

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING – FEBRUARY 9, 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, February 9, 2012 and called to order. Council Chairman Gary Spillman requested that all electronic devices be silenced and recognized Ricky Loupe, who led everyone in the pledge of allegiance.

Roll call was taken with the following members being present:

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

Absent: Mr. Phil Porto, Jr.

Parish President Riley Berthelot, Jr. was also present.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Barry Huggins to approve the minutes of the Regular Meetings of January 12, 2012 and January 26, 2012 as published in the Parish Official Journal.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

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

Public comments were requested from the audience at this time and Stuart Freeman, Pastor of New Poplar Grove Missionary Baptist Church on Court Street, was recognized. Mr. Freeman acknowledged and thanked Parish President, Councilman Robertson, and Councilwoman Gordon for commitment to assist church with closing-in big drainage ditch behind facility and sewer tie-in.

Mr. Porto entered meeting at this time.

Public Works Director Kevin Durbin was recognized under item 7 (communications with Council members and/or elected or appointed officials) to offer congratulations that the West Baton Rouge Parish Master Plan received an honor award from the American Society of Landscape Architects, and recognized Scott D’Agostino with Tipton Associates, who worked on the plan, to provide additional information. Mr. D’Agostino clarified that “Plan West” won the best plan this year from anonymous submission, judged by the Oklahoma Chapter of American Society of Landscape Architects, and presented the award, followed by audience applause.

Mr. Durbin stated the second item was related to the Master Plan and reviewed spread sheet outlining the 76 action items identified by master plan consultant team to implement same

broken into 5 categories: economic development; land use, communities and housing; natural resources, transportation and mobility; and public facilities. Mr. Durbin confirmed that the 25 member Development Advisory Committee recommended forming implementation committees to carry out action items, listed same and members, and requested Council members sign-up by next week for desired committee. Mr. Durbin clarified 3 committees as land use and natural resource combined as well as transportation and public facilities combined.

Mr. Robertson was recognized affirmed community services performed by Poplar Grove Church and requested Council assistance on projects. Mr. Spillman and Ms. Gordon concurred in commitment.

Mr. Mouch was recognized and invited everyone to the 50th anniversary of the Addis Mardi Gras Parade scheduled for Sunday at 11:00AM as well as activities following at new park and museum downtown.

Mr. Kershaw was recognized and discussed proposed plans and procedure to relocate Sugar Mill Subdivision residents voting precinct (1B) from the Addis Fire Station to its own facility at the YMCA due to number of voters, and expressed thanks to Messrs. Mouch & Berthelot for assistance. Mr. Mouch concurred that reduction was required by law as district contained 3400.

Public Utilities Director Daryl Babin was recognized and discussed sewer plan for tie-in at back of Larguier Lane at minimal cost estimate of \$4,000.00 for application, installation of tank, and pumps. Mr. Berthelot clarified cost for sewer work required and monthly sewer user fee.

Lengthy discussion held on canal options, including diagram, installation of required oversized culverts vs. concrete as well as costs, engineering study for best solution, area drainage flow, erosion problems, cleaning and maintenance, and amending budget if necessary. Mr. Berthelot discussed Rosedale Road shoulder work through City of Port Allen La. Recovery Authority grant.

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 – rezoning request of Harry L. Laws & Company, Inc., Brusly, La. from Agricultural District to Traditional Neighborhood Development District. Mr. Durbin was recognized and confirmed advertising error due to incorrect day of week so ads will be run again for Zoning Commission to consider 3/6/12 and Parish Council 3/8/12.

Mr. Spillman stated felt review general implementation plan was required along with Zoning Commission and Town of Brusly (as project is split between corporate limits and Parish) recommendations at later date and requested continuing public hearing at 3/8/12 meeting. Cletus Langlois with Patin Engineers and Surveyors representing Harry L. Laws & Company was recognized and concurred in order to follow procedure due to advertising error. Mr. Langlois suggested members review TND ordinance on-line prior to meeting, provided phone numbers if there were any questions, and plan submission dates for upcoming meetings. Mr. Loupe clarified plans and location of lots.

A motion was Mr. Phil Porto, Jr., seconded by Mr. Ricky Loupe approving continuance of the public hearing until 3/8/12 meeting on the rezoning request of Harry L. Laws & Company, Inc., Brusly, La. from Agricultural District to Traditional Neighborhood Development District in concurrence with recommendation of applicant and the Zoning Commission.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

As a result of the roll call vote 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 adopt the 2011 Year End Budget Adjustments for Council funds. Finance Director Phillip Bourgoyne was recognized, explained mandated by law yearly that budget figures be established at factual amounts, and offered to answer any questions. Mr. Loupe requested status on tax revenues, and Mr. Bourgoyne confirmed upward turn. Mr. Spillman requested correction of typo error from 2010 budget adjustments to 2011.

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. 8 of 2012 appears elsewhere in these minutes.

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

ORDINANCE NO. 8 OF 2012

AN ORDINANCE ADOPTING THE 2011 YEAR END ADJUSTMENTS TO AN OPERATING BUDGET OF REVENUES AND EXPENDITURES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2011 AND ENDING DECEMBER 31, 2011

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

SECTION 1: The attached detailed 2011 year-end adjustments to estimate of revenues by department for the fiscal year beginning January 1, 2011 and ending December 31, 2011 be and the same is hereby adopted as an operating budget of revenues for the Parish during the said period.

SECTION 2: The attached detailed 2011 year-end adjustments to estimate of expenditures by departments for the fiscal year beginning January 1, 2011 and ending December 31, 2011 be and the same is hereby adopted to serve as budget of expenditures for the parish during the said period.

SECTION 3: The adoption of these 2011 year-end adjustments to operating budget of revenues and expenditures be and the same is 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 to the extent included with the 2011 budget.

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

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

NAYS: 0 (None)

WHEREUPON the ordinance was declared adopted on the 9th of February, 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 9th day of February, 2012.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 8:40 o'clock AM on the 10th day of February, 2012.

/s/Sharon Zito
Sharon Zito, Council Clerk

PARISH PRSIDENT'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 10th day of February, 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 10:40 o'clock AM on the 10th of February, 2012.

/s/Sharon Zito
Sharon Zito, Council Clerk

Executive Assistant Jason Manola was recognized under item 9 (consider status report, change order, and/or other matters as required on current projects) to notify the Council the administration would commence emailing monthly progress reports on major projects by department.

Riley Berthelot, Jr. was recognized under Parish President's Report regarding the following and offered to answer any questions:
Offered administration's condolences and prayers to Gary Spillman family on loss of Mother last week;
Results of recent meetings on La. 1/I-10 Connector with various agencies regarding funding, and project priorities;
Department of Transportation & Development meeting confirmed plans for installation of temporary traffic light at intersection of Sugar Plantation Parkway at La. 1, completion of various traffic studies, service road from Parkway either north to Lukeville Lane or south to Bird Heights;
Scrapbooks available for viewing on senior citizens program operated in Brusly.

Mr. Mouch confirmed DOTD original date for installation of signal light at Sugar Plantation Parkway was 2015. Mr. Berthelot clarified administration and Council more supporting role since roadway was located within the corporate limits of the Town of Addis.

Mr. Loupe requested status update on La. 1/I-10 Connector. Mr. Berthelot clarified that environmental documents must be upgraded and Parish will probably be lead agency and hire consultant.

Mr. Porto expressed thanks to everyone involved for assistance on Sugar Plantation Parkway matter, and problems crossing Highway 1 following recent meeting.

Mr. Manola was recognized, reviewed memo from Parish President regarding employee's request to be placed on leave without pay in accordance with Employee Handbook, Article IV, Section 9, page 13 and read the following excerpt into the record: An employee shall be granted a leave of absence without pay for up to one (1) year by the Parish Council upon the recommendation of the Parish President for reasons of personal or family illness, completing education, or special work which will permit the Parish to profit by the experience gained or the work performed. Mr. Manola stated that said employee had met one of the requirements and administration, Parish President, and department head recommend granting request for leave without pay for 1 year, employee responsible for 100% of health and life insurance, and will not receive any active employee benefits. Mr. Manola stated Mitzi Fourroux was present to answer any questions. Mr. Spillman confirmed 90 day progress reports would be requested, and Mr. Mouch confirmed not guarantying current job, but position with the Parish based at the same rate of pay.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Edward Robertson to grant unnamed employee leave without pay for a period up to one (1) year as aforementioned.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

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

Gary Spillman was recognized under Council Chairman's Report regarding the following:
Attended some of the meetings Mr. Berthelot previously mentioned and appreciate invitations;

Projects should be viewed as big picture and not as individual areas;

Expressed thanks for condolences received.

Mr. Kershaw requested verbal resolution expressing thanks to officials involved in obtaining approval for installation of traffic light at intersection of State Highway 1 S and Sugar Plantation Parkway. Said resolution appears elsewhere in these minutes.

The following resolution was offered by Mr. Chris Kershaw, seconded by Mr. Phil Porto, Jr.

RESOLUTION

A Resolution expressing thanks for the support of the Louisiana Department of Transportation & Development, Senators Rick Ward and Troy Brown, and Representatives Major Thibaut, Karen St. Germain and Regina Ashford Barrow on installation of a traffic light at the intersection of State Highway 1 S and Sugar Plantation Parkway

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council wishes to take this opportunity to thank the aforementioned for their support in making a traffic light a reality at the

intersection of State Highway 1 S and Sugar Plantation Parkway to help eliminate an extremely hazardous situation that exists during peak traffic times.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to DOTD Secretary Sherri H. LeBas, P. E., Senators Rick Ward and Troy E. Brown, and Representatives Major Thibaut, Karen Gaudet St. Germain, and Regina Ashford Barrow.

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

As a result of the roll call vote 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 by said body at its Regular Meeting of February 9, 2012 at which meeting all of the members were present and voting.

/s/Sharon Zito

Pam Keowen with the Utilities Department was recognized and explained that the DEQ resolutions for the Erwinville and Westport Wastewater Facilities were required to maintain permits. Said resolutions appear elsewhere in these minutes.

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

RESOLUTION

A Resolution that the West Baton Rouge Parish Council as governing authority informs the Louisiana Department of Environmental Quality that the following actions were taken in connection with Municipal Water Pollution Prevention for the Erwinville Wastewater Treatment Facility identified as DEQ's agency interest number 136152

1. Be It Resolved that the Municipal Water Pollution Prevention Environmental Audit Report is attached to this resolution.
2. Set forth the following actions necessary to maintain permit requirements contained in the Louisiana Pollution Discharge Elimination System (LPDES) permit number **LA0122131**.
 - a. No additional actions are required.

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

As a result of the roll call vote 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 by said body at its Regular Meeting of February 9, 2012 at which meeting all of the members were present and voting.

/s/Sharon Zito

The following resolution was offered by Mr. Randal Mouch, seconded by Ms. Charlene Gordon

RESOLUTION

A Resolution that the West Baton Rouge Parish Council as governing authority informs the Louisiana Department of Environmental Quality that the following actions were taken in connection with Municipal Water Pollution Prevention for the Westport Wastewater Facility identified as DEQ's agency interest number 43915

1. Be It Resolved that the Municipal Water Pollution Prevention Environmental Audit Report is attached to this resolution.
2. Set forth the following actions necessary to maintain permit requirements contained in the Louisiana Pollution Discharge Elimination System (LPDES) permit number LA0068501.
 - a. Commit to complete wastewater treatment plant improvement program.

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

As a result of the roll call vote 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 by said body at its Regular Meeting of February 9, 2012 at which meeting all of the members were present and voting.

/s/Sharon Zito

The Council Clerk read by title the below proposed ordinance being introduced and publicized by title, and considered for adoption following a public hearing at the meeting of March 8, 2012 at 6:30PM in the Council Meeting room of the Governmental Building, 880 North Alexander Avenue, Port Allen, La.:

Amend Chapter 104 Zoning for rezoning request of Michael and Jan Becnel, 4626 S. River Road, Port Allen, La. designated as Lot 3 from Residential Single Family District containing 22,500 square feet to Regional-Scaled Commercial District.

Mr. Durbin was recognized, reviewed and explained the family subdivision plat off of Rebelle Lane and stated that surveyor, Charles St. Romain, was present to answer any questions. Mr. St. Romain was recognized and clarified division of property into four (4) lots for family members, access, and required statements on plat. Mr. Spillman concurred, and confirmed Planning Commission recommended approval at 2/7/12 meeting.

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Barry Huggins to approve the final map showing family partition/subdivision of Lot 1-B-4 (Jules Rebelle, Sr. Property) into Lot 1-B-4-A, Lot 1-B-4-B, Lot 1-B-4-C and Lot 1-B-4-D for the Heirs of Jules Rebelle, Sr.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

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

Mr. Durbin was recognized, read excerpts from variance application & evaluation form from the Office of Community Development, parcel description, and site plan on the request of David Gremillion, 3151 Emily Drive, Port Allen, La. for side setback. Applicant David Gremillion was recognized and confirmed that setback from property line would be 8 feet instead of 12.5 feet and confirmed signatures of “no objection” from adjacent neighbor as well as Prejean Estates Subdivision Architect Control Committee. Mr. Loupe concurred in variance approval.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Edward Robertson to grant the variance request of David Gremillion, 3151 Emily Drive, Port Allen, La. for side setback variance from 12.5 feet to 8 feet based upon receipt of aforementioned signatures of “no objection” to proposed relocation of buffer setback line.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

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

Mr. Durbin read excerpts from variance application & evaluation form from the Office of Community Development, parcel description, and site plan on the request of Ernest Jones/Eugene Collins, 5366 Flynn Road, Port Allen, La. for side setback from 10 feet to 7 feet from property line. Eugene Collins and Ernest Jones were recognized, confirmed properties adjacent and family owned, proposed construction of garage and storage on existing slab, and requested approval. Mr. Huggins concurred in variance approval.

A motion was made by Barry Huggins, seconded by Ms. Naomi Fair to grant the variance request of Ernest Jones/Eugene Collins, 5366 Flynn Road, Port Allen, La. for side setback variance from 10 feet to 7 feet based upon receipt of signatures of “no objection” to proposed relocation of buffer setback line.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

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

Mr. Durbin read excerpts from variance application & evaluation form from the Office of Community Development, parcel description, and site plan on the request of Carley Boudreaux/Rhonda Herring, 10627 Section Road, Port Allen, La. to place second residence on property (1,434 square feet short), confirmed signatures of “no objection” from department heads as well as adjacent neighbors, and applicants present to answer any questions. Carley Boudreaux was recognized and requested permission to place mobile home behind ill mother’s residence. Mr. Spillman clarified location of Harleaux property. Mr. Hughhins concurred in variance approval.

A motion was made by Mr. Barry Hughhins, seconded by Mr. Edward Robertson to approve the variance request of Carley Boudreaux/Rhonda Herring, 10627 Section Road, Port Allen, La. for building permit to place a second residence on the property due to family medical hardship based signatures of “no objection” from department heads as well as adjacent property owners.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

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

Mr. Durbin reviewed condemnation at 10000 U S Highway 190 W (the Kissner property), and provided quick history of clean-up of front part of property. Mr. Durbin explained this was an abandoned trailer on northern-most property line, requested structure be declared derelict based on inspection and complaints received, and ratifying condemnation in order to take further action.

A motion was made by Mr. Randal Mouch, seconded by Mr. Barry Hughhins to ratify the Parish President’s signature to proceed with condemnation process of site located at 10000 U S Highway 190 W, Port Allen, La. (Kissner) based on inspection and recommendation of the Office of Community Development as aforementioned.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

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

At this time under Correspondence Report the Council Clerk read excerpt from the West Baton Rouge Parish Planning & Zoning Commission agenda scheduled for February 22, 2012 at 6:30PM.

Discussion held on Capital Area Human Services District appointment (Wayne Delapasse resigning at end of term in April), submission of two (2) names and resumes to the Governor for appointment, and date, time, and location of meetings. Council concurred that matter be placed on the March 8, 2012 agenda for consideration in order that individuals nominated for submission be active members.

There being no further business, a motion to adjourn was made by Mr. Barry Huggins, seconded by Ms. Charlene Gordon and adopted by acclamation at 7:50PM.

/s/Gary M. Spillman
Gary M. Spillman, Council Chairman

/s/Sharon Zito
Sharon Zito, Council Clerk