

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

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

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

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

Absent: Mr. Randal “Randy” Mouch

Parish President Riley Berthelot, Jr. was also present.

Executive Assistant Jason Manola was recognized and requested the Council reject the two bids received for 1 Fecon BHP250 power-pack with power management & bull-hog style brush shredding attachment for the drainage department as the bids were over budget, and the superintendent requested re-budgeting for next year and seeking other alternatives.

A motion was made by Mr. Barry Hughhins, seconded by Mr. Ricky Loupe to reject the drainage department bids received and opened 6/30/14 as aforementioned.

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, Hughhins, Robertson)

NAYS: 0 (None)

ABSENT: 1 (Mr. Mouch)

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

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

Partner Louis McKnight of Hawthorn, Waymouth & Carroll, CPA was recognized and made summary presentation on 2013 audit report including review of financial statements, required communications with the Council, graphs on revenues, expenditures and transfers as presented in connection with the December 31, 2013 Audited Financial Statements performed by said firm. Mr. McKnight stated that the Parish had received the highest level audit opinion, offered to answer any questions, and thanked staff for assistance. Chairman Spillman expressed appreciation to Mr. McKnight for the presentation.

A motion was made by Mr. Chris Kershaw, seconded by Ms. Charlene Gordon to accept the December 31, 2013 West Baton Rouge Parish Primary Government Financial Statements as prepared and presented by the firm of Hawthorn, Waymouth & Carroll, Certified Public Accountants.

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

Mr. Berthelot recognized & commended brothers Ryan and Collin Devillier for working toward highest advancement rank in Boy Scouts (Eagle Scout badges) as well as continued attendance/performance at various ceremonies, which was followed by audience applause.

Emergency Preparedness Director Deano Moran recognized telecommunicator 911 dispatchers Jillian Henderson, Derek Sarradet and Brusly police officer Tom Southton for successful welfare check in locating woman with broken hip. (June 17th Channel 2 video highlight of incident was shown followed by audience applause)

Mr. Moran briefly reported on first table-top action plan drill attended by representatives of school board, law enforcement, parish employees, EMS and Acadian Ambulance agencies.

Ms. Gordon thanked everyone on behalf of Naomi and herself for donations to the Muscular Dystrophy Association (MDA) 2014 Summer Lockup.

At this time Mr. Spillman turned the meeting over to Ms. Gordon for discussion of item 9 (consider naming connector roadway through Williams & Lee Park). Ms. Gordon requested support in naming roadway for local pastor who serves as role model for children (Eddie Payne III Street) based on poll of area residents. Mr. Robertson & Ms. Fair favored Cohn and/or Isadore Cohn Street for Cohn High School as structure is scheduled to be torn down. Mr. Moran reminded members of existing Cohn Alley and Kahns Road in system and confusion for responders.

The following were recognized and expressed position:

Woody Triche	Eula LeJeune	Phil Porto, Jr.
Chris Kershaw	Jason Manola	Ricky Loupe
Gary Spillman		

Topics of discussion were:

School board long-range plans for placement of historical marker on Cohn High School site and construction of new facility when funds available;
Other names considered and merits of each;
Consider deferring action until vote can be unanimous on street name.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Ricky Loupe to name new connector roadway through Williams & Lee Park "Eddie Payne III Street".

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

YEAS: 3 (Mr. Loupe, Ms. Gordon, Mr. Huggins)

NAYS: 2 (Messrs. Kershaw, Robertson)

ABSTAINED: 3 (Ms. Fair, Messrs. Porto, Spillman)

ABSENT: 1 (Mr. Mouch)

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

Parish Attorney confirmed legality of vote as 3 to 2 and 3 abstentions.

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. 74-387 to provide for amendments to West Baton Rouge Parish Fire Protection District No. 1 positions as set forth. Mr. Manola explained ordinance had been introduced at last meeting to change position names from Battalion Captain to Captain and removal of Lieutenant position based on recommendations of Fire Chief Charles Stephens and civil service. Discussion held on ordinance effective date and Parish Attorney recommended becoming effective 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. 23 of 2014 appears elsewhere in these minutes.

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

ORDINANCE NO. 23 OF 2014

AN ORDINANCE AMENDING CHAPTER 74 SPECIAL DISTRICT, ARTICLE VII FIRE, SEC. 74-387 FIRE DISTRICT PLAN

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 24th day of July, 2014 that:

Sec. 74-387 is hereby enacted to read as follows:

Sec. 74-387 Amendment of the West Baton Rouge Parish Fire District No. 1 Plan.

The position classification of Battalion Chief has been renamed to Captain. The position classification of Lieutenant has been eliminated.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Mouch)

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

I further certify that the above and foregoing ordinance was submitted the Parish President at 8:50 o'clock AM on the 25th day of July, 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 July, 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 25th day of July, 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 11:40 o'clock AM on the 25th day of July, 2014.

/s/Sharon Zito
Sharon Zito, Council Clerk

Mr. Manola was recognized, reviewed change order no. 1 for additional concrete panels for Charles Drive Improvements Project in the amount of \$101,922.49 with deletion of \$26,071.30 for cost of striping S Westport Drive as same will be handled by roads department and requested approval. Mr. Kershaw confirmed change order in line with unit price bid regulations. Mr. Berthelot confirmed scope of work and funding source.

A motion was made by Mr. Ricky Loupe, seconded by Ms. Charlene Gordon to approve amended Change Order No. 1 for 2014 Charles Drive Improvements (Industrial Enterprises,

Inc.) for net change in contract prices of \$101,922.49 as aforementioned and as recommended by Administration and Project Engineer, and authorizing Parish President to execute same.

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

Mr. Manola was again recognized and reviewed final adjustment change order no. 6 and substantial completion for West Baton Rouge Emergency Generators – Procurement (Tullier Services, LLC) for additional 30 days with no dollar amount as mutually agreed upon due to postponed generator installation until phase of work completed with date of substantial completion as 7/23/14, and recommend acceptance of project.

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Barry Huggins to approve the Final Adjustment Change Order No.6 as aforementioned and Certificate of Substantial Completion for the West Baton Rouge Emergency Generators – Procurement/Gustav/Ike Project Number 61PARA2303 (Tullier Services, LLC) for additional 30 days with no dollar amount as aforementioned, as recommended by Administration and Project Engineer, and authorizing Parish President to execute same, contingent upon contractor completing punch list items.

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

Mr. Manola was again recognized and reviewed final adjustment change order no. 1 for Lukeville Lane Sewer Extension- Contract No. 3 (Tullier Services, LLC) for net change in contract price of +\$10,810.00, additional 30 consecutive calendar day, and three (3) manholes to avoid unresolved succession estate of 100 foot frontage along Lukeville Lane Extension (as previously approved at meeting of 6/12/14).

A motion was made Mr. Barry Huggins, seconded by Ms. Charlene Gordon to approve Change Order No. 1 for Lukeville Lane Sewer Extension- Contract No. 3 (Tullier Services, LLC) for net change in contract price of +\$10,810.00, additional 30 consecutive calendar day, and three (3) manholes to avoid unresolved succession estate of 100 foot frontage along Lukeville Lane Extension (as previously approved at meeting of 6/12/14) as aforementioned, recommended by Administration, Project Engineer, and authorizing the Parish President to sign the necessary documentation.

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

Riley was recognized under Parish President's Report regarding the following:
Expressed "thank you" to various department employees for assistance in making National Association of Counties Annual Conference and Exposition "Parade Across Louisiana Celebration Event" a success including state capitol display/parade/floats on behalf of Capital area parishes (Ascension, East Baton Rouge, East Feliciana, Pointe Coupee, West Baton Rouge and West Feliciana) at the Superdome in New Orleans, La. July 11th – 14th;
Announced issuance of proclamation to Shiloh Missionary Baptist Church in recognition as 115 years old;
Announced that Lukeville Lane Extension will be closed until Monday due to installation of three (3) manholes as aforementioned;
Expressed "thank you" to Phillip Bourgoyne for financial leadership in connection with audit work;
Announced that railroad plans to close Morley Bridge for approximately 3 weeks to month and trains would be re-routed due to installation of 2 additional tracks;
Extended invitation to Department of Transportation & Development meeting scheduled for Monday, July 28, 2014 at 2:00PM on possible shifting of options to keep funding for Highway 415 Interchange in connection with BUMP and West Side Expressway and/or West Bank Connector Projects. Mr. Kershaw confirmed DOTD meeting agencies represented;
Again thanked dispatchers on successful welfare check as aforementioned;
Announced Plaquemine ferry service adding another ferry during peak traffic hours.

Mr. Spillman was recognized under Council Chairman's Report and announced plans to extend existing double white lines and construction of median for law enforcement parking on La. 1 to expedite traffic crossing the Intracoastal Canal Overpass and to seek grants to fund cost of law enforcement patrolling.

Pam Keowen with the Utilities Department was recognized and clarified TruStar, LLC resolution in connection with their request to build natural gas fueling station behind Nino's Truck Plaza. Ms. Keowen briefly explained aspects of project contract including TruStar cost reimbursement. Said resolution appears elsewhere in these minutes.

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

A Resolution authorizing the Director of Utilities to execute the contract for gas service between West Baton Rouge Parish and TruStar, LLC according to agreed upon terms and conditions as outlined within said contract

WHEREAS, TruStar, LLC has requested gas service from West Baton Rouge Parish, and agreed to the terms and conditions as outlined within the attached contract.

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby authorize the Director of Utilities to execute the attached contract for gas service with TruStar, LLC according to the agreed upon terms and conditions as outlined therein.

Roll-Call Pro System recorded the votes on the resolution 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 of the votes 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 July 24, 2014 at which meeting a majority of the members were present and voting.

/s/Sharon Zito

The Council Clerk read by title into the record the below proposed ordinances being introduced and publicized by title, and considered for adoption following public hearings at the meeting of August 28, 2014 at 6:30PM in the Council Meeting Room, 880 North Alexander Avenue, Port Allen, La.:

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);

Rezoning request of Paul Burch, 6772 South River Road, Brusly, La. designated as Lot A located in Section 23, T8S-R12E from R-SF-3 (Residential Single Family District – minimum lot area of 22,500 square feet) to C-1.3 (Regional-Scaled Commercial District).

Lynn Cline with the Office of Community Planning & Development was recognized and read the Planning Commission's 7/1/14 approval recommendation into the record of the final plat (with a variance) showing the subdivision and family partition of Lot B of the original Gordon LaBauve Et Al Property into Lots B-1, B-2 & B-3 for Ada LaBauve Hebert, 6125 Choctaw Road, Brusly, La. Mrs. Cline clarified variance was for installation of utilities at the time of issuance of building permit.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Barry Huggins to approve the final plat showing the subdivision and family partition of Lot "B" of the original Gordon LaBauve Et Al Property into Lots B-1, B-2 & B-3 located in Section 24, T8S-R11 E for Ada

LaBauve Hebert, 6125 Choctaw Road, Brusly, La. with variance for installation of utilities at the time of the issuance of building permit as recommended by the Planning Commission 7/1/14.

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

Mrs. Cline read Planning Commission's recommendation dated 7/15/14 into the record deferring action to next meeting on final plat showing the re-subdivision of Lot HT-8-C into Lots HT-8-C-1 & remainder of Lot HT-8-C located in Sections 62 & 63, T7S-R12E for Harlan J. Truxillo to allow family and attorneys involved time to reach an agreement on wishes of Mr. Truxillo (deceased).

A motion was made by Mr. Barry Huggins, seconded by Mr. Phil Porto, Jr. to defer action until Planning Commission recommendation can be obtained as aforementioned on final plat showing the re-subdivision of Lot HT-8-C (for the purpose of the exchange of property between adjacent landowners) into Lots HT-8-C-1 & remainder of Lot HT-8-C located in Sections 62 & 63, T7S-R12E for Harlan J. Truxillo to allow family members and attorneys involved time to reach an agreement on wishes of Mr. Truxillo (deceased).

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

Mrs. Cline read Planning Commission's approval recommendation dated 7/15/14 into the record with a variance for the front footage of Lot JT-6 due to existing lots topography on final plat showing the subdivision of the remainder of Lot 42 into Tracts JT-1, JT-2, JT-3, JT-4, JT-5 and JT-6 located in Section 27, T6S-R11E for Choctaw Bayou Properties, LLC (Treuil Land Company, LLC). Brief discussion regarding restrictions was held with developer Joey Treuil and Mrs. Cline read same into the record.

A motion was made by Mr. Gary Spillman, seconded by Mr. Phil Porto, Jr. to approve the final plat showing the subdivision of the remainder of Lot 42 into Tracts JT-1, JT-2, JT-3, JT-4, JT-5 and JT-6 located in Section 27, T6S-R11E for Choctaw Bayou Properties, LLC with variance for the front footage of Lot JT-6 due to existing lots topography as aforementioned and recommended by the Planning Commission 7/15/14.

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

Mrs. Cline was recognized, reviewed inspection report declaring the structure located at 8113 Tuscaloosa Avenue, Port Allen, La. as “derelict” according to Parish Code definition 109-42. Mrs. Cline explained the structure was unstable, a safety hazard due to debris remnants and poses a nuisance to the community, and requested ratifying Parish President’s signature. Mr. Spillman requested 30 day notification for new owner, and Parish Attorney recommended the permit office continue checking on recorded ownership deed.

A motion was made by Mr. Phil Porto, Jr., seconded by Mr. Barry Huggins to ratify the Parish President’s signature declaring the structure located at 8113 Tuscaloosa Avenue, Port Allen, La. as “derelict” in order to begin condemnation process including notification of new owner as aforementioned.

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

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

