

**WEST BATON ROUGE PARISH COUNCIL  
REGULAR MEETING – SEPTEMBER 12, 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, September 12, 2013 and called to order. Council Chairman Gary Spillman requested that all electronic devices be silenced and recognized Phillip Bourgoyne, who led everyone in the pledge of allegiance.

Roll-Call Pro System recorded the following members as 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.

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A motion was made by Ms. Charlene Gordon, seconded by Mr. Chris Kershaw to approve the minutes of the Regular Meetings of August 8, 2013 and August 22, 2013 as published in the Parish Official Journal.

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.

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At this time amendments to the agenda and public comments were requested, and there were none.

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Mr. Huggins was recognized under item 7 (communication with council members and/or elected or appointed officials) shared experience of recent fire department call and encouraged other members to do so.

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A motion was made by Mr. Randal Mouch, seconded by Mr. Phil Porto to cancel the regularly scheduled meetings of November 28, 2013 (Thanksgiving Day) and December 26, 2013 (due to proximity to Christmas holidays).

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.

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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 the Code of Ordinances to abandon utility and drainage servitudes (95 feet across the rear of Lots 1 – 32 of former Avery Lakes Subdivision Phase I) no longer needed for public purpose.

No interested citizen 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. 19 of 2013 appears elsewhere in these minutes.

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The following ordinance was offered by Mr. Randal Mouch, seconded by Mr. Phil Porto, Jr.

ORDINANCE NUMBER 19 of 2013

AN ORDINANCE TO AMEND APENDIX A OF THE COMPILED ORDINANCES OF

THE PARISH OF WEST BATON ROUGE AS PROVIDED HEREINBELOW:

AN ORDINANCE REVOKING THE DEDICATION OF THAT DRAINAGE AND UTILITY SERVITUDE IN THE PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA, SAID DRAINAGE AND UTILITY SERVITUDE BEING ACROSS THE REAR OF LOT #1 THROUGH LOT #32 OF AVERY LAKE SUBDIVISION, PHASE #1, SAID DRAINAGE AND UTILITY SERVITUDE MEASURES A COMBINED 95 FEET, APPROXIMATELY, ACROSS THE REAR OF THE SAID LOTS, ALL MORE PARTICULARLY DESCRIBED BELOW AND MORE PARTICULARLY DEPICTED ON A MAP BY CLETUS LANGLOIS, REGISTERED LAND SURVEYOR FILED MARCH 27, 2008 AND RECORDED AT MAP BOOK 6 ENTRY 19 OF THE RECORDS OF WEST BATON ROUGE PARISH; SAID SERVITUDE HAVING BEEN DEEMED NO LONGER NEEDED FOR PUBLIC PURPOSES BY THE PARISH OF WEST BATON ROUGE;

WHEREAS, the Parish Council of the Parish of West Baton Rouge, Louisiana, is empowered with the governing authority over utility and drainage servitudes, roads, streets and alleyways dedicated for public use within its respected jurisdiction; and

WHEREAS, there was dedicated to West Baton Rouge Parish an approximately 95' foot wide Utility and Drainage Servitude across the rear of Lot #1 through Lot #32 of Avery Lake Subdivision, Phase #1, belonging presently to the various owners of record of said lots as per the deeds recorded with the West Baton Rouge Parish Clerk of Court, more particularly described below:

A certain tract or parcel of land lying, being and situated in the Northwest Quarter of Section 17, T7S, R12E, Southeastern Land District, West of the Mississippi River, Parish of West Baton Rouge, State of Louisiana and being

more particularly described on that map entitled "Final Plat Showing the Re-subdivision of Westover Planting Co., LTD, Northwest Quarter of Section 17 and into Avery Lakes, Phase 1 and Remainder of Westover Planting Co., Ltd., Northwest Quarter of Section 17, for Chatelain & Graham Investments, LLC" by Patin Engineers and Surveyors, Inc., Cletus Langlois, R.L.S. filed March 27, 2008 and filed of record at Map Book 6, Entry 19 of the records of West Baton Rouge Parish, Louisiana. All as per said map the tract of land being more particularly described on the said map as Lot #1 through Lot #32 of Avery Lake Subdivision, Phase #1. Said as Lot #1 through Lot #32 of Avery Lake Subdivision, Phase #1 contains the acres and having those dimensions, servitudes, easements, building lines and right of way lines all as per said map attached hereto, and bounded all as shown with greater particularity on said map or plan of survey, together with all buildings and improvements located thereon, and all rights, ways, privileges and servitudes thereunto appertaining or in any wise thereunto belonging.

WHEREAS, there was a formal dedication of said servitude in the map described in the property description above and duly recorded. The parish of West Baton Rouge never utilized this servitude in any manner, nor did it maintain or possess it in actual or legal capacity. Further, said servitude is no longer is needed for any public purpose as said servitude has not been utilized, maintained or controlled by the Parish of West Baton Rouge since its dedication;

WHEREAS, pursuant to LSA-R.S. 48:701, the Parish Council of the West Baton Rouge Parish is desirous of revoking the dedication of said servitude previously dedicated for public use as a utility and drainage servitude within its respective territorial jurisdiction, and to abandon the same as it is no longer needed for public purposes;

WHEREAS, it is in the best interest of the Parish of West Baton Rouge and the public that the dedication of the aforementioned servitude revoked and voided;

NOW, THEREFORE, BE IT ORDAINED by the Parish Council of the Parish of West Baton Rouge, Louisiana, acting as the governing authority thereof, that they do hereby revoke the dedication of that servitude of utility and drainage depicted on the Langlois map recorded at Map Book 7, Entry 54 of the records of West Baton Rouge Parish, Louisiana and be and it is hereby revoked, set aside and voided all in accordance with LSA-R.S. 48:701 and all applicable statutes and ordinances pertaining thereto. Further said Clerk and Recorder of the Parish of West Baton Rouge is authorized to make a

marginal notation on said map and such map book entry of this Ordinance and abandonment and revocation as he deems fit and proper.

NOW, THEREFORE, BE IT FURTHER ORDAINED that the Parish of West Baton Rouge does not warrant title to the servitude herein revoked.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Parish Council that the Parish President be and is hereby authorized and empowered to sign any plans or documents which may be necessary to carry into effect the foregoing, at the expense of the belonging presently to the various owners of record of Lot #1 through Lot #32 of Avery Lake Subdivision, Phase #1, as per the deeds recorded with the West Baton Rouge Parish Clerk of Court.

NOW, THEREFORE, BE IT FURTHER ORDINANED, by the Parish Council of the Parish of West Baton Rouge, Louisiana, that this ordinance shall become effective pursuant to the West Baton Rouge Parish Home Rule Charter.

BE IT FURTHER ORDAINED by the Parish Council of the Parish of West Baton Rouge, Louisiana that any provisions or items of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions items or applications to this end the provisions of this Ordinance are hereby declared severable.

THIS ORDINANCE HAVING BEEN introduced at a Regular Meeting on the 22<sup>nd</sup> day of August, 2013, and later having been read paragraph by paragraph at a Regular Meeting of the Parish Council of West Baton Rouge Parish, Louisiana, duly convened on the 12<sup>th</sup> day of September , 2013, said Ordinance was,

APPROVED AND ADOPTED on the 12<sup>th</sup> day of September, 2013, by the following yeas and nay votes on the roll call:

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

NAYS: 0 (None)

ABSTAINING: 0 (None)

ABSENT: 0 (None)

CERTIFICATE

I, Sharon Zito, hereby certify that I am the duly qualified Council Clerk for 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 12<sup>th</sup> day of September, 2013.

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana, on this 13<sup>th</sup> day of September, \_\_\_\_\_ 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 16<sup>th</sup> day of September, 2013.

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

**COUNCIL CLERK'S RETURN RECEIPT**

I certify that the foregoing ordinance was returned from the Parish President at 9:00 o'clock AM on the 16<sup>th</sup> day of September, 2013.

/s/Sharon Zito  
Sharon Zito, Council Clerk  
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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 the Code of Ordinances to abandon utility and drainage servitudes (100 feet across the southernmost 100 feet of property belonging to Keith & Ronada Morris of former Avery Lakes Subdivision Phase I) no longer needed for public purpose.

No interested citizen 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. 20 of 2013 appears elsewhere in these minutes.

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The following ordinance was offered by Mr. Phil Porto, Jr., seconded by Ms. Charlene Gordon

ORDINANCE NUMBER 20 of 2013

AN ORDINANCE TO AMEND APENDIX A OF THE COMPILED ORDINANCES OF  
THE PARISH OF WEST BATON ROUGE AS PROVIDED HEREINBELOW:

AN ORDINANCE REVOKING THE DEDICATION OF THAT DRAINAGE AND UTILITY SERVITUDE IN THE PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA, SAID SERVITUDE BEING THE SOUTHERNMOST 100' FEET OF THE REMAINING 91.936 ACRES OF WESTOVER PLANTING CO., LTD, NORTHWEST QUARTER OF SECTION 17, BEING THE RESUBDIVISION OF THE REMAINDER OF WESTOVER PLANTING CO., LTD NORTHWEST QUARTER OF SECTION 17 & LOT 10, AVERY LAKES PHASE 1 ALL MORE PARTICULARLY DESCRIBED BELOW AND MORE PARTICULARLY DEPICTED ON A MAP BY CLETUS LANGLOIS, REGISTERED LAND SURVEYOR FILED JUNE 6, 2012 AND RECORDED AT MAP BOOK 7 ENTRY 54 OF THE RECORDS OF WEST BATON ROUGE PARISH; SAID SERVITUDE HAVING BEEN DEEMED NO LONGER NEEDED FOR PUBLIC PURPOSES BY THE PARISH OF WEST BATON ROUGE;

WHEREAS, the Parish Council of the Parish of West Baton Rouge, Louisiana, is empowered with the governing authority over utility and drainage servitudes, roads, streets and alleyways dedicated for public use within its respected jurisdiction; and

WHEREAS, there was dedicated to West Baton Rouge Parish an 100' foot wide Utility and Drainage Servitude across the southernmost 100' feet of the following property belonging presently to Keith and Ronada Morris:

A certain tract or parcel of land lying, being and situated in the Northwest Quarter of Section 17, T7S, R12E, Southeastern Land District, West of the Mississippi River, Parish of West Baton Rouge, State of Louisiana and being more particularly described on that map entitled "Final Plat Showing the Re-subdivision of the Remainder of Westover Planting Co., LTD, Northwest

Quarter of Section 17 and Lot 10, Avery Lakes Phase 1 Into the Remaining 91.936 Acres of Westover Planting Co., LTD Northwest Quarter of Section 17" by Patin Engineers and Surveyors, Inc., Cletus Langlois, R.L.S. filed June 6, 2012 and filed of record at Map Book 7, Entry 54 of the records of West Baton Rouge Parish, Louisiana. All as per said map the tract of land being more particularly described on the said map as the Remaining 91.936 Acres of Westover Planting Co., LTD Northwest Quarter of Section 17. Said Remaining 91.936 Acres of Westover Planting Co., LTD Northwest Quarter of Section 17 contains 91.936 acres and having those dimensions, servitudes, easements, building lines and right of way lines all as per said map attached hereto, and bounded all as shown with greater particularity on said map or plan of survey, together with all buildings and improvements located thereon, and all rights, ways, privileges and servitudes thereunto appertaining or in any wise thereunto belonging.

WHEREAS, there was a formal dedication of said servitude in the map described in the property description above and duly recorded. The parish of West Baton Rouge never utilized this servitude in any manner, nor did it maintain or possess it in actual or legal capacity. Further, said servitude is no longer is needed for any public purpose as said servitude has not been utilized, maintained or controlled by the Parish of West Baton Rouge since its dedication;

WHEREAS, pursuant to LSA-R.S. 48:701, the Parish Council of the West Baton Rouge Parish is desirous of revoking the dedication of said servitude previously dedicated for public use as a utility and drainage servitude within its respective territorial jurisdiction, and to abandon the same as it is no longer needed for public purposes;

WHEREAS, it is in the best interest of the Parish of West Baton Rouge and the public that the dedication of the aforementioned servitude revoked and voided;

NOW, THEREFORE, BE IT ORDAINED by the Parish Council of the Parish of West Baton Rouge, Louisiana, acting as the governing authority thereof, that they do hereby revoke the dedication of that servitude of utility and drainage depicted on the Langlois map recorded at Map Book 7, Entry 54 of the records of West Baton Rouge Parish, Louisiana and be and it is hereby revoked, set aside and voided all in accordance with LSA-R.S. 48:701 and all applicable statutes and ordinances pertaining thereto. Further said Clerk and Recorder of the Parish of West Baton Rouge is authorized to make a marginal notation on said map and such map book entry of this Ordinance and abandonment and revocation as he deems fit and proper.

NOW, THEREFORE, BE IT FURTHER ORDAINED that the Parish of West Baton Rouge does not warrant title to the servitude herein revoked.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Parish Council that the Parish President be and is hereby authorized and empowered to sign any plans or documents which may be necessary to carry into effect the foregoing, at the expense of the Keith and Ronada Morris.

NOW, THEREFORE, BE IT FURTHER ORDINANED, by the Parish Council of the Parish of West Baton Rouge, Louisiana, that this ordinance shall become effective pursuant to the West Baton Rouge Parish Home Rule Charter.

BE IT FURTHER ORDAINED by the Parish Council of the Parish of West Baton Rouge, Louisiana that any provisions or items of this Ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions items or applications to this end the provisions of this Ordinance are hereby declared severable.

THIS ORDINANCE HAVING BEEN introduced at a Regular Meeting on the 22<sup>nd</sup> day of August, 2013, and later having been read paragraph by paragraph at a Regular Meeting of the Parish Council of West Baton Rouge Parish, Louisiana, duly convened on the 12<sup>th</sup> day of September , 2013, said Ordinance was,

APPROVED AND ADOPTED on the 12<sup>th</sup> day of September, 2013, by the following yeas and nay votes on the roll call:

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

NAYS: 0 (None)

ABSTAINING: 0 (None)

ABSENT: 0 (None)

CERTIFICATE

I, Sharon Zito, hereby certify that I am the duly qualified Council Clerk for 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 12<sup>th</sup> day of September, 2013.

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana, on this 13<sup>th</sup> day of September, \_\_\_\_\_ 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 16<sup>th</sup> day of September, 2013.

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

**COUNCIL CLERK'S RETURN RECEIPT**

I certify that the foregoing ordinance was returned from the Parish President at 9:00 o'clock AM on the 16<sup>th</sup> day of September, 2013.

/s/Sharon Zito  
Sharon Zito, Council Clerk  
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Executive Assistant Jason Manola was recognized under item 10 (consider status report, change order and/or other matters as required on current projects) regarding the following:  
\$.50 cent decrease followed by one year freeze, effective September, 2013 on 5 year solid waste collection contract with Allied Waste Services of Baton Rouge/New Orleans;  
Employee Ethics Training Class scheduled Wednesday, October 30<sup>th</sup> 7:00AM at the Port Allen Community Center;  
Expressed appreciation to Mr. Loupe for providing film for viewing at the last safety meeting.  
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Riley Berthelot under Parish President's Report regarding the following:

Office of Homeland Security/Emergency Preparedness and E911 Director Deano Moran was recognized and made presentation/displayed award certificate received during recent missing and exploited children three-day class, followed by audience applause.

Office of Community Planning & Development Director Kevin Durbin was recognized and made presentation on phase of four (4) Department of Transportation & Development projects – Rosedale Road Drainage and Sidewalks, Levee Trails Phase I & II, and Geographic Information System (GIS) Advancement.

Mr. Berthelot continued with report:

Requesting concurrence on hook-up of 12 to 15 homes on Lukeville Sewer in order to allocate required funding in 2014 budget;

Announced scheduling of upcoming Lobdell and Brusly fire departments meetings in connection with consolidation;

Reminded of Capital Region Planning Commission meeting/dinner scheduled for 5:30PM on Monday, September 16, 2013 at the Port Allen Community Center;

Reminded of Oldies But Goodies Fest scheduled for Saturday & Sunday at the Convention & Visitors Bureau.

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The Council Clerk read by title into the record the below proposed ordinances being introduced and publicized by title, and considered for adoption following public hearings at the meeting of October 24, 2013 at 6:30PM in the Council Meeting Room, 880 North Alexander Avenue, Port Allen, La.

Amending Chapter 104 Zoning for rezoning request of Joseph Blanchard, 3480 Southern Pacific Road, Port Allen, La. Designated as Lot 7 located in Sections 114 & 115, T7S-R12E from Agricultural District to Residential Minor Subdivision District;

Amending Chapter 104 Zoning for rezoning request of J. P. Safford Enterprises, LLC, Choctaw Road, Brusly, La. Designated as 16 acres located in Section 79, T8S-R12E from Agricultural District to Residential Minor Subdivision District.

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Mr. Durbin presented preliminary plat of Poplar Grove Industrial Park and recognized surveyor Cletus Langlois, who explained block length and length of dead-end street variances required due to location of transmission lines and pipeline adjacent to property. Mr. Spillman confirmed that lots 17 & 18 front River Road. Discussion held on drainage improvements, distance to fire hydrants, truck traffic and Blacksmith Road access to La. 1.

A motion was made by Mr. Phil Porto, Jr., seconded by Ricky Loupe approving the preliminary plat of Poplar Grove Industrial Park Fourth Filing – Lots 15 thru 19 & the remainder of Tract PB-1-A-1-A (being the re-subdivision of Tract PB-1-A-1-A) located in Section 59, T7S-R12E for Poplar Grove Industrial Park, LLC as recommended by the Planning Commission 9/3/13 with variances for block length and length of dead-end street due to location of transmission lines and pipeline adjacent to property.

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.

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Mr. Porto was recognized and explained Kerry Blanchard variance request to addition of second residence at 1190 Hazel's Lane, Port Allen, La. (short by 8,191 square feet of the

required 22,500). Discussion confirmed Department of Health & Hospitals sewer requirements and residence not for Mr. Blanchard.

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Ricky Loupe to approve the variance request of Kerry Blanchard, 1190 Hazel's Lane, Port Allen, La., for addition of second residence as aforementioned.

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

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

NAYS: 1 (Mr. Hugghins)

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

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Mr. Durbin was recognized and explained Kim Landry variance request for addition of second residence at 12459 Patricia Avenue, Port Allen, La. (non-conforming mobile home park, trailer being replaced removed September 2007, and short of required footage by 24,300 feet). Discussion confirmed signatures of "no objection" from neighbors, but none from roads superintendent/drainage superintendent/chief building inspector, and number of trailers located on each lot. Mr. Hugghins clarified request was hardship to allow daughter to locate next door to and care for ill mother. Mr. Berthelot concurred that inspectors would work with applicant to ensure trailer qualified.

A motion was made by Mr. Barry Hugghins, seconded by Mr. Ricky Loupe to approve the variance request of Kim Landry, 12459 Patricia Avenue, Port Allen, La. to add second residence to non-conforming mobile home park as aforementioned, contingent upon meeting the following stipulations:

The variance is only good for a trailer occupied by Heather Gueho and only for so long as her mother, Cindy Gueho Pourciau lives in the adjacent trailer;

The trailer cannot have a porch and/or deck;

The trailer must have 1-hour fire wall.

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, Hugghins, Robertson)

NAYS: 0 (None)

As a result the motion was unanimously adopted.

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At this time under Correspondence Report the Council Clerk read excerpts from the following:

West Baton Rouge Parish Planning & Zoning Commission meeting agenda scheduled for Tuesday, September 17, 2013 cancelled due to clear agenda;

West Baton Rouge Parish Planning & Zoning Commission meeting agenda scheduled for Tuesday, October 2, 2013 at 6:30PM.

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There being no further business, a motion to adjourn was made by Ms. Charlene Gordon at 7:35PM and adopted by acclamation.

/s/Gary M. Spillman

Gary M. Spillman, Council Chairman

/s/Sharon Zito

Sharon Zito, Council Clerk