

**WEST BATON ROUGE PARISH COUNCIL  
REGULAR MEETING – FEBRUARY 28, 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, February 28, 2013 and called to order. Vice Council Chairman Barry Huggins chaired the meeting in the absence of Council Chairman Gary Spillman, and requested that all electronic devices be placed on silent. Mr. Huggins stated that he wanted to do something a little bit different as this was his first council meeting as chair, and requested everybody take moment of silent prayer and ask God to give this Council the wisdom to properly govern this Parish. Following moment of silent prayer Mr. Huggins recognized Naomi Fair, who led everyone in the pledge of allegiance.

Roll Call Pro System recorded the following members being present:

Messrs. Phil Porto, Jr., Chris “Fish” Kershaw, Ms. Charlene Gordon, Messrs. Randal “Randy” Mouch, Edward G. “Bob” Robertson, Ms. Naomi Fair, Mr. Barry Huggins

Absent: Messrs. Ricky Loupe, Gary M. Spillman

Parish President Riley Berthelot, Jr. was also present.

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Mr. Berthelot was recognized, reviewed the following equipment bids received and opened 1/19/13, and administration recommendations:

Model 7230 John Deere Tractor low bidder H & W Equipment;  
Leeboy Asphalt Paver be taken under advisement to evaluate bids;  
Culvert Cleaner low bidder Covington Sales & Service;  
Model 6105 John Deere Tractor low qualified bidder H & W Equipment.

A motion was made by Mr. Randal Mouch, seconded by Mr. Phil Porto, Jr. to accept the following equipment bids and/or take under advisement to evaluate bid as indicated on same based on Administration recommendations:

Model 7230 John Deere Tractor low bidder H & W Equipment at \$75,690.00;  
Leeboy Asphalt Paver to be taken under advisement to evaluate bid specifications;  
2013 Jet Rodder Culvert Cleaner low bidder Covington Sales & Services at \$52,088.00;  
Model 6105 John Deere Tractor low qualified bidder H & W Equipment at \$59,514.00.

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

YEAS: 7 (Messrs. Mouch, Kershaw, Ms. Fair, Ms. Gordon, Messrs. Porto, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 2 (Messrs. Loupe, Spillman)

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

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Cletus Langlois was recognized stating had submitted RFP (requests for proposals) on Council’s behalf for installation of four (4) Splash Pads at Erwinville, Port Allen, Brusly, and Addis Parks. Mr. Langlois confirmed only one bid received from company out of Irvine, California (who met all criteria), recommended approval, and requested notice of award for President’s signature to begin contract process. Mr. Langlois distributed paperwork illustrating proposal, background information, and offered to answer any questions. Mr.

Kershaw confirmed bids within budget. Members and administration discussed cost for each facility including accessories, jet-timing, type of drainage, and expansions.

Erin Bennett was recognized, inquired about composition of components/warranty, and engineer confirmed all components are stainless steel with powder coat.

Mr. Huggins stated he liked to support Administration and Parks Department, but will have to vote no on this because \$170,000.00 for hose-pipe and sprinkler for the kids to run through is just too much money and just don't think this is something that we ought to be taking people's tax money taken from them when work real hard for it and spend it on something like this. Ms. Gordon confirmed that Mr. Huggins was turning down bid. Mr. Huggins stated he was just voting his conscience. Ms. Bennett was recognized again and agreed with Mr. Huggins based on first inclination, but confirmed that kids love them. Mr. Langlois confirmed overwhelming positive responses received from Facebook and social media sites in response to splash pad information posted.

A motion was made by Mr. Phil Porto, Jr., seconded by Ms. Charlene Gordon to award the bids for installation of four (4) New Splash Pads at Erwinville, Port Allen, Brusly, and Addis Parks to Splash Zone at cost of \$170,000.00 each as budgeted (approximately 2,500 square foot commercial-type), per bids received and opened 2/25/13, as recommended by Project Engineer and Administration, and authorize execution by the Parish President of the notice of award and contract.

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

YEAS: 5 (Messrs. Mouch, Kershaw, Ms. Gordon, Messrs. Porto, Robertson)

NAYS: 2 (Ms. Fair, Mr. Huggins)

ABSENT: 2 (Messrs. Loupe, Spillman)

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

Director-Department of Parks and Recreation Anatole Vincent was recognized, expressed thanks, and made brief comment about popularity of splash pads throughout the country. Mr. Porto commented that former councilman Keith Washington would be happy as this had been project he had requested 5 or 6 years ago.

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At this time President Berthelot requested proclamation declaring "Severe Weather Awareness Week March 3<sup>rd</sup> – 9<sup>th</sup>, 2013" in West Baton Rouge Parish be presented and read into the record and then return to the regular agenda, and there were no objections. Mr. Berthelot introduced Jay Grymes with Channel 9, Ken Graham with the National Weather Service, Deano Moran and Anthony Summers with Emergency Preparedness, and requested comments. Messrs. Graham and Grymes were recognized and made brief comments regarding awareness week and storm readiness. Audience applauded followed by picture taking.

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Mr. Berthelot reviewed surplus equipment list for Roads and Drainage Departments and recommended same be declared as surplus for sale at auction in March.

A motion was made by Mr. Phil Porto, Jr., seconded by Ms. Charlene Gordon to declare the following Roads Department and Drainage Department equipment as surplus property and of no public use, and authorize advertising for sale at public auction, as recommended by said department and administration:

Blaw Knox PF-65 (late 1960s/early 1970s model) – Roads Department;

2007 Volvo EC55B PRO Excavator – Roads Department;

2006 John Deere 450J LPG Dozer – Drainage Department.

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

YEAS: 7 (Messrs. Mouch, Kershaw, Ms. Fair, Ms. Gordon, Messrs. Porto, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 2 (Messrs. Loupe, Spillman)

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

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Public comments were requested at this time, Playboy's Lounge off of 190 owner Leroy Smith was recognized, asked about Sunday closing time (now closing at 10:00PM), Crazy Horse only club in Parish that is open for business after 10:00PM, and requested permission to close at 2:00PM until matter is resolved in court. Mr. Berthelot confirmed he had previously explained court process to Mr. Smith last week, but requested Parish Attorney respond. Mr. Huggins requested proceeding with agenda until Mr. Delahaye has reentered meeting for response.

Ms. Gordon was recognized under item 9 (communications with council members and/or elected or appointed officials) distributed "thank you" cards to express appreciation and souvenir books from Westside Bulldogs coaches for support donations made toward expenses to go to New Orleans.

Mr. Delahaye reentered the meeting at this time and Mr. Smith restated question for attorney response regarding Sunday closing. Mr. Delahaye stated that the only bar-room that could stay open until 2:00PM is Crazy Horse due to federal judge issuing injunction on challenge law suit allowing them to open. Mr. Delahaye explained matter not final yet as Parish is in process of appealing seeking to overturn ruling. Mr. Delahaye clarified placing matter on ballot before vote of the people was up to council and president. Mr. Smith stated Sunday holiday schedule was confusing to customers as to when establishment was open, thanked Council, and mentioned attorney Jill Craft filing law suit.

Mr. Porto was recognized under item 9 (communications with council members and/or elected or appointed officials) to remind of Household Hazardous Materials Collection Day scheduled Saturday, March 9<sup>th</sup> from 8:00AM until 12:00PM Noon at the Louis A Mouch Multi-purpose Arena.

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Vice Chairman Huggins announced that a Public Hearing was in order at this time and interested citizens were invited to appear and be heard regarding adoption of an ordinance amending Chapter 104 Zoning for rezoning request of Westport Investments, LLC, 2514 Commercial Drive, Port Allen, La. designated as Tract G-3-C-2-A from C-1.3 (Regional-Scaled Commercial District to I-2 (Moderate Industrial District). Public Works Director Kevin Durbin was recognized, showed site on overhead projector, and confirmed that applicant and engineer were present if there were any questions. Murry McCulla with the Benchmark Group representing valve manufacturing company made presentation on construction of facility to be located on the north-side of Commercial Drive, and distributed package of plat and preliminary site plan. Discussion held if I-2 designation required, I-1 & I-2 definitions/uses/fit, building layout, covered raw materials yard location, fully enclosed paint & sand-blasting areas, and distance from back property line. Messrs. McCulla and owner, Larry Chauvin, discussed fact that purchase of land contingent upon required approvals, wanted no restrictions regardless of zoning designation, number of jobs and expansion possibilities. Mr. Durbin confirmed for the record that the Office of Community Planning & Development's interpretation of the Zoning Code language based on section

stating “the purpose of the I-1 (Light Industrial District) shall be to accommodate enterprises engaged in the light manufacturing, processing, creating, repairing, renovating, painting, cleaning or assembling of goods, merchandise or equipment” is that the company would be legally operating within said district, and read section further stating “the purpose of I-2 shall be to provide an area for moderate industrial development that would not negatively impact the residential/commercial area of the parish” (more information located within definition section and Mr. Durbin agreed to provide opinion letter). Mr. McCulla requested 2 week deferral following conversation with parish attorney and client for further clarification as to zoning definitions and uses.

No interested citizens appeared either for or against said ordinance and no written protests opposing the ordinance were received.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Randal Mouch to defer action on rezoning request of Westport Investment, LLC, 2524 Commercial Drive, Port Allen, La. designated as Tract C-3-C-2-A from Regional-Scaled Commercial District to Moderate Industrial District for two weeks until meeting of 3/14/13 as requested by applicant.

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

YEAS: 7 (Messrs. Mouch, Kershaw, Ms. Fair, Ms. Gordon, Messrs. Porto, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 2 (Messrs. Loupe, Spillman)

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

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Vice Chairman Huggins announced that a Public Hearing was in order at this time and interested citizens were invited to appear and be heard regarding adoption of an ordinance amending Chapter 104 Zoning for N.W.E., LLC and Dollar Distributing, 4119 State Highway 1 S, Port Allen, La. designated as Lot B for Special Use Permit to operate a tavern within Community-Scaled Commercial District. Mr. Durbin showed site on overhead projector, confirmed two (2) residence within 500 feet of facility had agreed to sign-off on alcohol permit under two (2) conditions 1) provided the establishment is closed at 10:00PM on Sundays regardless of the outcome of current challenges to Parish law, and 2) owner shall have the ability to cancel lease due to multiple noise complaints. Mr. Durbin confirmed that the Zoning Commission had unanimously recommended approval at its meeting of February 19, 2013. Property owner recognized and confirmed cancellation lease clause and tenants agreement regarding noise complaints.

No other interested citizens appeared either for or against said ordinance, and no written protests opposing the ordinance were received. The Vice Council Chairman at this point declared the Public Hearing concluded. Said ordinance No. 4 appears elsewhere in these minutes.

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The following ordinance was offered by Ms. Naomi Fair, seconded by Mr. Randal Mouch

ORDINANCE NO. 4 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 N.W.E., LLC and Dollar Distributing, 4119 State Highway 1 S, Port Allen, La., designated as Lot B containing 10.48 acres located in Section 79, T7S-R12E & Section 4, T8S-R12E for Special Use Permit to operate a Tavern within C-1.2 (Community-Scaled Commercial District), approval contingent upon the following stipulations: 1) establishment shall be closed at 10:00PM on Sundays regardless of the outcome of current challenges to Parish law, and 2) owner shall have the ability to cancel lease due to multiple noise complaints.

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: 7 (Messrs. Mouch, Kershaw, Ms. Fair, M. Gordon, Messrs. Porto, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 2 (Messrs. Loupe, Spillman)

WHEREUPON the ordinance was adopted on the 28<sup>th</sup> day of February, 2013.

ATTEST:

/s/Sharon Zito

Sharon Zito, Council Clerk

**CERTIFICATE**

I, Sharon Zito, hereby certify that I am the duly qualified Council Clerk of the West Baton Rouge Parish Council.

I further certify that the above and foregoing is a true and correct copy of the ordinance adopted by the West Baton Rouge Parish Council in regular session on the 28<sup>th</sup> day of February, 2013.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:40 o'clock AM on the 1<sup>st</sup> day of March, 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 1<sup>st</sup> day of March, 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 9:55 o'clock AM on the 1<sup>st</sup> day of March, 2013.

/s/Sharon Zito

Sharon Zito, Council Clerk

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Kevin Gravois with Professional Engineering Consultants Corporation (PEC) was recognized and reviewed change order no. 1 for adjustment of final installed quantities for total \$8,030.25 (1 extra catch-basin, adjustment of the concrete and asphalt pavement, extension of 15 inch RCP drain pipe, additional hydra-mulching, larger size pipe near outfall, and converted manhole due to sewer-line) and substantial completion dated 2/11/13 for Hurricane Gustav/Ike Disaster Recovery Project (Rosedale Road Area Drainage System Improvements), and recommended approval.

A motion was made by Mr. Randal Mouch, seconded by Mr. Phil Porto, Jr. to approve Change Order No. 1 and Certificate of Substantial Completion as aforementioned for Hurricane Gustav/Ike Disaster Recovery Project for Rosedale Road Area Drainage System Improvements located within the City of Port Allen (Byron E. Talbot Contractor, Inc.) as of February 11, 2013 as recommended by Administration and Project Engineer, authorizing Parish President to execute same, contingent upon contractor completing punch list items. Mr. Mouch briefly discussed pictures of state bridge-rebuilding on Rosedale Road and timetable.

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

YEAS: 7 (Messrs. Mouch, Kershaw, Ms. Fair, Ms. Gordon, Messrs. Porto, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 2 (Messrs. Loupe, Spillman)

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

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Riley Berthelot, Jr. was recognized under Parish President's Report regarding the following:  
Welcomed Boy Scout Patrick Ganaway, who is present to earn Citizens Community Badge (evaluating issues), and requested applause;  
Water District No. 2 last week adopted resolution of "no objection" regarding Parish operating district and the matter will be presented to the Council next month to commence said process, effective 7/1/13;  
Safety Town for kids being held in mornings through next Wednesday at Veterans of Foreign Wars Hall (VFW);

All call system will be used as reminder to residents of Household Hazardous Materials Collection Day as aforementioned;  
Letter received from State accepting terms and paperwork pending as part of transfer process of Faye Street back to Placid Refinery.

Ms. Gordon requested update on sidewalks along Rosedale Road. Mr. Durbin reported on recent meetings held with PEC and DOTD regarding agreements and surveys involved, and stated that DOTD proposes installing sidewalks on south-side of roadway with north-side as alternate.

Mr. Kershaw requested update on Lynndale Project. Mr. Gravois reported that all drainage completed except for two cross-drains under Highway 1, gravity sewer installed, all service lines are run up to individual tanks, working on pump station by treatment plant, and if weather breaks should be completed within 2 months including removal and replacement (paving & patching) along roadway.

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The Council Clerk read by title the proposed ordinance being introduced by title, publicized by title, and considered for adoption following a public hearing at the meeting of Thursday, April 11, 2013 at 6:30PM in the Council Meeting Room of the Council/Governmental Building, 880 North Alexander Avenue, Port Allen, La. as listed below:

Amend Chapter 104 Zoning for rezoning request of Edgen Murray Corporation, 2421 North Line Road, Port Allen, La. designated as Tract 14-A, Beaulieu Plantation from Light Industrial District to Moderate Industrial District.

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Mr. Durbin was recognized and reviewed plat for Joey Treuil, who is present tonight, which is a division of Lot E into Lot E-1 & E-2 off of Rosedale Road with variance required for front footage (125 feet required and only has 96 or 97 feet), and confirmed Planning Commission recommended approval of plat with variance at its meeting of February 19, 2013.

Verbal motion and roll call were required on this motion as the Roll Call Pro System was malfunctioning.

A motion was made by Mr. Barry Huggins, seconded by Mr. Randal Mouch to approve the final plat showing the subdivision of Lot E into Lots E-1 and E-2 located in Section 7, T7S-R11E for Lucius Treuil, Jr. with variance for the road frontage of both lots due to topography as recommended by the Planning Commission.

Roll call vote on the motion was recorded as follows:

YEAS: 7 (Messrs. Mouch, Kershaw, Ms. Fair, Ms. Gordon, Messrs. Porto, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 2 (Messrs. Loupe, Spillman)

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

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Mr. Durbin reviewed the variance application & evaluation form for Gordon Soniat on Singleton Road for construction of an accessory structure on property, which will be approximately 1.5 feet from the side property line (10 foot side setback within Agricultural District), confirmed signature from adjacent neighbor, and appropriate department heads. Mr. Huggins verified that Mr. Spillman had no objection to variance.

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Chris Kershaw to approve the variance request of Gordon Soniat, 8905 Singleton Road, Port Allen, La. reducing the side setback property line from 10 feet to 1.5 feet based upon confirmation of “no objection” signatures to proposed relocation of setback line as aforementioned.

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

YEAS: 7 (Messrs. Mouch, Kershaw, Ms. Fair, Ms. Gordon, Messrs. Porto, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 2 (Messrs. Loupe, Spillman)

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

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Mr. Durbin reviewed the variance application & evaluation form for Spencer Graham, 12313 Ena Street, one mobile home on the property & second mobile home will be 6 feet over the property line, and entitled to do so as applicant owns both lots at address if Council permission has to be obtained. Mr. Huggins further clarified request and offered “no objection”.

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Randal Mouch to approve the variance request of Spencer Graham, 12313 Ena Street, Port Allen, La. reducing the side setback property line by 6 feet based upon confirmation of “no objection” signatures to proposed relocation of setback line as aforementioned, contingent upon variance being vacated if Mr. Graham sells either of the two lots in the future.

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

YEAS: 7 (Messrs. Mouch, Kershaw, Ms. Fair, Ms. Gordon, Messrs. Porto, Huggins, Robertson)

NAYS; 0 (None)

ABSENT: 2 (Messrs. Loupe, Spillman)

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

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Joey & Charlene Treuil were recognized at this time and expressed thanks for approval of variance on property.

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At this time under Correspondence Report the Council Clerk read excerpt from the West Baton Rouge Parish Planning & Zoning Commission agenda scheduled for Tuesday, March 5, 2013 at 6:30PM.

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There being no further meeting, a motion to adjourn was made by Ms. Charlene Gordon and adopted by acclamation at 7:45PM.

/s/Barry Huggins  
Barry Huggins, Vice Council Chairman

/s/Sharon Zito  
Sharon Zito, Council Clerk