

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING – SEPTEMBER 13, 2012
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 13, 2012 and called to order. Council Chairman Gary Spillman requested that all electronic devices be silenced and recognized Kevin Durbin, who led everyone in the pledge of allegiance.

Roll call was taken with the following members being present:

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

Absent: Mr. Chris “Fish” Kershaw

Parish President Riley Berthelot, Jr. was also present.

Mr. Spillman announced that Mr. “Fish” Kershaw was absent as he was in Kentucky tonight with his father to receive an award.

Kevin Gravois with Professional Engineering Consultants Corporation (PEC) was recognized and reviewed the bids received and opened 9/12/12 for Rosedale Road Area Drainage System Improvements as part of the Hurricane Ike/Gustav Recovery money, confirmed the low bid submitted by Byron E. Talbot Contractor, Inc. in the amount of \$327,242.00 (within budget), and recommended awarding bid contingent upon LRA (Louisiana Recovery Authority) concurrence.

A motion was made by Mr. Randal Mouch, seconded by Ms. Charlene Gordon to accept the low bid of Byron E. Talbot Contractor, Inc. received and opened 9/12/12 in the amount of \$327,242.00 for Rosedale Road Area Drainage System Improvements as recommended by Administration and Project Engineer, authorizing the President to sign all required documentation, contingent upon LRA concurrence. (Bid tabulation sheet appears elsewhere in these minutes)

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Kershaw)

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

A motion was made by Ms. Charlene Gordon, seconded by Mr. Edward Robertson to approve the minutes of the Regular Meetings of August 9, 2012 and August 23, 2012 as published in the Parish Official Journal.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Kershaw)

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

West Baton Rouge Chamber of Commerce Executive Director Kathy Stuart was recognized and provided an overview through promotional economic development material including census information as well as list of current projects. Ms. Stuart announced 204 acre certified site as development-ready located between Court Street and Rosedale Road as well as upcoming meetings/events and speakers. Mr. Spillman thanked Ms. Stuart for the presentation.

Chairman Spillman announced that the Public Hearing was in order at this time and that all interested persons were invited to appear and be heard preparatory to and adoption of a) adjusted millage rate(s) for the tax year 2012, b) adjusted millage rate(s) after assessment and roll forward the millage rate(s) not to exceed the prior year's maximum millage for the tax year 2012. Finance Director Phillip Bourgoyne was recognized, clarified annual process, but this year is reassessment year so extra step involved. Mr. Bourgoyne stated every 4 years property is reassessed by Assessor's Office at state recommended rate and for the same dollar amount this is what your millage rates need to be. Mr. Bourgoyne explained 2 resolutions in packet (one to set at that number and the second resolution would be to take it from that millage rate and set it at our set millage rates that were voted on by the people). Mr. Bourgoyne provided following information gathered from the Assessor's Office from recent meeting: new homes additional 2.6 million dollars and existing homes 2.5 per cent increase in assessed value. Mr. Bourgoyne stated that total millage rates for parish for last year were 89.99, school board will be losing 4 mills this year, the Assessor is rolling back 1 mill, and all other taxing bodies have rolled millages forward. Mr. Bourgoyne stated that if parish rolls forward to maximum would go to 84.99 so in theory homeowners' tax bill will go down, reviewed roll forward support letters from Council on Aging, Library, and Museum to current maximum, and recommended on behalf of Administration that 2 resolutions be adopted. Messrs. Porto and Loupe confirmed that rates would be set at rates approved by voters.

Chairman Spillman asked if there were any comments from the public and no interested citizens appeared either for or against Resolutions No. 1 and 2 of millage rates for 2012 tax roll. No written protests opposing the two (2) resolutions were received. The Chairman at this point declared the Public Hearing concluded. Said resolutions appear elsewhere in these minutes.

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

RESOLUTION NO. 1

A Resolution with the provisions of Article VII, Section 23(B) and (C) of the 1974 Louisiana Constitution and LSA-R.S. 47:1705(B) (1) and (2), a taxing authority is required to submit to information contained in Resolutions No. 1 and No. 2 in order to increase its millage rate(s) to the maximum authorized rate(s).

BE IT RESOLVED by the West Baton Rouge Parish Council of the Parish of West Baton Rouge, Louisiana, in a public hearing held on September 13, 2012, and conducted in accordance with the open meetings law, that the following adjusted millage rate(s) be and

hereby are levied upon the dollar of the assessed valuation of all property subject to ad valorem taxation within said parish for the year 2012, for the purpose of raising revenue:

GENERAL FUND	3.370
MUSEUM	1.920
HEALTH UNIT	1.490
RECREATIONAL FACILITY	4.790
LIBRARY	3.930
DRAINAGE DISTRICT	6.900
COUNCIL ON AGING	2.390
COMMUNITY CENTER	2.870
911 CENTRAL COMMUNICATIONS	2.870

BE IT FURTHER RESOLVED that the Assessor of the Parish of West Baton Rouge shall extend upon the assessment roll for the year 2012 the taxes herein levied, and the tax collector of said parish shall collect and remit the same to said Council in accordance with law.

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Kershaw)

As a result of the roll call vote 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 September 13, 2012 at which meeting a majority of the members were present and voting.

/s/Sharon Zito

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

RESOLUTION NO. 2

A Resolution in accordance with the provisions of Article VII, Section 23(B) and (C) of the 1974 Louisiana Constitution and LSA-R.S. 47: 1705 (B)(1) and (2), a taxing authority is required to submit the information contained in Resolutions No. 1 and No. 2 in order to increase its millage rate(s) to the maximum authorized rate(s).

BE IT RESOLVED by the West Baton Rouge Parish Council of the Parish of West Baton Rouge, Louisiana, in a public hearing held on September 13, 2012, and conducted in accordance with the open meetings law, the Council voted to increase the millage rate(s), but not in excess of the prior year's maximum rate(s), on all taxable property shown on the official assessment roll for the year 2012, and when collected, the revenues from said taxes

shall be used only for the specific purposes for which said taxes have been levied; said millage rate(s) are as follows:

	ADJUSTED RATE	2012 LEVY
GENERAL FUND	3.370	3.520
MUSEUM	1.920	2.000
HEALTH UNIT	1.490	1.560
RECREATIONAL FACILITY	4.790	5.000
LIBRARY	3.930	4.100
DRAINAGE DISTRICT	6.900	7.200
COUNCIL ON AGING	2.390	2.500
COMMUNITY CENTER	2.870	3.000
911 CENTRAL COMMUNICATIONS	2.870	3.000

BE IT FURTHER RESOLVED that the Assessor of the Parish of West Baton Rouge shall extend upon the assessment roll for the year 2012 the taxes herein levied, and the tax collection of said parish shall collect and remit the same to said Council in accordance with law.

The foregoing resolution was read in full, the roll was called on the adoption thereof, and the resolution was adopted by no less than a two- thirds majority of the total membership of the taxing authority voting in favor as required by Paragraph (C) of Section 23 of Article VII of the 1974 Louisiana Constitution, and Paragraph B of Section 1705 of Title 47 of the Louisiana Revised Statutes of 1950, roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Kershaw)

As a result of the roll call vote 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 September 13, 2012 at which meeting a majority of the members were present and voting.

/s/Sharon Zito

Mr. Robertson was recognized under item 10 (communications with council members and/or elected or appointed officials) to discuss number of calls received regarding lack of shelter for Port Allen area during Hurricane Isaac, housing of National Guard at VFW Hall, centers open and need for residents to travel roadways during storm, and requested matter be looked into. Mr. Berthelot was recognized, explained VFW Hall in Addis and Erwinville center determined to be primary shelters during meetings held at Emergency Center prior to storm. Mr. Berthelot provided timeline on event and invited Mr. Robertson to attend future Emergency Center meetings in order to receive latest information on storm preparation and shelter locations. Mr. Porto confirmed that Port Allen shelter would have been opened for

area residents had storm been stronger and commended administration on debris removal. Mr. Loupe commended administration on press releases, debris removal and confirmed normal pick-up schedule. Mr. Mouch confirmed that VFW Hall designated as primary Red Cross shelter operated by said organization and other centers designated as non-primary shelters operated by Parish with Red Cross assistance. Ms. Gordon clarified old Wal-Mart store on Court Street to be regional headquarters for Red Cross serving south Louisiana.

Discussion held on cancelling second meetings scheduled in November and December due to holidays (11/22/12 Thanksgiving Day) and December 27th (due to proximity to Christmas holidays) and due to 2013 budget publication deadline rescheduling of November 8th meeting to Thursday, November 15, 2012.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Randal Mouch to cancel the second meetings scheduled in November and December due to holidays (11/22/12 Thanksgiving Day) and December 27th (due to proximity to Christmas holidays) and due to 2013 budget publication deadline rescheduling of November 8th meeting to Thursday, November 15, 2012.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Kershaw)

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

Chairman Spillman announced that the Public Hearing was in order at this time and that all interested persons were invited to appear and be heard regarding adoption of an ordinance amending Chapter 104 Zoning for rezoning request of Raymond Loup & Crystal Lake, LLC, Lukeville Extension, Brusly, La., 13.443 acres from Agricultural District to Residential Single Family District. Public Works Director Kevin Durbin was recognized, stated that applicant and surveyor were present, item came before the Zoning Commission 9/4/12 and was recommended for approval, and requested hearing on subdivision plat immediately following rezoning. Kevin Norman with Evans-Graves Engineers, Inc. was recognized representing Mr. Loup & Chrystal Lake, L.M.C. subdivision and requested single family 2 for 13.4 acre tract including two variances (length of blocks and t-turnaround at end as salvage yard located to the north and existing subdivisions around so stub-out would be of no avail). Mr. Spillman confirmed design and size of t-turnaround to facilitate buses with developer & engineer. Ms. Fair confirmed access, location, and upgrade of Lukeville Extension. Mr. Spillman confirmed for record that Mr. Kershaw supports this item.

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. 22 of 2012 appears elsewhere in these minutes.

At this time Chairman Spillman asked if there was any discussion, any questions, and the wishes of the Council on the plat in conjunction with the aforementioned rezoning request.

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Ricky Loupe to approve the preliminary plat of Sugar Mill Estates Lots 1 thru 32 being unnamed 13.443 acre tract Raymond R. Loup Property located in Sections 20 & 21, T8S-R12E for Crystal Lake,

LLC/L.M.C. Development, LLC with variances for the length of dead end street (500ft. minimum) and block length with no thru street (800ft. minimum) due to the existing subdivision on the south and the established salvage business to the north of said tract as recommended by the Planning Commission.

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)

ABSENT: 1 (Mr. Kershaw)

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

The following ordinance was offered by Mr. Randal Mouch, seconded by Mr. Edward Robertson

ORDINANCE NO. 22 OF 2012

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 Raymond Loup & Crystal Lake, LLC, Lukeville Extension, Brusly, La., 13.443 acres located in Sections 20 & 21, T8S-R12E from Agricultural (A) District to Residential Single Family (R-SF-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: 8 (Messrs. Spillman, Mouch, Robertson, Ms. Fair, Messrs. Huggins, Porto, Ms. Gordon, Mr. Loupe)

NAYS: 0 (None)

ABSENT: 1 (Mr. Kershaw)

WHEREUPON the ordinance was declared to be adopted on the 13th day of September, 2012.

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 13th day of September, 2012.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 8:55 o'clock AM on the 14th day of September, 2012.

IN FAITH WITNESS my official signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana on the 14th day of September, 2012.

/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 17th day of September, 2012.

/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 8:25 o'clock AM on the 17th day of September, 2012.

/s/Sharon Zito
Sharon Zito, Council Clerk

Chairman Spillman announced that the Public Hearing was in order at this time and that all interested persons were invited to appear and be heard regarding adoption of an ordinance amending Chapter 104 Zoning for rezoning request of Floyd Edwards, 12125 South Palmer Lane, Port Allen, La., Lot 22-A-1, Poydras Country Estates from Agricultural District to Light Industrial District. Mr. Spillman stated before get too far into it wanted to make sure that everyone in the audience knows that the minutes of the Planning & Zoning meeting had been received and actually read these minutes into the record (Said minutes appear elsewhere in these minutes). Mr. Spillman opened up for public hearing and requested most of facts known from planning & zoning that limit comments to what needs to be said, but welcome to

come up and make sure on record as being against it if you are against it, come to microphone, state name and address for record, and state business.

Steve Irving for Mr. Edwards and proponent on this and be sure couple of things are straight. This started out as the entire green property that is shown there and talking about lighter green designed on that map - the request started out for that. All Mr. Edwards has ever wanted to do was to take an existing slab on his business and put a roof on it and later enclose it. That's all he wanted to do. He got brought into the I-1 issue because technically from the day the zoning ordinance was adopted he became a non-conforming use even though his property was used as industrial long before the zoning ordinance was adopted. That was a mistake in the adoption of the zoning ordinance. Now it was down as I-2, but we determined that he did not need to be I-2 to do what he wants to do so we pulled it back from I-2 to I-1. When a question arose about the property to the right of the blue line which does not currently have a building in it its used as a lay-down yard we withdrew the request as to the property to the right of the blue line to make it I-1. It can stay as a non-conforming use because this proposal isn't going to change the use of that property. There were some questions raised about a retention pond that had been on there for many years that some of the residents had complaints about - Mr. Edwards filled in the retention pond - he's tried to address the other issues that they had and tried to improve his image in terms of the neighborhood. So the property to right of the blue line is not included - the property to the left of the blue line which has been industrial for many years is what we're talking about - we're not even talking about increasing the industrial footprint on that because it's a concrete slab. Now he just wants to cut some holes in the concrete slab to put the beams up to put a roof over it and later enclose it - that's all he wants to do, but he can't expand a non-conforming use and that is the reason that even though what he wants to do is relatively innocuous he has to seek rezoning. Now he owns the lot immediately below this he owns 4 acres there in addition to the property depicted in green there - that is a buffer zone between him and the next neighbor down the way. He's offered to put up a fence to isolate the house that here - now they talk about this being a residential district and indeed there are some homes there, but it is my understanding that this is all zoned agricultural and what constitutes a residential district is a little bit difficult to figure out. But all he wants to do is do what he's always done what he has a right to do and all he actually wants to do is to put a roof over his existing slab so he can be indoors whenever he does work on that slab rather than be outdoors - it would actually help the environment of the area not hinder it. Now there has been a question of the sandblasting - his normal rule is contract out sandblasting so it would not be done there and he does not intend to change that - there has been maybe one or two occasions when sandblasting was done, but it is not his intention to change that whatsoever - his intention is to continue to do to fabricate tanks and just to do so in an enclosed environment rather than an outdoor environment on the concrete slab that's there. I'll be happy to answer any questions that anyone has.

Mr. Spillman stated that Mr. Steve might be called back to the microphone.

Brice Schexnayder (resident in area) recognized and distributed pamphlets outlining most of what read into record along with petition signed by approximately 50 residents. Mr. Schexnayder stated just so clear group of residents from in and around Poydras Country Estates request Council deny the current zoning approval to rezone any part of 22A1. Original lot left of the blue line highlighted in green was original business in 1984 and realize predates zoning so it belongs there - not debating that part of it. However, both of properties - the one on the right and the one below it (lot number 21) have been the source of many neighborhood complaints to the parish - like you said noise pollution, dust, traffic and others. Most of those have gone unanswered is what being told until now. Being told the current owner was told in 2010 by the parish attorney that the annexed lot the part of the right of that blue line was not to be used for any part of his business. Since that time is about the same time when it started getting piled up as a junk yard (lay-down yard) as they describe it, but to look at it you'd assume it's a junk yard - that's one of the big complaints. After that also - and that lot was acquired after rezoning - the lot below lot 21 was acquired much later I don't have the exact date somewhere around 2008, but that's not really the debate. Both of these lots when you address what makes up a residential zone - if you look up Poydras County

Estates on the Assessor's website that blue line surrounds nothing but residential lots with the exception of his business – so I'd say that's a pretty clear definition of residential zone – so that would alleviate lot 21 completely. If lot 21 (the part to the right of the blue line) should not be used for part of the business then lot 21 would have to fall in the same classification – its property purchase after rezoning so it should be in the same class as lot to the right which the attorney said should be used for no part of the business, which would include parking. To be realistic I doubt a little parking here and there would have been a big problem for any of the neighbors just to be realistic – not that we condone it but that wouldn't have brought 50 people to sign it and all these people here tonight. A few more things the owner has ignored pleas from the residents to keep the property in a reasonably clean state, he's ignored the rules governing the use and upkeep of all the properties for that matter, and we understand businesses are necessary – we have no problem with people coming into the parish and having a business if its near homes we just want responsible business owners. If you allow him to rezone it's just going to continue – he's already shown disregard for the rules the parish has laid out. In our discussions with the neighborhood we have tried to come up with ways to accommodate his requests – we thought of compromise in which the Council could give a special use permit maybe to allow some of his requests on that initial lot but not open the door to rezoning. One of our biggest fears if you rezone him I-1 right now you are opening the door not just to what he wants to do currently today, but not what he or any future owner of that property wants to do. This whole area has been built up greatly since rezoning – the properties to right of the blue line as well as many properties up and down 413 near there have all become residential after rezoning and before some of these other lots were purchased. So once again our request is to fully deny any rezoning of lot 22A1 and with your permission to expedite things I'd like to ask all residents who are in agreement with the statements I've made and who oppose this rezoning maybe to just stand if that will serve ya'll purposes of showing our support from everybody here tonight. So at this time anybody in agreement with what I'm saying.

Mr. Spillman stated that if you would want you name on public record I'd ask you to just come state your name. If you don't care if your name's on record or not then you can just stand and not worry about it, but I'm just trying to do something in case you want to be on record.

Mark W. Archibald was recognized and stated that was that man's property and he didn't care what he did with it, but expressed opposition to 18-wheelers traveling up and down road (too dangerous) due to speed, requested installation of a double-sided wooden fence as well as double drive-way, and removal of junk.

The following individuals provided names for record in opposition to rezoning requests:

Brandon Brown
Sharon Schexnayder
Donna Bonaventure
Kerry Riviere
Loretta Riviere
Cynthia Archibald
Peggy Clement
Charles Clement
Sheila David
Blaine David
Bonnie Cazes

Wilson Cazes - requested that shaded area around shop be zoomed in on aerial photo.

Richard Bercegeay
Burton Firmin

Mary Firmin - stated she & husband live on lot 20 (Edwards owns 21), have been there 35 years – so what happens if he moves 20 feet from my driveway – I'm right there – definitely want to deny rezoning.

Mr. Durbin was recognized to make one comment. I want Mr. Edwards to understand before he leaves here tonight that the items that are being stored to the right of blue line if this Council decides not to give that property I-1 zoning I want Mr. Edwards to fully understand we're going to show up at his site in two (2) weeks and if those items are not moved as the parish attorney advised him to do two (2) years ago we will serve him with a citation for violation of the zoning ordinance – I just want that to be clear.

Mr. Irving was again recognized and stated that lot 21 that has been mentioned is the 4 acre tract – it is not now nor has it ever been a part of this rezoning request – that is buffer property that he acquired that there would be land between him and neighbors. Mr. Spillman stated that he knew that no type of rezoning had been requested for that piece of property. No other interested citizens appeared either for against said ordinance. No other written protests opposing the ordinance were received. At this point Mr. Spillman declared the Public Hearing concluded and requested comments from the Council. Mr. Porto stated unaware of Mr. Durbin's prior statement made regarding 2010 parish attorney ruling that owner could not store anything on lot – and if Council chooses not to rezone it owner has 2 weeks to remove items – why have we not taken action since 2010. Mr. Durbin clarified statement is not really accurate that no action has been taken – have taken steps to investigate property – don't want to get into prosecution strategies of who we choose to prosecute because quite frankly that gives away our prosecution strategy and I don't want give Mr. Edward opportunity to hear those reasons as to why we prosecute and why we don't. There are several reasons I don't want to get into them tonight. The fact of the matter is if he doesn't have it off in 2 weeks we will prosecute. Mr. Loupe questioned Kevin on this zoning – stated it's been here since before the zoning took place – I guess a hypothetical situation if we turn it down tonight then what takes place with him doing what he's been doing for 25, 28, 30 years. Mr. Durbin stated he can continue to operate – the problem is that he cannot expand – he can't expand his buildings and he can't expand his activity – he can still continue to do fabrication at that location, yes sir. Mr. Loupe stated his opinion although it's Mr. Huggins district – have a hard time approving industrial in what I consider a residential area – on the flip side he has been doing it. I would definitely be more in favor of a special use permit versus this rezoning to industrial zoning – I just want throw that out there listing everything and taking everything in. I don't know how that would work as far as going in that direction but I just wanted to say that out loud I know Mr. Huggins I'm sure has a lot of stuff to say.

Mr. Huggins thanked the chairman. Mr. Huggins stated when first came to attention wanted to be able to support this - wanted to be able to see West Baton Rouge to be as business friendly as possible and I know Mr. Edwards he's built some equipment that I designed – he did a good job and there have been some good arguments made on both cases. True enough when zoning was put into place there were properties that were not zoned according to their current use regardless of what the representation that was made, however, there was also a definition of non-conforming use written into the code so if the code hadn't foreseen that that was going to happen it would have been absurd to spend the time to write a non-conforming definition into the code. So clearly that anticipated that there would be pieces of property that would be in situations that were incompatible with the use of the property. As I have told everybody that I have talked to including Mr. Edwards and the residents my goal is to do the right thing and to follow the law and I think that's what we all ought to do and the law says that there are some considerations that should be made when determining whether to rezone a piece of property or not. The considerations are things such as changes in land values if that rezoning is approved and I have some concerns as to what this would do to the value of the other folks' property, the land use may be incompatible with the existing character of the neighborhood – clearly that's the case. It may overburden public facilities - well if we rezone in the manner that has been recommended by the Planning & Zoning Commission it would certainly do nothing except increase the traffic burden on South Palmer – that's not a good thing. We don't want industrial properties to be accessed off of residential streets and if we were to following the Planning & Zoning Commission's recommendation and rezone with all the variances that have been requested it seems to me that we're just making a mockery of the code. What's the point in passing this if we're going

to shred it with variances? Like Mr. Loupe I also thought perhaps the answer was to issue a special use permit – I very much wanted to accommodate what Mr. Edwards wanted to do and I wanted to accommodate these folks’ problems and I worked real hard. I had a couple of meetings with Mr. Edwards – Mr. Spillman sat in on one of them trying to find some common ground - trying to find if there was a way to do this in such a manner that addressed some of these problems. I really think that’s what we’re here for – we’re not here to take sides we’re here to try to follow the law and we’re here to try to solve problems and unfortunately as I understand the code – the code doesn’t allow us to issue a special use permit so that option’s off the table. So Mr. Chairman I’m sad to have to do it because I wanted to find a way to try to accommodate the situation and try to allow Mr. Edwards to expand and try to address these people’s concern, but as I see it I have no choice but to make a motion to deny the rezoning.

A motion was made by Mr. Barry Huggins, seconded by Mr. Phil Porto, Jr. to deny the rezoning request of Floyd Edwards, 12125 South Palmer Lane, Port Allen, La., Lot 22-A-1, Poydras Country Estates from Agricultural District to Light Industrial District due to reasons as aforementioned in Mr. Huggins previous statement (change in property values, inconsistent with character of neighborhood, and potential increase in burden on public infrastructure).

Mr. Spillman stated motion made and seconded to not approve the rezoning and asked if there were any other comments from any other Council members, any other comments. Mr. Spillman stated couple of things and I did go with Barry to try to meet with Mr. Edwards and them and tried to work some things out to make it work for the residents in that area. I did read a letter from someone and did state in letter you know “would you want this by your house”. Well you know what a lot of times whenever I’m voting up here I vote would I want this by my house and I wouldn’t want it by my house. It just happened to be put in there by ya’ll houses years ago before anything was brought to anybody’s attention to be done with. I have stressed about the other materials that’s on the other lots and everything – I agree with Mr. Durbin and them that that should not be on that lot it should be moved over on the original lot because as far as I’m concerned is when you start putting that on that lot there you are circumventing the law and you are just doing what you want to do and you are putting materials over there when it’s not supposed to be there - so you know I agree with Mr. Durbin and them to ask that that be moved over and you can operate the business as it has been operating. Me personally you know I have concerns about 18-wheelers going up and down South Palmer Lane, but that has been being done for the last 28 years or whatever so I guess it can continue. I would have loved to be able for those 18-wheelers to come off of Poydras Bayou when originally it was done, but that was not done and I know it caused some problems for Mr. Edwards to bring in the trucks all through that direction. So with that I just want to let you know that the variances - anyone who has sat up at this Council with me for the past 4 years knows how I am about variances. It’s very hard for me to approve variances you know especially if the Council member in that area has problems and the residents have problems with the variances. Variances is a situation like Mr. Huggins said when you start giving 5 and 6 and 7 variances what do you have the law for – why don’t we just do away with the law and we’ll go back to just letting you do what you want to do – and I can’t see us going backwards people – I want us to move forward – and I believe Mr. Huggins and them has got the right idea to try to move this thing forward. Any other comments, any other comments? Seeing none, call roll.

Roll call vote on the motion was recorded as follows:

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

NASYS: 0 (None)

ABSENT: 1 (Mr. Kershaw)

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

Mr. Spillman expressed appreciation to audience members for being considerate to one another, and hopes that something can be worked out in future.

Mr. Gravois with PEC was recognized under item 13 (consider status report, change order and/or other matters as required on current projects) presented and explained there were two parts to change order no. 1 on the Lynndale Water and Drainage Project funded by the LRA (pending said agency's approval) for addition of wet well at the Lynndale treatment plant (not in initial application or plans – deeper well required with same pump and electrical) at cost of \$95,752.42, second part taking out 3 segments of existing drainage for total increase in change order of \$62,800.42, adding 30 days to contract time period. Mr. Huggins confirmed that Administration recommended approval of said change order.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Barry Huggins to approve Change Order No. One (1) for Hurricane Gustav/Ike Disaster Recovery (Lynndale Subdivision Water & Drainage Improvements for aforementioned items for increase in the amount of \$62,800.42 (Magnolia Construction Company, LLC) and adding 30 days to contract period as recommended by the Project Engineer and Administration, and authorizing the Parish President to execute same, contingent upon concurrence from the Louisiana Recovery Authority.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Kershaw)

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

Mr. Gravois stated would probably have another change order to consider at next meeting for cross-drains across Highway 1 at Antonio Road on the same project as currently in works with LRA and Magnolia Construction.

Riley Berthelot, Jr. was recognized under Parish President's Report regarding the following:
Clarified that change orders Engineer talked about for next week were part of Gustav/Ike money under grant project still within budget;
Assisting CDM Smith through Sheriff's Office and DOTD the second week in October with distribution of road-side survey cards on La. 1 (to be completed and mailed back in connection with La. 1/I-10 Connector Project);
Capital Region Planning Commission meeting scheduled for Monday, September 17th at Gonzales Civic Center beginning at 6:00PM.

Messrs. Berthelot & Bourgoyne provided update on recent and upcoming St. James Juvenile Detention Center Board meetings for 8 parish region to resolve issues and determine options on cost increases due to implementation of new state regulations by 7/1/13.

Mr. Manola provided parish statics on Hurricane Isaac: no flooding, shelters opened, tree fell on hydrant south of the Intracoastal Canal affecting main water line – crew restored water shortly thereafter, clarified difference between DHH boil advisory until sampling completed and mandated contamination boil order, downed power-lines and/or trees blocking streets,

debris pick-up schedule, use of personnel, public information releases, debriefing meeting scheduled for next week, parish threshold for receiving public assistance set at \$80,000.00, and individual assistance for severe damage set at 25 to 35 homes.

Gary Spillman was recognized under Council Chairman's Report, reminded and requested everyone support the Oldies but Goodies Fest this weekend with BBQ Cook-off on Saturday and bands scheduled to perform on Sunday at Convention & Visitors Bureau Center.

Mr. Spillman discussed resignation from Capital Area Human Service District Board upon expiration of current term and requested that Lynn Robertson, Cora Stewart, and other interested individuals' names be submitted for consideration (item placed on 9/27/12 agenda).

At this time under Correspondence Report the Council Clerk read excerpt from West Baton Rouge Parish Planning & Zoning Commission meeting agenda of 9/18/12 confirming same cancelled due to clear agenda.

There being no further business, a motion to adjourn was made by Ms. Charlene Gordon, seconded by Mr. Barry Hugghins and adopted by acclamation at 8:05PM.

/s/Gary M. Spillman

Gary M. Spillman, Council Chairman

/s/Sharon Zito

Sharon Zito, Council Clerk