

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING – JANUARY 23, 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, January 23, 2014. Council Chairman Gary Spillman called the meeting to order and requested that all electronic devices be placed on silent wished Barry Huggins “Happy Birthday, and recognized Phil Porto, Jr., who led everyone in the pledge of allegiance.

Roll call was taken with the following members being present:

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

Parish President Riley Berthelot, Jr. was also present.

There were no amendments to the agenda or public comments.

Revenue & Taxation Director Melanie David was recognized, briefly reviewed the annual department delinquent sales tax report as required by Home Rule Charter, and offered to answer any question, but there were none.

Chairman Spillman announced that Public Hearings were in order at this time and all interested citizens were requested to appear and be heard regarding adoption of the following proposed ordinances amending Chapter 105 Subdivisions:

Article I-In General, Sec. 10507 Minor Subdivisions to provide for clarification on no further re-subdivision of minor subdivision lots and to adopt higher road construction standards;

Article II-Minor design standards, Sec. 105-36 (d) streets, dead-end streets to provide for proper dead-end turnaround design. Larry Johnson was recognized, provided history on adoption of existing minor subdivision ordinance, requested delay in action to form committee (3 developers/council members) to recommend changes/amendments, and distributed paperwork provided by zoning office for consideration. Discussion held on less restrictive minor subdivision ordinance requirements including affordability, number of lots, fire protection and other services. Council concurred on appointing Messrs. Huggins (chair), Loupe, Mouch, Johnson & Crowe (developers) along with one additional member and notifying firemen of meetings.

A motion was made by Mr. Barry Huggins, seconded by Ms. Charlene Gordon to defer action on ordinances amending Chapter 105 Subdivisions, Article I-In General, Sec. 105-7 Minor Subdivisions to provide for clarification on no further re-subdivision of minor subdivision lots and to adopt higher road construction standards & Article II-Minor design standards, Sec. 105-36 (d) Streets, dead-end streets to provide for proper dead-end turnaround design in order to appoint committee for recommendations to be presented at the last meeting in April (April 24, 2014) as aforementioned.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

As a result of the roll call vote the motion was unanimously adopted.

Chairman Spillman announced that Public Hearings were in order at this time and all interested citizens were requested to appear and be heard regarding adoption of an ordinance to amend A Purchase/donation of real property for sale from J P Safford Investments, LLC to Parish acquired for sewer site. Parish Attorney was recognized, explained transfer of sewer site to parish, location, and requested effective date upon Parish President's signature.

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. 2 of 2014 appears elsewhere in these minutes.

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

ORDINANCE NO. 2 OF 2014

AN ORDINANCE AMENDING THE COMPILED ORDINANCES, PARISH OF WEST BATON ROUGE, LOUISIANA, AMENDING APPENDIX A. PURCHASE/DONATION OF REAL PROPERTY AND FURTHER AUTHORIZING THE PARISH PRESIDENT TO SIGN THE NECESSARY DOCUMENTATION

NOW THERE BE IT ORDAINED by the West Baton Rouge Parish Council, in legal session, that Appendix A. Purchase/Donation of Real Property of the Compiled Ordinances of the Parish of West Baton Rouge, Louisiana, is amended and re-enacted to read as follows:

Appendix A. Purchase of real property described as follows:

A certain lot or parcel of land, lying, being and situated in the Parish of West Baton Rouge, State of Louisiana in Section 76, T7S, R12E, Southeastern Land District, West of the Mississippi River, together with all buildings and improvements thereon, and being described on a plat prepared by Patin Engineers and Surveyors, Inc., Registered Land Surveyors, dated July 1, 2008, and said plat being entitled "Final Plat Showing the Re-subdivision of Lot FS-4 into Lots FS-4A & WBR-SW Located In Section 76, Township 7 South, Range 12 East, S.E. Land District, West Of The Mississippi River, Parish of West Baton Rouge, State Of Louisiana for J.P. Safford Enterprises, LLC, 1815 Auguste Street, Port Allen, La 70767", a copy of said plat is recorded at Map Book 6, Entry 42 of the records in the Clerk and Recorder's office of West Baton Rouge Parish, Louisiana, and being designated as **LOT WBR-SW**, consisting of 0.165 acres, which is more particularly described on said plat. Said lot is subject to servitudes as shown on said map and having such size, dimensions and measurements and being subject to such building lines as shown on said official subdivision plat.

BE IT FURTHER ORDAINED that the Parish President is hereby authorized to sign the necessary documentation.

NOW THEREFORE BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council, that this ordinance shall become effective immediately upon Parish President's signature.

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. Loupe, Spillman, Mouch, Robertson, Ms. Fair, Messrs. Huggins, Porto, Kershaw, Ms. Gordon)

NAYS: 0 (None)

WHEREUPON the ordinance was adopted on the 23rd day of January, 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 23rd day of January, 2014.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:05 o'clock AM on the 27th day of January, 2014.

IN FAITH WHEREOF, witness my signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana on this 27th day of January, 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 27th day of January, 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 1:20 o'clock PM on the 27th day of January, 2014.

/s/Sharon Zito
Sharon Zito, Council Clerk

Chairman Spillman announced that Public Hearings were in order at this time and all interested citizens were requested to appear and be heard regarding adoption of an ordinance to amend Chapter 74 Special Districts, Article VII Fire, Division 2 West Baton Rouge Parish

Fire Protection District No. 1, Sec. 74-377 – Sec. 74-384 to provide for amendments for said district as set forth. Mr. Berthelot explained ordinance was put together by Attorney Dan Garrett, who was familiar with law, and required as part of process authorizing hiring fire chief, requested effective date upon signature, and offered to answer any questions. Mr. Loupe confirmed there were no document changes since last review. Discussion held on civil service board/act, number of members, temporary termination language.

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. 3 of 2014 appears elsewhere in these minutes.

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

**ORDINANCE NO. 3 OF 2014 PROVIDING FOR AMENDMENTS TO
WEST BATON ROUGE PARISH FIRE DISTRICT NO. 1**

BE IT ORDAINED by the West Baton Rouge Parish Council, State of Louisiana, in regular session assembled, a proper quorum being there and then present, on the 23rd day of January, 2014 that :

SECTION 1:

Sec. 74-377 is hereby amended and reenacted as follows:

Sec. 74-377. Created; purpose; boundaries.

By virtue of authority conferred by R.S. 40:~~1506~~**1503**, and other constitutional and statutory authority, supplemental thereto, a fire protection district is hereby created. It shall encompass the ~~nonincorporated area~~ **the entirety** of the parish, excluding any area previously created as an industrial area, ~~and the area within the corporate limits of each municipality which concurs in being included in this district.~~ **The parish shall be divided into subdistricts for purposes of establishing fire ratings by the Property Insurance Association of Louisiana.** The written legal description and narrative dated May 23, 1995, and map set dated May 11, 1995, for each fire protection subdistrict as submitted by the engineer are furnished to each subdistrict and adopted. The written legal description/narrative and dated map are on file in the offices of the parish council.

SECTION 2:

Sec. 74-378 is hereby amended and reenacted to read as follows:

Sec. 74-378. Name; governing authority; power.

- a. The fire protection district hereby created shall be known and is hereby designated as "West Baton Rouge Parish Fire Protection District No. 1 of the Parish of West Baton Rouge, State of Louisiana," and as created shall be a political subdivision within the meaning of the laws of the state relating to voting and levying of special maintenance taxes, and service charges or fees, incurring debt, and issuing bonds therefor, including, but not limited to, the provisions of R.S. 40:~~1506~~**1503**. The district shall be governed by **the West Baton Rouge Parish Council, serving as** a board of commissioners ~~consisting of one representative of each subdistrict appointed by the governing body of the subdistrict.~~

- b. Acting as the board of commissioners the West Baton Rouge Parish Council shall, in accordance with the provisions of Louisiana law and the Ordinances of West Baton Rouge Parish, have the authority to:
 - a. Acquire or alienate, by any means, including but not limited to purchase, donation, expropriation and otherwise, moveable, immovable, tangible and intangible property;
 - b. Establish and promulgate rules and regulations governing the fire district for the purposes of promotion and regulation of fire protection within the fire district;
 - c. Ratify the appointment, discipline or dismissal of the Fire Chief;
 - d. Select the members of the Fire Civil Service Board;
 - e. Approve the budget and appropriate the funds of the fire district;
 - f. Contract for legal, financial, engineering, or other professional and non-professional services on behalf of the fire district;
 - g. Enter into cooperative endeavor and intergovernmental agreements on behalf of the fire district.

SECTION 3:

Sec. 74-380 is hereby repealed in their entirety.

SECTION 4:

Sec. 74-382 through 384 are hereby enacted to read as follows:

Sec 74-382. Fire Chief

- a. There shall be appointed a Fire Chief of the West Baton Rouge Parish Fire District No. 1.
- b. Subject to the authority of the Fire Civil Service Board, the paid employees and the volunteers of the fire district shall be subject to the rules and regulations made and promulgated by the Fire Chief.
- c. The Fire Chief shall have the authority to hire, discipline, and dismiss all employees of West Baton Rouge Parish Fire District No. 1 subject to the budgetary authority of the Parish Council, as the governing authority of West Baton Rouge Fire District No. 1. After the establishment of the Fire Civil Service System and the adoption of the civil service classification plan by the Civil Service Board, the Fire Chief's authority shall also be subject to Civil Service rules and procedures.
- d. The Fire Chief shall be appointed by the Parish President, with such appointment subject to the ratification by the Parish Council, by a majority of the members present and voting on the matter at a regular or special meeting at which a quorum is present.
- e. The minimum qualifications to be appointed Fire Chief shall be:
 - 1. Must be a citizen of the United States
 - 2. Must be not less than 21 years of age
 - 3. Must possess a valid driver's license
 - 4. Must meet one of the following:
 - a. Have a Bachelor's Degree in Fire Science, Fire Administration, Public Administration and at least six (5) years of progressively responsible

- experience in fire service positions, at least two (2) years of which must have been in positions which include administrative or supervisory responsibilities. Fire service experience must include full time experience in fire suppression and rescue, and may include work in positions which would provide background in fire prevention and investigation, fire training, and related areas of fire department operations and management. OR
- b. Must have an associate degree in fire science, fire administration, or other related curriculum, or a bachelor's degree in an unrelated curriculum and at least eight (8) years of progressively responsible experience in fire service positions, at least (2) years of which must have been in positions which include administrative or supervisory responsibilities. Fire service experience must include full time experience in fire suppression and rescue, and may include work in positions which would provide background in fire prevention and investigation, fire training and related areas of fire department operations and management. OR
 - c. Must have a high school diploma or a valid certificate of equivalency issued by a state department of education and at least ten (10) years of progressively responsible experience in fire service positions, at least four (4) years of which must have been in positions which include administrative or supervisory responsibilities. Fire service experience must include full time experience in fire suppression and rescue, and may include work in positions which would provide background in fire prevention and investigation, fire training, and related areas of fire department operations and management.
- f. The salary of the Fire Chief shall be set by the Parish President, subject to the budgetary authority of the Parish Council, as the governing authority of the West Baton Rouge Parish Fire District No. 1.

Sec. 74-383. Fire Civil Service

- a. The West Baton Rouge Parish Fire District No. 1 shall operate under a system of classified civil service as mandated by Louisiana law.
- b. The Fire Civil Service System shall be governed by a Fire Civil Service Board
- c. The classified service shall include those regularly paid employees whose primary job duties include fire suppression, fire prevention, fire inspection and operation of fire suppression and prevention equipment.
- d. The unclassified service shall include those employees whose primary duties are not within the duties for members of the classified service, and any position that the Fire Civil Service Board declares as unclassified.

Sec. 74-384. Fire Civil Service Board

- a. A Fire Civil Service Board is hereby created for West Baton Rouge Parish Fire District No. 1. This board shall supersede any civil service board that may have existed within the fire service of any of the subdistricts which were previously established as a part of West Baton Rouge Parish Fire District No. 1.
- b. The Board shall consist of three members appointed by the West Baton Rouge Parish Council.

1. One member shall be selected upon the nomination of the West Baton Rouge Parish Council. The term for such member shall be three years, except that the first member selected shall serve a term of two years.
 2. One member shall be selected from a list of four nominees, two of which are to be furnished by the Chancellor of Louisiana State University at Baton Rouge and two of which furnished by the Chancellor of Southern University. The term for such member shall be three years.
 3. One member shall be elected and appointed from the paid employees of the fire district. The employee-nominee shall be elected by secret ballot of the regular fire employees of the fire district at an election to be called and held for that purpose by the fire chief. The term for such member shall be three years, except that the first member selected shall serve a term of one year.
 4. Upon the expiration of a member term, the member shall continue to serve until such time as a successor is selected, in the same manner as the outgoing member was selected. In the event a vacancy shall occur, the successor shall be selected in the same manner as the outgoing member was selected. The successor shall serve for the remainder of the term of the outgoing member. The selection to fill an expired term or vacancy shall take place within 90 days of the expiration of the term or the vacancy.
- c. The Board shall establish a classification plan for the regularly paid employees of the fire district.
 - d. The Board shall undertake the duties set forth in Louisiana law, including but not limited to the investigation and adjudication of complaints about the implementation of the classified fire service.

NOW THEREFORE BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council, that this ordinance shall become effective immediately upon Parish President's signature.

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 ye and nay on roll call:

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

NAYS: 0 (None)

WHEREUPON the ordinance was adopted on the 23rd day of January, 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 23rd day of January, 2014.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:05 o'clock AM on the 27th day of January, 2014.

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/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 27th day of January, 2014.

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

COUNCIL CLERK'S RETURN RECEIPT

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/s/Sharon Zito
Sharon Zito, Council Clerk

Executive Assistant Jason Manola was recognized under item 9 (consider status report, change order/and other matters as required on current projects) regarding change orders no. 1 from supplier (Blue Stream Services, LLC) in the amount of \$16,608.00 for procurement, and change order no. 4 from contractor (Tullier Services, LLC) for \$36,591.39 for installation of emergency generators for sewer lift stations throughout parish as set forth in said change orders to be funded through grant, and requested authorizing President to sign same. Also as part of change orders Volkert, Inc. (engineering firm) will fund \$28,127.94 as part of settlement agreement with said entity and requested authorizing President to sign same as reviewed by attorney.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Randal Mouch approving Change Orders No. 1 from supplier (Blue Stream Services, LLC) in the amount of \$16,608.00 as set

forth therein for emergency generators procurement, Change Order No. 4 from contractor (Tullier Services, LLC) for \$36,591.39 as set forth therein for emergency generators installation for sewer lift stations throughout the Parish, and settlement agreement with engineering firm (Volkert, Inc.) for \$28,127.94 to be payable to the West Baton Rouge Parish Council as set forth therein, and authorizing Parish President to sign these documents.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

As a result of the roll call vote the motion was unanimously adopted.

Riley Berthelot, Jr. was recognized under Parish President's Report regarding the following:

Expressed thanks to Council for what they do;

Announced State of Parish Address tentatively scheduled for first meeting in March;

Email and/or phone announcement as to fire chief appointment will be made 2/10/14 prior to requesting ratification by Council at 2/13/14 meeting;

Meetings scheduled with fire departments prior to 2/13/14 meeting with regard to finalizing documents, policies and procedures;

Announced receipt of \$30,000.00 Capital Region Planning Commission grant to off-set time and employee salary for GIS planning projects;

Announced Capital Region Planning Commission regular meeting scheduled for Monday, January 27, 2014 at the River Center at 6:00PM hosted by City of Baton Rouge;

Meeting held with Emergency Planning personnel regarding office closure due to inclement weather, but service personnel will be on stand-by;

Meeting held with Delta Land Service regarding diversion canal mitigation costs/in-kind services/credits to complete project, and authorization to execute same at later date.

The Council Chairman 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 February 13, 2014 at 6:30PM in the Council Meeting Room, 880 North Alexander Avenue, Port Allen, La.:

2013 Year-end Budget Adjustments for Council Operating & Capital Outlay Funds.

Public Works Director Kevin Durbin was recognized under item 14 (consider planning & zoning commission meeting minutes, subdivision plats, condemnations and/or variance and matters related thereto) reviewed variance application & evaluation form for Brandy Cutrer, 4151 N. Riverview Drive, Port Allen, La. for accessory building (shed) for rear setback from 10 foot to 6 inches. Mr. Durbin confirmed department head and adjacent property owner signatures of "no objection". Ms. Curter was recognized, confirmed lease of property (currently in process of purchasing), lot dimensions, location, drainage ditch and servitude.

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Ricky Loupe to approve the variance request of Brandy Cutrer, 4151 N. Riverview Drive, Port Allen, La. for accessory building (shed) for rear setback from 10 foot to 6 inches as aforementioned as signatures of "no objection" have been obtained from department heads and adjacent property owners.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

As a result of the roll call vote the motion was unanimously adopted.

Chairman Spillman announced that the executive session to discuss litigation as listed has been postponed until the next meeting scheduled for February 13, 2014.

There being no further business, a motion was made by Ms. Charlene Gordon at 7:10PM and adopted by acclamation.

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

/s/Sharon Zito
Sharon Zito, Council Clerk