

**WEST BATON ROUGE PARISH COUNCIL  
REGULAR MEETING – JANUARY 9, 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 9, 2014 and called to order. Council Chairman Gary Spillman requested that all electronic devices be silenced and recognized Mr. Chris Kershaw, who led everyone in the pledge of allegiance.

Roll call recorded the following members being present:

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

Absent: Mr. Randal “Randy” Mouch

Parish President Riley Berthelot, Jr. was also present

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Chairman Spillman announced the annual election of officers was in order at this time beginning with nominations for Chairman. Mr. Huggins nominated Gary Spillman for another term as Council Chairman, there were no other nominations and the nominations for Chairman were closed. Mr. Spillman was elected Council Chairman by acclamation and thanked members for confidence. Mr. Spillman announced that nominations for Vice Council Chairman were open. Ms. Gordon nominated Mr. Huggins for another term as Vice Chairman, there were no other nominations and the nominations for Vice Chairman were closed. Mr. Huggins was elected Vice Council Chairman by acclamation and expressed thanks.

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A motion was made by Mr. Phil Porto, Jr., seconded by Ms. Charlene Gordon to approve the minutes of the Regular Meeting of December 12, 2013 as published in the Parish Official Journal.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Mouch)

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

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Pam Keowen with the Utilities Department was recognized under item 6 (consider any amendments to the agenda) and requested amending the agenda to authorize the Utilities Director and Parish President to sign a two (2) year renewal contract Cypress Gas Pipeline for purchase of natural gas.

A motion was made by Mr. Barry Huggins, seconded by Mr. Chris Kershaw to amend the agenda to consider authorizing execution of the aforementioned contract.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Mouch)

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

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Public comments were requested at this time, President Berthelot was recognized, and in response to Councilman Mr. Porto's video on sugarcane burning had requested WBR Parish County Agent Steve Borel to make presentation regarding Louisiana agricultural burning and smoke management program. Mr. Borel covered the following topics during presentation on voluntary farmer program:

Why do farmers burn in the first place?

What are the benefits of burning crop residues?

What happens if farmers are not able to burn?

What is prescribed burn?

What is smoke and ash management? There were no comments and/or questions following presentation.

Mr. Porto made brief statement on complaints received due to severity of ash and requested mutual resolution for all parties involved. Mr. Spillman thanked Mr. Borel for presentation and farmers for attendance

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Mr. Berthelot was recognized and clarified that the Utilities Department was requesting authorization to advertise to receive & open bids for 2 year lawn maintenance/grass cutting contract for sewer and water sites. A motion was made by Mr. Ricky Loupe, seconded by Ms. Charlene Gordon authorizing the Utilities Department to advertise to receive & open bids for 2 year lawn maintenance/grass cutting contract for sewer & water sites as aforementioned.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Mouch)

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

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Finance Director Phillip Bourgoyne was recognized under item 9 (communications with council members and/or other elected or appointed officials) to announce office will be taking the first 150 applicant phone calls 1/21/14 beginning at 9:00AM for Low Income Home energy Assistance Program (LIHEAP) grant waiting list based on poverty guidelines.

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Mr. 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 Chapter 104 Zoning for rezoning request of Joe Laprairie & Nicholas Hartman, 9805 Swanson Lane, Port Allen, La. designated as Lot K02 from A (Agricultural District) to R-M

(Residential Minor Subdivision District). Public Works Director Kevin Durbin was recognized, showed site on overhead projector, clarifying Zoning Commission recommended denial 1/7/14 as request did not meet ordinance. The Council Clerk read reason for denial into the record as the location does not meet the requirements for a minor subdivision, vote carried by 7 yeas. Mr. Huggins was recognized and recommended denial as minor subdivisions are required to front off of a paved or improved road and proposed subdivision would only connect to another minor subdivision. Mr. Porto confirmed 2 nay votes on Planning & Zoning Commission were actually for denial of rezoning request.

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. Barry Huggins, seconded by Mr. Chris Kershaw to deny the rezoning request of Joe Laprairie & Nicholas Hartman, 9805 Swanson Lane, Port Allen, La. designated as Lot K-2 from A (Agricultural District) to R-M (Residential Minor Subdivision District) as recommended by the Zoning Commission as same does not meet minor subdivision requirement for access off of a paved or improved road as aforementioned.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Mouch)

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

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Executive Assistant Jason Manola was recognized under item 11 (consider status report, change order and/or other matters as required on current projects) and provided list of previously approved budgeted capital expenditure equipment to be purchased for various departments through advertised bids and/or state contract.

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Riley Berthelot, Jr. was recognized under Parish President's Report and allowed Pam Keowen (Utilities Department) to clarify request for execution of contract with Cypress Gas. Mrs. Keowen clarified Cypress Gas Pipeline was for renewal of contract for purchase of natural gas.

A motion was made by Mr. Barry Huggins, seconded by Mr. Edward Robertson authorizing the Utilities Director and Parish President to execute the 2 year renewal contract with Cypress Gas Pipeline for purchase of natural gas as aforementioned and set forth in said document.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Mouch)

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

Mr. Berthelot continued with report on recent meeting held with Ralph Stewart Logging Company and Sheriff regarding purchase of former scrap company located on the corner of U S Highway 190 W & La. 1. Logging company will stockpile logs and prep for export. Concerns were addressed regarding 15 or so trucks traveling between plant once a month and Port facility and signage. There were no questions.

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Gary Spillman was recognized under Council Chairman's Report and wished everyone a Happy New Year.

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Mrs. Keowen was recognized and clarified following requested resolutions:  
Roll-back for Waterworks District No. 1 was requested as millage no longer needed due to consolidation with WBR Parish Water Systems and resolution required annually until 2016;  
Purchase of sewer site for Woodlands Subdivision required as never officially recorded. Said resolutions appear elsewhere in these minutes.

Mr. Mouch entered the meeting at 7:10PM.

Mr. Bourgoyne explained that the Low Income Home Energy Assistance Program (LIHEAP) Grant resolution was required by the Louisiana Housing Corporation (state agency new administrator of said program). Said resolution appears elsewhere in these minutes.

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The following resolution was offered by Mr. Phil Porto, Jr., seconded by Mr. Ricky Loupe

## RESOLUTION

WHEREAS, The West Baton Rouge Parish Council dissolved West Baton Rouge Parish Water District No. 1 pursuant to Ordinance No. 5 and dated January 26, 2012.

WHEREAS, The West Baton Rouge Parish Water District No. 1 submitted to the voters and the voters passed a 10 Year 3.32 Mills Property Tax for Construction, improving, Maintaining and Operating Water Works for Water Works District No. 1, effective January 1, 2007 and ending December 31, 2016.

WHEREAS, since the West Baton Rouge Parish Council dissolved West Baton Rouge Parish Water District No. 1 pursuant to Ordinance No. 5 there is no longer a need for the imposition of the 10 Year 3.32 Mills Property Tax for Construction, Improving, Maintaining and Operating Water Works for Water Works District No. 1, effective January 1, 2007 and ending December 31, 2016, which no longer has a legal existence.

BE IT RESOLVED, The West Baton Rouge Parish Council, in legal session, hereby determined that there is no longer a need for the imposition of the 10 Year 3.32 Mills Property Tax for Construction, Improving, Maintaining and Operating Water Works for Water Works District No. 1, effective January 1, 2007 and ending December 31, 2016.

BE IT FURTHER RESOLVED, The West Baton Rouge Parish Council, in legal session, has determined that for the above and foregoing reasons, it hereby rolls back the 10 Year 3.32 Mills Property Tax imposed by West Baton Rouge Parish Water District No. 1 to 00.00 Mills effective January 1, 2013 and the tax year of 2013.

The foregoing resolution having been submitted to a vote was adopted by the following yeas and nays on roll call:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Mouch)

As a result of the roll call vote 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 January 9, 2014 at which meeting a majority of the members were present and voting.

/s/Sharon Zito

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The following resolution was offered by Ms. Naomi Fair, seconded by Mr. Edward Robertson

**RESOLUTION**

A Resolution authorizing Parish President Riley Berthelot, Jr. on behalf of the West Baton Rouge Parish Council to execute sale from the J P Safford Investments, LLC for property acquiring as sewer site as described below

WHEREAS, the below described property is being acquired for “one dollar and other valuable consideration”, and

WHEREAS, said property is more fully 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.

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby authorize the Parish President to execute the required documentation for sale of this certain parcel as sewer site under the aforementioned terms and conditions.

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Mouch)

As a result of the roll call vote 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 a true and correct copy of a resolution adopted by said body at its Regular Meeting of January 9, 2014, at which meeting a majority of the members were present and voting.

/s/Sharon Zito  
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The following resolution was offered by Mr. Chris Kershaw, seconded by Ms. Charlene Gordon

**RESOLUTION**

A Resolution authorizing the Parish President to enter into an agreement with the Louisiana Housing Corporation in order to comply with the requirements of the Low Income Home Energy Assistance Program (LIHEAP) Grant

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby authorize the Parish President to enter into an agreement with the Louisiana Housing Corporation as aforementioned.

Roll call vote on the resolution 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 resolution was unanimously adopted.

**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 January 9, 2014, at which meeting all of the members were present and voting.

/s/Sharon Zito  
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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 January 23, 2014 at 6:30PM in the Council Meeting Room, 880 North Alexander Avenue, Port Allen, La.:

Amend A Purchase/donation of real property – sale from J P Safford Investments, LLC to Parish acquired for sewer site.

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 January 23, 2014 at 6:30PM in the Council Meeting Room, 880 North Alexander Avenue, Port Allen, La.:

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 to said special district as set forth.

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Mr. Durbin was recognized, explained Westover Plantation plat for 23 lot subdivision, discussed scheduled Evans-Graves Engineers, Inc. walk-through, confirmed the Planning Commission's recommended approval 1/7/14 contingent on the punch list being completed, that there were no variances and clarified location.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Chris Kershaw to approve the final plat of Westover Plantation Lots 1 thru 23 being Tract SG-1 of the Westover Planting Co., Ltd Property located in Section 17, T7S-R12E for F & A Investments, LLC., contingent upon the walk-through punch list being completed as recommended by the Planning Commission 1/7/14.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

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

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Mr. Durbin clarified the location of variance request of Westport Investments (Salco Construction), 2425 Commercial Drive, Port Allen, La. for proposed building partially within 100 foot setback required for I-2 industrial zoning designation, and confirmed signatures of "no objection" obtained from department heads and adjacent property owners.

A motion was made by Mr. Edward Robertson, seconded by Mr. Ricky Loupe to approve the variance request of Westport Investments (Salco Construction), 2425 Commercial Drive, Port Allen, La. for building partially within 100 foot setback require for I-2 industrial zoning designation as department head and adjacent property owners signatures of "no objection" had been obtained.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

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

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At this time under Correspondence Report the Council Clerk read excerpt from the West Baton Rouge Parish Planning & Zoning Commission agenda confirming cancellation of meeting scheduled for January 17, 2014 due to a clear agenda.

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The following individuals were reappointed by acclamation as based on recommendation of agency represented to the West Baton Rouge Parish Animal Control Complaint Board:

John Tilton, III & Roy Mouch (Parish Representatives);  
Ray Rivet (Town of Addis Representative);  
Darrell Jones (Town of Brusly Representative);  
Hugh Riviere (City of Port Allen Representative).

The following individuals were appointed by acclamation as based on recommendation of agency represented to the West Baton Rouge Parish Animal Control Operations Board:

Phillip Bourgoyne & Jim Fontana, Jr. (Parish Representatives);  
David Toups (Town of Addis Representative);  
Dr. Laurie LeBlanc (Town of Brusly Representative);  
Brandon Brown (City of Port Allen Representative).

Town of Brusly Mayor Joey Normand briefly discussed function of Operations Board and scheduling of meetings. Mr. Berthelot explained purpose of board was to comply with state statutes due to funding provided by municipalities.

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Mr. 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, 18<sup>th</sup> Judicial District Court, Parish of West Baton Rouge, State of Louisiana, Suit #40,375-D would be postponed until the next meeting scheduled for 1/23/14.

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There being no further business, a motion to adjourn was made by Ms. Charlene Gordon at 7:20PM and adopted by acclamation.

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

/s/Sharon Zito  
Sharon Zito, Council Clerk