

**REGULAR MEETING – WEST BATON ROUGE PARISH COUNCIL
WEST BATON ROUGE PARISH COUNCIL/GOVERNMENT BUILDING
880 NORTH ALEXANDER AVENUE, PORT ALLEN, LOUISIANA
JUNE 26, 2014 – 6:30PM**

The Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, June 26, 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:

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

Absent: Mr. Randal “Randy” Mouch, Ms. Charlene Gordon

Parish President Riley Berthelot, Jr. was also present.

Pam Keowen with the Utilities Department was recognized and requested acceptance of bids opened 6/19/14 for yearly supply of various size pipe and fittings for that department. Ms. Keowen confirmed acceptance based on continued use of compatible Mueller products and that bid tabulation sheets list successful bidder on each item.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Barry Hughhins to accept the low bids of La. Utilities, Coburn’s Supply, Baton Rouge Winwater, Southern Pipe, and HD Supply per bids received 6/19/14 for Yearly Supply for Pipe and Materials for the Utilities Department based on said department’s recommendation. (Bid award and tabulation sheets appear elsewhere in these minutes)

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

YEAS: 7 (Mr. Kershaw, Ms. Fair, Messrs. Loupe, Porto, Spillman, Hughhins, Robertson)

NAYS: 0 (None)

ABSENT: 2 (Mr. Mouch, Ms. Gordon)

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

Public Works Director Kevin Durbin was recognized under item 5 and requested authorizing execution of Department of Transportation & Development agreement for installing culverts and sidewalk on Rosedale Road (State Highway 986) on south-side of La. 1 to Three Canal, clarified federally funded project with 20 per cent cost-share, performance of certain functions within contract, and confirmed Ms. Gordon’s concurrence. Discussion re-confirmed sidewalk location due to prohibitive costs of installing sidewalk on north-side of roadway, and budgeted funds.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Edward Robertson to authorize the execution of the agreement with the Louisiana Department of Transportation & Development on State Highway 986 (Rosedale Road Sidewalk Project) as aforementioned.

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

YEAS: 7 (Mr. Kershaw, Ms. Fair, Messrs. Loupe, Porto, Spillman, Huggins, Robertson)

NAYS: 0 (None)

ABSENT: 2 (Mr. Mouch, Ms. Gordon)

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

Mr. Berthelot was recognized under item 6 (cost of living increase for parish employees) delayed from 6/12/14 agenda per chairman's request to allow for further discussion regarding 5 per cent normally budgeted and recommended, job position study, and pay scale brackets.

Mr. Mouch entered the meeting at 6:36PM.

Discussion held on percentage of increase recommended, step grade increase job study process, and inequities. Mr. Berthelot clarified that following job study raises would be effective yearly in June. Mr. Spillman explained that job study committee would begin process this year in order to obtain job descriptions and/or additional information from other parishes/entities for presentation in January 2015.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Phil Porto, Jr. to approve a five (5) per cent cost of living increase based on the current CPI (Consumer Price Index) and recommendation of the Council/Administration for all classified full time, semi full time, permanent part-time employees, including all appointed directors, which includes the following named departments: Council Clerk, Coroner, Registrar of Voters, Administration, Information Technologies, Planning/Zoning, Building Maintenance, Emergency Management, Engineering, Animal Control, Recreation, Roads, Health Unit, Drainage, Community Center, Community Action, E-911, Judges, District Attorney/Legal Council, Public Utilities, Sales Tax, Detention Center, Justice of the Peace and Constable with an effective pay period beginning July 1, 2014.

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

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

NAYS: 0 (None)

ABSENT: 1 (Ms. Gordon)

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

Executive Assistant Jason Manola was recognized under item 7 (consider any amendments to the agenda) that tonight's meeting agenda be amended for the Council to consider employee's request for extended sick leave without pay up to 1 year based on medical circumstances as approved by Parish President.

A motion was made by Mr. Barry Huggins, seconded by Mr. Phil Porto, Jr. to amend tonight's meeting agenda for the Council to consider employee's request for extended sick leave without pay up to 1 year as aforementioned.

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

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

NAYS: 0 (None)

ABSENT: 1 (Ms. Gordon)

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

Following brief statement by Mr. Manola confirming that the aforementioned employee meets requirements to grant extended leave, a motion was made by Mr. Phil Porto, Jr., seconded by Mr. Ricky Loupe to grant Council approval to employee's request for extended sick leave without pay up to 1 year based on medical circumstances as previously approved by Parish President.

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

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

NAYS: 0 (None)

ABSENT: 1 (Ms. Gordon)

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

At this point the Roll-Call Pro System malfunctioned.

Chairman Spillman acknowledged presence of Mayor of Port Allen and hearing good things about Port Allen under item 8 (public comments).

Mr. Mouch was recognized under item 9 (communications with council members and/or other elected or appointed officials) regarding recent complaints from residents on parking situation at Myhand Park. Mr. Mouch explained problem due to wet conditions and grass parking area motorists parking on both sides Jack Laws Road, and suggested "no parking" signs only on one side of roadway. Mr. Berthelot was recognized, concurred with "no parking" signs on south-side, suggested placement of 18-inch culverts along north-side of east & west roadway, and additional parking at VFW Hall.

Chairman Spillman announced that a Public Hearing was in order at this time an all interested citizens were invited to appear and be heard regarding adoption of an ordinance to amend Chapter 104 Zoning for request of Cindy Nguyen, 3747-B State Highway 1 S, Port Allen, La. designated as Tract B-3A for Special Use Permit to allow tavern within C-1.2 (Community-Scaled Commercial District). Craig Tullos, 4222 Roseland Drive, Port Allen, La. was recognized on behalf Reliable Amusement, confirmed applicant planned to operate tavern as previous tenant had done from 2000 – 2012 in order to obtain video poker license. Ms. Fair confirmed facility was located on left-hand side of building with separate entrance. Mr. Durbin confirmed Zoning Commission recommended approval 6/17/14. Mr. Loupe discussed required number of parking spaces and stated felt facility was not in proper environment. Mr. Kershaw discussed law enforcement issues regarding length of time trailers parked on-site and public drinking outside facility.

No other 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. 21 of 2014 appears elsewhere in these minutes.

The following ordinance was offered by Mr. Randal Mouch, seconded by Mr. Chris Kershaw

ORDINANCE NO. 21 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 Cindy Nguyen, 3747-B State Highway 1 S, Port Allen, La. designated as Tract B-3A located in Section 76, T7S-R12E & Section 1 T8S-R12E containing one-acre for Special Use Permit to allow operation of a Tavern within C-1.2 (Community-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: 7 (Messrs. Mouch, Kershaw, Ms. Fair, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 1 (Mr. Loupe)

ABSENT: 1 (Ms. Gordon)

WHEREUPON the ordinance was adopted on the 26th day of June, 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 26th day of June, 2014.

I further certify that the above and foregoing ordinance was submitted the Parish President at 8:45 o'clock AM on the 27th day of June, 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 June, 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 30th day of June, 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 8:55 o'clock AM on the 30th day of June, 2014.

/s/Sharon Zito
Sharon Zito, Council Clerk

Chairman Spillman announced that a 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 Part III Unified Development Code, Chapter 101 General Provisions, Sec. 101-1 Definitions, Chapter 103 Floodplain Management, and Chapter 111 Administration and Enforcement, Article III Parishwide Floodplain Management Enforcement, Sec. 111-49 Designation of Local Administrator, duties to readopt the Parishwide Flood Insurance Rate Maps (FIRMS) in accordance with federal guidelines, standards and procedures. Mr. Durbin explained that required adoption had been ongoing since 2009, notified 460 affected residents and suggested necessary steps to minimize impact of new flood maps in connection with flood insurance policies. Mr. Durbin requested one (1) change in sub-section C1 "lowest floor of the manufactured home the bottom of the longitudinal structural I-beam of the manufactured home is elevated 18-inches or more above the base flood elevation, or" should read 6-inches instead as agreed & supported by FEMA (Federal Emergency Management Agency). The Council concurred.

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. 22 of 2014 appears elsewhere in these minutes.

The following ordinance was offered by Mr. Randal Mouch, seconded by Ms. Naomi Fair

ORDINANCE NO. 22 OF 2014

An ordinance to amend and reenact the West Baton Rouge Parish Code of Ordinances, Part III ("Unified Development Code"), Chapter 101 ("General Provisions"), Section 101-1 ("Definitions"), Chapter 103 ("Floodplain Management") and Chapter 111 ("Administration and Enforcement"), Article III ("Parishwide Floodplain Management Enforcement"), Section 111-49 ("Designation of local

administrator; duties”) to readopt the Parishwide Flood Insurance Rate Maps (FIRMs) in accordance with federal guidelines, standards and procedures.

WHEREAS West Baton Rouge Parish has participated in the National Flood Insurance Program (NFIP) since the 1970s in order to protect the health, safety and welfare of its citizens **AND**

WHEREAS West Baton Rouge Parish intends to continue to participate in this program and to comply with the Federal regulations, standards and procedures that govern the same **AND**

WHEREAS West Baton Rouge Parish has been working with FEMA and its contractors since 2008 to review, amend and close-out all appeals on the proposed FIRMs **AND**

WHEREAS FEMA has assigned a deadline of July 15th, 2014 in which to adopt the final versions of the most recent FIRMs and DFIRMs (Digital FIRMs) **THEREFORE**

BE IT ORDAINED BY THIS COUNCIL that Part III (“Unified Development Code”), Chapter 101 (“General Provisions”), Section 101-1 (“Definitions”), Chapter 103 (“Floodplain Management”) and Chapter 111 (“Administration and Enforcement”), Article III (“Parishwide Floodplain Management Enforcement”), Section 111-49 (“Designation of local administrator; duties”) be amended and readopted to read as follows (NOTE: underlined words are additions and ~~striketrough words~~ are deletions. Three asterisks - * * * - indicate sections of the code skipped for brevity of this ordinance. Such sections are to be retained by the code editors.)

PART III – UNIFIED DEVELOPMENT CODE

CHAPTER 101

GENERAL PROVISIONS

Sec. 101-1. Definitions.

* * *

Appurtenant structure means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure

* * *

Area of future conditions flood hazard means the land area that would be inundated by the 1-percent-annual chance (100 years) flood based on future conditions hydrology.

* * *

Area of shallow flooding means a designated AO, AH, ~~AR/AO, AR/AH,~~ or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one 1 percent or greater annual chance of flooding to an average depth of one 1 to three 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard is the land in the floodplain within a community subject to a one 1 percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate-making has been completed in preparation for publication of the flood insurance rate map (FIRM) zone A usually is refined into Zones A, AE, AH, AO, ~~A1-30, A99,~~ AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE or V.

* * *

Base flood elevation means the elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that

indicates the water surface elevation resulting from the flood that has a 1% chance of equaling or exceeding that level in any given year – also called the Base Flood.

* * *

Breakaway wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

* * *

Elevated building means for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

- (1) — Built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X and D, to have the top of the elevated floor, or in the case of a building in zone V1-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the floor of the water; and
- (2) — Adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood.

* * *

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding waters surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

* * *

Flood insurance study (FIS) means the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevations of the base flood, as well as the flood boundary floodway map. - see Flood Elevation Study

* * *

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

* * *

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevations more than a designated height - see Regulatory Floodway

* * *

Manufactured home park or subdivision (as used in the floodplain management regulation chapter of the West Baton Rouge Parish Code of Ordinances) means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (NOTE TO CODE EDITORS: Please leave the existing definition of "manufactured home park or subdivision" in the code as well as it will be used in other portions of the Unified Development Code and differs from this definition to be used for floodplain management regulations only. Do not include this note in the code revision.)

* * *

Mean sea level means, for purposes of the National Flood Insurance Program, the ~~National Geodetic Vertical Datum (NGVD)~~ North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

* * *

Recreational vehicle (as used in the floodplain management regulation chapter of the West Baton Rouge Parish Code of Ordinances) means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. **(NOTE TO CODE EDITORS:** Please leave the existing definition of “recreational vehicle” in the code as well as it will be used in other portions of the Unified Development Code and differs from this definition to be used for floodplain management regulations only. Do not include this note in the code revision.)

* * *

Regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

* * *

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

* * *

~~Special flood hazard area means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as zone A on the flood hazard boundary map (FHBM). After detailed rate making has been completed in preparation for the publication of the FIRM, zone A is usually refined into zone A, AE, AH, AO, A1-99, VO, V1-30, VE or V. - see Area of Special Flood Hazard~~

* * *

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. **(NOTE TO CODE EDITORS:** Please leave the existing definition of “structure” in the code as well as it will be used in other portions of the Unified Development Code and differs from this definition to be used for floodplain management regulations only. Do not include this note in the code revision.)

* * *

Substantial damage (as used in the floodplain management regulation chapter of the West Baton Rouge Parish Code of Ordinances) means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred. **(NOTE TO CODE EDITORS:** Please leave the existing definition of “substantial damage” in the code as well as it will be used in other portions of the Unified Development Code and differs from this definition to be used for floodplain management regulations only. Do not include this note in the code revision.)

* * *

Substantial improvement (as used in the floodplain management regulation chapter of the West Baton Rouge Parish Code of Ordinances) means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure." **(NOTE TO CODE EDITORS:** Please leave the existing definition of "substantial improvement" in the code as well as it will be used in other portions of the Unified Development Code and differs from this definition to be used for floodplain management regulations only. Do not include this note in the code revision.)

* * *

Water surface elevation means the height, in relation to the ~~Geodetic Vertical Datum (NGVD) of 1929~~ North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

* * *

CHAPTER 103

FLOODPLAIN MANAGEMENT

* * *

Sec. 103-5. General Provisions.

* * *

(b) *Basis for establishing the areas of special flood hazard.*

(1) The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for West Baton Rouge Parish, dated ~~March 31, 1999~~ July 16, 2014, with accompanying Flood Insurance Rate Maps (FIRM) dated July 16, 2014, and any revisions thereto are hereby adopted by reference and declared to be a part of this chapter. The base flood elevations of July 1999 are to be utilized for regulatory purposes throughout the special flood hazard A.

* * *

Sec. 103-8. Specific standards for flood hazard reduction.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 103-5(b), 103-10(c) or 111-29(b) (7), the following provisions are required:

(1) *Residential Construction*

- a. New construction and substantial improvement of any residential structure located in a special flood hazard area (~~zones A, AE, and A1-30~~) shall have the lowest floor (including basement), elevated to at least one foot above the 100-year base flood elevation or one foot above the adjacent roadway, whichever is higher. If the adjacent road/highway is "built up", then the residential structure shall have the lowest floor (including basement) elevated to at least one foot above the 100-year base flood elevation or 24 inches above the average elevation of the surrounding land within 300 feet of the building, whichever is higher.

* * *

(2) *Nonresidential Construction*

- a. New construction and substantial improvements of any nonresidential structure located in a special flood hazard area (~~zones A, AE, and A1-30~~) shall either have the lowest floor (including basement) elevated to at least one foot above the 100-year base flood elevation or one foot above the adjacent roadway, whichever is higher. If the adjacent road/highway is "built-up", then the nonresidential structure shall have the lowest floor elevated to at least one foot above the 100-year base flood elevation or 24 inches above the average elevation of the surrounding land within 300 feet of the building whichever is higher.

* * *

(4) *Manufactured Homes*

* * *

(b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites that are:

- 1. Outside of a manufactured home park or subdivision;
- 2. In a new manufactured home park or subdivision;
- 3. In an expansion to an existing manufactured home park or subdivision, or
- 4. In an existing manufactured home park or subdivision in which a manufactured home has incurred substantial damage as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home the bottom of the longitudinal structural I-beam of the manufactured home is elevated to ~~18~~ six (6) inches or more above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(c) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE on the community's FIRM that are not subject to the provisions of subsection (4)(b) of this section be elevated so that either:

- 1. ~~The lowest floor of the manufactured home~~ bottom of the longitudinal structural I beam of the manufactured home is ~~18~~ six (6) inches or more above the base flood elevation, or

* * *

Sec. 103-12. Penalties for noncompliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 or imprisoned for not more than 30 days, or both, for each violation. Each day the violation continues shall be deemed a new violation. In addition, the violator shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent West Baton Rouge Parish from taking such other lawful action as is necessary to prevent or remedy any violation.

* * *

CHAPTER 111

ADMINISTRATION AND ENFORCEMENT

ARTICLE III. PARISHWIDE FLOODPLAIN MANAGEMENT ENFORCEMENT

* * *

Sec. 111-49. Designation of local administrator; duties.

(a) The ~~Parish President~~ West Baton Rouge Parish Director of Public Works is hereby appointed the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (Emergency Management and Assistance - National Flood Insurance Program Regulations) pertaining to floodplain management.

* * *

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

NAYS: 0 (None)

ABSENT: 1 (Ms. Gordon)

WHEREUPON the ordinance was adopted on the 26th day of June, 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 26th day of June, 2014.

I further certify that the above and foregoing ordinance was submitted the Parish President at 10:25 o'clock AM on the 27th day of June, 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 June, 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 30th day of June, 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 8:55 o'clock AM on the 30th day of June, 2014.

/s/Sharon Zito

Sharon Zito, Council Clerk

Mr. Manola was recognized under item 11 (consider status report, change order and/or other matters as required on current projects) on the following:

Announced notices to proceed issued as of 7/9/14 following pre-construction meetings today on Road Overlay Program & Charles Drive Improvements Projects;

Announced Mosquito spraying parish-wide ongoing for several weeks. Mr. Spillman requested riding along with crew in area. Clarified private roadways sprayed if truck able to turn around. Ms. Fair requested inclusion of Coulee Canal Road.

Mr. Huggins discussed re-instatement blocked drainage of 100 foot strip adjacent to Pat Decuir's 40 acres.

Riley Berthelot, Jr. was recognized under Parish President's Report regarding the following: Change order to be presented at next meeting for use of available road overlay funds for Charles Drive and striping;

Recent fire department meeting regarding take-over Monday at midnight;

July 4th celebration in downtown Port Allen at Riverfront on the Mississippi River Levee;

Department of Transportation & Development meeting scheduled for Monday on Highway 415 Racetrac proposed entrance agreement;

Status on Westbank Expressway, BUMP, and 415 Connector Projects;

National Association of Counties conference scheduled July 11-14 in New Orleans;

DOTD doing stability work due on sliding at Highway 415 ramp.

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 July 24, 2014 at 6:30PM in the Council Meeting Room, 880 North Alexander Avenue, Port Allen, La.:

Adopt amendment to West Baton Rouge Parish Fire District No. 1, Chapter 74 Special Districts, Sec. 74-387 WBR Parish District No. 1 Plan. Mr. Spillman further explained these were some title changes and deletion of some classifications.

Mr. Durbin projected SEMBLS, LLC plat on overhead screen for family subdivision dividing property on Section Road into 5 lots with a variance for the installation of all infrastructures prior to applying for a building permit. Mr. Durbin explained this was one of the last family subdivisions following rescinding of family subdivision ordinance, and confirmed office had notified list of surveyors. Steve Chustz was recognized representing Chustz family, who are dividing property, but keeping as agricultural use.

A motion was made by Mr. Barry Huggins, seconded by Mr. Phil Porto, Jr. to approve the final plat of survey showing a family partition of the SEMBLS, LLC Tract into Lot 1 thru 5 for SEMBLS, LLC with a variance for the installation of all infrastructures prior to applying for a building permit as recommended by the Planning Commission 6/17/14.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Ms. Gordon)

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

Mr. Durbin stated that the next plat was Mr. Triche's client (Morain family) off of Bueche Road requesting division into 4 lots for family subdivision.

A motion was made by Mr. Gary Spillman, seconded by Mr. Edward Robertson to approve the final plat showing the subdivision and family partition of Lot 3, Yattan Meadows Subdivision into Lots 3-A, 3-B, 3-C & 3-D for Leroy J. Morain and Patricia A Morain as recommended by the Planning Commission 6/17/14.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Ms. Gordon)

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

Mr. Durbin stated that the next plat was final plat remainder tracts as listed for Southern Packaging and Patin Engineers was present to represent. Mr. Spillman explained property was area and issue dealt with railroad prohibiting trucks from turning into location and requested approval with variance as current road frontage due to width, but roadway will be built to accommodate.

A motion was made by Mr. Gary Spillman, seconded by Mr. Barry Huggins to approve the final plat showing the re-subdivision of remainder of Tract G-5A.4, Tract G-5A.2 & the Johnny Gray Tract into Tract G-5A.4C, Tract G-5A.2A, Tract SP & Tract JG located in Section 35, T6S-R11E for Southern Packaging, Inc. with a variance for square footage of

Tract JG due to width of roadway needed to service Southern Packaging rear tract as recommended by Planning Commission 6/17/14.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Ms. Gordon)

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

Mr. Durbin presented the last sketch and requested accepting newly constructed unnamed roadway around Cohn Elementary School into the Parish Road System as in the case of subdivisions.

A motion was made by Mr. Edward Robertson, seconded by Mr. Randal Mouch to accept the newly constructed unnamed roadway around Cohn Elementary School connecting 14th Street and Louisiana Avenue at Williams & Lee Park for West Baton Rouge Parish located in Section 66, T7S-R12E as recommended by the Planning Commission 6/17/14.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Ms. Gordon)

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

Discussion held on naming roadway and Council concurred that the matter be considered at the next meeting.

Mr. Durbin presented the variance request of Dwayne Smith, 4217 Willow Street to place son's mobile home across property & building setback lines, and confirmed signatures of "no objection" from adjacent property owner and department heads. Mr. Huggins explained applicant planned on treating 2 lots as 1 lot for the time being, and confirmed improved character of the neighborhood.

A motion was made by Mr. Barry Huggins, seconded by Mr. Phil Porto, Jr. to approve the variance request of Dwayne Smith, 4217 Willow Street to place mobile home on property & building setback line as signatures of "no objection" have been obtained from adjacent property owner and department heads as aforementioned.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Ms. Gordon)

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

At this time under Correspondence Report the Council Clerk read excerpt into the record from the West Baton Rouge Parish Planning & Zoning Commission meeting agenda scheduled for Tuesday, July 1, 2014.

Chairman Spillman reminded members of July 4th celebration in downtown Port Allen at Riverfront on the Mississippi River Levee as well as the National Association of Counties conference July 11-14 in New Orleans prior to next regularly scheduled meeting of July 24, 2014.

There being no further business, a motion to adjourn was made by Ms. Naomi Fair at 7:40PM and adopted by acclamation.

/s/Gary M. Spillman

Gary M. Spillman, Council Chairman

/s/Sharon Zito

Sharon Zito, Council Clerk