

**REGULAR MEETING – WEST BATON ROUGE PARISH COUNCIL
WEST BATON ROUGE PARISH COUNCIL/GOVERNMENTAL BUILDING
880 NORTH ALEXANDER AVENUE, PORT ALLEN, LOUISIANA
JUNE 27, 2013 - 6:30PM**

The Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, June 27, 2013 and called to order. Council Chairman Gary Spillman requested that all electronic devices be silenced and recognized Phil Porto, Jr., 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

Parish President Riley Berthelot, Jr. was also present.

Pam Keowen with the Utilities Department was recognized and requested acceptance of bids opened on Monday, June 24th for yearly supply of various size pipe and fittings for said department. Mr. Spillman confirmed that tabulation sheets list successful bidder for each item.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Phil Porto, Jr. to accept the low bids of Baton Rouge Winwater, Coburn’s Supply, La. Utilities, Southern Pipe, and HD Supply per bids received 6/24/13 for Yearly Supply for Pipe and Materials for the Utilities Department based on said department’s recommendation. (Bid award and tabulation sheets appear elsewhere in these minutes)

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

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

NAYS: 0 (None)

As a result the motion was unanimously adopted.

Public comments were requested from the audience at this time and there were none.

Mr. Mouch was recognized under item 7 (communications with council members and/or other elected or appointed officials) and requested status on fire tax deal through legislature, timeframe for July 2014 deadline, and committees set. Mr. Spillman clarified state passed the law giving parish until July of next year to establish parish-wide fire department, resolution was on tonight’s agenda to accept same, and president & chairman will meet with each fire department/civil service/fire rating and fire insurance commission and other agencies to obtain information prior to formation of committees to understand process and proceed with structuring.

Mr. Porto was recognized and requested President contact Sheriff Cazes to patrol Highway 978-3 (Lafiton Lane) due to report of 18-wheeler speeding. Mr. Porto commended the Lobdell Volunteer Fire Department Chief on department achievements and on the following 2 volunteers (recipients of state EMS conference awards):

Ellen Crockett - First Responder of the Year;
Whitney Crockett - Administrator of the Year.

Mr. Kershaw thanked President, Recreation Director, and everyone involved in installation of Splash Pads at park facilities as kids are really enjoying results.

Finance Director Phillip Bourgoyne was recognized under item 8 (consider cost of living increase for parish employees) and confirmed yearly request tied-in to consumer price index. Mr. Bourgoyne stated the administration was recommending three per cent (3%) across the board. Mr. Spillman confirmed effective date of July 1st. Mr. Loupe confirmed funds in budget. Mr. Bourgoyne confirmed for Mr. Kershaw the three per cent (3%) increase equated to total of about \$180,000.00 a year for all departments.

A motion was made by Mr. Phil Porto, Jr., seconded by Ms. Charlene Gordon to approve a three per cent (3%) cost-of-living increase for all classified full-time, permanent-part time employees including all appointed directors, which includes the following named departments: Council Clerk, Coroner, Registrar of Voters (full salary for 12 months), Administration, Information Technologies, Planning/Zoning, Building Maintenance, Emergency Management, Engineering, Animal Control, Recreation, Roads, Health Unit, Drainage, Community Center, Community Action, E-911, Judges, District Attorney/Legal Counsel, Public Utilities, Sales Tax, Detention Center, Justices of the Peace and Constables with an effective date beginning July 1, 2013 based on administration recommendation.

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

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

NAYS: 0 (None)

As result the motion was unanimously adopted.

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 approve the Council on Aging Budget for the period July 1, 2013 – June 30, 2014. Mr. Bourgoyne was recognized, confirmed review, and recommended approving balanced budget as submitted.

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. 12 of 2013 appears elsewhere in these minutes.

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

ORDINANCE NO. 12 OF 2013

AN ORDINANCE ADOPTING AN OPERATING BUDGET OF REVENUES AND EXPENDITURES FOR THE FISCAL YEAR BEGINNING JULY 1, 2013 AND ENDING JUNE 30, 2014 AS PUBLISHED FOR THE WEST BATON ROUGE PARISH COUNCIL ON AGING

BE IT ORDAINED by the Council of the Parish of West Baton Rouge, Louisiana in regular session convened that:

SECTION 1: The attached detailed estimate of revenues for the fiscal year beginning July 1, 2013 and ending June 30, 2014 be and is hereby adopted as an operating budget of revenues for the West Baton Rouge Parish Council on Aging during said period.

SECTION 2: The attached detailed estimate of expenditures for the fiscal year beginning July 1, 2013 and ending June 30, 2014 be and is hereby adopted as an operating budget of expenditures for the West Baton Rouge Parish Council on Aging during said period.

SECTION 3: The adoption of this operating budget of revenues and expenditures are hereby declared to operate as an appropriation of the amount therein set forth within the terms of the budget classification.

SECTION 4: Amounts are available for expenditures only the extent included within said budget.

The foregoing ordinance having been submitted to a vote was adopted by the following yea or nay 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 27th day of June, 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 27th day of June, 2013.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 8:45 o'clock AM on the 28th day of June, 2013.

IN FAITH WHEREOF, witness my signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana, on this 28th day of June, 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 28th day of June, 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 11:05 o'clock AM on the 28th day of June, 2013.

/s/Sharon Zito
Sharon Zito, Council Clerk

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 request of Reba Donachricha, 812 Lobdell Highway, Port Allen, La., Lot F-2 for Special Use Permit to allow Tavern within C-1.2 (Community-Scaled Commercial District). Public Works Director Kevin Durbin was recognized, showed property location on overhead projector, confirmed owner was present tonight, and that request had been recommended for approval by the Zoning Commission 6/18/13.

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. 13 of 2013 appears elsewhere in these minutes.

The following ordinance was offered by Mr. Phil Porto, Jr., seconded by Mr. Barry Hughhins

ORDINANCE NO. 13 OF 2013

AN ORDINANCE AMENDING 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 Reba Donachricha, 812 Lobdell Highway, Port Allen, La. designated as Lot F-2 (containing 1.443 acres) located in Section 91, T7S-R12DE for Special Use Permit to operate a Tavern within C-1.2 (Community-Scaled Commercial District).

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

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

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

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

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

NAYS: 0 (None)

WHEREUPON the ordinance was adopted on the 27th day of June, 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 27th day of June, 2013.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 8:45 o'clock AM on the 28th day of June, 2013.

IN FAITH WHEREOF, witness my signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana, on this 28th day of June, 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 28th day of June, 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 11:05 o'clock AM on the 28th day of June, 2013.

/s/Sharon Zito
Sharon Zito, Council Clerk

Riley Berthelot, Jr. was recognized under Parish President's Report regarding the following:
Expressed thanks to Town of Brusly for hosting hurricane preparation workshop meeting at Bayou Bistro for officials representing Town, Parish, and Allied Waste;

Announced Monday, July 1st Parish officially commences operation of Water-Works District No. 2, and reception for past water-board members;

Listed events scheduled during July 4th Program on Levee in Port Allen;

Provided statics on Recreation Summer Camps at each park facility;

Confirmed that Wal-Mart had funded cost of turn lane extension on La. 1 through Department of Transportation;

Announced all splash-pad facilities should be opened by Friday following signing of memorandum of understanding in connection with Department of Health & Hospitals restroom and drinking fountain 200 feet requirements. Discussion held on hours of splash-pad house of operation, installation of signs, automatic timer activation system, no extra budgeted funds available for restrooms and drinking fountains for DHH capacity requirements, use of Parish forces, and installation of benches/picnic-tables/shade-screens at all locations.

Mr. Berthelot was recognized, confirmed Parish had commenced operation of Water-Works District No 1 one year ago, and clarified the roll-back millage to zero resolution was required due to property tax and/or millage previously charged by said district, and requested adoption to have water rate consistency. Mr. Spillman confirmed that Port Allen was the only water area not within Parish district. In connection with public hearing public comments were requested at this time, and there were none. Said resolution appears elsewhere in these minutes.

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

RESOLUTION

WHEREAS, The West Baton Rouge Parish Council dissolved West Baton Rouge Parish Water District No. 1 pursuant to Ordinance No. 5 and dated January 26, 2012.

WHEREAS, The West Baton Rouge Parish Water District No. 1 submitted to the voters and the voters passed a 10 Year 3.32 Mills Property Tax for Construction, improving, Maintaining and Operating Water Works for Water Works District No. 1, effective January 1, 2007 and ending December 31, 2016.

WHEREAS, since the West Baton Rouge Parish Council dissolved West Baton Rouge Parish Water District No. 1 pursuant to Ordinance No. 5 there is no longer a need for the imposition of the 10 Year 3.32 Mills Property Tax for Construction, Improving, Maintaining and Operating Water Works for Water Works District No. 1, effective January 1, 2007 and ending December 31, 2016, which no longer has a legal existence.

BE IT RESOLVED, The West Baton Rouge Parish Council, in legal session, hereby determined that there is no longer a need for the imposition of the 10 Year 3.32 Mills Property Tax for Construction, Improving, Maintaining and Operating Water Works for Water Works District No. 1, effective January 1, 2007 and ending December 31, 2016.

BE IT FURTHER RESOLVED, The West Baton Rouge Parish Council, in legal session, has determined that for the above and foregoing reasons, it hereby rolls back the 10 Year 3.32 Mills Property Tax imposed by West Baton Rouge Parish Water District No. 1 to 00.00 Mills effective January 1, 2013 and the tax year of 2013.

The foregoing resolution 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 above and foregoing resolution was declared adopted on the 27th day of June, 2013.

CERTIFICATE

I, Sharon Zito, Council Clerk of the West Baton Rouge Parish Council do hereby certify that the above and aforementioned resolution was adopted by said body in regular convened session June 27, 2013, at which a quorum was present, given under my signature and seal of office this 28th day of June, 2013.

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

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 a resolution regarding creation of Parish-wide Fire District. The following members of the public and/or council were recognized and made statements on the matter:

Smiley Lee	Gary Spillman	David Reeves
Riley Berthelot, Jr.	Robby Smith	Phil Porto, Jr.
Randal Mouch	Barry Huggins	

Discussion topics were:
Need for volunteer fire personnel;
Input to be obtained from all involved entities;
Creation process and budget funding oversight;
Funding distribution;
Fire district background and history;
Concurring resolutions required from municipalities;
Consolidation will improve overall fire protection;
Maintaining fire ratings;
Concerns will be addressed.

The Council Chairman at this point declared the Public Hearing concluded. Said Resolution appears elsewhere in these minutes.

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

RESOLUTION

A Resolution requesting concurring resolutions from Brusly/Addis/Port Allen City Council, acting as the governing authority for the City/Town of Brusly/Addis/Port Allen in the intention of the West Baton Rouge Parish Council to create a parish-wide fire district as set forth by Act 129 of 2013 RS

WHEREAS, the Louisiana Legislature adopted SB 239 which became Act 129 of 2013 RS, and

WHEREAS, the Legislation purports to set the framework for the creation of a parish-wide fire district for West Baton Rouge Parish, and

WHEREAS, Act 129 provides that the Notice of Intention to create the fire district shall be ordered by resolution of the West Baton Rouge Parish Council, only after the concurrence of the municipal governments in West Baton Rouge Parish, and

WHEREAS, after the adoption of the Notice of Intent is adopted there shall be comment as provided in Act 129.

NOW THEREFORE BE IT RESOLVED by the Brusly/Addis/Port Allen City Council, acting as the governing authority for the City/Town of Brusly/Addis/Port Allen hereby concur in the intention of the West Baton Rouge Parish Council to create a parish-wide fire district.

BE IT FURTHER RESOLVED that a copy of this resolution be submitted to the Council Clerk of the West Baton Rouge Parish Council.

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

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

NAYS: 0 (None)

As a result 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 a true and correct copy of a resolution adopted said body at its Regular Meeting of June 27, 2013 at which meeting all of the members were present and voting.

/s/Sharon Zito

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.:

Amend Chapter 104 Zoning for rezoning request of the Kahao Estate, 4619 U S Highway 190 W, Port Allen, La., designated as Lot KN-2 & Tract AP-2, Tract B, Allendale Plantation, from Light Industrial District to Special Use Permit for Residential.

Mr. Durbin was recognized, reviewed preliminary plat too large for overhead projector creating 23 lots for subdivision off of Rosedale Road for Mr. Boulanger (F & A Investments, LLC), Tract SFG-1 of the Westover Planting Company. Mr. Durbin further confirmed the Planning Commission minutes of 6/18/13 recommended approval with the listed variances for block length (900 instead of required 800 feet), and RSF-1 zoning open space requirement due to larger tracts and topography. Kevin Norman with Evans Graves Engineers confirmed presence to answer any questions. Mr. Spillman clarified stub-out street connection due to adjacent property abutment. Discussion held on location of drainage canal and future culvert installation. Mr. Kershaw confirmed fire hydrant locations.

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Barry Huggins to approve the preliminary plat of Westover Plantation, Lots 1 thru 23 being Tract SG-1 of the Westover

Planting Co., Ltd. Property located in Section 17, T7S-R12E for F & A Investments, LLC with variances as aforementioned for block length and open space requirement as recommended by the Planning Commission.

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

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

NAYS: 0 (None)

As a result the motion was unanimously adopted.

At this time under Correspondence Report the Council Clerk read excerpts of the following West Baton Rouge Parish Planning & Zoning Commission Agendas:

Tuesday, July 2, 2013 cancelled due to clear agenda;

Tuesday, July 18, 2013 scheduled at 6:30PM.

There being no further business, a motion to adjourn was made by Ms. Charlene Gordon, seconded by Mr. Gary Spillman at 7:40PM and adopted by acclamation.

/s/Gary M. Spillman

Gary M. Spillman, Council Chairman

/s/Sharon Zito

Sharon Zito, Council Clerk