

**REGULAR MEETING – WEST BATON ROUGE PARISH COUNCIL
WEST BATON ROUGE PARISH COUNCIL/GOVERNMENTAL BUILDING
880 NORTH ALEXANDER AVENUE, PORT ALLEN, LOUISIANA
OCTOBER 23, 2014 – 6:30PM**

The Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, October 23, 2014 and called to order. Council Chairman Gary Spillman requested that all electronic devices be placed on silent and recognized Riley Berthelot, Jr., who led everyone in the pledge of allegiance.

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

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

Absent: Mr. Ricky Loupe

Parish President Riley Berthelot, Jr. was also present.

Mr. Huggins was recognized under item 4 (consider any amendments to the agenda) and discussed considering Larry Johnson’s request for a 6 month extension on road apron at Bayou Poydras due to proximity to drilling site. Mr. Spillman requested and the Council concurred that the matter be considered at the next regularly scheduled meeting (November 13, 2014).

Public comments were requested at this time and Evan Cooper was recognized. Mr. Cooper as the adjoining property owner to vacant Court Street Wal-Mart requested that the Parish notify owner to clear site of accumulation of c-cans, drive-in trailers and trash.

Mr. Cooper requested the Parish consider emailing utility invoices.

Mr. Spillman requested the Office of Community Planning & Development investigate site as aforementioned in order to begin clean-up process.

Mrs. Keowen with the Natural Gas & Water Systems was recognized and confirmed on-line payments are available through website and currently working on emailing invoices for utility bills, however, payments take 2 to 3 days to process. Mr. Kershaw confirmed other available methods of payment: bank drafts, credit cards and night deposits.

Ms. Gordon was recognized under item 6 (communications with council members and/or elected or appointed officials) reminded everyone and requested participation in “Veterans on Parade” ceremony and parade scheduled for 1:30pm on Sunday November 9th;

Mr. Huggins requested investigation into complaints received on obstruction of view for stop signs at the intersections of Rene/North Palmer and South Palmer/Bayou Poydras;

Mr. Porto requested better notification job on meetings concerning projects as was not made aware of meetings concerning Roseland Trace erosion project.

Executive Assistant Jason Manola was recognized and made an insurance renewal presentation on Group Medical Insurance for the period January 1, 2015 – December 31, 2015 covering: negotiations history, plan designs of Blue Cross and Humana, financial comparison. Mr. Manola confirmed that the administration recommends Humana based on its renewal rate, continue health savings account contributions and paying 100 per cent of high deductible option plan premiums, and fund 85 per cent of preferred provider organizations option plan premiums.

A motion was made by Mr. Randal Mouch, seconded by Mr. Chris Kershaw to accept the Administration's recommendation of Humana for 1) high deductible plan, 2) alternative co-payment plan to provide coverage for employees hospitalization, 3) continue with Humana Group Medicare Advantage Paid Fee for Service (078031) for employees/retirees 65 or older with Medicare Parts A & B and 4) concur with administrative decision on dental/vision plan and life insurance for the period January 1, 2015 – December 31, 2015, and authorize the Parish President to sign the necessary documentation.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

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

Chairman Spillman announced that the Public Hearing was in order at this time and all interested persons were invited to appear and be heard on the rezoning request of AISLE 3, LLC, 2808 Court Street, Port Allen, La. designated as Lot 1-A-2-1 from Regional-Scaled Commercial District to Light Industrial District. Evan Cooper was again recognized and requested since no company representative was present that the matter be continued to later date. Mr. Spillman explained he had spoken to Cletus Langlois representing firm, who had requested rezoning be denied due to new C-1.4 ordinance in drafting process, and will resubmit rezoning request following adoption. Mr. Spillman also clarified Zoning Commission voted unanimously to allow rezoning to C-1.3 with Special Use Permit, but said company did not want to do that at this time. Director-Office of Community Planning & Development Kevin Durbin was recognized and explained the rezoning request was for light warehouse storage.

No interested additional 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 Ms. Charlene Gordon, seconded by Mr. Randal Mouch to deny the rezoning request of AISLE 3, LLC, 2808 Court Street, Port Allen, La. designated as Lot 1-A-2-1 from C-1.3 (Regional-Scaled Commercial District) to I-1 (Light Industrial District) as requested by applicant and aforementioned.

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

YEAS: 7 (Messrs. Mouch, Kershaw, Ms. Gordon, Messrs. Porto, Spillman, Huggins, Robertson)

NAYS: 1 (Ms. Fair)

ABSENT: 1 (Mr. Loupe)

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

Chairman Spillman announced that the Public Hearing was in order at this time and all interested persons were invited to appear and be heard on the ordinance to amend Part III Unified Development Code, Chapter 101 General Provisions, Sec. 101-1 Definitions to provide for Council granted variances to the fifty (50) percent square footage rule on

accessory buildings in the definition of “home occupation”. Mr. Durbin explained home occupation criteria and change to allow applicants to request a variance from the fifty (50) percent rule for home occupations if they wish to conduct the activity in a detached structure. Council and Parish Attorney discussion resulted in the following recommended changes:

- 1) deletion of “carried out for financial gain” from home occupation definition;
- 2) addition of “or a structure not attached to the dwelling unit” at the end of home occupation definition;
- 3) 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. 31 of 2014 appears elsewhere in these minutes.

The following ordinance was offered by Mr. Randal Mouch, seconded by Mr. Barry Huggins

ORDINANCE NO. 31 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”) to provide for Council-granted variances to the fifty percent (50%) square footage rule on accessory buildings in the definition of “home occupation”.

WHEREAS Chapter 101 (“General Provisions”) of the West Baton Rouge Parish Code of Ordinances contains definitions used throughout the entire “Unified Development Code” (Part III of same) **AND**

WHEREAS the definition of “home occupation” found in Section 101-1 of the Code of Ordinances has always had a provision addressing the total square footage of accessory structures used for home occupations [“the fifty percent (50%) rule”] **AND**

WHEREAS the Parish Council has always had a mechanism for varying from certain development rules on a case-by-case basis **AND**

WHEREAS the Parish Council wishes to exercise its police power in providing variances from the “fifty percent (50%) rule” **THEREFORE**

BE IT ORDAINED BY THIS COUNCIL that Part III (“Unified Development Code”), Chapter 101 (“General Provisions”), Section 101-1 (“Definitions”) be amended and readopted to read as follows (NOTE: underlined words are additions and ~~striethrough 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.

* * *

Home occupation means any business or commercial activity ~~carried out for financial gain~~ within a dwelling unit or in a structure not attached to that dwelling unit by the occupant of the dwelling unit, provided that:

- (1) The activity is clearly incidental and subordinate to the use of the dwelling unit as a residence;
- (2) The activity is carried on solely within the main dwelling and does not alter or change the exterior character or appearances of the dwelling;

- (3) The activity is located in a residential district;
- (4) If the activity is in a structure detached from the main dwelling, the maximum area to be used for the home occupation cannot exceed 50 percent of the area of the main dwelling unit unless a variance from this provision is successfully received by an applicant at any time using the same procedures given in West Baton Rouge Code of Ordinances Section 111-66;
- (5) The home occupation does not violate subdivision restrictions.

NOW THEREFORE BE IT FURTHER ORDAINED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that this ordinance shall become effective upon the 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 yea or nay on roll call vote:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

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

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:10 o'clock AM on the 27th October, 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 October, 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 October, 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 2:30 o'clock PM on the 27th day of October, 2014.

/s/Sharon Zito

Sharon Zito, Council Clerk

Chairman Spillman announced that the Public Hearing was in order at this time and all interested persons were invited to appear and be heard on the ordinance to amend the 2014 Sales Tax Revenue Budget. Finance Director Phillip Bourgoyne was recognized, explained state law required that budgets increased by five (5) percent of original estimate were to be amended, read figures into the record, and requested approval for compliance.

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. 28 of 2014 appears elsewhere in these minutes.

The following ordinance was offered by Mr. Barry Huggins, seconded by Ms. Charlene Gordon

ORDINANCE NO. 28 OF 2014

AN ORDINANCE ADOPTING THE 2014 AMENDMENTS THE SALES TAX REVENUE BUDGET TO AN OPERATING BUDGET OF REVENUES AND EXPENDITURES FOR THE FISCAL YEAR BEGINNING JANUARY 1, 2014 AND ENDING DECEMBER 31, 2014

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

SECTION 1: The attached detailed 2014 amendments to estimate revenues by department for the fiscal year beginning January 1, 2014 and ending December 31, 2014 be and the same is hereby adopted as an operating budget of revenues for the Parish during the said period.

SECTION 2: The attached detailed 2014 amendments to estimate of expenditures by departments for the fiscal year beginning January 1, 2014 and ending December 31, 2014 be and the same is hereby adopted to serve as budget of expenditures for the Parish during the said period.

SECTION 3: The adoption of these 2014 amendments to operating budget of revenues and expenditures be and the same is hereby declared to operate as an appropriation of the amount therein set forth within the terms of the budget classification.

SECTION 4: Amounts are available for expenditures only to the extent included within the 2014 budget.

NOW THEREFORE BE IT FURTHER ORDAINED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that this ordinance shall become effective pursuant to Section 2-12 (C) of the Home Rule Charter.

NOW THEREFORE BE IF FURTHER ORDAINED by the West Baton Rouge Parish Council, that all other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

NOW THEREFORE BE IT FURTHER ORDAINED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items, or applications of this ordinance are hereby declared severable.

The foregoing ordinance having been submitted to a vote was adopted by the following yea or nay on roll call vote:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

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

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:10 o'clock AM on the 27th October, 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 October, 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 October, 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 2:30 o'clock PM on the 27th day of October, 2014.

/s/Sharon Zito

Sharon Zito, Council Clerk

Mr. Manola was recognized under item 9 (consider status report, change order and/or other matters as required on current projects) regarding the following:

Apologized to Mr. Porto for email miscommunications on meeting dates and no follow-up on Roseland Trace erosion project;

Sewer lift station relocation change for Lobdell project must go through Louisiana Community Development Block Grant process. Brief discussion held on residents' survey results;

Explained all property cleared for leveling spoil on Diversion Canal.

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

Requested key-note speaker suggestions for Veterans Day Ceremony at Courthouse memorial scheduled for Tuesday, November 11, 2014 at 11:00AM;

Apologized to Mr. Porto on Roseland Trace erosion project email miscommunication notifications.

Gary Spillman was recognized under Council Chairman's Report regarding the following:

Requested status on median on La. 1. Mr. Berthelot stated waiting on response from La. Department of Transportation & Development approved contractors. Mr. Spillman requested scheduling meeting with DOTD officials for clarification;

Requested notifying proper agency of safety issue due to overhanging trees obstructing stop sign view at corner of Burnside & Rougon Roads.

Brief discussion held on FY 2014-2015 Capital Outlay Projects Support Resolutions as well as Resolution establishing an Intergovernmental Agreement by and between West Baton Rouge Parish Government and West Baton Rouge Parish Fire District No. 1, which appear elsewhere in these minutes.

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

RESOLUTION

A Resolution expressing West Baton Rouge Parish Council support for the FY 2014-2015 Capital Outlay request for project to construct approximately one-half mile of roadway to connect Sid Richardson Road and State Highway 1148

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council that the West Baton Rouge Parish Council does hereby express support for the FY 2014-2015 Capital Outlay request for project to construct approximately one-half mile of roadway to connect Sid Richardson Road and State Highway 1148.

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

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 a true and correct copy of a resolution adopted by said body at its Regular Meeting of October 23, 2014 at which meeting a majority of the members were present and voting.

/s/Sharon Zito

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

RESOLUTION

A Resolution expressing West Baton Rouge Parish Council support for the FY 2014-2015 Capital Outlay request for project to construct another bridge across the Intracoastal Canal at State Highway 415 to serve as an alternate evacuation route referred to as La 415 Bridge over Intracoastal Canal

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council that the West Baton Rouge Parish Council does hereby express support for the FY 2014-2015 Capital Outlay request for project to construct another bridge across the Intracoastal Canal at State Highway 415 to serve as an alternate evacuation route referred to as La 415 Bridge over Intracoastal Canal.

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

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 a true and correct copy of a resolution adopted by said body at its Regular Meeting of October 23, 2014 at which meeting a majority of the members were present and voting.

/s/Sharon Zito

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

Adopting the 2014 Natural Gas & Water Systems Budget Adjustments to an operating budget of revenues and expenditures for the fiscal year beginning December 1, 2013 and ending November 30, 2014.

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

WBR Parish Planning Commission meeting minutes of 10/21/14 that the time of said meetings would be changed from 6:30PM to 5:30PM beginning January, 2015;

WBR Parish Planning & Zoning Commission meeting agenda scheduled for Tuesday, November 4, 2014 cancelled due to clear agenda;

Year 2015 Budget Meeting scheduled for Monday, November 3, 2014 & Wednesday, November 5, 2014 at 6:00PM.

Chairman Spillman clarified that item 17 (appointment – Civil Service Board Representative) was to be handled at the WBR Parish Fire Protection District No. 1 Board of Commissions meeting immediately following this meeting.

At this time Chairman Spillman recognized Paul Dietzel U S House of Representative 6th Congressional District Candidate, who introduced himself, made brief presentation citing qualifications, requested support in the upcoming November 4th election, and left contact information for those interested.

There being no further business, a motion to adjourn was made by Ms. Charlene Gordon and adopted by acclamation at 7:30PM.

/s/Gary M. Spillman

Gary M. Spillman, Council Chairman

/s/Sharon Zito

Sharon Zito, Council Clerk