

**REGULAR MEETING – WEST BATON ROUGE PARISH COUNCIL
WEST BATON ROUGE PARISH COUNCIL/GOVERNMENTAL BUILDING
880 NORTH ALEXANDER AVENUE, PORT ALLEN, LOUISIANA
AUGUST 28, 2014 – 6:30PM**

The Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, August 28, 2014. Council Chairman Gary Spillman called the meeting to order and requested that all electronic devices be placed on silent and recognized Chris Kershaw, who led everyone in the pledge of allegiance.

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

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

Absent: Ms. Naomi Fair

Parish President Riley Berthelot was also absent.

Public comments were requested at this time and Eddie Payne, III was recognized. Mr. Payne made brief statement thanking the Council & expressing his appreciation for naming the newly constructed street connecting 14th Street with Louisiana Avenue near Williams & Lee Park “Eddie Payne, III Boulevard” at a previous meeting.

Mr. Porto was recognized under item 6 (communications with council members and/or elected or appointed officials) regarding traffic problems on the La. 1 Intracoastal Canal Overpass due to slow-moving vehicles in left northbound lane taking right under bridge onto the service road in order to get onto I-10 Mississippi River Bridge to Baton Rouge. Lengthy discussion held on options including early September meeting scheduled with State officials, adoption of resolution urging support, additional highway striping, and closing Port exit during peak traffic hours.

Mr. Hughhins was recognized and discussed based on complaints received current limitations set on trailer houses (age & wind code) be reviewed regarding authority and enforcement. Mr. Spillman clarified said regulations reference state law and Public Works Director Kevin Durbin confirmed office in process of researching the matter.

Chairman Spillman announced that the Public Hearing was in order at this time and all interested persons were invited to appear and be heard on rezoning request of Paul Burch, 6772 South River Road, Brusly, La. designated as Lot A from Residential Single Family District to Regional-Scaled Commercial District for operation of classic car mechanic shop. Mr. Durbin was confirmed the Zoning Commission’s split vote of 4 to 4 on 8/19/14 to recommend denial. Paul Burch was recognized and clarified seeking legally zoned designation in connection with mechanic work. Lengthy discussion held on character of operation (work/neatness/set-up/service), no complaints received, area to be rezoned, creation of new ordinance, limiting through special use permit and/or returning area to residential if sold, rezoning runs with property, granting variance, percentage of home business. Mr. Durbin requested meeting be scheduled upon Parish President & Attorney return to consider matter and submit recommendation prior to next Council meeting.

No interested citizens appeared either for 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. Chris Kershaw, seconded by Mr. Barry Huggins to defer action on the rezoning request of Paul Burch, 6772 South River Road, Brusly, La. designated as Lot A from Residential Single Family District to Regional-Scaled Commercial District for operation of classic car mechanic shop as aforementioned until next regularly scheduled meeting (9/11/14).

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

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

NAYS: 0 (None)

ABSENT: 1 (Ms. Fair)

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

Chairman Spillman announced that the Public Hearing was in order at this time and all interested persons were invited to appear and be heard on rezoning request of Bird's Nest (Audubon Inn Hotel), 722 Lobdell Highway S, Port Allen, La. designated as Tract R-1 & R-1A, Westport for Special Use Permit to allow operation of Tavern within Regional-Scaled Commercial District. Mr. Durbin confirmed the Zoning Commission recommended approval on 8/19/14. Craig Tullos was recognized on behalf of proprietor Chris Hernandez, offered to answer any questions, and clarified location of establishment within the Audubon Inn.

No interested citizens appeared either for 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. 24 of 2014 appears elsewhere in these minutes.

The following ordinance was offered by Ms. Charlene Gordon, seconded by Mr. Phil Porto, Jr.

ORDINANCE NO. 24 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 Bird's Nest (Audubon Inn Hotel), 722 Lobdell Highway South, Port Allen, La. designated as Tract R-1 & Tract R-1A (triangle shape and portion of Westport) located in Section 93 containing 4.8965 acres for Special Use Permit to allow operation of a Tavern within C-1.3 (Regional-Scaled Commercial District).

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

NAYS: 0 (None)

ABSENT: 1 (Ms. Fair)

WHEREUPON the ordinance was adopted on the 28th day of August, 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 28th day of August, 2014.

I further certify that the above and foregoing ordinance was submitted the Parish President at 9:20 o'clock AM on the 29th day of August, 2014.

IN FAITH WHEREOF, witness my signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana on this 29th day of August, 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 4th day of September, 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 10:20 o'clock AM on the 4th day of September, 2014.

/s/Sharon Zito
Sharon Zito, Council Clerk

Executive Assistant Jason Manola was recognized under item 8 (consider status report, change order and/or other matters as required on current projects) regarding status on the following:

Bueche Road tree trimming on overhanging branches;

Culverts on Allene Street;

Proposals received for debris removal during emergencies to be evaluated and recommendation presented within couple of weeks;

Diversion Canal prep-work commencing on spoil-bank until final approval received from Army Corps of Engineers and/or other agencies prior to proceeding.

Finance Director Phillip Bourgoyne was recognized reviewed/presented the 2015 budget schedule and requested approval. Mr. Bourgoyne clarified that official copies of the 2015 budget would be presented at the 10/23/14 meeting prior to budget meetings scheduled for November 3rd & 5th. Said 2015 Budget Schedule appears elsewhere in these minutes.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Ricky Loupe to approve the 2015 budget schedule as presented.

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

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

NAYS: 0 (None)

ABSENT: 1 (Ms. Fair)

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

At this time Mr. Spillman explained that due to President Berthelot's absence item 10 (consider Providence proposed Ed LeJeune – Choctaw Road Connector) be deferred until the 9/11/14 meeting.

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Barry Huggins to defer item 10 (consider Providence proposed Ed LeJeune – Choctaw Road Connection) requested by President Berthelot until the 9/11/14 meeting as aforementioned.

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

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

NAYS: 0 (None)

ABSENT: 1 (Ms. Fair)

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

Mr. Spillman explained that Mr. Durbin had distributed the draft Stormwater Management Plan for West Baton Rouge Parish at the last meeting for review. Mr. Durbin clarified last year the Department of Environmental Quality had notified President Berthelot that WBR is now required to apply for annual stormwater permit due to size. Mr. Durbin explained parish must maintain six basic elements and read same into the record, process, adoption and implementation within 5 years. Following discussed: setting effective date, plan places no

additional responsibility on existing commercial businesses, exemptions, total maximum daily load enforcement requirements, listed water bodies impaired.

A motion was made by Mr. Loupe, seconded by Ms. Charlene Gordon to approve the Stormwater Management Plan for West Baton Rouge Parish as aforementioned, as presented for adoption setting the effective date of January 1, 2018.

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

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

NAYS: 0 (None)

ABSENT: 1 (Ms. Fair)

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

Mr. Durbin was recognized under item 16 (consider planning & zoning commission meeting minutes, subdivision plat, condemnations and/or variances and matters related thereto) for Wil Morales plat, Lynndale Estates Lots 127A.1-A-1 & 127A.2-A-2, and confirmed Surveyor Woody Triche was present to represent applicant. Mr. Triche explained plat was revision of previously approved 2008 plat (utilities upgrades & infrastructure for marketability). Mr. Durbin stated plat required variances for t-turnaround and road frontage were added after Planning Commission had recommended approval 8/19/14. Mr. Triche clarified St. Simon road access. Mr. Loupe stated subdivision would improve area and recommended approving plat with variances.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Chris Kershaw to approve preliminary plat of map showing subdivision of Lot 127A.2-A Lynndale Estates into Lots 127A.2-A-1 & 127A-2-A-2 located in Sections 4 & 5, T8S-R12E for Wilber B. Morales, Jr. as recommended by the Planning Commission 8/19/14, and including variances for t-turnaround and road frontage as aforementioned.

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

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

NAYS: 0 (None)

ABSENT: 1 (Ms. Fair)

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

Mr. Durbin reviewed variance application & evaluation form for Family Dollar, 12956 U S Highway 190 W, Port Allen, La. (Erwinville) seeking variance on parking lot driveway entrance turnaround radius from normally required 35 feet to 25 feet for tractor trailers on commercial properties. Surveyor Stephen LaCour was recognized representing F. Dewitt Ladner Professional Engineer to answer questions on variance required to maintain current design. Mr. Huggins stated that the variance request does not qualify as hardship as no construction had commenced and commercial establishment was located on major highway with tractor trailers entering and exiting. Mr. Kershaw confirmed Road Superintendent's objection due to turning radius and blocking of traffic.

A motion was made by Mr. Barry Huggins, seconded by Mr. Randal Mouch to deny approval of the variance request of Family Dollar, 12956 U S Highway 190 W, Port Allen, La. (Erwinville) for parking lot driveway entrance turnaround radius from normally required 35 feet to 25 feet for tractor trailers on commercial properties as aforementioned.

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

YEAS: 7 (Messrs. Mouch, Kershaw, Loupe, Ms. Gordon, Messrs. Porto, Spillman, Huggins)

NAYS: 1 (Mr. Robertson)

ABSENT: 1 (Ms. Fair)

As a result of the votes the motion was adopted by a majority of those members present.

A motion was made by Mr. Randal Mouch, seconded by Ms. Charlene Gordon to approve the 2014 Class A Beer and/or Liquor Permit for Brusly Tavern of Louisiana, LLC d/b/a Brusly Tavern, 3847-B State Highway 1 S, Port Allen, La. as same has met all requirements in accordance with the Compiled Ordinances of West Baton Rouge Parish, Louisiana, Chapter 6 Alcoholic Beverages.

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

YEAS: 7 (Messrs. Mouch, Kershaw, Ms. Gordon, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 1 (Mr. Loupe)

ABSENT: 1 (Ms. Fair)

As a result of the votes the motion was adopted by a majority of those members present.

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

West Baton Rouge Parish Planning & Zoning Commission meeting agenda scheduled for September 2, 2014 cancelled due to clear agenda;

West Baton Rouge Parish Planning & Zoning Commission meeting agenda scheduled for Tuesday, September 16, 2014 at 6:30PM.

There being no further business, a motion to adjourn was made by Ms. Charlene Gordon and adopted by acclamation at 7:35PM.

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

/s/Sharon Zito
Sharon Zito, Council Clerk

