion was made by Mr. Randal Mouch, seconded by Mr. Ricky Loupe to defer action at this on authorizing execution of the Cooperative Endeavor Agreement with American Transportation Partners to facilitate construction of private tollway for I-10/La 1 Connector as aforementioned.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Kershaw)

As a result the motion was unanimously adopted by those members present.  
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The Council Clerk read by title into the record the below proposed ordinance being introduced and publicized by title, and considered for adoption following public hearing at the meeting of August 8, 2013 at 6:30PM in the Council Meeting Room, 880 North Alexander Avenue, Port Allen, La.:

Revoking dedication of drainage and utility servitude that property full described in ordinance of former Avery Lake Subdivision no longer needed for public purpose and abandon to current owner. Parish Attorney Lou Delahaye further clarified as Mr. Boulanger's property.  
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Mr. Durbin was recognized and explained that Walker plat was off of S Winterville, family partition of Lot E-2 in Lot E-2-A through E-2-E with only variance as installation of fire hydrant and utilities at the time of building permit issuance. Mr. Spillman clarified Drainage Superintendent had requested private 15 foot drainage servitude from top of bank, and discussion followed on standard drainage servitudes, erosion problems, and solutions.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Randal Mouch to approve the final map showing the subdivision of Lot E-2 and the remainder of Lot E of Cypress Hall Plantation into Lots E-2-A thru Lot E-2-E (family partition) for Venita N. Walker with

variance for installation of fire hydrant and utilities at the time of building permit issuance as recommended by the Planning Commission 7/16/13.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Kershaw)

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

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Mr. Durbin was recognized and presented the parking variance request of Juge Construction, West Shore Avenue (West Shore Business Park), Port Allen, La. for mixed martial arts facility requiring 27 parking spaces, additional 800 square feet of remaining building space requires total of 54 parking spaces, and have letter of “no objection” from adjacent property owner agreeing to use of parking area as needed. Floor plan was projected overhead and discussion held on number of suites within buildings and obtaining tenant signatures of “no objection” to use of parking spaces, if necessary.

A motion was made by Mr. Randal Mouch, seconded by Ms. Naomi Fair to approve the parking variance request of Juge Construction, 1913 West Shore Avenue, Suite D, Port Allen, La. for mixed martial arts facility for total of 27 parking spaces as adjacent property owner has agreed to use of parking area as needed.

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

YEAS: 6 (Mr. Mouch, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Huggins, Robertson)

NAYS: 2 (Messrs. Porto, Spillman)

ABSENT: 1 (Mr. Kershaw)

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

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At this time under Correspondence Report the Council Clerk read excerpt of the West Baton Rouge Parish Planning & Zoning Commission meeting agenda scheduled for Tuesday, August 6, 2013 at 6:30PM.

Mr. Berthelot was recognized at this time on forgotten item under previous report regarding status of current storm in tropics and promised to keep informed.

Ms. Gordon was recognized and announced accepting donations after meeting for Uniforms for Kids.

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

/s/Gary M. Spillman

Gary M. Spillman, Council Chairman

/s/Sharon Zito  
Sharon Zito, Council Clerk