

**WEST BATON ROUGE PARISH COUNCIL  
REGULAR MEETING – SEPTEMBER 22, 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, September 22, 2011 and called to order. Council Chairman Gary Spillman requested that all electronic devices be silenced and recognized Melvin Abbott, who led everyone in the pledge of allegiance. At this time Mr. Spillman announced that Mrs. Johnson would be absent due to conflict chairing another function.

Roll call was taken with the following members being present:

Messrs. Randal “Randy” Mouch, Jeff “Petit” Kershaw, Ms. Charlene Gordon, Messrs. Keith K. “Keedy” Washington, Sr., Gary M. Spillman, Ricky Loupe, Phil Porto, Jr., Edward G. “Bob” Robertson

Absent: Mrs. Alethea “Lisa” Johnson

Parish President Riley Berthelot, Jr. was also present.

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A motion was made by Mr. Randal Mouch, seconded by Ms. Charlene Gordon to approve the minutes of the Regular Meetings of August 11, 2011 and August 25, 2011 as published in the Parish Official Journal.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mrs. Johnson)

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

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Public comments were requested at this time and the following were recognized and made brief statements:

Rick Ward regarding qualifications and candidacy for State Senate District 17 comprising nine (9) parishes including portion of West Baton Rouge;

Chamber of Commerce Executive Director Kathy Stuart read resolution into the record adopted by said agency expressing support for Parish’s Master Plan;

Public Works Director Kevin Durbin expressed appreciation to committee members for attendance tonight and contribution in Master Plan development.

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Mr. Durbin was recognized under item 7 (communications with council members and/or other elected or appointed officials) and made brief presentation on Parish floodplain management, eight repetitive loss properties, addressed homeowner options for lowering rates, and report provided the National Flood Insurance Program.

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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 111 Administration and Enforcement, Article II Parish Planning Commission, Sec. 111-24 Meetings, Rules, Regulations and Records, and Article IV Zoning Enforcement, Sec. 11-67 Zoning Commission; Establishment and Procedure to provide for cancellation of Planning & Zoning Commission Meetings when there are no action items on the agenda (deferred 9/8/11 meeting). Mr. Spillman stated that the Administration is rewriting rules for commission to consider adopting. Discussion held on options including setting monthly salary rather than per diem for meetings.

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.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Phil Porto, Jr. to deny approval of the ordinance to amend Chapter 111 Administration and Enforcement, Article II Parish Planning Commission, Sec. 111-24 Meetings, Rules, Regulations and Records, and Article IV Zoning Enforcement, Sec. 11-67 Zoning Commission; Establishment and Procedure to provide for cancellation of Planning & Zoning Commission Meetings when there are no action items on the agenda until further review.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mrs. Johnson)

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

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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 102 Planning to create new Article III (West Baton Rouge Parish Master Plan: Plan West) for purpose of adopting & providing for future enforcement and amendments to West Baton Rouge Parish Master Plan: Plan West (deferred 9/8/11 meeting). Mr. Durbin clarified that on 9/20/11 the Planning & Zoning Commission had unanimously recommended approval of the plan. Mr. Durbin announced that refreshments would be served immediately following the meeting. Various officials and committee members expressed appreciation to all involved in development of comprehensive plan and urged implementation.

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. 30 of 2011 appears elsewhere in these minutes.

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The following ordinance was offered by Mr. Jeff Kershaw, seconded by Mr. Edward Robertson

ORDINANCE NO. 30 OF 2011

An ordinance to amend and reenact West Baton Rouge Compiled Ordinances, Chapter 102 ("Planning") to create a new Article III ("West Baton Rouge Parish Master Plan: PlanWest") for the purpose of adopting and providing for the future enforcement and amendments of the West Baton Rouge Parish Master Plan: PlanWest.

**WHEREAS** West Baton Rouge Parish has a long history of regulating the development of land through its Unified Development Code **AND**

**WHEREAS** at the prompting of the joint West Baton Rouge Parish Chamber and Parish Council’s 2000 Strategic Plan when a request was made to create and adopt a Parishwide land use plan **AND**

**WHEREAS** after several years of deliberations including many committee and public meetings and with the assistance of Louisiana State administered CDBG funds, a consultant team has drafted a Master Plan for the Parish addressing land use, economic development and many other important goals **AND**

**WHEREAS** after months of scrutiny, this Council seeks to adopt - with the force of law - the goals and vision outlined in the draft PlanWest document and provide for the recurring enforcement and updating of the same **THEREFORE**

**BE IT ORDAINED BY THIS COUNCIL** that a new Article III (“West Baton Rouge Parish Master Plan: PlanWest”) be created within Chapter 102 (“Planning”) of the West Baton Rouge Compiled Ordinances to read as follows (NOTE: underlined words are additions and ~~striketrough 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 102**

**PLANNING**

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**ARTICLE II. Regional Planning Area**

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**Secs. 102-25 – 102-40. Reserved**

**ARTICLE III. West Baton Rouge Parish Master Plan: PlanWest**

**Sec. 102-41. Adoption.**

The document PlanWest, as prepared by the Tipton Associates consulting team, and dated September 22, 2011 is hereby adopted as the official “Master Plan” of West Baton Rouge Parish.

**Sec. 102-42. Enforcement.**

- A. Acknowledgement of and General Consistency with the Master Plan. In order to carry-out the vision and goals of the Master Plan, it is incumbent upon the Administration, all departments and agencies (local, regional and state), the Parish Council and the Planning and Zoning commissions to acknowledge that the plan exists, that it has been adopted and to ensure that all future policies, regulations and development in West Baton Rouge Parish be consistent with both the overall vision and the specific recommendations of the Master Plan.
- B. Rezoning consistency. Rezoning hearings should have the outcome of creating a reality in accordance with the vision of the Master Plan. In cases where a rezoning request requires a change in the Master Plan’s future land use plan, then a supermajority vote of two-thirds of the voting members present at the Zoning Commission’s meeting shall be required in order for the request to receive a “favorable” recommendation. Likewise, a supermajority vote of two-thirds (2/3) of the voting members present at the Parish Council’s meeting shall be required in order for the rezoning request to be officially approved. Such approval will have the dual effect of creating a rezoning and of changing the Master Plan’s future land use plan. If a rezoning application has the potential to change the Master Plan in the manner described above, then this potential change shall be noted during the public hearings and properly advertised along with the rezoning advertisement.
- C. Additional consistency recommendations. In addition to land use provisions, many other features of the Master Plan can and should be carried-out in accordance with its visions, including, but not limited to: capital improvements planning, on-site and off-site subdivision dedications to the public use, street dedications and corridor preservation, school facility planning, park planning, economic development planning and other public and private planning efforts in interest of the public good.

**Sec. 102-43. Amendment**

- A. Annual reports and updates. In addition to the amendments through rezoning actions as listed elsewhere, the Master Plan should be analyzed on an annual basis by the Office of Community Planning and Development. As part of their annual report to the Planning & Zoning Commission and the Parish Council, the Office of Community Planning and Development shall report on any minor and

major changes to socioeconomic and development conditions that could have the effect of causing a necessary change in the Master Plan's vision if it is to stay relevant. Such changes should be made as recommendations to the Parish Council and, if necessary, may be incorporated into the document by a resolution of the Council. If changes are made to the Master Plan, these changes shall be noted by the Office of Community Planning and Development in an appendix to the Master Plan document.

- B. Five (5) year updates. Also, on a 5-year basis, a group of interested elected officials, citizens, developers, development professionals and business owners should recommend major updates to the Master Plan. These recommended changes shall be heard by the Planning and Zoning Commissions and the Parish Council during separate, one-time public hearings and may be incorporated by a resolution of the Council.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mrs. Johnson)

WHEREUPON the ordinance was declared adopted on the 22<sup>nd</sup> day of September, 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 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 September, 2011.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:55 o'clock AM on the 27<sup>th</sup> day of September, 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 27<sup>th</sup> day of September, 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 28<sup>th</sup> day of September, 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 2:35 o'clock PM on the 28<sup>th</sup> day of September, 2011.

/s/Sharon Zito

Sharon Zito, Council Clerk

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At this time the West Baton Rouge Parish Council met as the Board of Review for the purpose of considering protests and hearing complaints from taxpayers desiring to be heard on the 2011 tax assessment values of property as determined by the West Baton Rouge Parish Assessor.

Assessor Barney Altazan was recognized to certify the assessment lists of West Baton Rouge Parish for 2011 to the Parish Council as the Board of Review. Mr. Altazan read excerpt from letter and assessment schedules A and B for the tax years 2011 & 2010 showing increase of 7% at \$25,511,795.00. Mr. Altazan offered to answer any questions, but there were none.

At this time protests to tax assessment were requested from the audience, and there were none. There were no comments from the public. At this point the Chairman declared the Board of Review concluded. Resolution ratifying action taken at Board of Review to certify assessment lists of West Baton Rouge Parish for 2011 appears elsewhere in these minutes.

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The following resolution was offered by Mr. Edward Robertson, seconded by Ms. Charlene Gordon

#### RESOLUTION

A Resolution to ratify the action of taken at the Board of Review to certify the assessment lists of West Baton Rouge Parish for 2011

WHEREAS, pursuant to Louisiana Revised Statute 47:1992, the West Baton Rouge Parish Assessor has determined the assessment lists of real and personal property in and for the Parish and has exposed same for inspection by the taxpayers and other interested persons for a period of 15 calendar days as advertised, and

WHEREAS, now that said period has expired and the lists have been changed where necessary for clerical errors or erroneous assessments.

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby ratify the action taken at the Board of Review to certify the assessment lists of West Baton Rouge Parish for 2011 in the amount of \$352,890,497.00 as presented by the West Baton Rouge Parish Assessor.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Louisiana Tax Commission, and West Baton Rouge Parish Assessor Barney M. Altazan.

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mrs. Johnson)

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 true and correct copy of a resolution adopted by said body at its Regular Meeting of September 22, 2011 at which meeting a majority of the members were present and voting.

/s/Sharon Zito  
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Mr. Berthelot was recognized and reviewed six items listed on the West Baton Rouge Community Center in Port Allen Change Order and showed pictures of the renovations.

A motion was made by Mr. Ricky Loupe, seconded by Ms. Charlene Gordon to approve Change Order for the Renovations to the WBR Community Center in Port Allen (Tullier Services) in the amount of \$31,403.11 for the following items, as recommended by the Parish Architect, and authorizing the Parish President to sign same:

- Additional cypress to foyer and changes in gymnasium area;
- Credit removal aluminum storefront door from air-lock area;
- Sealant by Associated Waterproofing exterior walls;
- Additional hollow metal door for easier access;
- Painting cypress on east end building in gym;
- Stucco band on two existing exterior doors.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mrs. Johnson)

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 Parish President's Report regarding the following:  
Discussed and showed map of Sugar Mill Plantation Subdivision in connection with Parish owned right-of-way access to route traffic to Lukeville Lane signal light as subdivision intersection does not meet state criteria. Discussion held on widening Lukeville Lane due to school buses traveling, proximity to homes and dangerous curve, installation of 3-way stop signs, culverts, curbs and gutters, grants available, and requesting assistance from senator and representatives;

Announced bridge lane striping realigned on the Port Allen/Plaquemine I-10 Bridge exit;  
Expressed thanks to Mr. Durbin for work on master plan and wished "Happy Birthday" 9/23/11.

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The Council Clerk read by title the proposed ordinance being introduced by title, publicized by title, and considered for adoption following a public hearing at the meeting of October 13, 2011 at 6:30PM in the Council Meeting Room of the Governmental Building, 880 North Alexander Avenue, Port Allen, La. for 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, or his designee, shall serve as an official members of the West Baton Rouge Convention and Visitors Bureau Board of Directors.

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Mr. Spillman discussed location of proposed road for final plat of family partition for Wilbert Ferdinand and dedication of additional servitude of passage with Surveyor Triche. Mr. Durbin was recognized and confirmed that the Planning Commission had recommended approval of final plat being remainder of Tract 9-C, Cypress Hall Plantation into Lots F-1 through F-8 with a variance for front footage and installation of utilities at the time building permits are issued.

A motion was made by Mr. Edward Robertson, seconded by Mr. Keith Washington, Sr. to approve the final plat of map showing family partition being the remainder of Tract 9-C, Cypress Hall Plantation into Lots F-1 through F-8, located in Section 84, T6S-R11E for Wilbert Ferdinand, Sr. granting a variance for front footage and contingent upon installation of utilities at the time building permits are issued as recommended by the Planning Commission.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mrs. Johnson)

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

At this time Mr. Durbin reminded the audience of refreshments following meeting.

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Following review of application for beer and/or liquor permit, a motion was made by Mr. Phil Porto, Jr., seconded by Ms. Charlene Gordon to approve the 2011 Class A Beer and/or Liquor Permit for One-Eye Jacks Casino (formerly Love's Casino), 751 Lobdell Highway South, 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 (Porto, Robertson, Mouch, Kershaw, Ms. Gordon, Messrs. Washington, Spillman, Loupe)

NAYS: 0 (None)

ABSENT: 1 (Mrs. Johnson)

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 West Baton Rouge Parish Planning & Zoning Commission Agenda scheduled for Tuesday, October 4, 2011.

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There being no further business, a motion to adjourn was made by Ms. Charlene Gordon, seconded by Mr. Edward Robertson at 7:20PM.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mrs. Johnson)

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