

**REGULAR MEETING – WEST BATON ROUGE PARISH COUNCIL
WEST BATON ROUGE PARISH COUNCIL/GOVERNMENTAL BUILDING
880 NORTH ALEXANDER AVENUE, PORT ALLEN, LOUISIANA
APRIL 24, 2014 – 6:30PM**

The Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, April 24, 2014. Council Chairman Gary Spillman called the meeting to order and requested that all electronic devices be placed on silent and recognized Phil Porto, Jr., who led everyone in the pledge of allegiance.

Roll-Call Pro System recorded the following members as being present:

Ms. Naomi Fair, Messrs. Phil Porto, Jr., Gary M. Spillman, Barry Huggins, Edward G. “Bob” Robertson

Absent: Messrs. Randal “Randy” Mouch, Chris “Fish” Kershaw, Ricky Loupe, Ms. Charlene Gordon

Parish President Riley Berthelot, Jr. was also present.

Executive Assistant Jason Manola was recognized and reviewed the interoffice memorandum on bids received & opened 4/15/14 for road materials on supply contact (corrugated metal culverts, corrugated polyethylene pipe, various grades limestone, river silt and pump sand) from Lafarge, Construction Aggregate Supply, Bear Industries, Coburn’s Supply, Coastal Culverts, Louisiana Utilities Supply, Quality Sitework, HD Supply Waterworks, Southern Pipe and Supply, and Administrative recommendation to accept the low bids per line item as shown on the attached bid summary documents.

Mr. Loupe entered the meeting at 6:35PM

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Barry Huggins to accept the Administrative recommendation and award the bids as indicated on bid summaries for annual supply contact for Corrugated Metal Culverts, Corrugated Polyethylene Pipe, Various Grades Limestone, River Silt and Pump Sand as aforementioned. Bid summaries appear elsewhere in these minutes.

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

YEAS: 6 (Ms. Fair, Messrs. Loupe, Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 3 (Messrs. Mouch, Kershaw, Ms. Gordon)

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

Mr. Manola continued with review of the interoffice memorandum on bids received & opened 4/15/14 for lowboy trailer from Kenworth of South Louisiana and Crawler Supply Company and Administrative recommendation to accept the low bid of Crawler Supply Company for \$65,290.00 as budgeted amount was \$65,650.00.

A motion was made by Mr. Edward Robertson, seconded by Mr. Barry Huggins to accept the Administrative recommendation and award the bid for Current Year Model Lowboy Trailer to Crawler Supply Company for \$65,290.00 as aforementioned.

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

YEAS: 6 (Ms. Fair, Messrs. Loupe, Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 3 (Messrs. Mouch, Kershaw, Ms. Gordon)

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

Mr. Manola continued with review of the interoffice memorandum on bids received & opened 4/15/14 for 2014 John Deere Model 5105M 4 Wheel-Drive Tractor or Equal from H & W Equipment and Administrative recommendation to accept their lone bid for \$68,834.12 as the total budgeted amount for the tractor and slope mower (purchased under state contract at \$44,359.60) was \$115,000.00, making the total of the two items \$113,193.72.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Barry Huggins to accept the Administrative recommendation and award the bid for the 2014 John Deere Model 5105M 4 Wheel-Drive Tractor or Equal to H & W Equipment for \$68,834.12 as aforementioned.

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

YEAS: 6 (Ms. Fair, Messrs. Loupe, Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 3 (Messrs. Mouch, Kershaw, Ms. Gordon)

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

Mr. Manola continued with review of the interoffice memorandum on bids received & opened 4/15/14 for 2015 12/14 Yard Model Dump Truck from Timmons Truck Center and Administrative recommendation to accept their lone bid for \$102,700.00 as the budgeted amount was \$115,000.00.

A motion was made by Mr. Barry Huggins, seconded by Mr. Edward Robertson to accept the Administrative recommendation and award the bid for the 2015 12/14 Yard Model Dump Truck to Timmons Truck Center for \$115,000.00 as aforementioned.

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

YEAS: 6 (Ms. Fair, Messrs. Loupe, Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 3 (Messrs. Mouch, Kershaw, Ms. Gordon)

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

Public comments and amendments to the agenda were requested at this time and there were none.

Newly elected City of Port Allen Mayor Richard Lee, III was recognized under item 7 (communications with Council members and/or elected or appointed officials) and made brief statement future plans and opportunity to work with the Parish Council.

Public Works Director Kevin Durbin was recognized and made brief statement regarding FEMA (Federal Emergency Management Agency) recent newspaper article on adoption of

new flood maps. Mr. Durbin stated that he planned to meet individually with Council members to discuss any concerns prior to FEMA effective date of July 16, 2014.

Phil Porto, Jr. was recognized and thanked participants in the following recent Keep West Baton Rouge Beautiful events:

Distributed golden pick-up sticks and t-shirts from the "Leaders against Litter" held Friday, April 11, 2014;

Named projects and number of volunteers for "Great American Cleanup" held Saturday, April 12, 2014. Mr. Porto also requested Council & audience members sign the poster entitled "Pledge Your Support for Litter-free Louisiana".

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 for rezoning request of Ourso Properties, LLC, La. State Highway 1 (Poplar Grove Plantation), Port Allen, La. designated as 589.57 acres located in Sections 58, 59 & 60, T7S-R12E from Moderate Industrial District & Agricultural District to Heavy Industrial District. Cletus Langlois with Patin Engineers & Surveyors, Inc. was representative recognized, confirmed Zoning Commission's concurrence with Administration recommendation that property be rezoned to Heavy Industrial District & Moderate Industrial District and Agricultural District, and offered to answer any questions. Resident Erin Bennett inquired about uses for property zoned heavy industrial.

Mr. Porto discussed concerns regarding drainage of three canals, permanent 20 foot maintenance side servitudes, prohibiting access through existing residential area & Plantation Loop, clarification of "collector streets" definition, purchase of decibel meters and certification training in use by Sheriff personnel to measure noise level based on adjacent residents disturbing peace complaints. Mr. Huggins stated felt proposal was good project and saw no problem. Mr. Spillman made brief statement that proposed use plan should be submitted prior to considering rezoning. Discussion held regarding lack of opposition from Zoning Commission members and/or residents and designation is based on administration recommendation.

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. Phil Porto, Jr. and died for lack of a second requesting that Moderate Industrial District area be rezoned to Agricultural District to provide extra 1,000 foot buffer. Said Ordinance No. 8 of 2014 appears elsewhere in these minutes.

The following ordinance was offered by Mr. Ricky Loupe, seconded by Mr. Barry Huggins

ORDINANCE NO. 8 OF 2014

AN ORDINANCE AMENDING CHAPTER 104 ZONING TO INCORPORATE AMENDED ZONING DESIGNATION MAP (ZONING PLAN) UNDER SEC. 104-3 ESTABLISHMENT OF DISTRICTS, OFFICIAL ZONING MAP

NOW THEREFORE BE IT ORDAINED by the West Baton Rouge Parish Council in legal session that Chapter 104 Zoning, Sec. 104-3 Establishment of Districts, Official Zoning Map of the Compiled Ordinances of the Parish of West Baton Rouge, Louisiana is amended and re-enacted to read as follows:

Sec.104-3. Establishment of districts, official zoning map for rezoning request of Ourso Properties, LLC, La. State Highway 1 (Poplar Grove Plantation), Port Allen, La. designated as 589.57 acres located in Sections 58, 59 & 60, T7S-R12E from I-2 (Moderate Industrial District) & A (Agricultural District) to I-3 (Heavy Industrial District) & I-2 (Moderate Industrial District) & A (Agricultural District).

THEREFORE BE IT ORDAINED by the West Baton Rouge Parish Council that this ordinance shall be com 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 RESOLVED 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 or nay on roll call vote:

YEAS: 5 (Ms. Fair, Messrs. Loupe, Spillman, Robertson, Huggins)

NAYS: 1 (Mr. Porto)

ABSENT: 3 (Messrs. Mouch, Kershaw, Ms. Gordon)

WHEREUPON the ordinance was adopted on the 24th 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 24th day of April, 2014.

I further certify that above and foregoing ordinance was submitted to the Parish President at 10:10 o'clock AM on the 25th 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 25th 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 28th 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 11:15 o'clock AM on the 28th day of April, 2014.

/s/Sharon Zito
Sharon Zito, Council Clerk

Mr. Manola was recognized under item 9 (consider status report, change order and/or other matter as required on current projects) regarding the following items:
In compliance with FEMA regulations will advertise for Requests for Proposals (RFP) for Pre-position Contract for Disaster Debris Removal and return for approval of firm;
Pre-construction Lukeville Sewer meeting recently held as project is scheduled to commence in May.

Finance Director Phillip Bourgoyne was recognized and clarified the following:
Location of the Port Allen Food Pantry;
The Baton Rouge Food Bank had informed elderly volunteers the Baptist Church sponsorship was no longer good;
Requested allowing organization to use Parish's federal tax id and personnel to prepare required paperwork. Mr. Spillman expressed appreciation to volunteers.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Barry Huggins to authorize the Port Allen Food Pantry's use of Parish's Federal Tax ID to confirm tax exempt status, and further authorize administration personnel to prepare required paperwork in order to allow volunteers to continue to serve residents through The Greater Baton Rouge Food Bank as aforementioned.

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

YEAS: 6 (Ms. Fair, Messrs. Loupe, Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 3 (Messrs. Mouch, Kershaw, Ms. Gordon)

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

Mr. Manola was recognized under item 11 (consider approval of following additional job classifications) and requested items be deferred until item 15 (introduction of ordinances).

Riley Berthelot, Jr. was recognized under Parish President's Report regarding the following:
La 1/I-10 Connector project advancing through state at recent meetings;
U S Senator David Vitter Town Hall Meeting held at Addis Town Hall 4/24/14;
National Day of Prayer co-hosted with the City of Port Allen scheduled for Thursday, May 1, 2014 at 6:00pm on the levee.

Parish Attorney Lou Delahaye was recognized and clarified according to Attorney General Opinion Port of Greater Baton Rouge property was exempt from filing rezoning request for property improvements.

The following resolution was offered by Mr. Barry Huggins, seconded by Mr. Phil Porto, Jr.

RESOLUTION

A Resolution requesting Louisiana Department of Environmental Quality, Louisiana Department of Wildlife & Fisheries, and the Louisiana Department of Agriculture and Forestry to make every effort to identify and eliminate the source of pollution causing the fish kills in the waters of Bayou Choctaw

WHEREAS, a source-unknown pollution event occurred on December 22, 2013 that contaminated certain waters of the State of Louisiana and the Parish of West Baton Rouge, specifically the stream known as Bayou Choctaw, such that a toxic condition was created that caused the subsequent death of fish in the waters of Bayou Choctaw, and

WHEREAS, this source-unknown pollution event continued for several miles south in Bayou Choctaw, from its headwaters, and resulted in the death of tens of thousands of fresh water fish, including many different varieties of fish species, including regulated and protected game fish, and

WHEREAS, residents of the area in the vicinity of the headwaters of Bayou Choctaw report that source unknown pollution events resulting in fish kills have occurred on a regular basis for the past sixteen-plus years, and

WHEREAS, the source-unknown events that have caused the repetitive, periodic destruction of aquatic life in Bayou Choctaw represent a danger to the health and safety of the residents of the Bayou Choctaw watershed, especially in the area of the headwaters of Bayou Choctaw, and

WHEREAS, such events diminish the quality of life of the citizens of Louisiana and result in the destruction of the environment and natural resources of our state, and

NOW THEREFORE BE IT RESOLVED by the Parish Council of the Parish of West Baton Rouge, State of Louisiana, that formal request is hereby made of the agencies and officials of the State of Louisiana, and specifically to the Louisiana Department of Environmental Quality, the Louisiana Department of Wildlife and Fisheries, and the Louisiana Department of Agriculture and Forestry, that every possible effort be made to identify and eliminate the source of the pollution events causing these fish kills.

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

YEAS: 6 (Ms. Fair, Messrs. Loupe, Porto, Spillman, Hugghins, Robertson)

NAYS: 0 (None)

ABSENT: 3 (Messrs. Mouch, Kershaw, Ms. Gordon)

As a result 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 April 24, 2014 at which meeting a majority of the members were present and voting.

/s/Sharon Zito

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

Amend Chapter 74 Special Districts, Article VII Fire, Sec. 74-385 Effective Date;

Amend Chapter 74 Special Districts, Article VII Fire, Sec. 74-386 Adoption of West Baton Rouge Parish Fire District No. 1 Plan;

Amend Chapter 62 Personnel Rules and Regulations, Sec. 62-11 Adoption of the plan.

Mr. Durbin was recognized under item 16 (consider planning commission meeting minutes, subdivision plats, condemnations and/or variances and matters related thereto) and confirmed the Planning Commission 4/15/14 recommendation to table the vote on the final map showing the subdivision of Tract 6-A of the Edward Adams, Sr. Tract into Tract 6-A-1 and Tract 6-A-2 (Tonawanda Plantation) for Devon Tunstall until the surveyor can correct the map as requested by the property owners.

A motion was made by Mr. Barry Huggins, seconded by Mr. Ricky Loupe to defer taking action on the final map showing the subdivision of Tract 6-A of the Edward Adams, Sr. Tract into Tract 6-A-1 and Tract 6-A-2 (Tonawanda Plantation) for Devon Tunstall as recommended by the Planning Commission 4/15/14 until the surveyor corrects the map per the request of the property owners as aforementioned.

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

YEAS: 6 (Ms. Fair, Messrs. Loupe, Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 3 (Messrs. Mouch, Kershaw, Ms. Gordon)

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

Mr. Durbin explained the variance request for the shed and existing trailer that is over the setback lines on the final map showing the combination of Lots 8, 9, 10 of Riverview Subdivision to create Lot 9-A for Brandy Cutrer, and confirmed the Planning Commission recommended approval 4/15/14. Ms. Cutrer & Mr. Porto clarified this request due to the fact that the existing buildings are over the building setback lines and is to combine three (3) lots into one.

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Barry Huggins to approve the final map showing the combination of Lots 8, 9, 10 of Riverview Subdivision to create Lot 9-A for Brandy Cutrer with a variance for the shed and existing trailer over the building setback lines as recommended by the Planning Commission 4/15/14 as aforementioned.

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

YEAS: 6 (Ms. Fair, Messrs. Loupe, Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 3 (Messrs. Mouch, Kershaw, Ms. Gordon)

As a result of the 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 agenda scheduled for Tuesday, May 6, 2014 at 6:30PM.

There being no further business, a motion to adjourn was made by Mr. Ricky Loupe at 7:55PM and adopted by acclamation.

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

/s/Sharon Zito
Sharon Zito, Council Clerk