

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING – JUNE 28, 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, June 28, 2012 and called to order. Council Chairman Gary Spillman requested that all electronic devices be silenced and recognized Chris Kershaw, 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, Naomi Fair, Barry Hughhins

Absent: Mr. Phil Porto, Jr.

Parish President Riley Berthelot, Jr. was also present.

Parish President Riley Berthelot, Jr. was recognized and reviewed the interoffice memorandum recommendation and bid summaries received and opened 6/19/12 for Type 57 & 610 Limestone, River Silt, and Pump Sand and requested accepting the low bid from Construction Aggregate on the Limestone and Bear Industries for the River Silt and Pump Sand.

A motion was made by Mr. Barry Hughhins, seconded by Mr. Randal Mouch to accept the administrative recommendation and award bids as indicated on bid summaries for Road Materials Supply Contract for Type 57 & 610 Limestone to Construction Aggregate, and River Silt and Pump Sand to Bear Industries. Bid Summaries appear elsewhere in these minutes.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

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

President Berthelot was recognized under item 5 (consider any amendments to the agenda) regarding Librarian’s request to discuss budget numbers, and also Deano present regarding unlisted agenda item on 9-1-1 Upgrade previously deferred. The Council Clerk informed the President that the Council requested placing the 9-1-1 Update on the 7/26/12 agenda. Deano Moran was recognized, concurred with 7/26/12 meeting date as awaiting addendum contract wording.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Ricky Loupe to amend the agenda to consider the Library estimates for fixing building roof and repairing the canopy to the outdoor walkway.

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 at this time and there were none.

Ms. Gordon was recognized under item 7 (communications with council members and/or elected or appointed officials) to inform everyone and request view set-up for 3 night movie filming event scheduled at William & Lee Park.

Mr. Kershaw was recognized and informed of the Department of Justice approval for relocation of Precinct 01-B in Addis from Harris Street Fire Station to the YMCA. Mr. Kershaw stated that the Secretary of State should be printing and mailing out new voter registration cards within 2 weeks for the November election.

Mr. Berthelot was recognized under item 8 (cost of living increase for parish employees) stating that in accordance with the CPI (Consumer Price Index) the administration recommends a 2% cost of living increase across the board for parish employees as well as others in D A and Judges Office. Discussion held on reoccurring salary expense covered in budget excluding benefits.

A motion was made by Mr. Randal Mouch, seconded by Mr. Edward Robertson to approve a two per cent (2%) cost-of-living for all classified full-time, permanent-part time employees including all appointed directors, which includes the following named departments: Council Clerk, Coroner, Registrar of Voters (full salary for 12 months), Administration, Information Technologies, Planning/Zoning, Building Maintenance, Emergency Management, Engineering, Animal Control, Recreation, Roads, Health Unit, Drainage, Community Center, Community Action, E-911, Judges, District Attorney/Legal Counsel, Public Utilities, Sales Tax, Detention Center, Justice of the Peace and Constables with an effective date beginning July 1, 2012 based on administration recommendation.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

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

Chairman Spillman recognized Anthony Summers in audience, welcomed to meeting, wished well, and expressed hopes for successful recovery.

Chairman Spillman announced that a Public Hearing was in order at this time and all interested citizens were invited to appear and be heard regarding adoption of an ordinance to approve the Council on Aging Budget for the period July 1, 2012 – June 30, 2013. Mr. Berthelot was recognized; reviewed balanced budget as previously published and recommended approval.

No interested citizens appeared either for or against said ordinance. No written protests opposing the ordinance were received. The Council Chairman at this point declared the Public Hearing concluded. Said Ordinance No. 13 of 2012 appears elsewhere in these minutes.

The following ordinance was offered by Mr. Randal Mouch, seconded by Mr. Ricky Loupe

ORDINANCE NO. 13 OF 2012

AN ORDINANCE ADOPTING AN OPERATING BUDGET OF REVENUES AND EXPENDITURES FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013 AS PUBLISHED FOR THE WEST BATON ROUGE PARISH COUNCIL ON AGING

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

SECTION 1: The attached detailed estimate of revenues for the fiscal year beginning July 1, 2012 and ending June 30, 2013 be and is hereby adopted as an operating budget of revenues for the West Baton Rouge Parish Council on Aging during said period.

SECTION 2: The attached detailed estimate of expenditures for the fiscal year beginning July 1, 2012 and ending June 30, 2013 be and is hereby adopted as an operating budget of expenditures for the West Baton Rouge Parish Council on Aging during said period.

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

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

The foregoing ordinance having been submitted to a vote was adopted by the following yeas and nays on roll call:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

WHEREUPON the ordinance was declared to be adopted on the 28th day of June, 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 true and correct copy of an ordinance adopted by the West Baton Rouge Parish Council in regular session on the 28th day of June, 2012.

I further certify that the above and foregoing was submitted to the Parish President at 9:40 o'clock AM on the 29th day of June, 2012.

IN FAITH WHEREOF witness my official signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana on the 29th day of June, 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 29th day of June, 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 11:00 o'clock AM on the 29th day of June, 2012.

/s/Sharon Zito
Sharon Zito, Council Clerk

Chairman Spillman announced that a Public Hearing was in order at this time and all interested citizens were invited to appear and be heard regarding adoption of an ordinance to amend Chapter 74 Special Districts, Article II Waterworks Division 4-District 4, Sec. 74-95 Created, Boundaries, Sec. 74-96 Powers; Privileges; Rights; Etc., Sec. 74-97 Governing Body; Terms of Commissioners; Original Appointments to abolish Waterworks District No. 4. Utilities Director Daryl Babin was recognized, stated would be happy to answer any questions, and confirmed process followed according to statutes. Parish Attorney Lou Delahaye was recognized, confirmed effective date of June 30th at midnight (end of fiscal year) in order for Utilities Department to pick-up July 1st, and requested date designation in accordance with Home Rule Charter.

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. 14 of 2012 appears elsewhere in these minutes.

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

ORDINANCE NUMBER 14 of 2012

AN ORDINANCE TO ENACT CHAPTER 74, SECTION 95, SECTION 96, SECTION 97 AND SECTION 119 OF THE COMPILED ORDINANCES OF THE PARISH OF WEST BATON ROUGE.

NOW, THEREFORE, BE IT ORDAINED, by the Parish Council of the Parish of West Baton Rouge, in legal session, that CHAPTER 74, Section 95, Section 96, Section 97 and

Section 119 of the compiled ordinances of West Baton Rouge Parish, are hereby repealed as follows:

"CHAPTER 74, Section 95. Created; boundaries.

~~There is hereby created a waterworks district to consist of territorial lands and property, both real and personal in the parish; to be a body corporate in law and a subdivision of the state known as Waterworks District No. 4 of the Parish of West Baton Rouge, Louisiana, and whose boundaries are fixed as follows, to wit: Beginning at the middle of the Mississippi River near the community of Arbroth go westerly along the northern boundary of Section 37, Township 5 South, Range 11 East to the westerly line of West Baton Rouge Parish, then go southerly along the westerly line of West Baton Rouge Parish and then westerly along the northerly line of West Baton Rouge Parish, then go southerly along Bayou Poydras also being the western line of West Baton Rouge Parish until it intersects the northern line of Section 24, Township 6 South, Range 10 East, then go westerly along northerly line of Section 24 also being the northerly line of West Baton Rouge Parish to the northwest corner of Section 24, then go south along Sections 24 and 25, Township 6 South, Range 10 East, also being the westerly line of West Baton Rouge Parish, then go southerly along the westerly line of Section 36, Township 6 South, Range 10 East, then go east along the southerly line of Section 36 to the northwest corner of Section 6, Township 7 South, Range 11 East, then go southerly along the westerly line of Sections 6 and 7, Township 7 South, Range 11 East, to the southwest corner of Section 7, thence go easterly along the southerly line of Sections 7 and 8, Township 7 South, Range 11 East, to the southeasterly corner of Section 8, then go northerly along the easterly line of Section 8 to the northeastern corner of Section 8, then go along the northerly line of Section 8, to the northwestern corner of Section 8, then go northerly along the easterly line of Section 6, Township 7 South, Range 11 East, and Sections 31 and 30, Township 6 South, Range 11 East, to the centerline of the Missouri Pacific Railroad, then go southeast along the centerline of the Missouri Pacific Railroad to the point where it intersects the westerly line of Section 35, Township 6 South, Range 11 East, then go southward along the western line of Section 35, Township 6 South, Range 11 East, and Section 2, Township 7 South, Range 11 East, to the southwest corner of Section 2, then go east along southerly line of Section 2 to the southeastern corner of Section 2, then go northerly along the eastern line of Section 2 to the southerly corner of Section 39, Township 7 South, Range 11 East, then go in~~

a northeastern direction along the easterly line of Section 39 to the centerline of the Missouri Pacific Railroad, then go southeasterly along the centerline of the Missouri Pacific Railroad to the intersection of the westerly line of Section 84, Township 7 South, Range 12 East, then go southerly along said westerly line of Sections 84 and 113, Township 7 South, Range 12 East, to the southwest corner of Section 113, then go northwesterly along the southerly line of Sections 83 and ~~82~~, Township 7 South, Range 12 East, to the northwesterly corner of Section 7, Township 7 South, Range 12 East, then go southerly along the westerly line of Sections 7 and ~~18~~, Township 7 South, Range 12 East, to the southwest corner of Section ~~18~~, then go easterly along the southerly line of Sections ~~18~~, 17 and 16, Township 7 South, Range 12 East, to the southeast corner of Section 16 also being on the westerly line of Section 92, Township 7 South, Range 12 East, then go southerly along the westerly line of Sections 92 and 93, Township 7 South, Range 12 East, to centerline of Interstate Highway 10, then go eastward along centerline of Interstate Highway 10 to intersection of southerly line of Section 93, then go easterly along the southerly line of Section 93 to the southeast corner of Section 93, then go northerly along the easterly line of Sections 93, 92 and 91, Township 7 South, Range 12 East, to the northeast corner of Section 91, then go eastwardly along the southerly line of Section 65, Township 7 South, Range 12 East, 2,000 feet, then go northerly a distance of 1,000 feet, then go westerly a distance of 9,000 feet, then go northerly a distance of 2,500 feet, then go westerly a distance of 1,000 feet, then go southerly a distance of approximately 2,000 feet, to the northerly line of Section 118, Township 7 South, Range 12 East, then go westerly along the northerly line of Section 118 to the easterly line of Section 17, Township 7 South, Range 12 East, then go northerly along the easterly line of Section 17 to the southerly line of Section 8, Township 7 South, Range 12 East, then go easterly along the southerly line of Section 8 to the southeast corner of Section 8, then go northerly along the easterly line of Section 8 to the southerly line of Section ~~86~~, Township 7 South, Range 12 East, then go westerly along the southerly line of Section ~~86~~ to the southwest corner of Section ~~86~~, then go northerly along the westerly line of Sections ~~86~~ and ~~42~~, Township 7 South, Range 12 East, and along the westerly line of Section 29, Township 6 South, Range 12 East, to the middle of the Mississippi River, then along the middle of the Mississippi River meandering in a northwesterly direction to the point of beginning near Arbroth community.

CHAPTER 74, Section 96. Powers; privileges; rights; etc.

(a) ~~To sue and be sued; body politic.~~ Said Waterworks District No. 4 of the parish shall have perpetual existence, shall have the power to sue and be sued, shall be a body politic, and shall have all powers now or hereafter to be conferred upon waterworks districts by the constitution or laws of the state and shall be governed particularly by the provisions of R.S. 33:3811 et seq.

(b) ~~Subdivision of state; may incur debt; issue bonds; levy taxes.~~ The waterworks district herein created shall be a subdivision of the state and as such it may incur debt, issue bonds and levy taxes in accordance with the provisions of sections 19, 32 and 33, article VI, Louisiana Constitution of 1974, as amended.

(c) ~~To have same rights as other waterworks districts.~~ The waterworks district shall have and enjoy all the power, privileges and rights conferred upon waterworks districts by R.S. 33:3811—33:3835.

CHAPTER 74, Section 97. Governing body; terms of commissioners; original appointments.

~~There shall be a board of commissioners consisting of five persons as governing body of the district and their terms of office shall be for a term of five years. Commissioners shall serve until their successors are duly appointed and qualified. They shall serve at the pleasure of the authority which appointed them.~~“

CHAPTER 74, Section 119. West Baton Rouge Parish Waterworks Corporation, District IV.

- ~~(a) — A franchise is hereby granted to the West Baton Rouge Waterworks Corporation to construct and operate a water distribution system within and for the area commonly referred to as District IV, West Baton Rouge Parish, Louisiana.~~
- ~~(b) — This franchise shall be a nonexclusive franchise.~~
- ~~(c) — The term of this franchise shall be 40 years from February 14, 1980.~~
- ~~(d) — The condition of this franchise is that construction work begins within two years from February 14, 1980, and that should said work not begin within the period specified, this franchise shall be considered revoked.~~
- ~~(e) — The grant of this franchise includes the right, power and privilege to use all rights-of-way belonging to the parish council for the laying of pipes for this water distribution system, without cost to the grantee.~~
- ~~(f) — The grant of franchise is also subject to the following:
 - ~~(1) — Grantee agrees to pay to the parish council of the sum of \$101.00 to be paid on the date any revenue bonds of the corporation are delivered for the purpose of representing a loan from Farmers' Home Administration to the nonprofit corporation.~~
 - ~~(2) — Grantee agrees to proceed with all due diligence within the time frame listed in subsection (d) of this section in the adoption of all proceedings and the taking of all actions necessary and incidental to the obtainment of federal grants and loans for the financing of the complete waterworks system within the area of the parish composing district IV, including the issuance of bonds, the advertising and award of construction contracts, the purchase and acquisition of existing water systems in the area, as necessary and incidental to the acquisition by the corporation of the new system.~~~~
- ~~(g) — Any damage to the roads of this parish by reason of the exercise of the franchise herein granted shall be repaired at the expense of grantee.~~
- ~~(h) — This franchise is a property right and may be assigned by the grantee to any other person, firm or corporation only with the consent of the granting body.~~

~~(Code 1973, § 9-114; Ord. of 2-14-1980, §§ 1—8)~~

~~*Editor's note —*~~

~~An ordinance of February 11, 1982, provided:~~

~~"Section 1. That a permit and franchise is hereby granted to waterworks district no. 4 of the parish to lay, maintain and operate lines of pipe and other facilities in and along the public roads and highways of the Parish as necessary for the acquisition, construction and maintenance of the system within the limits of the waterworks district, as more fully described on Exhibit A attached hereto. Such~~

~~authority shall, as required by law, constitute a franchise and permit to do and perform all things necessary and incidental to the construction, operation and maintenance of the complete system, subject to operation thereof by the parish utility department as provided for in the operating agreement between the parish council and the district dated rule, 1982, and such franchise and permit shall not be subject to interruption, amendment, termination or modification in any manner that would impair the security for the payment of the 1982 bonds.~~

~~"Section 2. In consideration for the permit and franchise granted hereby, Waterworks District No. 4 of the Parish of West Baton Rouge, Louisiana, covenants and obligates itself to repair and restore any cuts made in any parish streets or roads and to cause such street or road to be restored to its condition prior to the making of any cut, with the cost of such cuts and restorations to be paid by Waterworks District No. 4 of the Parish of West Baton Rouge, Louisiana."~~

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Parish Council of the Parish of West Baton Rouge, Louisiana, that this ordinance shall become effective at midnight on June 30, 2012 pursuant to the home rule charter.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Parish Council of the Parish of West Baton Rouge, Louisiana, 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 and nays on roll call:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

CERTIFICATE

I, Sharon Zito, hereby certify that I am the duly qualified Secretary 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 28th day of June, 2012.

I further certify that the above and foregoing was submitted to the Parish President at 9:40 o'clock AM on the 29th day of June, 2012.

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana, on this 29th day of June, 2012.

/s/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 29th day of June, 2012.

/s/Riley Berthelot, Jr.

PARISH PRESIDENT

COUNCIL CLERK'S RETURN RECEIPT

I certify that the above and foregoing ordinance was returned from the Parish President at 11:00 o'clock AM on the 29th day of June, 2012.

/s/Sharon Zito

COUNCIL CLERK

Chairman Spillman announced that a Public Hearing was in order at this time and all interested citizens were invited to appear and be heard regarding adoption of an ordinance to amend Chapter 74 Special Districts, Article VII Fire, Division 2 West Baton Rouge Parish Fire Protection District No. 1, Sec. 74-379 Creation of Sub-District, Fixing Boundaries of each Sub-District (B). Parish Attorney was recognized and clarified specific area was unimproved property incorporated by the Town of Addis located outside northern boundary of Sugar Mill and in accord with Parish ordinance municipal boundary should be fixed as that fire protection sub-district boundary. Discussed map clarification through said property transfer from fire protection sub-district no. 2 to sub-district no. 1.

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. 15 of 2012 appears elsewhere in these minutes.

The following ordinance was offered by Mr. Chris Kershaw, seconded by Mr. Ricky Loupe

ORDINANCE NUMBER 15 of 2012

AN ORDINANCE TO AMEND CHAPTER 74, SECTION 377 OF THE COMPILED ORDINANCES OF THE PARISH OF WEST BATON ROUGE.

NOW, THEREFORE, BE IT ORDAINED, by the Parish Council of the Parish of West Baton Rouge, in legal session, that CHAPTER 74, Section 377 of the compiled ordinances of West Baton Rouge Parish, is hereby amended by adding paragraph "B" to Chapter 74, Section 377 to read as follows:

"CHAPTER 74, Section 377. Created; purpose; boundaries.

B. The written legal description and narrative dated May 23, 1995, and map set dated May 11, 1995, for the fire protection sub-districts as submitted by the engineer is hereby amended to add the property described in Town of Addis Ordinance 2007-3 and Ordinance 2008-4 to the No. 1 Addis Sub district and remove the same property described in the ordinances referenced herein from No. 2 Brusly Sub-district. The property descriptions in the said Town of Addis ordinances are made a part hereof by reference. The written legal descriptions/narratives of the property added to No. 1 Addis Sub district and removed from No. 2 Brusly Sub district are on file in the office of the parish council and with the Town of Addis. A digital map of the new boundaries of No. 1 Addis Sub district and No. 2 Brusly Sub district is on file in the office of the parish council.”¹

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Parish Council of the Parish of West Baton Rouge, Louisiana, that this ordinance shall become effective on the day provided pursuant to the home rule charter.

¹ The property annexed by the Town of Addis in Ordinance 2007-3 and Ordinance 2008-4 is the same property acquired by Crystal Lake, LLC and recorded in Conveyance Book 472, Entry 191, page 746 with the Clerk and Recorder for West Baton Rouge Parish and is the same property intended to be added to the Addis Fire Sub district and removed from the Brusly Fire Sub district. See map attached to Conveyance Book 472, Entry 191, and page 746.

NOW, THEREFORE, BE IT FURTHER ORDAINED, by the Parish Council of the Parish of West Baton Rouge, Louisiana, 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 yea and nay on roll call:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

CERTIFICATE

I, Sharon Zito, hereby certify that I am the duly qualified Secretary 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 28th day of June, 2012.

I further certify that the above and foregoing was submitted to the Parish President at 9:40 o'clock AM on the 29th day of June, 2012.

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana, on this 29th day of June, 2012.

/s/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 29th day of June, 2012.

/s/Riley Berthelot, Jr.

PARISH PRESIDENT

COUNCIL CLERK'S RETURN RECEIPT

I certify that the above and foregoing ordinance was returned from the Parish President at 11:00 o'clock AM on the 29th day of June, 2012.

/s/Sharon Zito

COUNCIL CLERK

Chairman Spillman announced that a Public Hearing was in order at this time and all interested citizens were invited to appear and be heard regarding adoption of an ordinance to amend Chapter 101 General Provisions, Sec. 101-1 Definitions, and Chapter 104 Zoning, Appendix A Zoning Districts to provide for regulation of Small-Scale Food Service Businesses. Director-Office of Community Planning & Development Kevin Durbin was recognized, provided ordinance history, and confirmed that Zoning Commission had recommended approval 6/19/12. Messrs. Huggins and Kershaw were recognized, read additional proposed amendments to said ordinance into the record, and requested approval.

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. 16 of 2012 appears elsewhere in these minutes.

The following ordinance was offered by Mr. Barry Huggins, seconded by Ms. Naomi Fair

ORDINANCE NO. 16 OF 2012

An ordinance to amend and reenact West Baton Rouge Compiled Ordinances, Chapter 101 ("General Provisions"), Section 101-1 ("Definitions") and Chapter 104 ("Zoning"), Appendix A ("Zoning Districts") to provide for regulation of small-scale food service businesses.

WHEREAS the Part III of the West Baton Rouge Code of Ordinances (the "Unified Development Code") provides for land and structure regulations throughout West Baton Rouge Parish consistent with public policy concerns **AND**

WHEREAS there has been a noted increase in what could be called small-scale food service business application in the Parish, including but not limited to take-out only prepared meals, small snack shops and small on-site catering and reception facilities **AND**

WHEREAS the current Unified Development Code Chapters 101 and 104 attempt to address said businesses but fall short of providing specific directives for same **AND**

WHEREAS this Council foresees continued growth in the small-scale food service industry in this Parish and seeks to clarify the regulations relating thereto **THEREFORE**

BE IT ORDAINED BY THIS COUNCIL that Chapter 101 (“General Provisions”), Section 101-1 (“Definitions”) and Chapter 104 (“Zoning”), Appendix A (“Zoning Districts”) be amended and reenacted to read as follows (NOTE: underlined words are additions and ~~striktthrough words~~ are deletions. Three asterisks - * * * - indicate sections of the code skipped for brevity of this ordinance. Such sections are to be retained by the code editors.):

CHAPTER 101

GENERAL PROVISIONS

* * *

Sec. 101-1. - Definitions.

* * *

(c) *General definitions.* The following words, terms and phrases, when used in this unified development code, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

* * *

Commercial, seasonal outdoor, means places primarily engaged in the provision of seasonal retail sales and seasonal entertainment in open, partially or completely enclosed or screened facilities. Typical uses include Christmas tree sales; firework stands; corn mazes; haunted houses; large scale Christmas displays, commercial; seasonally-open snowball stands and other seasonally-open snack shops.

* * *

Food sales mean establishments primarily engaged in the retail sale of food or household products for home consumption. Typical uses include grocery stores (including the sale of alcohol in containers for off-premises consumption) where:

- (1) Revenue from the sale of groceries comprise at least ~~54~~ 50 (fifty) percent of the gross income of the establishment; and
- (2) At least ~~54~~ 50 (fifty) percent of the total display or shelf space is devoted to products other than alcohol.

Typical uses include grocery stores, ~~eaterers~~, delicatessens, meat markets, retail bakeries, and candy stores.

* * *

Recreation, indoor entertainment, means predominantly spectator and participant uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, bingo halls, electronic video game centers, amusement arcades, event centers and dance and reception halls. When considering the provision of Special Use Permits for these uses, the Council shall stipulate the applicable noise and visibility criteria. The Council may choose to allow some reception-related events to occur outside of the enclosed building in consideration of any Special Use Permit.

* * *

Restaurants, outdoor fast food, means a fast food restaurant establishment without indoor seating where prepared food is sold for consumption either off the premises or on the premises in outdoor seating areas provided by the establishment for the use of patrons. Typical uses include perennially open snowball stands, and sandwich shops, and other similar small-scale on-site catering operations excluding meeting and reception halls which are considered indoor entertainment recreation.

* * *

CHAPTER 104

ZONING

* * *

APPENDIX A. ZONING DISTRICTS

The table below indicates which land and building uses are permissible and nonpermissible in each zoning district. The phrase “any other similar uses compatible with” each zone may applied by the zoning administrator for C-1, I-1, I-2 and I-3 zoning districts. The following codes apply:

P = Permitted use;

Blank space = Prohibited use;

S = Special use permit required for the use

<i>Use Classifications</i>	<i>R-SF-1, R-SF-2, R-SF-3, R-ED, R-2F</i>	<i>R-MF-1, R-MF-2, R-MF-3</i>	<i>R-MH, R-M</i>	<i>C-1.1</i>	<i>C-1.2</i>	<i>C-1.3</i>	<i>C-2</i>	<i>I-1, I-2</i>	<i>I-3</i>	<i>A</i>	<i>B-1, B-2</i>	<i>POS-C-RV</i>
				*	*	*						
Recreation, indoor entertainment	<u>S</u>	<u>S</u>	<u>S</u>	<u>P S</u>	P	P		<u>P</u>	<u>P</u>			
				*	*	*						
Restaurants, outdoor fast food	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	P	P		<u>P</u>	<u>P</u>			
				*	*	*						

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

NOW THEREFORE BE IT FURTHER ORDAINED by the Parish Council of West Baton Rouge, Louisiana, 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 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 for a vote, was adopted by the following yea or nay on roll call:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

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 28th day of June, 2012.

I further certify that the above and foregoing was submitted to the Parish President at 9:40 o'clock AM on the 29th day of June, 2012.

IN FAITH WHEREOF, witness my official signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana, on this 29th day of June, 2012.

/s/Sharon Zito

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 29th day of June, 2012.

/s/Riley Berthelot, Jr.

COUNCIL CLERK'S RETURN RECEIPT

I certify that the above and foregoing ordinance was returned from the Parish President at 11:00 o'clock AM on the 29th day of June, 2012.

/s/Sharon Zito

Mr. Berthelot was recognized, made presentation, and read excerpt of Police Jury minutes into the record regarding policy adopted for institution in 1990 for returning newly overlaid streets and/or roads to the municipality in which it is located for maintenance. Mr. Berthelot confirmed had added addendum and/or alternate project to Capital Outlay Program for striping of First Street in Addis. Mayors of Addis (Carroll Bourgeois), Brusly (Joey Normand), and Port Allen (Roger Bergeron) were recognized and made statements for the record regarding maintenance of roadways involved, roadways located between two (2) state highways, and fifteen per cent tax entitlement. Various Council members were recognized and made statements regarding position. Chairman Spillman requested further research into written policy and/or consider drafting same, entities responsibility on lawsuits, annexations, scheduling meeting with municipal representatives, and thanked everyone for comments.

Mr. Berthelot was recognized under item 11 (consider status report, change order and/or other matters as required on current projects) regarding small change order for Westport Sewage (\$1,700.85) and requested authorization to sign Substantial Completion on said project.

A motion was made by Mr. Randal Mouch, seconded by Ms. Charlene Gordon to approve Change Order No. 2 for Westport Wastewater Treatment Plant Improvements – Contract No. 2 for changes to type of chlorination equipment, removing Gould's pump and adding auto-pacing valve for net change in contract price of \$1,700.85 (Cecil D. Gassiot, LLC), and the Certificate of Substantial Completion as of June 21, 2012 as presented and recommended by the Project Engineer and administration, and authorizing the Parish President to execute same, contingent upon contractor completing the punch list items.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

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

Riley Berthelot, Jr. was recognized under Parish President's Report regarding the following:
Named some of the alternate projects to be included in road overlay program due to be advertised;
Winterville walk track poured;
Movie set-up scheduled at William & Lee Park until Sunday.

Mr. Loupe informed that names of streets to be included in overlay program listed in budget book. Mr. Berthelot confirmed Erwinville streets scheduled for overlay will have to be advertised separately due to \$350,000.00 funding received through Community Development Block Grant.

Gary Spillman was recognized under Council Chairman's Report regarding the following:
Requested installation of water fountains at Winterville playground;
Use of cushion/foam instead of rocks on new playground in Erwinville.

Chairman Spillman briefly discussed proposed resolution regarding commitment servicing agreement for St. James Youth Detention Center in connection with recent state law enacted creating 8 or 9 parish district board and additional clause to opt out if recommended levying tax on residents. Mr. Kershaw confirmed clause allows opting out of multi-jurisdictional district to avoid possibility of residents being assessed tax even if defeated here and approved in other parishes, and discussed funding reserve, and cost sharing. Mr. Hugghins clarified board appointment makeup, funding mechanism development, West Baton Rouge patients currently only account for three per cent of costs and if opt out recommends continuing to pay per day fee per patient, which would be more equitable than ten per cent millage. Mr. Berthelot furnished report on recent meeting with St. James Parish President including suggested amendments to commitment servicing agreement. Said resolution appears elsewhere in these minutes.

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

A Resolution of Commitment in Joining the Servicing District for St. James Youth Detention Center, St. James Parish

WHEREAS, in August of 2010, the Louisiana Legislature passed House Bill 1477, which mandated the creation of juvenile standards for juvenile detention centers statewide. In September 2010 a task force was created comprising of several entities related to juvenile detention, as well as administrators and directors of all juvenile detention facilities. The goal of this task force was to compile and analyze data, research, and current practices nationwide to develop "best practice" standards for juvenile detention facilities.: and,

WHEREAS, the Department of Children and Family Services (DCFS) was chosen to promulgate these standards when they were completed by the task force.: and,

WHEREAS, on July 1, 2011, the task force finalized and submitted the detention standards to DCFS and these standards are great for youth detentions as they will elevate the care for youth detentions to new heights.: and,

WHEREAS, currently it is costing St. James Parish approximately \$160.00 per day to house a juvenile at the facility and are estimating the daily housing cost to increase to approximately \$250-\$280.00 per day with the new rules for licensing in effect.: and,

WHEREAS, the passing of Senate Bill 456 allows for the creation of a multi-jurisdictional board of commissioners to support the operation of the juvenile detention facility, comprising of customer parishes, to promote the operation of the St. James Youth Center.: and,

WHEREAS, St. James Parish cannot continue to operate the St. James Parish Youth Center without assistance.: and,

WHEREAS, the St. James Youth Center has become a vital part of the manner in which local law enforcement agencies handle cases with juvenile offenders and without this facility judges and local law enforcement agencies will be forced to use alternative methods of handling juvenile offenders.

NOW THEREFORE BE IT RESOLVED that West Baton Rouge Parish is committed to join the creation of a multi-jurisdictional board with the authority to levy taxes, if passed by the voters, comprising of neighboring parishes, to provide for the governance of the district and provide for the operation of the St. James Youth Center as allowed by Senate Bill 456, but reserves the right to withdraw its commitment in joining the Servicing District for the Center and its position on a multi-jurisdictional board prior to the vote of the people to levy taxes.

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

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

ATTEST:

/s/Riley Berthelot, Jr.

Riley Berthelot, Jr., Parish President

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 June 28, 2012 at which meeting a majority of the members were present and voting.

/s/Sharon Zito

Mr. Durbin was recognized and reviewed family partition off of Arbroth Road for the Trabeaux family, projected plat on overhead screen of over 60 acre tract being divided into 5 pieces with variance on installation of fire hydrants at time building permits are obtained. Mr. Durbin stated that the Trabeaux family and legal representative were present if there were any questions, and confirmed that the Planning Commission had recommended approval 6/19/12 with the fire hydrant installation variance. Mr. Spillman stated familiar with situation within district, logic that farmer would not want a fire hydrant installed somewhere in field which

might be hit by tractor, owners have confirmed if house built at that point in time will install required hydrant, and recommended that plat be approved with variance.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Randal Mouch to approve the final family partition map showing the subdivision of Lot 4 of the northern portion of Arbroth Plantation into Lot 4-A, Lot 4-B, Lot 4-C, Lot 4-D & Lot 4-E located in Section 26, T5S-R11E for Hartman Trabeaux, Jr., Et Als with a variance to install fire hydrants at time building permits are obtained for said lots as recommended by the Planning Commission.

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.

At this time under Correspondence Report the Council Clerk read excerpt from the West Baton Rouge Parish Planning & Zoning Commission meeting agenda of July 3, 2012 confirming same cancelled due to clear agenda.

Chairman Spillman requested that the Parish President return to amended agenda item for Library at this time. Mr. Berthelot stated the Librarian was present to answer any questions, but explained had obtained three quotes obtained for needed roof and canopy repairs (lowest roof quote around \$29,000.00) and (lowest canopy quote around \$10,300.00), everything in order and needs to be authorized to proceed with work. Mr. Berthelot clarified that an ordinance required to amend the Library Budget would be introduced at 7/26/12 meeting to approve an amendment to the Library budget to use money from reserve funds for the cost of repairs. Mr. Spillman stated that as member of Library Board Mr. Mouch confirmed approval of said board to expedite repairs.

A motion was made by Mr. Randal Mouch, seconded by Mr. Ricky Loupe to accept the quotations submitted by River City Roofing and Sheet Metal for repair of the flat and slate roofs around the Library building (\$29,750.00), and A-1 Professional Roofing LLC for repair to the canopy over the outdoor walkway (\$10,332.00) as recommended by the West Baton Rouge Parish Library Board of Control.

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.

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

/s/Gary M. Spillman

Gary M. Spillman, Council Chairman

/s/Sharon Zito

Sharon Zito, Council Clerk