

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING – FEBRUARY 13, 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, February 13, 2014 and called to order. Council Chairman Gary Spillman requested that all electronic devices be silenced and recognized Naomi Fair, who led everyone in the pledge of allegiance.

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

Mr. Chris “Fish” Kershaw, Ms. Naomi Fair, Mr. Ricky Loupe, Ms. Charlene Gordon, Messrs. Phil Porto, Jr., Gary M. Spillman, Barry Huggins, Edward G. “Bob” Robertson

Absent: Mr. Randal “Randy” Mouch

Parish President Riley Berthelot, Jr. was also present

A motion was made by Ms. Charlene Gordon, seconded by Mr. Ricky Loupe to approve the minutes of the Regular Meetings of January 9, 2014 and January 23, 2014 as published in the Parish Official Journal.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Mouch)

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

President Berthelot was recognized and read the following proclamations into the record: Declaring March 2014 as “American Red Cross Month” within West Baton Rouge Parish; Declaring week of February 16th – 23rd, 2014 as “Severe Weather Awareness Week” within West Baton Rouge Parish.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Edward Robertson to cancel the next regularly scheduled meeting of February 27, 2014 due to conflict with Police Jury Association of Louisiana Conference.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Mouch)

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

Library Director Beth Vandersteen was recognized and requested that the 2000 Dodge Van be declared as surplus equipment in order to sell at public auction.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Edward Robertson to declare the Library Model 2000 Dodge Van as surplus equipment and of no public use and authorize advertising for sale at public auction as recommended by said department.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Mouch)

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

Mr. Berthelot was recognized, reviewed and explained the Wetland Mitigation Agreement with Delta Land Services, LLC to satisfy the Parish's obligation to the U S Army Corps of Engineers to compensate for wetlands impacts that occur as a result of activities on the Division Canal Project and request authorization to execute.

Mr. Mouch entered the meeting at 6:37PM.

Discussion was held on canal location, Corps procedure, effective date, and eligible expense through LRA (Louisiana Recover Authority-Office of Community Development-Disaster Recovery Unit) funding related to Hurricanes Gustav & Ike grant.

A motion was made by Mr. Barry Huggins, seconded by Ms. Charlene Gordon authorizing the Parish President to execute the Wetlands Mitigation Agreement with Delta Land Services, LLC to satisfy the Parish's obligation to the U S Army Corps of Engineers to compensate for wetlands impacts that occur as a result of activities on the Division Canal Project, effective immediately upon Parish President's signature.

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.

Public comments were requested at this time and there were none.

Mr. Kershaw was recognized under item 10 (communications with council members and/or elected or appointed officials) and commented on the following:

Congratulated Brusly Panther Wrestling Team for winning the City Championship;

Attended along with Mr. Robertson Owen Cope's retirement party at the Dow Plantation House.

Mr. Porto announced that the Household Hazardous Materials Collection Day was scheduled for March 8, 2014 from 8:00am until 12:00 Noon at the Louis A. Mouch, Jr. Multi-Purpose Arena, and Mr. Berthelot confirmed that Keep West Baton Rouge Beautiful Director Mary Delapasse would be able to provide additional information at the next meeting.

Chairman Spillman announced that a Public Hearing was in order at this time and interested citizens were invited to appear and be heard regarding adoption of an ordinance to adopt the 2013 Year-End Budget Adjustments for Council Operating & Capital Outlay Funds. Finance Director Phillip Bourgoyne was recognized, briefly reviewed adjustments of revenues and expenditures for yearly budget clean-up prior to audit, recommended approval, and offered to answer any questions.

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. 4 of 2014 appears elsewhere in these minutes.

The following ordinance was offered by Mr. Phil Porto, Jr., seconded by Mr. Chris Kershaw

ORDINANCE NO. 4 OF 2014

AN ORDINANCE ADOPTING THE 2013 YEAR END ADJUSTMENTS TO AN OPERATING BUDGET OF REVENUES AND EXPENDITURES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2013 AND ENDING DECEMBER 31, 2013

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

SECTION 1: The attached detailed 2013 year-end adjustments to estimate revenues by department for the fiscal year beginning January 1, 2013 and ending December 31, 2013 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 2013 year-end adjustments to estimate of expenditures by departments for the fiscal year beginning January 1, 2013 and ending December 31, 2013 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 2013 year-end adjustments to 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 2013 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: 9 (Messrs. Mouch, Kershaw, Ms. Fair, Messrs. Mr. Loupe, Ms. Gordon, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

WHEREUPON the ordinance was adopted on the 13th day of February, 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 true and correct copy of an ordinance adopted by the West Baton Rouge Parish Council in regular session on the 13th day of February, 2014.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 8:50 o'clock AM on the 14th day of February, 2014.

IN FAITH WHEREOF, witness my signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana on this 14th day of February, 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 17th day of February, 2014.

/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 9:00 o'clock AM on the 17th day of February, 2014.

/s/Sharon Zito
Sharon Zito, Council Clerk

Executive Assistant Jason Manola was recognized under item 12 (consider status report, change order and/or other matters as required on current projects) regarding the following:

Lobdell Sewer Project tentatively scheduled to be bid out in May with construction commencing in August;
Engineers preparing plans to bid out road overlays in June;
Lukeville Extension Project to be bid out March 14th;
Pending drainage projects will continue with improved weather.

Mr. Berthelot was recognized under item 13 (ratify Parish President's recommendation for West Baton Rouge Parish Fire District No. 1 Fire Chief), provided brief history fire sub-districts consolidation process, fire chief selection committee, commended volunteer firemen, and named Charles Stephens to the position followed by applause.

Mr. Stephens made brief statement of appreciation and long-range plans.

A motion was made by Mr. Randal Mouch, seconded by Mr. Edward Robertson to ratify and/or approve the Parish President's appointment of Charles Stephens as West Baton Rouge Parish Fire District No. 1 Fire Chief.

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.

Riley Berthelot, Jr. was recognized under Parish President's Report regarding the following, and offered to answer any questions, but there were none:
Commended Keep WBR Beautiful Director Mary Delapasse on number of grants obtained;
Informed of Dow quarterly meeting project topics.

Gary Spillman was recognized under Council Chairman's Report regarding the following:
Dow Chemical quarterly board meeting on number of construction projects;
Expressed thanks to municipalities for assisting in consolidation of fire sub-districts.

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 March 27, 2014 at 6:30PM in the Council Meeting Room, 880 North Alexander Avenue, Port Allen, La.:
Amend Chapter 104 Zoning for the rezoning request of Alan Crowe, 3790 Kahns Road, Port Allen, La. designated as tract containing 11 acre M/L located in Section 86, T7S-R12E from Agricultural District to Mobile Home Park District.

Public Works Director Kevin Durbin was recognized under item 18 (consider planning & zoning commission meeting minutes, subdivision plats, condemnations and/or variances and matters related thereto) stating there was one plat, and the applicant & engineer were present. Engineer Cletus Langlois explained plat of 26 lots (clarified lot sizes) on 40 acres off of Choctaw Road, which had been recommended for approval by the Planning Commission 2/4/14 with variances for block length and no through streets. Mr. Spillman stated liked planning coming before zoning. Mr. Porto confirmed encompassed entire agricultural field. Tony Clayton representing Mr. Safford was recognized; confirmed development had met every requirement and requested plan approval. Area resident Richard Dupuy was recognized, provided area history, and presented resident concerns regarding improving

roadway/drainage/traffic and requested no vote. The following individuals commented during lengthy discussion on drainage, area sewer, and federal mandated wetlands program/permit process through U S Army Corps of Engineers, development improvements, access, correct this type of property zoning designation, postponing decision until Corps meeting held, and 10 acres of previously impacted wetlands having no affect on development:

Cletus Langlois	Phil Porto, Jr.	Tony Clayton
Richard Dupuy	Doug/Travis Hebert	Gary Spillman
Barry Huggins	Lou Delahaye	Chris Kershaw
Naomi Fair	Ricky Loupe	

Mr. Safford concurred with funding all mitigation costs to get ditches cleaned in order to drain property.

A motion was made by Mr. Randal Mouch and died for a lack of a second to deny the preliminary plat of Hunter's Pointe Preserve Subdivision Lots 1 thru 26 (being the re-subdivision of Tract RBW-1) located in Section 79, T8S-R12E for J P Safford Enterprises, LLC.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Ricky Loupe to approve the preliminary plat of Hunter's Pointe Preserve Subdivision Lots 1 thru 26 (being the re-subdivision of Tract RBW-1) located in Section 79, T8S-R12E for J P Safford Enterprises, LLC with variances for block length and no through street as recommended by the Planning Commission 2/4/14, and conditional upon wetlands permit approval from the U S Corps of Engineers.

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

YEAS: 6 (Mr. Kershaw, Ms. Fair, Mr. Loupe, Ms. Gordon, Messrs. Huggins, Robertson)

NAYS: 3 (Messrs. Mouch, Porto, Spillman)

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

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

The West Baton Rouge Parish Planning & Zoning Commission meeting agenda scheduled for Tuesday, February 18, 2014 cancelled due to clear agenda;

Tentative schedule for 2014 Police Jury Association of Louisiana Convention, February 26th – 28th, 2014 in Baton Rouge, La.

Chairman Spillman announced that the executive session to discuss litigation in the matter of C & F Fabricators and Construction Company, Inc. and Floyd G. Edwards vs. Parish of West Baton Rouge, 18th Judicial District Court, Parish of West Baton Rouge, State of Louisiana, Suit #40,375-D postponed from 1/9/14, 1/23/14 & 2/13/14 would be postponed until the next regularly scheduled meeting of 3/13/14.

There being no further business, a motion to adjourn was made by Ms. Charlene Gordon at 8:00PM and adopted by acclamation.

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

/s/Sharon Zito

Sharon Zito, Council Clerk