

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING—APRIL 23, 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 23, 2015 and called to order at 6:32pm. Council Vice Chairman Barry Huggins requested that all electronic devices be placed on silent and recognized Mr. Edward “Bob” Robertson, who led everyone in a short prayer and Ms. Charlene Gordon, 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 Huggins, Edward G. “Bob” Robertson, Ms. Charlene Gordon, Messrs. Ricky Loupe, Randal Mouch & Ms. Naomi Fair

Absent: Mr. Gary Spillman

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

A motion was made by Ms. Charlene Gordon, seconded by Mr. Randal Mouch to approve the minutes of the April 9, 2015 regular meeting.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

As a result of the votes the motion was adopted.

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

Vice Chairman Huggins moved on to item #6 Parish President Report, President Berthelot was recognized and explained the status of the Inventory Tax legislation currently going on; reminded everyone of National Day of Prayer coming up and introduced Pastor Calvin Veal to say a few words, Pastor Veal expressed how important this day is to bring everyone together in prayer and extended this invitation to all citizens he also handed out an individual invitation to each councilmember and finished up by thanking everyone for their time and once again asked everyone to join him at the National Day of Prayer on Thursday May 7th at 6:00pm on the Levee in Port Allen. President Berthelot stepped back up to the microphone and notified the council about the recent litigation concerning the zoning variance made at the last council meeting, he noted there was a hearing coming up on May 4th and wanted to remind them of this. Mr. Phil Porto questioned President Berthelot about the recent article in the paper which spoke of the zoning which had been changed, however President Berthelot clarified and agreed with Mr. Porto, the property was not rezoned as the article claimed and the council actually gave a variance to the current zoning for a certain use.

Vice Chairman Huggins moved on to item #7 Public Comments and asked if anyone from the public would like to speak, there were no public comments at this time.

Vice Chairman Huggins asked if any Elected/Appointed officials or any Council Members would like to speak under item #8, Mr. Huggins congratulated Ms. Emily Bell of the Westside Journal for recently accepting a teaching job and wished her the best in years to come, he continued by reminding everyone about Ms. Charlene’s upcoming event, Family Day at the Park and asked that anyone who may be able to sponsor please do so. Ms. Charlene Gordon spoke about the event and wanted to invite everyone in

the parish to come and have a good time, there will be gospel singing, bands, swimming, a spacewalk, etc. Ms. Gordon finished by asking all elected officials and councilmembers to come out and introduce themselves to the public and pass a good time with friends and family, this event will be Saturday May 30th 2015, Mr. Huggins added that gubernatorial candidate Scott Angelle has committed to come and sponsor, with that said he will try to get other candidates to attend if possible.

Vice Chairman Huggins opened the public hearing and asked Mr. Kevin Durbin to come up to the microphone to explain item # 9a) An ordinance to amend and reenact the West Baton Rouge Parish Code of Ordinances, Part III (“Unified Development Code”), Chapter 104 (“Zoning Ordinance”), Appendix A (“Zoning Districts”) to provide for the prohibition of certain land uses from industrially zoned land, Mr. Durbin read off all of the uses which were being removed from Industrial zones, and noted the commission voted to approve this ordinance.

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. Phil Porto, seconded by Mr. Barry Huggins

ORDINANCE 14 OF 2015

FINAL DRAFT ORDINANCE

As Adopted by the West Baton Rouge Parish Council
At The Regular Meeting of
April 23, 2015

An ordinance to amend and reenact the West Baton Rouge Parish Code of Ordinances, Part III (“Unified Development Code”), Chapter 104 (“Zoning Ordinance”), Appendix A (“Zoning Districts”) to provide for the prohibition of certain land uses from industrially zoned land.

WHEREAS the Unified Development Code (“Part III”) of the West Baton Rouge Parish Government contains regulations for the types of uses permitted as well as the site development requirements for variously zoned properties **AND**

WHEREAS said requirements have been successful in balancing the development rights of neighbors **AND**

WHEREAS said requirements have been authorized by the Louisiana Revised Statutes and by the West Baton Rouge Parish Home Rule Charter **AND**

WHEREAS said requirements are exercised with the intention of protecting the health, safety and welfare of the Parish’s citizens and businesses **THEREFORE**

BE IT ORDAINED BY THIS COUNCIL that Part III (“Unified Development Code”), Chapter 104 (“Zoning Ordinance”), Appendix A (“Zoning Districts”) be amended and readopted to read as follows (NOTE: underlined words are additions and strikethrough 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 104

ZONING ORDINANCE

* * *

APPENDIX A – ZONING DISTRICTS

The table below indicates which land and building uses are permissible and nonpermissible in each zoning district. The phrase “any other similar uses compatible with” each zone may be applied by the zoning administrator for C-1, I-1, I-2 and I-3 zoning districts. The following codes apply:

P = Permitted use;

Blank space = Prohibited use;

S = Special use permit required for the use.

Use Classifications	R-SF-1, R-SF-2, R-SF-3, R-ED, R-2F	R-MF-1, R-MF-2, R-MF-3	R-MH, R-M	C-1.1	C-1.2	C-1.3	C-1.4	C-2	I-1, I-2	I-3	A	B-1, B-2	POS - C- RV
Accessory residential	P	P		P	P	P	P		S	S	P		
Administrative and business offices, community-scaled					P	P	P		P	P			
Administrative and business offices, regional-scaled						P	P		P	P			
Adult uses/materials						S	P		P	P			
Agricultural sales and services					P	P	P		P	P	P		
Airport (See: Private landing strips also)											P		
Amusement arcade					P	P	P		P				
Animal kennels					P	P	P		P	P	P		
Animal production											P	P	
Animal sales and services, general							S		P	P	P		
Animal sales and services, limited					P	P	P		P	P	P		
Apartments (See: Residential/multiple-family)				P	P								
Aquaculture									P (I-2 only)	P	P		
Arts and crafts studio				P	P	P	P		P	P			
Auto salvage yard (See: Junkyard)													
Automobile and equipment repair						P	P		P	P			
Automobile sales and rentals, community-scaled					P	P	P		P	P			
Automobile sales and rentals, regional-scaled						P	P		P	P			

Automotive, fuel station					P	P	P	P	P		
Automotive service station					P	P	P	P	P		
Bar (See: Tavern, bar or lounge)											
Bed and breakfast	P						S	P	P		
Business support services						P	P	P	P		
Business or trade school							S	P			
Campground											P
Car wash					P	P	P	P	P		
Cemetery	P						S	P	P	P	
Church, religious assembly	P	P	P	P	P	P	P	P	P	P	P
Club or lodge, private				P	P	P	P	P	P		
Coal storage								P (I-2 only)	P		
College and university facilities						P	P	P			
Commercial, seasonal outdoor	S (R-SF-1, R-SF-2, and R-SF-3 only)			S	S	S	S	S	S	S	
Communication services						P	P	P	P		
Communications towers					P	P	P	P	P	P	
Concrete crusher									P		
Concrete statues, handiwork						P	P	P	P		
Condominium (See: Residential/condominium)											
Congregate housing				S	S	S	S	S	S		
Construction materials plants								P (I-2 only)	P		
Construction sales and services						P	P	P	P		

Consumer repair services					P	P		P		P	P		
Cultural services				P	P	P		P		P	P		
Day care centers, preschools, nursery schools	P	P	P	P	P	P		P		P	P	P	
Dormitory						P		P		P			
Duplex (See: Residential/duplex)													
Exterminating services						P		P		P	P		
Farms					P	P		P		P	P	P	P
Financial services					P	P		P		P	P		
Food sales				P	P	P		P		P	P		
Fraternity/sorority residence						P		P		P			
Funeral home					P	P		P		P	P		
Garden center				P	P	P		P		P	P		
Group home for the handicapped	P	S	S	S	S	S		S	S	P	S	S	S
Guesthouse	P											P	
Home occupation	P							S		P	P	P	
Hospital, general						P		P		P	P		
Hotel/motel						P		P		P	P		
Industrial, heavy												P	
Industrial, moderate												P (I-2 P only)	
Industrial, light								S		P	P		
Injection wells												S	
Junkyard												S (I-2 P only)	
Landfarm													
Landfill, sanitary													
Laundry services, coin-operated				P	P	P		P		P	P		

Nuclear waste or storage														
Nursery plant				P	P	P	P		P	P	P			
Nursing home		P						S	P	P				
Packing and processing, general						P		P	P	P				
Packing and processing, limited						P		P	P	P				
Parking facilities					P	P		P	P	P	P			
Personal services				P	P	P		P	P	P				
Port facilities						P		P	P	P	P	P (B-2 only)		
Postal and parcel delivery services	S	S		P	P	P		P	P	P	S			
Private landing strips						P		P	P	P				
Public safety services	S	S		P	P	P		P	P	P	S			
Recreation, commercial outdoor sports				P	P	P		P	P	P				
Recreation, outdoor entertainment						P		P	P	P				
Recreation, community	P			P	P	P		P	P	P				
Recreation, indoor entertainment	S	S	S	S	P	P		P						
Recreation, indoor sports				P	P	P		P	P	P				
Recycling facilities												P (I-2 P only)		
Research services, hazardous								S	P	P				
Residential/condominium and townhouse residential		P		P	P	P		P	S					
Residential/duplex residential				P	P	P		P	S					
Residential/mobile home park			P (R-MH only)											
Residential/mobile home residential			P	P	P	P		P	S		P			

Residential/multiple-family residential		P		P	P	P	P	S				
Residential/single-family residential	P		P (R-M only)	P	P	P	P	S		P		
Residential/townhouse residential		P		P	P	P	P	S		S		
Residential/two-family residential	P (R-2F only)			P	P	P	P	S		S		
Resource extraction	S	S		P	P	P	P	P	P	P	P	P
Restaurants, drive-in					P	P	P	P	P	P		
Restaurants, fast food					P	P	P	P	P	P		
Restaurants, outdoor fast food	S	S	S	S	P	P	P					
Restaurants, sit-down					P	P	P	P	P	P		
Retail sales, convenience				P	P	P	P	P	P	P		
Retail sales, general					P	P	P	P	P	P		
Riverboat casinos								S	S		S (B-1); P (B-2)	
Schools, public and private primary and middle educational facilities	P	P	P	P	P	P	P	P	P	P	P	P
Schools, public and private secondary educational facilities	P	P	P	P	P	P	P	P	P	P	P	P
Schools, vocational-technical, trade or industrial				P	P	P	P	P	P	P		
Shopping center, neighborhood				P	P	P	P	P	P	P		
Shopping center, major						P	P	P	P	P		
Tavern, bar or lounge					S	S	P	P	P	P		
Taxidermy	P							S	P	P	P	
Textile/garment manufacturing									P (I-2 only)	P		
Theater						P	P	P	P	P		

YEAS: 8 (Mes. Gordon, Fair, Messrs. Robertson, Kershaw, Porto, Mouch, Huggins, Loupe)
NAYS: 0 (None)
ABSENT: 1 (Mr. Spillman)

WHEREUPON the ordinance was declared adopted on the 23rd day of April, 2015.

ATTEST:


Michelle Tullier, Council Clerk

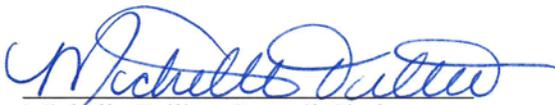
CERTIFICATE

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 23rd day of April, 2015.

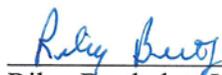
I further certify that the above and foregoing ordinance was submitted to the Parish President at 11:20 o'clock AM on the 24th day of April, 2015.

IN FAITH WHEREOF witness my official signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana on the 24th 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 27th 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 10:40 o'clock AM on the 27th day of April, 2015.


Michelle Tullier, Council Clerk

Vice Chairman Huggins moved on to item#10 Consider status report, Change order and/or other matters as required on current projects, Mr. Kevin Gravois with Professional Engineering Consultants (PEC) was recognized and explained the details on the following bids which are recommended for approval:

10a) WBR 2015 Asphalt Streets Rehabilitation is recommended to be awarded to Barber Brothers Contracting Co., LLC with a total base bid of \$468,470.00, there were no questions at this time.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Phil Porto to accept the recommendation and award the aforementioned project to Barber Brothers Contracting Co. LLC for \$468,470.00.

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

YEAS: 7 (Messrs. Kershaw, Porto, Robertson, Loupe, Ms. Gordon, Messrs. Mouch, Ms. Fair)

NAYS: 0 (None)

ABSTAIN: 1 (Mr. Hughhins- who commented “my intent is to recuse myself and in the past our legal counsel has told me that the proper way to do that with this system is to abstain so that is my intention”)

ABSENT: 1 (Mr. Spillman)

As a result of the votes the motion was adopted.

Mr. Gravois moved on to item #10b) WBR 2015 Concrete Streets Rehabilitation and recommended it be awarded to Hard Rock Construction of Metairie, Louisiana with a total base bid of \$269,798.00, there were no questions at this time.

A motion was made by Mr. Randal Mouch, seconded by Ms. Charlene Gordon to accept this recommendation and award the aforementioned project to Hard Rock Construction for \$269,978.00.

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

YEAS: 8 (Messrs. Kershaw, Porto, Hughhins, Robertson, Loupe, Ms. Gordon, Messrs. Mouch, Ms. Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

As a result of the votes the motion was adopted.

Mr. Gravois moved on to item #10c) WBR Antonia Plantation Estates Drainage Improvements to concrete line drainage ditches, and recommended it to be awarded to Industrial Enterprises, Inc. of Baton Rouge, Louisiana with a total base bid (La. Hwy 1 Service Road to Golden Ridge Street) of \$258,752.15, and Additive Alternate No. 1 bid (Golden Ridge Street to Missouri Drive) of \$165,029.55, the total for both is \$423,781.70, Mr. Phillip Bourgoyne spoke on behalf of administration and advised the council this project was bid out in two parts, however the administration would recommend going forward with both bids together. Mr. Phil Porto questioned Mr. Bourgoyne as to why this project was needed, and why were we concreting a ditch, President Berthelot responded and explained due to the size of the ditches in this subdivision the parish could not get in to maintain and help the drainage flow, he also noted in the future the parish will take a good look at future subdivision plans to make sure the drainage ditches are large enough to handle the water needed and large enough for the parish to maintain them with heavy equipment if needed.

A motion was made by Mr. Randal Mouch, seconded by Mr. Ricky Loupe to accept this recommendation and award the aforementioned project including both bids, to Industrial Enterprises, Inc. for a total of \$423,781.70.

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

YEAS: 8 (Messrs. Kershaw, Porto, Hughhins, Robertson, Loupe, Ms. Gordon, Messrs. Mouch, Ms. Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

As a result of the votes the motion was adopted.

Mr. Gravois was once again recognized under item #10d) WBR Winterville Water Closeout, he explained this project has been completed and presented the Certificate of Substantial Completion and Change Order No. 1 which included a contract decrease of \$6,049.46 and noted the contractor is Pointe Coupee Contractors, LLC of Ventress, Louisiana, there were no questions at this time.

A motion was made by Mr. Phil Porto, seconded by Mr. Randal Mouch to accept the Certificate of Substantial Completion from Pointe Coupee Contractors, LLC and Change Order No. 1 for a decrease of \$6,049.46.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

As a result of the votes the motion was adopted.

Mr. Huggins questioned Mr. Gravois about the bank erosion problems at Stumpy Bayou they had previously spoke about, Mr. Gravois stated there was a meeting setup for next week to discuss this.

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

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

Vice Chairman Huggins moved on to item #13b) Variance request for Kay Davis on Pecan Grove Rd, Mr. Kevin Durbin was recognized at this time and pointed out the location of the property and explained this was for an additional structure at this site, the site is 1,279 square feet short of having enough property to put a third residence, Mr. Durbin also noted the adjoining property owner to the south is Ms. Davis' daughter.

A motion was made by Mr. Barry Huggins, seconded by Mr. Phil Porto to approve the variance for Ms. Kay Davis to allow a third mobile home to be put on said property.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

As a result of the votes the motion was adopted.

Vice Chairman Huggins moved on to item#14 Beer and/or Liquor permits, Ms. Michelle Tullier Council Clerk was recognized and noted V's Smoker at 702 Lobdell Hwy Suite 3 had applied for a Class B Beer & Liquor permit due to a change in ownership.

A motion was made by Mr. Phil Porto, seconded by Mr. Ricky Loupe to approve the 2015 Beer and/or Liquor permit for V's Smoker, 702 Lobdell Hwy., Suite 3, Port Allen, La, 70767, as same has met all requirements in accordance with the Compiled Ordinances, West Baton Rouge Parish, Louisiana, Chapter 6 Alcoholic Beverages.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Spillman)

As a result of the votes the motion was adopted.

Council Clerk Michelle Tullier was recognized under Correspondence Report and noted the next meeting of the WBR Planning & Zoning Commission of May 5th 2015 has been cancelled due to clear agenda.

There being no further business, a motion to adjourn was made by Ms. Charlene Gordon and adopted by acclamation at 7:08pm.

/s/ Barry Huggins
Barry Huggins, Vice Council Chairman


Michelle Tullier, Council Clerk