

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING – MAY 24, 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, May 24, 2012 and called to order. Council Chairman Gary Spillman requested that that all electronic devices be silenced and recognized Phil Porto, Jr., who led everyone in the pledge of allegiance.

Roll call was taken with the following members being present:

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

Absent: Mr. Ricky Loupe

Parish President Riley Berthelot, Jr. was also present.

Finance Director Phillip Bourgoyne was recognized and explained that bids for limestone, silt and sand would be re-advertised since none had been submitted. Mr. Bourgoyne reviewed interoffice memorandum recommendation and bid summaries indicating successful bidder on corrugated metal culverts and corrugated polyethylene pipe and requested approval.

A motion was made by Mr. Randal Mouch, seconded by Mr. Chris Kershaw to accept the administrative recommendation and award bids as indicated on bid summaries for supply contract for corrugated metal culverts and corrugated polyethylene pipe. Bid summaries appear elsewhere in these minutes.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

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

Anthony Summers of the Office of Homeland Security, Emergency Preparedness and 9-1-1 was recognized and requested that the bids received and opened 5/24/12 for 9-1-1 System Upgrade be taken under advisement and deferred until the meeting of 6/14/12.

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Barry Huggins to take the 9-1-1 System Upgrade bids under advisement and defer taking action on same until the meeting of 6/14/12 based on the recommendation of the Office of Homeland Security, Emergency Preparedness and 9-1-1.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

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

Mr. Porto was recognized under item 7 (communications with council members and/or other elected or appointed officials) to furnish report on the Great American Clean-up. Mr. Porto confirmed last year of three year commitment by Mormon group, which had repaired, painted, mulched and landscaped Port Allen Middle School, Williams & Lee Park, Port Allen Elementary School, and Cohn School. Mr. Porto reported group assisting Ray Helen Lawrence cleaned-up area cemetery, and group assisting Charlene Gordon cleaned-up Burchams Subdivision, and Keep West Baton Rouge Beautiful will be looking for additional volunteers.

Mr. Robertson was recognized and expressed thanks on behalf of family to Council for cards, flowers and well wishes during time of bereavement.

Mr. Huggins was recognized and complimented administration and emergency personnel for job well done during Air Liquide fire, expressed hopes that company continue operating within Parish, and Air Liquide representative furnish incident report and options to avoid another incident in future.

Chairman Spillman announced that the Public Hearing was now in order and all interested persons were invited to appear and be heard regarding adoption of an ordinance directing the renewal of the levy and collection of 10 year 2.5 mill ad valorem tax for the purpose of maintaining, operating and making capital expenditures necessary to support the West Baton Rouge Parish Council on Aging.

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 Council on Aging Ordinance appears elsewhere in these minutes.

The following ordinance having been introduced at a meeting held on May 10, 2012, notice of its introduction having been published in the official journal and a public hearing having been held thereon, was offered by Mr. Barry Huggins, seconded by Ms. Charlene Gordon, and adopted with the following vote:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

And the ordinance provides as follows:

An Ordinance directing the renewal of the levy and collection of a ten-year, 2.5 mill ad valorem tax for the purpose of maintaining, operating and making capital expenditures necessary to support the West Baton Rouge Parish Council On Aging.

WHEREAS, under the provisions of Article VI, Sections 30 and 32 of the Constitution of the State of Louisiana of 1974 and other constitutional and statutory authority supplemental thereto, including an election held in the Parish of West Baton Rouge, State of Louisiana (the "Parish") on April 21, 2012, the Parish Council of the Parish (the "Parish Council"), as governing authority for the Parish, desires to renew the levy of the property tax as authorized at the election by virtue of the favorable passage of the proposition attached hereto as **Schedule A** setting forth the rate and duration of the tax; and

WHEREAS, in compliance with the provisions of said authority and other applicable constitutional and statutory authority, an election was held in the Parish on Saturday, April 21, 2012, to authorize the renewal of the levy of the property tax, it is now the desire of the Parish to renew the levy the property tax and to provide for the collection thereof and other matters in connection therewith as hereinafter provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Parish Council, acting as the governing authority of the Parish, that:

SECTION 1. Pursuant to the authority of an election held in the Parish on April 21, 2012, there be and there is hereby renewed within the geographic boundaries of the Parish for the purposes stated in the proposition attached hereto as **Schedule A** the levy and collection of a ten-year, 2.5 mill ad valorem tax, beginning in the year 2014 and ending in the year 2023 for the purpose of maintaining, operating and making capital expenditures necessary to support the West Baton Rouge Parish Council on Aging, all in the manner and subject to the provisions and terms of those portions of Title 33 of the Louisiana Revised Statutes of 1950, as amended, applicable to property taxes levied by the Parish.

SECTION 2. That the levy of property tax described in Section 1 above shall be renewed and enforced according to law.

SECTION 3. The obligations and rights of taxpayers in connection with the property tax levied hereby shall be as provided taxpayers by the provisions of law applicable to property taxes levied by the Parish.

SECTION 4. If any one or more of the provisions of this Ordinance shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance, but this Ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this Ordinance which validates or makes legal any provision of this Ordinance which would not otherwise be valid or legal, shall be deemed to apply to this Ordinance.

SECTION 5. The title to this Ordinance and notice of a public hearing regarding its adoption shall be published in one (1) issue of the *West Side Journal*, the official journal of and a newspaper of general circulation in the Parish. Upon adoption, this Ordinance shall be published in full in one (1) issue of the *West Side Journal* and shall be recorded in the mortgage records of the West Baton Rouge Parish Clerk of Court.

SECTION 6. The Chairman of the Parish Council be and he is hereby authorized, empowered and directed to take any and all such action as may be necessary to carry into effect the provisions of this Ordinance.

SECTION 7. This Ordinance shall immediately take effect upon adoption.

And the Ordinance was declared adopted on this, the 24th day of May, 2012.

/s/Gary Spillman
Gary Spillman, Chairman

ATTEST:

/s/Sharon Zito
Sharon Zito, Council Clerk

STATE OF LOUISIANA

PARISH OF WEST BATON ROUGE

I, the undersigned Clerk of the Parish Council of the Parish of West Baton Rouge, State of Louisiana, do hereby certify that the foregoing constitutes a true and correct copy of an ordinance directing the renewal of the levy and collection of a ten-year, 2.5 mill ad valorem tax for the purpose of maintaining, operating and making capital expenditures necessary to support the West Baton Rouge Parish Council On Aging.

IN FAITH WHEREOF, witness my official signature and impress of the official seal of said Parish at Port Allen, Louisiana, on this, the 24th day of May, 2012.

/s/Sharon Zito
Sharon Zito, Council Clerk

(SEAL)

SCHEDULE A

PROPOSITION

SUMMARY: AUTHORITY FOR THE PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA, TO RENEW THE LEVY AND COLLECTION OF A TEN-YEAR, 2.5 MILL AD VALOREM TAX FOR THE PURPOSE OF MAINTAINING, OPERATING AND MAKING CAPITAL EXPENDITURES NECESSARY TO SUPPORT THE WEST BATON ROUGE PARISH COUNCIL ON AGING.

SHALL THE PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA (THE "PARISH"), RENEW THE LEVY AND COLLECTION OF A 2.5 MILL AD VALOREM TAX, ORIGINALLY APPROVED BY VOTERS IN THE PARISH ON JANUARY 18, 2003, ON ALL THE PROPERTY SUBJECT TO TAXATION IN THE PARISH (AN ESTIMATED \$832,500 REASONABLY EXPECTED AT THIS TIME TO BE COLLECTED FROM THE LEVY OF THE TAX FOR AN ENTIRE YEAR) (THE "TAX") FOR A PERIOD OF TEN (10) YEARS, BEGINNING WITH THE YEAR 2014 AND ENDING WITH THE YEAR 2023, THE PROCEEDS OF WHICH SHALL BE DEDICATED SOLELY FOR THE PURPOSE OF PROVIDING MAINTENANCE, OPERATION AND CAPITAL EXPENDITURES NECESSARY TO SUPPORT THE WEST BATON ROUGE PARISH COUNCIL ON AGING?

Chairman Spillman announced that the Public Hearing was now in order and all interested persons were invited to appear and be heard regarding adoption of an ordinance directing the renewal of the levy and collection of 10 year 2 mill ad valorem tax for the purpose of maintaining, operating and making capital expenditures necessary to support the West Baton Rouge Parish Museum.

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 Museum Ordinance appears elsewhere in these minutes.

The following ordinance having been introduced at a meeting held on May 10, 2012, notice of its introduction having been published in the official journal and a public hearing having been held thereon, was offered by Ms. Charlene Gordon, seconded by Mr. Edward Robertson, and adopted with the following vote:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

And the ordinance provides as follows:

An Ordinance directing the renewal of the levy and collection of a ten-year, 2 mill ad valorem tax for maintaining, operating and making capital expenditures necessary to support the West Baton Rouge Parish Museum.

WHEREAS, under the provisions of Article VI, Sections 30 and 32 of the Constitution of the State of Louisiana of 1974 and other constitutional and statutory authority supplemental thereto, including an election held in the Parish of West Baton Rouge, State of Louisiana (the "Parish") on April 21, 2012, the Parish Council of the Parish (the "Parish Council"), as governing authority for the Parish, desires to renew the levy and collection of the property tax as authorized at the election by virtue of the favorable passage of the proposition attached hereto as **Schedule A** setting forth the rate and duration of the tax; and

WHEREAS, in compliance with the provisions of said authority and other applicable constitutional and statutory authority, an election was held in the Parish on Saturday, April 21, 2012, to authorize the renewal of the levy and collection of the property tax, it is now the desire of the Parish to renew the levy of the property tax and to provide for the collection thereof and other matters in connection therewith as hereinafter provided in this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Parish Council, acting as the governing authority of the Parish, that:

SECTION 1. Pursuant to the authority of an election held in the Parish on April 21, 2012, there be and there is hereby renewed within the geographic boundaries of the Parish for the purposes stated in the proposition attached hereto as **Schedule A** the levy and collection of a ten-year, 2 mill ad valorem tax, beginning in the year 2014 and ending in the year 2023 for the purpose of maintaining, operating and making capital expenditures necessary to support the West Baton Rouge Parish Museum, all in the manner and subject to the provisions and terms of those portions of Title 33 of the Louisiana Revised Statutes of 1950, as amended, applicable to property taxes levied by the Parish.

SECTION 2. That the levy of property tax described in Section 1 above shall be renewed and enforced according to law.

SECTION 3. The obligations and rights of taxpayers in connection with the property tax levied hereby shall be as provided taxpayers by the provisions of law applicable to property taxes levied by the Parish.

SECTION 4. If any one or more of the provisions of this Ordinance shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance, but this Ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this Ordinance which validates or makes legal any provision of this Ordinance which would not otherwise be valid or legal, shall be deemed to apply to this Ordinance.

SECTION 5. The title to this Ordinance and notice of a public hearing regarding its adoption shall be published in one (1) issue of the *West Side Journal*, the official journal of and a newspaper of general circulation in the Parish. Upon adoption, this Ordinance shall be published in full in one (1) issue of the *West Side Journal* and shall be recorded in the mortgage records of the West Baton Rouge Parish Clerk of Court.

SECTION 6. The Chairman of the Parish Council be and he is hereby authorized, empowered and directed to take any and all such action as may be necessary to carry into effect the provisions of this Ordinance.

SECTION 7. This Ordinance shall immediately take effect upon adoption.

And the Ordinance was declared adopted on this, the 24th day of May, 2012.

/s/Gary Spillman

Gary Spillman, Chairman

ATTEST:

/s/Sharon Zito
Sharon Zito, Council Clerk

STATE OF LOUISIANA

PARISH OF WEST BATON ROUGE

I, the undersigned Clerk of the Parish Council of the Parish of West Baton Rouge, State of Louisiana, do hereby certify that the foregoing constitutes a true and correct copy of an ordinance directing the renewal of the levy and collection of a ten-year, 2 mill ad valorem tax for maintaining, operating and making capital expenditures necessary to support the West Baton Rouge Parish Museum.

IN FAITH WHEREOF, witness my official signature and impress of the official seal of said Parish at Port Allen, Louisiana, on this, the 24th day of May, 2012.

/s/Sharon Zito
Sharon Zito, Council Clerk

(SEAL)

SCHEDULE A

PROPOSITION

SUMMARY: AUTHORITY FOR THE PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA, TO RENEW THE LEVY AND COLLECTION OF A TEN-YEAR, 2 MILL AD VALOREM TAX FOR THE PURPOSE OF MAINTAINING, OPERATING AND MAKING CAPITAL EXPENDITURES NECESSARY TO SUPPORT THE WEST BATON ROUGE PARISH MUSEUM.

Shall the Parish of West Baton Rouge, State of Louisiana (the "Parish"), renew the levy and collection of a 2 mill ad valorem tax, originally approved by voters in the Parish on January 18, 2003, on all the property subject to taxation in the Parish (an estimated \$666,000 reasonably expected at this time to be collected from the levy of the tax for an entire year) (the "Tax") for a period of ten (10) years, beginning with the year 2014 and ending with the year 2023, the proceeds of which shall be dedicated solely for the purpose of providing maintenance, operation and capital expenditures necessary to support the West Baton Rouge Parish Museum?

Riley Berthelot, Jr. was recognized under item 9 (consider status report, change order and/or other matters as required on current projects) and furnished report on the following:

Construction started on Lynndale Sewer and Drainage Project;

Contractor should have corrections completed on Westport Sewer within couple of weeks.

Mr. Berthelot was recognized under Parish President's Report regarding the following:

Expressed thanks to Council representatives for participating in recently well attended Waterworks District No. 4 customer informational meeting;

Recent meeting with consulting firm on Investment Grade Study for I-10/La. 1 Connector Route;

Expressed thanks to emergency and fire personnel for assistance during Air Liquide incident and requested that the Office of Homeland Security, Emergency Preparedness and 9-1-1 personnel furnish report on same.

Deano Moran and Anthony Summers provided pictures and report on Air Liquide incident regarding evacuation, perimeter radius, shelters opened, company representatives/staff/police/fire/parish departments' assistance, and information available on facebook page (facebook.com/wbrohsep).

Mr. Berthelot continued with Parish President's Report:

Recent meeting held on MPO area projects priority evaluation to be funded (report will be furnished by Mr. Durbin at next meeting);

Requested remember the reason why Monday is holiday (Memorial Day May 28th) and to keep soldiers in prayers.

Gary Spillman was recognized under Council Chairman's Report regarding the following:

Recent informational meeting held at Sharon Baptist Church on abolishment of Waterworks District No. 4 to explain there would be no changes except to change the title and operation to the Utilities Department instead of Waterworks District No. 4 board;

Commended Red Cross, Administration and Emergency personnel for information and services provided residents during the Air Liquide incident.

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 June 28, 2012 at 6:30PM in the Council Meeting Room, 880 North Alexander Avenue, Port Allen, La.:

Amend Chapter 101 General Provisions, Sec. 101-1 Definitions, and amend Chapter 104 Zoning, Appendix A, Zoning Districts to provide for regulation of small-scaled food service businesses.

Public Works Director Kevin Durbin was recognized; reviewed proposed condemnation site located at 4819 Pecan Grove Road, Port Allen, La., projected pictures on overhead screen, provided background information including citizen complaint and recommendation to condemn, demolish and remove from property.

A motion was made by Mr. Barry Hughhins, seconded by Mr. Randal Mouch to ratify the Parish President's signature and proceed with condemnation process of site located at 4819 Pecan Grove Road, Port Allen, La. within 60 day time period based on inspection and recommendation as aforementioned of the Office of Community Planning & Development.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

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

Mr. Durbin reviewed proposed condemnation of site at 3134 U S Highway 190 W, Port Allen, La., clarified location, provided previous condemnation history including citizen complaints, and projected pictures on overhead screen, recommending structure be secured from entry, minor repairs be made as well as monitoring of grass and junk situations. Mr. Porto made brief statement concurring with report recommendation and requested additional information from owner regarding proposed use for property.

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Barry Huggins to ratify the Parish President's signature and proceed with condemnation process of site located at 3134 U S Highway 190 W, Port Allen, La. based on inspection and recommendation as aforementioned of the Office of Community Planning & Development.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

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 Ms. Charlene Gordon, seconded by Mr. Barry Huggins and approved by acclamation at 7:05PM.

/s/Gary M. Spillman

Gary M. Spillman, Council Chairman

/s/Sharon Zito

Sharon Zito, Council Clerk