

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING – APRIL 10, 2014
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, April 10, 2014 and called to order. Council Chairman Gary Spillman requested that all electronic devices be placed on silent and recognized Edward Robertson, who led everyone in the pledge of allegiance.

Roll Call Pro System recorded the following members being present:

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

Absent: Mr. Phil Porto, Jr.

Parish President Riley Berthelot, Jr. was also present.

Chairman Spillman informed everyone of the resolution adopted at the Police Jury Association of Louisiana Convention to recognize veterans who place hand on forehead when reciting the pledge of allegiance.

A motion was made by Mr. Barry Hughhins, seconded by Mr. Chris Kershaw to approve the minutes of the Regular Meetings of March 13, 2014 and March 27, 2014 as published in the Parish Official Journal.

Roll Call Pro System recorded the votes on the motion as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

As a result the motion was unanimously adopted by those members present.

Parish President Riley Berthelot, Jr. was recognized and read proclamation into the record declaring April as “Fair Housing Month”.

Financial Consultant Jim Ryan was recognized and read the following into the record pursuant to LA. R.S. 42:19.1 - notice of consideration of action regarding ad valorem tax – notice is hereby given that the Parish of West Baton Rouge, State of Louisiana will meet on Thursday, May 22, 2014 at 6:30p.m. at the Governmental Building, 880 North Alexander Avenue, Port Allen, La. at which time there will be consideration of action regarding the renewal of the levy and collection of an ad valorem tax dedicated to:

- 1) Acquiring, constructing, improving, operating and/or maintaining recreational facilities and programs in and for the Parish of West Baton Rouge, State of Louisiana;
- 2) Maintenance, operation and capital expenditures necessary for the drainage work within and for the Parish of West Baton Rouge, State of Louisiana;
- 3) Maintenance, operation and capital expenditures necessary for the West Baton Rouge Parish Library and its branches.

Mr. Berthelot made the Council aware of the Election Timeline included in meeting packets for these three (3) tax renewals.

Public comments were requested at this time and Tommy Dunn of Elm Grove Road in Erwinville was recognized regarding complaint about function at the Erwinville Community Center last weekend from 10p.m. Saturday to 3a.m. Sunday due to lateness of hour, loud music, use of profanity, and inability of Sheriff's Office to enforce noise ordinance. Consensus was that Mr. Berthelot contact Sheriff's office to make aware of the noise ordinance, and Recreation Director Anatole Vincent along with Messrs. Huggins and Spillman investigate the incident further. At this time Parish Attorney read excerpt of the noise ordinance regulations into the record.

Mr. Huggins was recognized under item 9 (communications with council members and/or other elected or appointed officials) regarding noise and dust complaints received on business operating on U S Highway 190 W. Determination complaints should be referred to Sheriff's office for enforcement of noise ordinance and Department of Public Works for nuisance.

Mr. Huggins also requested adoption of resolution to Wildlife & Fisheries and Department of Environmental Quality requesting answers on recent fish kill. Consensus was that matter be placed on the 4/24/14 meeting agenda for adoption.

Ms. Gordon invited everyone to assist in painting Williams & Lee Pool-House on Saturday, April 12, 2014 from 9:00am as part of Keep West Baton Rouge Beautiful program.

Mr. Loupe informed of compliments received during recent Brusly Council meeting on drainage department work on Parish Canal.

Mr. Mouch made brief statement expressing appreciation to members and staff on the Subdivision Code Advisory Committee accomplishments.

Finance Director Phillip Bourgoyne was recognized and read the following published notice into the record as required by LA. R.S. 42:19 as aforementioned by Jim Ryan: a public meeting will be held on the 22nd day of May at 6:30pm, 880 North Alexander Avenue, Governmental Building-Council Meeting Room, Port Allen, La. for the purpose of adopting the Parish-wide 2014 millage rates for the General Fund, Drainage District, Recreation, Museum, Library, Council on Aging, Community Center, Health Unit and Central Communication of West Baton Rouge Parish.

Mr. Mouch announced American Cancer Society of West Baton Rouge Parish Relay for Life Community Event scheduled 4/11/14 at 7:15pm at the Brusly High School Track and requested participation.

Chairman Spillman announced that the 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 the 2014 General Fund Budget to reflect salary sections for addition of firemen and Department of Motor Vehicles part-time works. Mr. Bourgoyne reviewed, discussed the budget figures and fund transfers, and offered to answer any questions. Mr. Huggins confirmed amendment included assistant fire chief salary, and concurrence of current sub-districts with no budget effect. Mr. Berthelot clarified request of the fire chief to assist in meeting the fire consolidation deadline of 7/1/14, based on approval of special attorney, and confirmed new framework ordinance in connection therewith would be introduced 4/24/14. Mr. Spillman stated fire chief should have made presentation on need for additional help/funding. Discussion held on inclusion in employee handbook, ordinance only for funding, consolidation not an easy process, and teamwork of chief and proposed assistant.

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. 9 of 2014 appears elsewhere in these minutes.

The following ordinance was offered by Mr. Chris Kershaw, seconded by Mr. Randal Mouch

ORDINANCE NO. 9 OF 2014

AN ORDINANCE AMENDING THE 2014 GENERAL FUND OPERATING BUDGET OF REVENUES AND EXPENDITURES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2014 TO REFLECT SALARY SECTIONS FOR THE ADDITION OF FIREMEN AND DEPARTMENT OF MOTOR VEHICLES PART-TIME WORKERS

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

SECTION 1: The attached detailed 2014 estimate revenues by department for the fiscal year beginning January 1, 2014 and ending December 31, 2014 be and the same is hereby adopted as an operating budget of revenues for the Parish during the said period.

SECTION 2: The attached detailed 2014 estimate of expenditures by departments for the fiscal year beginning January 1, 2014 and ending December 31, 2014 be and the same is hereby adopted to serve as budget of expenditures for the Parish during the said period.

SECTION 3: The adoption of these 2014 operating budget of revenues and expenditures be and the same is hereby declared to operate as an appropriation of the amount therein set forth within the terms of the budget classification.

SECTION 4: Amounts are available for expenditures only to the extent included within the 2014 budget.

NOW THEREFORE BE IT FURTHER ORDAINED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that this ordinance shall become effective pursuant to Section 2-12 (C) of the Home Rule Charter.

NOW THEREFORE BE IF 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 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. Mouch, Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Spillman, Robertson, Huggins)

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

WHEREUPON the ordinance was adopted on the 10th day of April, 2014.

ATTEST:

/s/Sharon Zito
Sharon Zito, Council Clerk

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 10th day of April, 2014.

I further certify that above and foregoing ordinance was submitted to the Parish President at 9:35 o'clock AM on the 11th day of April, 2014.

IN FAITH WHEREOF, witness my signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana on this 11th day of April, 2014.

/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 14th day of April, 2014.

/s/Riley Berthelot, Jr.
Riley Berthelot, Jr., Parish President

COUNCIL CLERK'S RETURN RECEIPT

I certify that the above and foregoing ordinance was received from the Parish President at 8:50 o'clock AM on the 14th day of April, 2014.

/s/Sharon Zito
Sharon Zito, Council Clerk

Mr. Bourgoyne was recognized under item 11 (consider status report, change order and/or other matters as required on current projects) in Mr. Manola's absence to present/explain change orders no. 2 & 5 on the emergency generators procurement and installation for sewer lift stations. Mr. Bourgoyne clarified the change orders were for money available through the grant for three (3) additional generators (2 on Lukeville Lane and 1 on Pecan Street), increase of change order no. 2 was 57,173.25 with Blue Stream for purchase, and an increase of change order no. 5 was \$38,245.70 with Tullier Services for installation. Mr. Spillman confirmed the contract price incorporating change order no. 2 as \$640,014.25 with Blue Stream for generators purchase, and the contract amount incorporating change order no. 5 as \$379,771.17 with Tullier Services for installation.

A motion was made by Mr. Barry Huggins, seconded by Ms. Charlene Gordon approving Change Order No. 2 from supplier (Blue Stream Services, LLC) in the amount of \$57,173.25 as set forth therein for Emergency Generators Procurement, and Change Order No. 5 from contractor (Tullier Services, LLC) for \$38,245.70 as set forth therein for Emergency Generators Installation for additional Sewer Lift Stations throughout the Parish at aforementioned locations, and for \$8,036.48 to be payable by the West Baton Rouge Parish Council as set forth therein, and authorizing the Parish President to sign these documents.

Roll-Call Pro System recorded the votes on the motion as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

As a result the motion was unanimously adopted by those members present.

Mr. Porto entered the meeting at this time.

Following brief discussion consensus was to defer action on approval of additional job classifications including assistant fire chief until the 4/24/14 meeting.

Riley Berthelot, Jr. was recognized under Parish President's Report regarding the following:
Announced scheduled breakfast meeting 4/24/14 at the Louisiana State Capitol with area delegation in the Ellender Room to discuss La 1/I-10 Connector Project;
Legislative Day 4/8/14 and bills of interest to the Parish;
Introduced new Drainage Superintendent Dane Aucoin;
Confirmed would investigate Mr. Dunn's complaint; and offered to answer any questions.

Mses. Gordon and Fair briefly discussed filing speeding complaints with the Sheriff's Office and speed bump procedure policy.

Gary Spillman was recognized under Council Chairman's Report and invited elected officials to attend Lt. Governor Jay Dardenne's "Keep Louisiana Beautiful Leaders Against Litter" statewide event scheduled at the State Capitol at 2:00p.m., and Keep West Baton Rouge Beautiful for local Leaders Against Litter community event scheduled at Clayton, Fruge & Ward Law Firm at 9:30a.m., both Friday, April 11th.

Following brief discussion consensus was to consider adoption of the resolution 4/24/14 requesting Wildlife & Fisheries as well as Department of Environmental Quality for answers to the area fish kill.

The Council Chairman read by title into the record the below proposed ordinances being introduced and publicized by, and considered for adoption following public hearing at the meeting of May 8, 2014 at 6:30PM in the Council Meeting Room, 880 North Alexander Avenue, Port Allen, La.:

1) Amending Part III Unified Development Code, Chapter 105 Subdivisions, Article I-in general, Sec. 105-7 (d) minor subdivisions, construction plans, Article II minimum design standards, Sec. 105-40 (6) improvements, utilities to provide for "as built" in Minor Subdivisions and to clarify the requirements for "as built" in regular subdivisions;

- 2) Amend Part III Unified Development Code, Chapter 105 Subdivisions, Article I-in general, Sec. 105-4 public hearing by commission, Chapter 111 Administration and enforcement, Article IV Zoning enforcement, Sec. 111-76(5) procedure for amendments to zoning map; advertising, Article VI Subdivision approval procedure, Sec. 111-115(c) (2) final plat approval; consideration; fees and public hearing to provide for more comprehensive requirements in the event of subdivisions and rezoning;
- 3) Amend Part III Unified Development Code, Chapter 105 Subdivisions, Article I-in general, Sec. 105-6 subdivision for transfer to immediate family members to repeal family subdivisions and to grandfather-in previously existing family subdivisions;
- 4) Amend Part III Unified Development Code, Chapter 105 Subdivisions, Article I-in general, Sec. 105-7 (e) (2) (d) Minor subdivisions, requirements, standards, roads to provide for enforced maintenance on private, minor subdivisions roads.

The Council Clerk read by title into the record the below proposed ordinance being introduced and publicized by title, and considered for adoption following public hearing at the meeting of May 8, 2014 at 6:30PM in the Council Meeting Room, 880 North Alexander Avenue, Port Allen, La.:

Amend Chapter 104 Zoning for rezoning request of James Deric Breaux, 1914 West Shore, Port Allen, La. designated as Lot 8, West Shore Business Park Subdivision from Community-Scaled Commercial District to Regional-Scaled Commercial District.

Public Works Director Kevin Durbin was recognized under item 17 (consider planning commission meeting minutes, subdivision plats, condemnations and/or variances and matters related thereto) and presented the variance request of Dane Aucoin (applicant present tonight), 3496 Emily Drive, Port Allen, La. to add accessory structure to residence zoned R-SF-3 to place 8 foot from setback line instead of 12.5 feet (10 per cent of lot width), and confirmed signatures of “no objection” from adjacent neighbors and department heads. Mr. Loupe clarified residence located on dead-end side street and had no problem with request.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Barry Huggins to approve the variance request of Dane Aucoin, 3496 Emily Drive, Port Allen, La. reducing the building side setback line for residence zoned R-SF-3 from 12.5 feet to 8 feet for metal accessory building as signatures of “no objection” have been obtained from adjacent property neighbors and department heads.

Roll-Call Pro System recorded the votes on the motion as follows:

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

NAYS: 0 (None)

As a result the motion was unanimously adopted.

Mr. Durbin turned over the Neal Harmon, Lot 3, Willows’ at Antonia variance request to Paul Armand with Patin Engineers & Surveyors. Mr. Armand stated that variance was required as eaves protruded across building lines into servitude due to size of house on smaller lot, and confirmed signatures of “no objection” from adjacent neighbors and department heads. Mr. Porto confirmed verbal concurrence from homeowners association.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Chris Kershaw to approve the variance request of Neal Harmon, 4463 E Willow Ridge Drive, Port Allen, La., Lot 3, Willows at Antonia Plantation for side setback line for eave overhangs of residence as signatures of “no objection” have been obtained from adjacent neighbors and department heads.

Roll-Call Pro System recorded the votes on the motion as follows:

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

NAYS: 0 (None)

As a result the motion was unanimously adopted.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Phil Porto, Jr. to approve the 2014 Class A Beer and/or Liquor Permit for Joe Joe's Sugar Patch Lounge (formerly Sugar Patch Lounge-new business owner-Joseph Gioele), 1822 Plantation Avenue, Port Allen, La. due to lease of business as aforementioned as establishment has met all requirements in accordance with the Compiled Ordinances, West Baton Rouge Parish, Louisiana, Chapter 6 Alcoholic Beverages.

Roll-Call Pro System recorded the votes on the motion as follows:

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

NAYS: 0 (None)

As a result the motion was unanimously adopted.

A motion was made by Mr. Barry Huggins, seconded by Mr. Phil Porto, Jr. to approve the 2014 Class A Beer and/or Liquor Permit for Tiger Trax #1, 12724 U S Highway 190 W, Port Allen, La. (new business owner-Veronica Lemoine) due to lease of business as aforementioned as establishment has met all requirements in accordance with the Compiled Ordinances, West Baton Rouge Parish, Louisiana, Chapter 6 Alcoholic Beverages.

Roll-Call Pro System recorded the votes on the motion as follows:

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

NAYS: 0 (None)

As a result the motion was unanimously adopted.

A motion was made by Mr. Barry Huggins, seconded by Ms. Charlene Gordon to approve the following beer and/or liquor permits as same have met all requirements in accordance with the Compiled Ordinances, West Baton Rouge Parish, Louisiana, Chapter 6 Alcoholic Beverages for the former establishment known as The Video Joker, 12812 U S Highway 190 W, Port Allen, La. and due to lease of businesses by new owner-Troy Carruth:

Raxx Bar, Suite A – Class A Beer and/or Liquor;

KQ Grill, Suite B – Class A Restaurant Beer and/or Liquor;

T-Roy's Tavern, Suite C – Class A Beer and/or Liquor.

Roll-Call Pro System recorded the votes on the motion as follows:

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

NAYS: 0 (None)

As a result the motion was unanimously adopted.

At this time under Correspondence Report the Council Clerk read excerpt into the record from the West Baton Rouge Parish Planning & Zoning Commission agenda scheduled for Tuesday, April 15, 2014 at 6:30PM.

At this point Harry Shields introduced himself as new Entergy representative in the Port Allen office replacing Owen Cope (who retired), and apologized for not having business cards to distribute.

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

Gary M. Spillman, Council Chairman

Sharon Zito, Council Clerk