

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING—FEBRUARY 12, 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, February 12, 2015 and called to order at 6:31pm. Council Chairman Gary Spillman requested that all electronic devices be placed on silent and recognized Mr. Ricky Loupe, 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, Jason Manola, Executive Assistant, Phillip Bourgoyne, Director of Finance and Michelle Tullier, Clerk of Council.

A motion was made by Mr. Mouch, seconded by Ms. Gordon to approve the minutes of the January 22, 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

There were no amendments to the agenda at this time.

Chairman Spillman recognized Parish President Berthelot at this time under item#6 Parish President Report. President Berthelot started out by notifying the council that Off Track Betting would be closing its doors on March 6th 2015. President Berthelot also spoke on the following items:

- Visiting the weather station in Slidell, Louisiana as part of being a Storm Ready Parish
- Visiting with Dow at the New Ochnser Facility in Plaquemine
- Status of projects for Dow being postponed due to oil prices
- Record month for revenue collections, but noted this would not continue
- Met with Charlene Gordon, Mayor Richard Lee, Rosie Roche & Brandon Brown on possibility of YMCA summer program at William & Lee Park

Ms. Charlene Gordon spoke on the programs currently being worked on for the William & Lee Park for June & July, including golf, swimming lessons & softball along with transportation once a week for some surrounding areas. Ms. Gordon noted that extra funding would be needed, and asked for the council’s support of this program.

President Berthelot continued with his report with a short presentation regarding a project on North Line Rd that is being looked into along with Commissioner Mike Strain and The Port of Greater Baton Rouge; this would include a connector road from North Line road to American Way. This project would create an alternate route for businesses on

North Line Rd. and in the Port, due to the increase of train traffic concerns resulting from the railroad expansion project going on.

Mr. Rawlston Phillips spoke shortly on the concern of those who will be impacted by longer trains coming through this area and what would happen if there were an emergency blocked by access due to a train; he spoke on meeting with Commissioner Mike Strain and discussing possible funding of approximately 1 to 2 million dollars and options for a project to help with these concerns; he stressed that anyone developing in the future try and make sure of the connectivity for alternate ways out, due to the anticipated increase in train activity. Mr. Ricky Loupe & Mr. Phil Porto both spoke as to the concerns of taking our eyes off of the connector. Mr. Spillman & Mr. Loupe asked if there may be another way to tie back into LA 1 instead of using American Way; this is a possibility per President Berthelot. Mr. Spillman made a comment on the record to clarify that this is not a road to help with traffic concerns, it is to give those working on North Line Rd. and in the Port a way to get out in case of a train blocking this access; however this option would be able to eventually tie in to the 415 Connector.

President Berthelot informed the council of the declaration of Extreme Emergency declared earlier this week due to the UPS emergency backup power supply system going down in our 911 office, he stated that we currently have 3 quotes all under 30,000 dollars each.

Chairman Spillman at this time asked if anyone wanted to speak under item #7 Public Comments, Mr. Evan Cooper spoke on receiving a letter to remove movables off of a parish servitude; Mr. Cooper is asking the following questions. Who made the complaint, a legal opinion as to if the servitudes exist or do not exist, an email response from Mr. Durbin on a previous request, as well as the authority that states he cannot put movables on a parish servitude. Mr. Durbin asked for this request in writing and Mr. Cooper stated he would resend that request. The remainder of the questions could not be answered tonight, per Mr. Porto a meeting will be setup to address the questions of Mr. Cooper.

Mr. Phil Porto was recognized under Item #8 and noted a comment on the record from Mr. Aguillard thanking the Parish for their help resolving drainage concerns/issues he had.

Ms. Naomi Fair was recognized and noted that Mr. Howard Johnson stopped her and requested speed bumps for Lukeville Extension, at this time she explained she would follow up with the planning & zoning office to start this process.

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 WestPort Investment, LLC, located at 2524 Commercial Dr. Port Allen, La. Designated as Tract G-3-C-2-B-3 containing 34.157 acres rezoning from C-1.3 (Regional Scaled Commercial) to I-2 (Moderate Industrial). Mr. Kevin Durbin confirmed the Zoning Commission recommended approval 2/3/2015 & put the parcel on the projector for review.

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 Edward Robertson, seconded by Chris Kershaw

ORDINANCE 5 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 for Westport Investment, LLC, located at 2524 Commercial Dr. Port Allen, La. designated as Tract G-3-C-2-B-3 Containing 34.157 acres in Section 93, T7S R12E from C-1.3 (Regional-Scaled Commercial) to I-2 (Moderate Industrial).

THEREFORE BE IT ORDAINED by the West Baton Rouge Parish Council that this ordinance shall be com 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 (Messrs. Porto, Kershaw, Loupe, Spillman, Mouch, Robertson, Huggins, Mses. Fair, Gordon)

NAYS: 0 (None)

ABSENT: 0 (None)

WHEREUPON the ordinance was adopted on the 12th day of February, 2015.

ATTEST:

/s/Michelle Tullier
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 12th day of February, 2015.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:45 o'clock AM on the 12th day of February, 2015.

IN FAITH WHEREOF, witness my signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana, on this 12th day of February, 2015.

/s/Michelle Tullier
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 19th day of February, 2015.

/s/Riley Berthelot
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 12:00 o’clock PM on the 19th day of February, 2015.

/s/Michelle Tullier
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 the rezoning request of La Lobsters, located at 2427 Sun Plus Parkway, Port Allen, La. Designated as 500+ acres on the Westside of La. Hwy 1, requesting a Special Use Permit for Residential within I-2 (Moderate Industrial). Mr. Durbin confirmed the Zoning Commission recommended approval 2/3/2015 with special conditions for this Special Use Permit as follows:

- 1) Permit is good for only such time as the property is used exclusively for farming;
- 2) The permitted dwelling can only be a mobile home;
- 3) Residents in this mobile home will be restricted only to farm-workers in his employ.

Mr. Rawlston Phillips and Mr. Eric Searcy were recognized and explained the need for this Permit was to apply for an H2A permit for temporary workers to be able to stay on site for various business/safety reasons while employed with his company. There were no other comments from the public at this time and 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 Ms. Charlene Gordon, seconded by Mr.Phil Porto

ORDINANCE NO. 6 OF 2015

AN ORDINANCE TO AMEND 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 La Lobsters, 2427 Sun Plus Parkway, Port Allen, La., designated as 500+ acres in Sections 70,71,72,73,95,96,97 & 98 T7S, R12E, West side of La. Highway 1, Special Use Permit

to allow Residential within I-2 (Moderate Industrial District), contingent upon the following stipulations:

- 1) Permit is good for only such time as the property is used exclusively for farming;
- 2) The permitted dwelling can only be a mobile home;
- 3) Residents in this mobile home will be restricted only to farm-workers in his employ.

THEREFORE BE IT ORDAINED by the West Baton Rouge Parish Council that this ordinance shall be com 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 (Messrs. Porto, Kershaw, Loupe, Spillman, Mouch, Robertson, Huggins, Mses. Fair, Gordon)

NAYS: 0 (None)

ABSENT: 0 (None)

WHEREUPON the ordinance was adopted on the 12th day of February, 2015.

ATTEST:

/s/ Michelle Tullier
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 12th day of February, 2015.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:45 o'clock AM on the 12th day of February, 2015.

IN FAITH WHEREOF, witness my signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana, on this 12th day of February, 2015.

/s/Michelle Tullier
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 19th day of February, 2015.

/s/Riley Berthelot
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 12:00 o'clock PM on the 19th day of February, 2015.

/s/Michelle Tullier
Michelle Tullier, Council Clerk

Chairman Spillman recognized Mr. Durbin under item #9c rezoning request for Allen Herring and Joseph Gaudin, 1024 West Acadian Bayou Lane, Port Allen, La. Designated as Tracts CJ-5C and CJ-6 containing 7.21 acres and 20.0 acres., requesting rezoning from R-SF-3 to AG (Agricultural). Mr. Durbin confirmed that this item had been tabled by the Planning Commission on 2/3/2015 in lieu of how to proceed; Parish Attorney Mr. Lou Delahaye was asked to comment on this item as to whether or not any action should take place; per Mr. Delahaye no action or public hearing in his opinion should take place at this time. After further discussion and clarification it was decided at this time by the council to re-advertise the Public Hearing and table the item for the March 12, 2015 meeting.

A motion was made by Mr. Porto, seconded by Mr. Huggins to table this item until the meeting of March 12, 2015.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the roll call vote the motion was unanimously adopted.

Chairman Spillman recognized Finance Director Phillip Bourgoyne under Item #9d Ordinance adopting the 2014 yearend adjustments to an Operating Budget of Revenues and Expenditures for the Fiscal Year beginning January 1, 2014 and ending December 31, 2014. Mr. Bourgoyne explained the handout which was presented at the last council meeting and asked if there were any questions from the council, there were no questions at this time.

Chairman Spillman announced the Public Hearing was in order at this time and all interested persons were invited to appear and be heard on aforementioned item. 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. Barry Huggins, seconded by Mr. Randal Mouch

ORDINANCE 8 OF 2015

AN ORDINANCE ADOPTING THE 2014 YEAR END ADJUSTMENTS 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 year-end adjustments to estimate of 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 said period.

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

SECTION 3: The adoption of these 2014 year-end adjustments 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 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 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 application 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 (Messrs. Porto, Kershaw, Loupe, Spillman, Mouch, Robertson, Huggins, Mses. Fair, Gordon)

NAYS: 0 (None)

ABSENT: 0 (None)

WHEREUPON the ordinance was declared adopted on the 12th day of February, 2015.

ATTEST:

/s/ Michelle Tullier
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 12th day of February, 2015.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:45 o'clock AM on the 12th day of February, 2015.

IN FAITH WHEREOF, witness my signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana, on this 12th day of February, 2015.

/s/Michelle Tullier
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 19th day of February, 2015.

/s/Riley Berthelot
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 12:00 o'clock PM on the 19th day of February, 2015.

/s/ Michelle Tullier
Michelle Tullier, Council Clerk

Executive Assistant Jason Manola was recognized under item #10 and covered the following items:

- Lobdell/Benedetto Lane area Drainage study starting shortly
 - Joint Levee Trails Extension project overlay to begin
 - Lobdell Sewer project field work for survey is complete, awaiting final survey report
- *****

Chairman Spillman recognized President Berthelot on Item #11a. A resolution to authorize the Parish President to sign an agreement allowing the City of Walker to ride on the existing WBR Parish GIS contract with Environmental Science Services Inc. President Berthelot briefly explained the reason for this request, there were no further questions at this time. Said Resolution appears elsewhere in these minutes.

A Motion was made by Mr. Randal Mouch, seconded by Mr. Ricky Loupe to allow the Parish President to sign letter agreement as aforementioned.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the roll call vote the motion was unanimously adopted.

The following resolution was offered by Mr. Randal Mouch, seconded by Mr. Ricky Loupe

RESOLUTION 6 OF 2015

A Resolution authorizing the Parish President to sign letter agreement with the City of Walker, Louisiana in order to allow them to ride on the West Baton Rouge Parish existing GIS contract with Environmental Science Services Inc.

WHEREAS, the West Baton Rouge Parish Council will authorize the Parish President to sign said agreement, with City of Walker taking all liability and cost for the work Environmental Science Services Inc. is required to do.

WHEREAS, the City of Walker will concur by signing said agreement.

WHEREAS, the West Baton Rouge Parish Council feels said agreement is in the best interest of the citizens of West Baton Rouge.

NOW THEREFORE BE IT RESOLVED, West Baton Rouge Parish Council does hereby authorize the Parish President to sign the letter agreement with the City of Walker; allowing the City of Walker to ride on the existing GIS contract of The West Baton Rouge Parish Council with Environmental Science Services Inc.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the resolution was unanimously adopted.

CERTIFICATE

I, Michelle Tullier, 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 February 12, 2015 at which meeting a majority of the members were present and voting.

/s/ Michelle Tullier

Michelle Tullier, Council Clerk

Chairman Spillman read by title the below proposed ordinances being introduced and publicized by title, and considered for adoption following a public hearing on the specified meeting date, at 6:30pm in the Council Meeting Room, 880 North Alexander Avenue, Port Allen, La.:

Rezoning request for Kevin Taylor, located at 3822 Hwy 1 North, Port Allen, La., designated as Lot 1-B 1.88 acres known as Track H-1-A-2-A Belair Industrial Park Section 49.T6S, R12E, Southeastern Land District, West Baton Rouge Parish from I-1 (Light Industrial) to I-2 (Moderate Industrial). Public Hearing March 26, 2015.

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 prohibit the further creation of “flag lots”. Public Hearing February 26, 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. Public Hearing March 26, 2015.

Mr. Kevin Durbin was recognized at this time, with an Annual Report for the Office of Community Planning & Development for the year 2014. The following items were covered:

Plats up slightly from 34ea in 2013 to 37ea in 2014

Rezoning down from 18ea in 2013 to 15ea in 2014

Building permits up from 540ea in 2013, to 590 in 2014

Re-adoption of Flood Maps

Staff updates, Transfer of Ms. Michelle Tullier to Council Clerk, Promotion of Ms. Kaci Daigle & Welcoming of new hire Ms. Mallorie Davis

Mr. Spillman commented on the wonderful job that said ladies have been doing and thanked Mr. Durbin for his report.

Mr. Cletus Langlois, with Patin Engineers was introduced to represent the final plat approval for Hunters Pointe Preserve, he briefly explained the status of this project; Mr. Langlois requested approval for this final plat with a stipulation that no lots will be sold until the Permit from the Army Corp of Engineers has been received. There were no other comments from the public at this time and no written protests opposing the ordinance were received. The Council Chairman at this point declared the Public Hearing concluded, and opened up discussion to the council.

Mr. Kershaw clarified that the parish would have no responsibility for the two ponds in the front of said subdivision, per Mr. Langlois the Parish has no responsibility for the two front ponds as well as the rear pond; Mr. Langlois made a comment on the record of the agreement between Mr. Jason Safford and President Berthelot that Lot #26 will be held from being sold to the public, in case the Parish has need for it in the future. Mr. Spillman made further clarification on who owns the drainage servitudes around the subdivision.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Ricky Loupe to approve this final plat contingent upon Hunters Pointe Preserve receiving the aforementioned permit and a final drainage tie in inspection being done.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the roll call vote the motion was unanimously adopted.

Chairman Spillman at this time recognized Mr. Durbin under Item #13c, who briefly explained the variance request of Mr. Allen Herring at 1024 W. Acadian Bayou Lane, Port Allen, La; Mr. Allen Herring was recognized and requested a 60 day delay in this variance to try and come to an agreement with the opposition.

A motion was made by Mr. Barry Hughhins, seconded by Ms. Charlene Gordon to table this item for 60 days.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the roll call vote the motion was unanimously adopted.

Mr. Hughhins made a brief statement to Mr. Herring stating that he would help in any way that he could to try and resolve this issue.

Chairman Spillman at this time recognized Jim Ryan under Item#14a- An Ordinance directing the renewal of the levy and collection of: (i) a 10-year, 4.1 mill ad valorem tax for maintenance, operation and capital expenditures necessary for the West Baton Rouge Parish Library and its branches; (ii) a 10-year, 7.2 mill ad valorem tax for maintenance, operation and capital expenditures necessary for the drainage works within and for the Parish; and (iii) a 10-year, 5 mill ad valorem tax for acquiring, constructing, improving, operating and/or maintaining recreational facilities and programs in and for the Parish. The Public Hearing was in order at this time and all interested persons were invited to appear and be heard on aforementioned item.

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 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, February 12, 2015, at 6:30 p.m., with the following members present:

	<u>Present</u>	<u>Absent</u>
Gary Spillman, District VII, Chairman	X	
Barry Hughhins, 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 Parish President Riley Berthelot, Executive Assistant Jason Manola, Director of Finance Phillip Bourgoyne & Council Clerk Michelle Tullier.

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 7 OF 2015

The following ordinance having been introduced at a meeting held on January 8, 2015, notice of its introduction having been published in the official journal and a public hearing having been held thereon, was offered by Mr. Randal Mouch, seconded by Mr. Ricky Loupe, and adopted with the following vote:

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

And the ordinance provides as follows:

An Ordinance directing the renewal of the levy and collection of: (i) a 10-year, 4.1 mill ad valorem tax for maintenance, operation and capital expenditures necessary for the West Baton Rouge Parish Library and its branches; (ii) a 10-year, 7.2 mill ad valorem tax for maintenance, operation and capital expenditures necessary for the drainage works within and for the Parish; and (iii) a 10-year, 5 mill ad valorem tax for acquiring, constructing, improving, operating and/or maintaining recreational facilities and programs in and for the Parish.

WHEREAS, under the provisions of Article VI, Section 30 of the Constitution of the State of Louisiana of 1974, as amended, and other constitutional and statutory authority supplemental thereto, including an election held in the Parish of West Baton Rouge, State of Louisiana (the “Parish”) on November 4, 2014, the Parish Council of the Parish of West Baton Rouge, State of Louisiana (the “Governing Authority”), acting as the governing authority of the Parish of West Baton Rouge, State of Louisiana, desires to renew the levy and collection of the ad valorem taxes as authorized at the election by virtue of the favorable passages of the propositions attached hereto as Schedule A setting forth the rates and duration of the taxes; and

WHEREAS, in compliance with the provisions of said authority and other applicable constitutional and statutory authority, an election was held in the Parish on Tuesday, November 4, 2014, to authorize the renewal of the levy and collection of ad valorem taxes, it is now the desire of this Parish to renew the levy of the ad valorem taxes and to provide for the collection thereof and other matters in connection therewith as hereinafter provided in this Ordinance.

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 Parish, that:

SECTION 1. Pursuant to the authority of an election held in the Parish on November 4, 2014, there be and there is hereby levied within the geographic boundaries of the Parish for the purposes stated in the propositions attached hereto as Schedule A (i) an ad valorem tax of 4.1 mills on the dollar of assessed valuation of all property subject to taxation in the Parish, beginning with the year 2016 and ending with the year 2025, to

be dedicated and used for the purpose of maintenance, operation and capital expenditures necessary for the West Baton Rouge Parish Library and its branches; (ii) an ad valorem tax of 7.2 mills on the dollar of assessed valuation of all property subject to taxation in the Parish, beginning with the year 2016 and ending with the year 2025, to be dedicated and used for the purpose of maintenance, operation and capital expenditures necessary for the drainage works within and for the Parish; and (iii) an ad valorem tax of 5 mills on the dollar of assessed valuation of all property subject to taxation in the Parish, beginning with the year 2015 and ending with the year 2024, to be dedicated and used for the purpose of acquiring, constructing, improving, operating and/or maintaining recreational facilities and programs in and for the Parish.

SECTION 2. That the ad valorem taxes described in Section 1 above shall be levied, assessed, imposed, collected, paid and enforced according to law.

SECTION 3. The obligations and rights of taxpayers in connection with the ad valorem taxes levied hereby shall be as provided taxpayers by the provisions of law applicable to ad valorem taxes levied by the Parish.

SECTION 4. If any one or more of the provisions of this Ordinance shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Ordinance, but this Ordinance shall be construed and enforced as if such illegal or invalid provisions had not been contained herein. Any constitutional or statutory provision enacted after the date of this Ordinance which validates or makes legal any provision of this Ordinance which would not otherwise be valid or legal, shall be deemed to apply to this Ordinance.

SECTION 5. Upon adoption, this Ordinance shall be published in full in one (1) issue of the *West Side Journal* and shall be recorded in the mortgage records of the West Baton Rouge Parish Clerk of Court.

SECTION 6. The Chairman of the Council be and he is hereby authorized, empowered and directed to take any and all such action as may be necessary to carry into effect the provisions of this Ordinance.

SECTION 7. This Ordinance shall immediately take effect upon adoption.

And the Ordinance was declared adopted on this, the 12th day of February, 2015.

/s/ Gary Spillman
Gary Spillman, Council Chairman

ATTEST:

/s/ Michelle Tullier
Michelle Tullier, Council Clerk

SCHEDULE A

PROPOSITION NO. 1
(TAX RENEWAL) – LIBRARY

Shall the Parish of West Baton Rouge, State of Louisiana (the “Parish”) be authorized to renew the levy and collection of a 4.1 mill tax on all the property subject to taxation in the Parish (an estimated \$1,507,000 reasonably expected at this time to be collected from the levy of the tax for

an entire year), for a period of ten (10) years, beginning with the year 2016 and ending with the year 2025, for the purpose of maintenance, operation and capital expenditures necessary for the West Baton Rouge Parish Library and its branches?

PROPOSITION NO. 2
(TAX RENEWAL) – DRAINAGE

Shall the Parish of West Baton Rouge, State of Louisiana (the “Parish”) be authorized to renew the levy and collection of a 7.2 mill tax on all the property subject to taxation in the Parish (an estimated \$2,646,000 reasonably expected at this time to be collected from the levy of the tax for an entire year), for a period of ten (10) years, beginning with the year 2016 and ending with the year 2025, for the purpose of maintenance, operation and capital expenditures necessary for the drainage works within and for the Parish?

PROPOSITION NO. 3
(TAX RENEWAL) – RECREATIONAL FACILITIES

Shall the Parish of West Baton Rouge, State of Louisiana (the “Parish”) be authorized to renew the levy and collection of a 5 mill tax on all the property subject to taxation in the Parish (an estimated \$1,831,252 reasonably expected at this time to be collected from the levy of the tax for an entire year), for a period of ten (10) years, beginning with the year 2015 and ending with the year 2024, for the purpose of acquiring, constructing, improving, operating and/or maintaining recreational facilities and programs in and for the Parish?

STATE OF LOUISIANA

PARISH OF WEST BATON ROUGE

I, the undersigned Clerk of the Parish Council of the Parish of West Baton Rouge, State of Louisiana, do hereby certify that the foregoing constitutes a true and correct copy of an ordinance directing the renewal of the levy and collection of: (i) a 10-year, 4.1 mill ad valorem tax for maintenance, operation and capital expenditures necessary for the West Baton Rouge Parish Library and its branches; (ii) a 10-year, 7.2 mill ad valorem tax for maintenance, operation and capital expenditures necessary for the drainage works within and for the Parish; and (iii) a 10-year, 5 mill ad valorem tax for acquiring, constructing, improving, operating and/or maintaining recreational facilities and programs in and for the Parish.

IN FAITH WHEREOF, witness my official signature and impress of the official seal of said Parish at Port Allen, Louisiana, on this, the 12th day of February, 2015.

/s/ Michelle Tullier
Michelle Tullier, Council Clerk

Mr. Ryan was again recognized under Item#15- A Resolution authorizing the Parish of West Baton Rouge, State of Louisiana to proceed with the issuance of not to exceed One Million Two Hundred Twenty-Five Thousand Dollars (\$1,225,000) of Revenue

Refunding Bonds, of the Parish of West Baton Rouge, State of Louisiana; providing certain terms of said bonds; making application to the State Bond Commission for approval of said Bonds; appointing Bond Counsel, Financial Advisor and Underwriter/Placement Agent; and providing for other matters in connection therewith. Mr. Ryan clarified the purpose and process of the bond as well as the Bond Commission; multiple questions for clarification were answered on the savings the Parish could receive.

A motion was made by Mr. Randal Mouch, seconded by Mr. Ricky Loupe to approve said Resolution.

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, February 12, 2015, at 6:30 p.m., with the following members present:

	<u>Present</u>	<u>Absent</u>
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 Parish President Riley Berthelot, Executive Assistant Jason Manola, Director of Finance Phillip Bourgoyne & Council Clerk Michelle Tullier.

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.]

RESOLUTION 7 OF 2015

The following resolution was offered by Mr. Randal Mouch, seconded by Mr. Ricky Loupe, and adopted with the following vote:

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

NAYS: 0 (None)

ABSENT: 0 (None)

And the Resolution provides as follows:

A Resolution authorizing the Parish of West Baton Rouge, State of Louisiana to proceed with the issuance of not to exceed One

Million Two Hundred Twenty-Five Thousand Dollars (\$1,225,000) of Revenue Refunding Bonds, of the Parish of West Baton Rouge, State of Louisiana; providing certain terms of said bonds; making application to the State Bond Commission for approval of said Bonds; appointing Bond Counsel, Financial Advisor and Underwriter/Placement 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), 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 (collectively, the “Act”) and other constitutional and statutory authority, through the issuance of its refunding bonds; and

WHEREAS, pursuant to the Act, and subject to the approval of the State Bond Commission, the Issuer desires to accomplish the refunding through the issuance of not to exceed \$1,225,000 of its Revenue Refunding Bonds (the “Refunding Bonds”), to be secured by and payable from 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 (“Unrestricted Revenues”); and

WHEREAS, the Refunding Bonds will be issued on a parity with the Issuer’s obligations pursuant to the 2006 Loan Agreement relating to those Series 2006 Bonds that are not refunded by the Refunding Bonds (the “Unrefunded Series 2006 Bonds”);

WHEREAS, pursuant to the Act, it is now the desire of the Issuer to adopt this Resolution giving preliminary approval for the issuance of the Refunding Bonds for the purposes of (i) refunding all or a portion of the Series 2006 Bonds; (ii) funding a reserve fund, if necessary; and (iii) paying costs of issuance of the Refunding Bonds; and

WHEREAS, the Issuer desires to authorize the filing of an application with the Louisiana State Bond Commission (the “Commission”) requesting that the Commission grant approval to the issuance of the Refunding Bonds in accordance with the Act; and

WHEREAS, the Issuer recognizes, finds and determines that a real necessity exists for the employment of Bond Counsel, Financial Advisor and Underwriter/Placement Agent; and

NOW, THEREFORE, BE IT RESOLVED by the Parish Council of the Parish of West Baton Rouge, State of Louisiana, acting as the governing authority of the Parish of West Baton Rouge, State of Louisiana, that:

SECTION 1. Authorization. Pursuant to the provisions of the Act, the Issuer does hereby authorize the issuance of not exceeding \$1,225,000 of Revenue Refunding Bonds, of the Parish of West Baton Rouge, State of Louisiana. The form and details of the Refunding Bonds, the exact principal amounts and interest rates thereof shall be established pursuant to a subsequent ordinance of the Issuer, provided that the interest rate on the Refunding Bonds will not exceed five percent (5.00%) per annum. The Refunding Bonds will have a final maturity date no later than August 1, 2036. The Refunding Bonds will be issued only as fully registered bonds, in minimum denominations of no less than \$5,000. The Refunding Bonds will be secured by and payable from Unrestricted Revenues, on a parity with the Unrefunded Series 2006 Bonds, and will be sold at private sale in accordance with the provisions of the Act.

SECTION 2. Employment of Bond Counsel. A real necessity is hereby found for the employment of special counsel in connection with the issuance of the Refunding Bonds, and accordingly Butler Snow LLP, Bond Counsel, is hereby employed and requested to do and perform comprehensive legal and coordinate professional work with respect to the issuance of the aforesaid bonds of the Issuer for the purposes stated hereinabove. Said Bond Counsel shall prepare and submit to this Governing Authority for adoption all of the proceedings incidental to the authorization, issuance, sale and delivery of the bonds, shall counsel and advise this Governing Authority as to the issuance and sale of the bonds, and shall furnish their opinion covering the legality of the issuance thereof. The fee of special bond counsel in connection with the issuance of the aforesaid bonds of the Issuer is hereby fixed at a sum not to exceed the maximum fee allowed by the Attorney General's fee guidelines for comprehensive legal and coordinate professional services in the issuance of bonds, based on the amount of said bonds actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses. Bond Counsel fees may be paid from the proceeds of the Refunding Bonds and shall be contingent upon the issuance, sale and delivery of said bonds. A certified copy of this Resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fee herein designated. No compensation will be due unless and until the Refunding Bonds are delivered.

SECTION 3. Employment of Financial Advisor. A real necessity is hereby found for the employment of a financial advisor to the Governing Authority in connection with the issuance of the aforesaid bonds and therefore the firm of Government Consultants, Inc. is hereby engaged. The fee to be paid for such services may be paid from the proceeds of the Refunding Bonds and shall be in an amount agreed to by the Governing Authority. No compensation will be due unless and until the Refunding Bonds are delivered.

SECTION 4. Designation of Underwriter/Placement Agent. Crews & Associates, Inc. is hereby designated as Underwriter/Placement Agent in connection with the issuance, sale and delivery of the Refunding Bonds.

SECTION 5. State Bond Commission. Application is hereby made to the State Bond Commission, Baton Rouge, Louisiana (the "Commission"), for approval of the issuance and sale of the Refunding Bonds and for consent and authority to proceed with the issuance and sale of the Refunding Bonds as provided above, and Bond Counsel is directed to make application to the Commission in accordance with the foregoing on behalf of the Issuer. By virtue of the Issuer's application for, acceptance and utilization

of the benefits of the Commission’s approval resolved and set forth herein, it resolves that it understands and agrees that such approval is expressly conditioned upon, and it further resolves that it understands, agrees and binds itself, its successors and assigns to, full and continuing compliance with the “State Bond Commission Policy on Approval of Proposed Use of Swaps, or other forms of Derivative Products Hedges, Etc.”, adopted by the Commission on July 20, 2006 (the “Policy”), as to the borrowing and other matters subject to the approval, including subsequent application and approval under said Policy of the implementation or use of any swap or other products or enhancements covered thereby.

SECTION 6. Prescriptive Period. A copy of this Resolution shall be published immediately after its adoption in one (1) issue of the official journal of the Issuer. For thirty (30) days after the date of publication, any person in interest may contest the legality of this Resolution, any provision of the Refunding Bonds, the provisions herein made for the security and payment of the Refunding Bonds and the validity of all other provisions and proceedings relating to the authorization and issuance of the Refunding Bonds. After the said thirty (30) days, no person shall have any cause of action to test the regularity, formality, legality, or effectiveness of this Resolution, and the provisions hereof, for any cause whatever. Thereafter, it shall be conclusively presumed that every legal requirement for the issuance of the Refunding Bonds has been compiled with. No court shall have the authority to inquire into any of these matters after the said thirty (30) days.

SECTION 7. Authorized Officers. The Parish President and the Chairman of the Governing Authority are hereby authorized, empowered and directed to execute such documents, certificates and instruments as they may deem necessary to effect the transactions contemplated by this resolution.

SECTION 8. Effective Date. This Resolution shall become effective immediately.

The foregoing Resolution was adopted on the 12th day of February, 2015.

/s/ Michelle Tullier

Michelle Tullier, Council Clerk

/s/ Gary Spillman

Gary Spillman, Council Chairman

STATE OF LOUISIANA

PARISH OF WEST BATON ROUGE

I, the undersigned Clerk of the Parish of West Baton Rouge, State of Louisiana (the “Governing Authority”), acting as the governing authority of the Parish of West Baton Rouge, State of Louisiana (the “Issuer”), do hereby certify that the foregoing constitutes a true and correct copy of a Resolution adopted by the Issuer on February 12, 2015, authorizing the Parish of West Baton Rouge, State of Louisiana to proceed with the issuance of not to exceed One Million Two Hundred Twenty-Five Thousand Dollars (\$1,225,000) of Revenue Refunding Bonds, of the Parish of West Baton Rouge, State of Louisiana; providing certain terms of said bonds; making application to the State Bond Commission for approval of said Bonds; appointing Bond Counsel, Financial Advisor

and Underwriter/Placement Agent; and providing for other matters in connection therewith.

I further certify that this Resolution has not been amended or rescinded.

IN FAITH WHEREOF, witness my official signature and impress of the official seal of said Parish at Port Allen, Louisiana, on this, the 12th day of February, 2015.

/s/ Michelle Tullier
Michelle Tullier, Council Clerk

A motion was made at this time by Ms. Naomi Fair, seconded by Ms. Charlene Gordon to approve the 2015 Beer and/or Liquor Permit for NWE, LLC dba CK's Daiquiris, located at 4119 Highway 1 South, Port Allen, La, as same has met all requirements in accordance with the Compiled Ordinances, West Baton Rouge Parish, Louisiana, Chapter 6 Alcoholic Beverages.

Roll call vote on the motion was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the roll call vote the motion was unanimously adopted.

Council Clerk Michelle Tullier was recognized under Correspondence Report and noted the next meeting of the WBR Planning & Zoning Commission will be Wednesday, February 18, 2015 at 5:30PM, a copy of that meeting's agenda was placed in everyone's packets.

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

/s/ Gary Spillman
Gary M. Spillman, Council Chairman

/s/ Michelle Tullier
Michelle Z. Tullier, Council Clerk