

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING—APRIL 9, 2015
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, April 9, 2015 and called to order at 6:30pm. Council Chairman Gary Spillman requested that all electronic devices be placed on silent and recognized Mr. Randal Mouch, who led everyone in the pledge of allegiance.

Roll-Call Pro System recorded the following members as being present:
Messrs. Chris “Fish” Kershaw, Phil Porto Jr., Barry Hughhins, Edward G. “Bob” Robertson, Ms. Charlene Gordon, Messrs. Gary M. Spillman, Ricky Loupe, Randal Mouch & Ms. Naomi Fair

Also present were Riley Berthelot, Parish President, Phillip Bourgoyne, Director of Finance and Michelle Tullier, Clerk of Council.

A motion was made by Mr. Phi Porto, seconded by Mr. Randal Mouch to approve the minutes of the March 26, 2015 regular meeting.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was unanimously adopted

Chairman Spillman moved on to item #5 Consider any Amendments to the Agenda; there were none at this time.

Chairman Spillman moved on to item #6 Parish President Report, President Berthelot was recognized and explained the status of the Inventory Tax legislation currently going on which could impact the Parish’s budget by approximately 9.3 Million dollars total, President Berthelot submitted a handout to the council which detailed a breakdown of cuts including possibly 3.4 million dollars to the School budget, 3.5 million dollars to the Parish & 1.75 million dollars to the Sheriff’s Office; President Berthelot re-assured the council that he has been in touch with the local legislators, surrounding Parish Presidents, etc. to watch this legislation closely. President Berthelot moved on to explain that another study would be going on by the State on widening I-10 which includes a video that has been put out, this video is available on our website if anyone would like to watch it; President Berthelot submitted a Proclamation at this time to declare the month of April as Fair Housing Month, said Proclamation follows.

**State of Louisiana
Parish of West Baton Rouge
In the Name and By the Authority of the People of the
Parish of West Baton Rouge**

Proclamation

WHEREAS, the strength of our nation flows from the promise of individual equality and freedom of choice; and

WHEREAS, the forty-Seventh Anniversary of the National Fair Housing Law, Title VIII of the Civil Rights Act of 1968, during the month of April, is an occasion for all Americans - individually and collectively- to rededicate themselves to the principle of freedom from housing discrimination whenever it exists; and

WHEREAS, this law guarantees for each citizen the critical, personal element of freely choosing a home; and

WHEREAS, a fair housing law has been passed by the State of Louisiana; and implementation of that law requires the positive commitment, involvement and support of all our citizens; and

WHEREAS, the department and agencies of the State of Louisiana are to provide leadership in the effort to make fair housing not just an idea, but an ideal for all our citizens; and

WHEREAS, barriers that diminish the rights and limit the options of any citizen will ultimately diminish the rights and limit the options of all:

NOW, THEREFORE, I, Riley L. Berthelot, Jr., President of West Baton Rouge Parish, Louisiana, do hereby proclaim the month of April 2015, as:

FAIR HOUSING MONTH

in West Baton Rouge Parish, Louisiana and do hereby encourage all citizens to abide by the letter and spirit of the Fair Housing Law, and ask the citizens of West Baton Rouge Parish to join in reaffirming the obligation and commitment to fair housing opportunities for all.

In Witness Whereof, I have hereunto set my hand officially and caused to be affixed the Great Seal of the Parish of West Baton Rouge, in the City of Port Allen, Louisiana, on this 9th Day of April 2015.

Riley L. Berthelot

 President of West Baton Rouge

Michelle Tullier

 Michelle Tullier, Council Clerk

Chairman Spillman moved on to item #7 Public Comments and asked if anyone from the public would like to speak, Mr. Larry Johnson stepped up to the microphone and asked the council to not take any action on item #14 on the agenda due to things going on with Allen Herring & stated he would like to put it off to another day, the council agreed with this request.

Chairman Spillman asked if any Elected/Appointed officials or any Council Members would like to speak under item #8, Brusly Mayor Joey Normand stepped up to the microphone and gave a brief explanation of flooding issues in parts of Brusly going back

quite a few years, he went on to thank the Parish for all of the help with clearing of the Ton Ton Canal and field ditches in the Cinclare area. Mayor Normand went on to explain the great work that has been done over the years by President Berthelot, the Council and numerous parish employees, he wanted to formally thank all of them for the tremendous amount of help given over the years stating, this will make a huge difference in the event of another storm. Councilwoman Charlene Gordon was recognized and wanted to announce the ½ day summer camp at William & Lee Park is now accepting applications, this is a parish wide enrollment event, consisting of 3 Two week sessions, spanning from June 1st to July 24th and will be a small fee of \$10.00 per child for each two week camp session signed up for. Councilman Kershaw spoke and thanked the recreation department for demolishing the building near the Addis fire station he spoke about at the last meeting, also he thanked the council for working with him on the votes for approval of the plat for Hunters Pointe Preserve from the last meeting, and stated the wetlands permit has been received since that time.

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 item #9a) Rezoning request of Mr. Raymond Loupe, designated as 57 acres West of the Railroad track, which is a portion of 103.10 acres, more or less, located in Section 67, T8S, R12E, West Baton Rouge Parish, Louisiana, Rezoning from I-1(Light Industrial) to AG (Agricultural). 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.

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

ORDINANCE 12 OF 2015

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 Mr. Raymond Loupe, designated as 57 acres West of the Railroad track, which is a portion of 103.10 acres, more or less, located in Section 67, T8S, R12E, West Baton Rouge Parish, Louisiana, Rezoning from I-1(Light Industrial) to AG (Agricultural).

THEREFORE BE IT ORDAINED by the West Baton Rouge Parish Council that this ordinance shall become effective 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: 9 (Mses. Fair, Gordon, Messrs. Porto, Loupe, Spillman, Hugghins, Robertson, Mouch, Kershaw)

NAYS: 0 (None)

ABSENT: 0 (None)

WHEREUPON the ordinance was declared adopted on the 9th day of April, 2015.

ATTEST:


Michelle Tullier, Council Clerk

CERTIFICATE

I, Michelle Tullier, 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 9th day of April, 2015.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:45 o'clock AM on the 10th day of April, 2015.

IN FAITH WHEREOF witness my official signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana on the 10th day of April, 2015.


Michelle Tullier, 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 15th day of April, 2015.


Riley Berthelot, Jr., Parish President

COUNCIL CLERK'S RETURN RECEIPT

I certify that the above and foregoing ordinance was returned from the Parish President at 8:54 o'clock AM on the 15th day of April, 2015.


Michelle Tullier, 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 item #9b)An Ordinance providing for the incurring of debt and issuance of not to exceed One Million Two Hundred Twenty-Five Thousand Dollars (\$1,225,000) of Revenue Refunding Bonds, in one or more series, of the Parish of West Baton Rouge, State of Louisiana; prescribing the form, terms and conditions of said Bonds, designating the date, denomination and place of payment of said Bonds, providing for the payment thereof in principal and interest; authorizing the agreement with the Paying Agent; and providing for other matters in connection therewith. Mr. Jim Ryan with Government Consultants gave a brief explanation on this Ordinance and noted the maturity will be cut to 10 years for a savings of \$375,000 dollars.

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.

(The following is an excerpt of Ordinance 13 of 2015 a complete record can be found in the official minute book)

The West Baton Rouge Parish Council met in its regular session, duly called, advertised and convened at the West Baton Rouge Parish Council Governmental Building on Thursday, April 9, 2015, at 6:30 p.m., with the following members present:

	Present	Absent
Gary Spillman, District VII, Chairman	X	
Barry Huggins, District VIII, Vice Chairman	X	
Randal Mouch, District I	X	
Chris Kershaw, District II	X	
Naomi Fair, District III	X	
Ricky Loupe, District IV	X	
Charlene Gordon, District V	X	
Phil Porto, Jr., District VI	X	
Edward G. Robertson, District IX	X	

Also present were Riley Berthelot, Parish President, Phillip Bourgoyne, Director of Finance & Michelle Tullier, Clerk of Council.

The meeting was called to order and the roll called with the above result.
[Other business not pertinent to the present excerpt may be found of record in the official minute book.]

ORDINANCE 13 OF 2015

The following ordinance having been introduced at a meeting held on March 26, 2015, notice of its introduction having been published in the official journal and a public hearing having been held thereon, was offered by Ricky Loupe, seconded by Phil Porto, and adopted with the following vote:

YEAS:	9	(Mses. Fair, Gordon, Messrs. Porto, Loupe, Spillman, Huggins, Robertson, Mouch, Kershaw)
NAYS:	0	(None)
ABSENT:	0	(None)

And the ordinance provides as follows:

An Ordinance providing for the incurring of debt and issuance of not to exceed One Million Two Hundred Twenty-Five Thousand Dollars (\$1,225,000) of Revenue Refunding Bonds, in one or more series, of the Parish of West Baton Rouge, State of

Louisiana; prescribing the form, terms and conditions of said Bonds, designating the date, denomination and place of payment of said Bonds, providing for the payment thereof in principal and interest; authorizing the agreement with the Paying Agent; and providing for other matters in connection therewith.

WHEREAS, the Parish of West Baton Rouge, State of Louisiana (the "Issuer"), has heretofore entered into a Loan Agreement dated August 1, 2006 (the "2006 Loan Agreement") in conjunction with the issuance by the Louisiana Local Government Environmental Facilities and Community Development Authority (the "Authority") of its \$1,250,000 Revenue Bonds (Parish of West Baton Rouge Sewer Project), Series 2006, of which approximately \$1,070,000 is currently outstanding (the "Series 2006 Bonds"); and

WHEREAS, in order to provide debt service savings, the Issuer, acting through its governing authority, the Parish Council of the Parish of West Baton Rouge, State of Louisiana (the "Governing Authority"), is authorized to and believes it to be in its best interest to refund all or a portion of the Series 2006 Bonds, pursuant to the provisions of Chapters 14 and 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended and La. R.S. 39:1430 and other constitutional and statutory authority (collectively, the "Act"), through the issuance of its refunding bonds; and

WHEREAS, the Issuer now desires to incur debt and issue not to exceed One Million Two Hundred Twenty-Five Thousand Dollars (\$1,225,000) of its Revenue Refunding Bonds (the "Bonds"), in one or more series, in the manner authorized and provided by the Act, as hereinafter provided for the purpose of (i) refunding all or a portion of the Series 2006 Bonds (the "Refunded Bonds"); (ii) funding a reserve fund, if necessary; and (iii) paying costs of issuance of the Bonds; and

WHEREAS, the Bonds will be secured by and payable from an irrevocable pledge and dedication of any income, revenues and receipts of the Issuer derived from any source whatsoever so long as such income, revenues and receipts are not legally dedicated for purposes incompatible with those authorized by the Bonds ("Unrestricted Revenues"); and

WHEREAS, the Bonds will be issued on a parity with the Issuer's outstanding obligations pursuant to the 2006 Loan Agreement relating to those Series 2006 Bonds that are not refunded by the Bonds (the "Unrefunded Series 2006 Bonds"); and

WHEREAS, the State Bond Commission, will take action on April 16, 2015, to give final approval for the issuance of the Bonds; and

WHEREAS, it is the desire of this Governing Authority to fix the details necessary with respect to the issuance of the Bonds and to provide for their authorization and issuance; and

WHEREAS, it is further the desire of this Governing Authority to provide for the sale of the Bonds at the price and in the manner herein provided.

NOW, THEREFORE, BE IT ORDAINED by the Parish Council of the Parish of West Baton Rouge, State of Louisiana, acting as the governing authority of the Issuer (the "Governing Authority"),

(Complete Ordinance may be found of record in the official minute book)

Chairman Spillman moved on to item#10 Consider Status report, change order and/or matters as required, there were no items to report at this time.

There were no Resolutions requested at this time under item#11.

There were no Ordinances to introduce at this time under item #12.

Chairman Spillman moved on to item #13 Consider Planning & Zoning Commission Meeting Minutes, Subdivision Plats, Condemnations and/or Variances and matters related thereto. Mr. Allen Herring was recognized under 13a) Allen Herring Variance-1024 West Acadian Bayou Lane and started by explaining the variance request is to operate an Indoor Greenhouse business in a Residential Zone, he explained the status of the area and surrounding grounds, truck traffic, noise, and size of the two greenhouses he wishes to construct along with an aerial picture of this area. A lengthy discussion with council persons & concerned citizens along with various questions for Mr. Herring took place at this time with the following individuals:

Councilman Porto	Councilman Huggins	Councilman Mouch
Councilman Loupe	Councilwoman Gordon	Councilman Kershaw
Councilman Spillman	Mr. Kevin Durbin	Ms. Medine
Mr. Larry Johnson	Mr. Allen Herring	

Questions from the council on Mosquito Abatement spraying, water discharge permits, traffic concerns, number of greenhouses in the future, along with a discussion on the definition of a variance continued;

Mr. Johnson was again recognized and explained the road situation, zoning issues, clarification on who urged Mr. Herring to request this variance, his views and opinions on this variance and how it would affect surrounding property and in closing Mr. Johnson stated to the council “detrimental reliance, ya’ll remember that”.

Mr. Kershaw spoke on his position for this variance due to the circumstances regarding the application, he explained what he called the “upset neighbor test” which was to list items that may upset the neighbors of this particular property such as traffic, flooding, crime & reduction of property value. Mr. Kershaw explained in his opinion these items are not an issue in this case and stated “neighbors merely inconvenienced, he does not believe that fits into this test”; going on he explained the definitions of a variance and various other reasons why he supported this variance.

At this time a motion was made by Mr. Chris Kershaw, seconded by Mr. Randy Mouch to approve the variance requested by Mr. Allen Herring for Indoor Greenhouses in a Residential Zone at 1024 West Acadian Bayou Lane, Port Allen, La 70767.

Chairman Spillman explained his concerns with variances and the reasons to grant them, he went on to explain the main reasons for a variance was a hardship and to help people, not for someone to have financial gain. Mr. Spillman noted he could not support a variance with the neighbors whom live nearby speaking out against this and due to the fact this variance is merely for financial gain.

More discussion from various councilmembers went on along with a question for the Parish Attorney Lou Delahaye as to if they could pass a variance with restrictions on the number of greenhouses and size, Mr. Delahaye confirmed this for the council.

Chairman Spillman declared the motion was still on the floor and if no further comments the council would move to vote on the aforementioned motion made by Mr. Kershaw:

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

YEAS: 6 (Mses. Fair, Gordon, Messrs. Loupe, Robertson, Mouch, Kershaw)

NAYS: 3 (Messrs. Porto, Spillman, Huggins)

ABSENT: 0 (None)

As a result the motion was adopted by the majority.

Chairman Spillman moved on to item #13b) Phoebe Collins Variance- 10770 Bueche Rd., Mr. Kevin Durbin was recognized at this time and explained the location of the property and went on to explain this was for a son to put a trailer on his parents property,

Chairman Spillman explained this was in his district and the variance was a hardship and would allow the son to live on the parents property.

A motion was made by Mr. Phil Porto, seconded by Mr. Barry Huggins to approve the variance for Phoebe Collins to allow a mobile home to be put on her property for her son.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

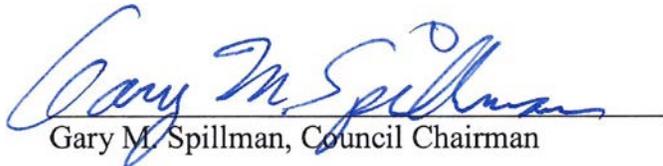
As a result of the votes the motion was unanimously adopted

Chairman Spillman moved on to item#14 Larry Johnson-discussion on West Acadian Bayou Lane Zoning and granted Mr. Johnsons request to not take this item up on the agenda. Chairman Spillman went on the remind Mr. Johnson the 6 month extension for him to put down his apron on West Acadian Bayou was up on May 13th 2015, Mr. Johnson clarified that date and responded "Ok".

There were no Beer and/or Liquor permit requests at this time.

Council Clerk Michelle Tullier was recognized under Correspondence Report and noted the next meeting of the WBR Planning & Zoning Commission has been cancelled and also reminded those council members who signed up for Legislative Day it will be coming up on April 22nd 2015.

There being no further business, a motion to adjourn was made by Ms. Charlene Gordon and adopted by acclamation at 7:45pm.


Gary M. Spillman, Council Chairman


Michelle Z. Tullier, Council Clerk