

**WEST BATON ROUGE PARISH COUNCIL  
REGULAR MEETING – OCTOBER 13, 2011  
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, October 13, 2011 and called to order. Council Chairman Gary Spillman requested that all electronic devices be silenced and recognized Jason Manola, who led everyone in the pledge of allegiance.

Roll call was taken with the following members being present:

Messrs. Randal “Randy” Mouch, Jeff “Petit” Kershaw, Ms. Charlene Gordon, Messrs. Gary M. Spillman, Ricky Loupe, Phil Porto, Jr., Mrs. Alethea “Lisa” Johnson, Mr. Edward G. “Bob” Robertson

Absent: Mr. Keith K. “Keedy” Washington, Sr.

Parish President Riley Berthelot, Jr. was also present.

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At this time Chairman Spillman announced that the Administration had requested that the Group Medical Insurance with Prescription Card Benefits, Dental Care and Basic Term Life for the period January 1, 2012 – December 31, 2012 be deferred until the October 27, 2011 meeting.

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Rosehill Deputy Fire Chief Robby Smith was recognized and reviewed the firefighting equipment bids received and opened 10/11/11 for said department recommending acceptance of low qualified bid of Casco Industries, Inc. in the amount of \$112,070.00. Mr. Smith confirmed \$165,000.00 had been budgeted, that portion would be Assistance to Firefighters Grant Program funded through Federal Emergency Management Agency (FEMA). Mr. Smith briefly discussed piggybacking on Orleans Parish bid for breathing air compressor with cascade system and a double SCBA fill station, which will be considered at later date.

A motion was made Mr. Phil Porto, Jr., seconded by Ms. Charlene Gordon to approve the bid of Casco Industries, Inc. in the amount of \$112,070.00 for Self Contained Breathing Apparatus for Rosehill Volunteer Fire Department (Sub-District No. 6) as aforementioned.

Roll call vote on the motion was recorded as follows:

YEAS: 8 (Messrs. Mouch, Kershaw, Ms. Gordon, Messrs. Spillman, Loupe, Porto, Mrs. Johnson, Mr. Robertson)

NAYS: 0 (None)

ABSENT: 1 (Mr. Washington)

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

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Executive Assistant Jason Manola was recognized and reviewed the equipment list to be declared as surplus equipment for public auction. Mr. Manola explained items listed were older with high usage hours, part of equipment replacement program, and requested approval. Mr. Kershaw confirmed that Henderson Auctions would handle sales within 2 weeks.

A motion was made by Mr. Jeff Kershaw, seconded by Mr. Edward Robertson to declare the following equipment as surplus property and of no public use, and authorize advertising for sale at public auction:

1998 Dodge Ram 2500;  
2006 John Deere 6615 with 23' Tiger Boom Mower;  
Gallion Wobble Wheel Roller;  
1973 Ford F-750 Distributor Truck;  
1994 Chevrolet 2500 Pickup;  
1999 John Deere JD 50 Mini Excavator;  
2002 Case CX240 Excavator with Cleanout Bucket, Digging Bucket & Manual Thumb;  
Two John Deere 797 71" Z Mowers;  
Three Honda Recon 4 Wheelers;  
Jacobsen 5 Gang Pull Behind Reel Cutting Unit;  
300 Gallon Pull Behind Spray Tank.

Roll call vote on the motion was recorded as follows:

YEAS: 8 (Mr. Kershaw, Ms. Gordon, Messrs. Spillman, Loupe, Porto, Mrs. Johnson, Messrs. Robertson, Mouch)

NAYS: 0 (None)

ABSENT: 1 (Mr. Washington)

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

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Mr. Mouch was recognized under item 9 (communications with council members and/or other elected or appointed officials) and made request to invite the West Baton Rouge Chamber of Commerce to attend Council meetings quarterly to furnish reports on business growth and economic development in the area.

Mr. Mouch requested an update on fire district tax distribution meetings and Chairman Spillman stated that President Berthelot would furnish same under his report.

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Executive Director of the Louisiana School for Math, Science and the Arts Dr. Patrick Widhalm was recognized and made a brief presentation on nationally recognized public school located in Natchitoches, La. to make local citizens aware of educational opportunity for high school students, and distributed informational brochures.

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Chief Meteorologist Ken Graham with the National Weather Service Office was recognized, read "Storm Ready" Proclamation into the record, made presentation, and explained stringent criteria. Mr. Graham also presented accompanying plaque and highway display signs. Deano Moran, Anthony Summers, President Berthelot, and Chairman Spillman made brief statements expressing appreciation to all involved. Jay Grymes was recognized at this time and made brief congratulatory statement on achievement. Picture-taking and audience applause followed.

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At this time Chairman Spillman requested proceeding to item 19 (consider planning & zoning commission meeting minutes, subdivision plats, condemnations and/or variances and matters related thereto) and there were no objections. Public Works Director Kevin Durbin was recognized and confirmed there was no business from the last Planning & Zoning Commission meeting other than discussion of possible future cancellation of meetings. Mr. Durbin presented, reviewed the variance application & evaluation form for Patrick &

Mercedes Dooley, 1781 Fairview Avenue, Port Allen, La. and confirmed that applicant was present to answer any questions. Mr. Durbin stated that the applicants were requesting variance from Section 106-115 (site plan requirements for R-SF-2) of 2 foot from required 10 feet side property line to 8 feet on 100 foot lot. Mr. Durbin confirmed appropriate department head and adjacent property owner signatures had been obtained. Messrs. Kershaw and Loupe confirmed and concurred with request.

A motion was made by Mr. Jeff Kershaw, seconded by Mr. Ricky Loupe to approve the variance request zoned R-SF-2 as aforementioned for Patrick & Mercedes Dooley, 1781 Fairview Avenue, La. reducing the required side buffer setback line from 10 feet to 8 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: 8 (Ms. Gordon, Messrs. Spillman, Loupe, Porto, Mrs. Johnson, Messrs. Robertson, Mouch, Kershaw)

NAYS: 0 (None)

ABSENT: 1 (Mr. Washington)

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

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Mr. Porto left the meeting at this time.

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 2 Administration, Article V, Convention and Visitors Bureau, Sec. 2-85 Membership (A) Composition, (D) Council Chairman of the West Baton Rouge Parish Council. Mr. Spillman explained that bureau recommended changing Council representation from ex-officio (non-voting member) to member with voting rights.

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. 29 of 2011 appears elsewhere in these minutes.

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

ORDINANCE NO. 29 OF 2011

AN ORDINANCE AMENDING CHAPTER 2 ADMINISTRATION, ARTICLE V. CONVENTION AND VISITORS BUREAU, SEC. 2-85 MEMBERSHIP (A) COMPOSITION, (D) COUNCIL CHAIRMAN OF THE WEST BATON ROUGE PARISH COUNCIL TO SERVE AS EX-OFFICIO MEMBER

NOW THEREFORE BE IT ORDAINED by the West Baton Rouge Parish Council in legal session that Chapter 2 Administration, Article V. Convention and Visitors Bureau, Sec. 2-85 Membership of the Compiled Ordinances of the Parish of West Baton Rouge, Louisiana is amended and re-enacted to read as follows:

Sec. 2-85. Membership. (a) Composition, (d) Council Chairman of the West Baton Rouge Parish Council, or his designate, shall serve as an official member of the West Baton Rouge Convention & Visitors Bureau Board of Directors.

THEREFORE BE IT ORDAINED by the West Baton Rouge Parish Council, that this ordinance shall become effective thirty (30) days after advertisement in the Parish Official Journal pursuant to Section 2-12 (C) of the Home Rule Charter.

NOW THEREFORE BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council, that all other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

NOW THEREFORE BE IT FURTHER ORDAINED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not effect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items, or applications of this ordinance are hereby declared severable.

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

YEAS: 7 (Messrs. Spillman, Loupe, Mrs. Johnson, Messrs. Robertson, Mouch, Kershaw, Ms. Gordon)

NAYS: 0 (None)

ABSENT: 2 (Messrs. Washington, Porto)

WHEREUPON the ordinance was declared adopted on the 13<sup>th</sup> day of October, 2011.

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 22<sup>nd</sup> day of October, 2011.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:15 o'clock AM on the 14<sup>th</sup> day of October, 2011.

IN FAITH WHEREOF witness my official signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana on the 14<sup>th</sup> day of October, 2011.

/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 14<sup>th</sup> day of October, 2011.

/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 10:10 o'clock AM on the 14<sup>th</sup> day of October, 2011.

/s/Sharon Zito  
Sharon Zito, Council Clerk  
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Mr. Porto reentered the meeting at this time.

Mr. Berthelot was recognized at this time and confirmed prior email that majority of municipalities have concurred and set Halloween trick-or-treat for October 31<sup>st</sup> from 5:30 to 7:30PM.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Jeff Kershaw to set the date and time for Halloween Trick-or-Treat for the unincorporated areas of West Baton Rouge Parish on Monday, October 31, 2010, from 5:30 P. M. to 7:30 P. M in conjunction with municipalities.

Roll call vote on the motion was recorded as follows:

YEAS: 8 (Messrs. Spillman, Loupe, Porto, Mrs. Johnson, Messrs. Robertson, Mouch, Kershaw, Ms. Gordon)

NAYS: 0 (None)

ABSENT: 1 (Mr. Washington)

As a result of the roll call vote the motion was unanimously adopted by those members present.  
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Riley Berthelot, Jr. was recognized under item 14 (consider status report, change order and/or other matters as required on current projects) regarding the following:  
Suggested that members view the WBR Community Center in Port Allen renovations, which are almost complete and will be ready for rental by 11/1/11;  
Road Overlay Program scheduled for completion within week.

Mr. Berthelot was again recognized under Parish President's Report regarding the following:  
Fire District committee voted 5 to 0 (Addis abstained) recommending stopping 2.2 million yearly funding under current formula and dividing new revenues according to new formula. Discussion held on Fire Department committee recommendation scheduled to be presented by the end of October, concurrence required, and law suit and/or legislation alternatives;  
Chamber has concurred in making quarterly report presentations and briefly cited proposed plant expansions and development within City of Port Allen;  
Early voting for 10/22/11 election continues through Saturday, October 15, 2011.

Brief presentation made on procedures and website information following discussion on mosquito spraying.  
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The following resolution was offered by Mr. Phil Porto, Jr., seconded by Mrs. Alethea Johnson

RESOLUTION OF ANNUAL CERTIFICATION OF COMPLIANCE  
WITH THE STATE OF LOUISIANA  
OFF-SYSTEM BRIDGE REPLACEMENT PROGRAM

WHEREAS, the code of Federal Regulations as enacted by the United States Congress mandates that all structures defined as bridges located on all public roads will be inspected, rated for safety load capacity and posted in accordance with the National Bridge Inspection Standards and that an inventory of these bridges is maintained by each State; and

WHEREAS, the responsibility to inspect, rate and load post those bridges under the authority of West Baton Rouge Parish in accordance with those Standards is delegated by the Louisiana Department of Transportation & Development to West Baton Rouge Parish.

THEREFORE BE IT RESOLVED by the governing authority of West Baton Rouge Parish (herein referred to as the Parish) that the Parish in Regular Meeting assembled does hereby certify to the Louisiana Department of Transportation & Development (herein referred to as the DOTD) that for the period January 1, 2011 through December 31, 2011:

1. The Parish has performed all interim inspections on all Parish owned or maintained bridges in accordance with the National Bridge Inspection Standards;
2. All bridges owned or maintained by the Parish have been structurally analyzed and rated by the Parish as to the safe load capacity in accordance with AASHTO Manual for Maintenance Inspection of Bridges. The load posting information that has been determined by the Louisiana DOTD for bridges where the maximum legal load under Louisiana State Law determined above has been critically reviewed by the Parish. Load posting information has been updated by the Parish to reflect all structural changes, any obsolete structural ratings or any missing structural ratings;
3. All Parish owned or maintained bridges which require load posting or closing are load posted or closed in accordance with the table in the DOTD Engineering Directives and Standards Manual Directive No. 1.1. 1.8. All DOTD supplied load posting information concerning a bridge has been critically reviewed by the Parish Engineer prior to load posting;
4. All bridges owned or maintained by the Parish are shown on the attached list in the format specified by the DOTD. Corrections to data supplied to the Parish by the LA. DOTD are noted.

These stipulations are prerequisite to participation by the Parish in the Off-System Bridge Replacement Program.

Roll call vote on the resolution was recorded as follows:

YEAS: 8 (Messrs. Loupe, Porto, Mrs. Johnson, Messrs. Robertson, Mouch, Kershaw, Ms. Gordon, Mr. Spillman)

NAYS: 0 (None)

ABSENT: 1 (Mr. Washington)

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

**CERTIFICATE**

I, Sharon Zito, Council Clerk of the West Baton Rouge Parish Council do hereby certify that the above and foregoing is a true and correct copy of a resolution adopted by said body at its Regular Meeting of October 13, 2011 at which meeting a majority of the members were present and voting.

/s/Sharon Zito

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Following review of application for beer and/or liquor permit, a motion was made by Mr. Edward Robertson, seconded by Ms. Charlene Gordon to approve the 2011 Class B Beer and/or Liquor Permit for La. 1 South Truck Stop, LLC. (formerly Leake's Land & Development, Inc.), 3195 Highway 1 South, Port Allen, La. as same meets all requirements in accordance with the Compiled Ordinances, Parish of West Baton Rouge, Louisiana, Chapter 6 Alcoholic Beverages.

Roll call vote on the motion was recorded as follows:

YEAS: 8 (Messrs. Porto, Mrs. Johnson, Messrs. Robertson, Mouch, Kershaw, Ms. Gordon, Messrs. Spillman, Loupe)

NAYS: 0 (None)

ABSENT: 1 (Mr. Washington)

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

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At this time under Correspondence Report the Council Clerk read excerpts from the following:

West Baton Rouge Parish Planning & Zoning Commission Agenda scheduled for Tuesday, October 18, 2011;

2012 Budget Meetings of October 24, 2011 & October 25, 2011.

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There being no further business, a motion was made by Ms. Charlene Gordon, seconded by Mrs. Alethea Johnson at 7:10PM.

Roll call vote on the motion was recorded as follows:

YEAS: 8 (Mrs. Johnson, Messrs. Robertson, Mouch, Kershaw, Ms. Gordon, Messrs. Spillman, Loupe, Porto)

NAYS: 0 (None)

ABSENT: 1 (Mr. Washington)

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

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

/s/Sharon Zito  
Sharon Zito, Council Clerk