

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING—FEBRUARY 26, 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 26, 2015 and called to order at 6:30pm. Council Chairman Gary Spillman requested that all electronic devices be placed on silent and recognized 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. Gary M. Spillman, Ricky Loupe, Randal Mouch & Ms. Naomi Fair

Also present were Riley Berthelot, Parish President and Michelle Tullier, Clerk of Council.

A motion was made by Mr. Mouch, seconded by Mr. Huggins to approve the minutes of the January 12, 2015 regular meeting.

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 #5 Consider any Amendments to the Agenda, there were two amendments at this time. A) Resolution 8 of 2015- Resolution in Memory of Mrs. Gladys Hightower and B) Blanchard Variance. There being no questions from the council.

A Motion was made by Mr. Barry Huggins, seconded by Mr. Phil Porto to amend tonight’s agenda to include aforementioned items.

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

Parish President Berthelot was recognized under item #6 Presentation of Proclamation.
President Berthelot read the Proclamation into the minutes of the meeting.

PROCLAMATION

Whereas, The week of March second through March Sixth has been designated as Severe Weather Awareness Week in Louisiana; and

Whereas, each year brings to us the potential for violent weather, the main goal of the awareness week is to promote severe weather

safety related to tornadoes, damaging thunderstorm winds and large hail; and

Whereas, West Baton Rouge Parish Homeland Security, the National Weather Service and the Federal Emergency Management Agency (FEMA) have joined together urging all citizens to prepare for the severe weather events and to educate themselves on safety strategies; and

Whereas, everyone is encouraged to review severe weather plans, including: knowledge of terminology such as Severe Thunderstorm and Tornado Watches and Warnings, making make sure you have a reliable means to receive severe weather information, and knowing the appropriate safety measures and sheltering you would take if Watches and Warnings are issued;

NOW, THEREFORE, I Riley L. Berthelot, Jr., President of West Baton Rouge Parish in full appreciation of public information and emergency preparedness do proclaim:

**March 2nd through March 6th
Severe Weather Awareness Week
in the Parish of West Baton Rouge**

in promotion of the safety and wellbeing of all citizens.

President Berthelot recognized Mr. Ken Graham with the National Weather Service whom made brief comments regarding Severe Weather Awareness weeks and Storm readiness. He made a few points regarding severe weather such as, have a plan , test your plan, weather radios, cell phone alerts etc; Wednesday, March 4th at 9:15am a test tornado warning will be sent out to everyone. Mr. Graham thanked the council and paid the highest regards to Deano Moran and Anthony Summers in the OEP office for their efforts, and in closing congratulated the Parish for being 1 of 17 parishes that is Storm Ready.

President Berthelot at this time introduced Brian McNabb with Senator Bill Cassidy's office to say a few words, Mr. McNabb thanked everyone for the invite and explained the status of Mr. Cassidy's office and extended assistance with any concerns in the future that his office could help with.

President Berthelot also noted a resignation has been received from Ms. Kathy Stuart with the WBR Chamber of Commerce, she will be going to work for Senator Cassidy in his Metairie office.

President Berthelot also, touched on a few draining items that are being taken care of in the parish. Mr. Spillman asked for the latest update on the law enforcement location near the Intracoastal Canal, per President Berthelot this job has been postponed until 3/8/2015 due mainly to the weather, in order to put down the needed gravel for this particular project.

Chairman Spillman at this time asked for any Public Comments, there were none at this time.

Chairman Spillman at this time moved on to item#9, Ms. Charlene Gordon was recognized and thanked Mr. Kevin Durbin for inviting her to attend the DOTD Meeting in regards to the Rosedale Road sidewalk project. Mr. Durbin did make a note that the anticipated date on this project is currently around mid-September.

Mr. Kershaw at this time made a comment on the record to Mr. McNabb, that we are requesting any help from his office that is possible pertaining to the traffic situation and commented "if the State nor EBR will give us help, we may need to go to federal offices,

we would like any help that we can get” per Mr. Kershaw. Mr. Kershaw went on the recognize the Brusly Wrestling team who once again has won the Wrestling State Title; they have won this title 11 of the last 12 years under Coach Jimmy Bible, with a total of 13 State Titles. He noted multiple wrestlers for having won individual state titles in their weight class. Mr. Kershaw in closing congratulated the Brusly Wrestling Team on their great success, with an ovation from the audience.

Mr. Spillman touched on an article in the paper recently titled, “Ten Fuel Trains a Year Could De-rail”, and he asked everyone keep this in mind when plans come in front of this council for roads that could be used as a way out in case of such an emergency.

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 for Lindon and Elizabeth Rivet Jr; 59460 Hwy 1148 Plaquemine, La 70764; Designated as Tract 1-B, located in Section 83, T8S, R12E, West Baton Rouge Parish and Section 61, T8S, R12E, Iberville Parish, Southeastern Land District, Rezoning from AG (Agricultural) to R-M (Residential Minor).

Mr. Kevin Durbin confirmed the Zoning Commission recommended approval 2/18/2015. 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. Ricky Loupe

ORDINANCE 9 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 Lindon and Elizabeth Rivet Jr; 59460 Hwy 1148 Plaquemine, La 70764; Designated as Tract 1-B, located in Section 83, T8S, R12E, West Baton Rouge Parish and Section 61, T8S, R12E, Iberville Parish, Southeastern Land District, Rezoning from AG (Agricultural) to R-M (Residential Minor)

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

NAYS: 0 (None)

ABSENT: 0 (None)

WHEREUPON the ordinance was adopted on the 26th 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 26th day of February, 2015.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 8:45 o'clock AM on the 3rd day of March, 2015.

IN FAITH WHEREOF, witness my signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana, on this 3rd day of March, 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 3rd day of March, 2015.

/s/Riley Berthelot Jr
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 11:20 o'clock AM on the 3rd day of March, 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 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".

Mr. Larry Johnson was recognized and asked for clarification on the actual wording of the Ordinance in question. Mr. Johnson noted he is not in favor of doing away with the flag lots, he went over reasons he believes flag lots need to be maybe tweaked but not done away with such as, the cost on the developer, as well as the need for lots which do not have the frontage needed by a minor. There being no further questions or comments from the public, no written protests opposing the ordinance were received. The Council Chairman at this point declared the Public Hearing concluded. Mr. Durbin was

recognized and noted that the Planning & Zoning Commission recommended not to do away with flag lots completely but to change the language from 15ft of road frontage to 50ft of road frontage.

A motion was made by Mr. Barry Huggins, seconded by Mr. Randal Mouch to approve said Ordinance to prohibit flag lots, with added language “except under the normal variance procedures” referencing Section 111.

A lengthy discussion was held between various Council persons regarding this ordinance, including Messrs. Porto, Huggins, Mouch, & Kershaw.

A Substitute Motion was made by Mr. Chris Kershaw, seconded by Mr. Ricky Loupe to amend the ordinance to allow flag lots with the additional language of 50ft road frontage.

Further discussion was held on flag lots including Messrs. Loupe, Spillman, President Berthelot, Messrs. Porto, Huggins, Mouch, Durbin covering a few issues on flag lots with pros and cons, some of those issues covered were, utilities, road frontage, road standards, fire hydrants, etc.

Mr. Larry Johnson was again recognized and re-iterated his opinions on the expense and use of flag lots.

President Berthelot was recognized and questioned the council on previous action taken with regards to the Rivet plat which was denied at a previous meeting, due to the plat including a flag lot which had the 50ft road frontage; he went on to say the Rivets recently requested a rezoning to a Minor Subdivision at the council’s request which was just voted on under item#10a. President Berthelot stated that mixed messages are being sent with the recent votes of the council.

In closing Mr. Huggins made a statement that this ordinance was due to the stacked flag lots seen in the past which have raised various concerns and need for this ordinance.

Mr. Kershaw made a statement on the record to President Berthelot to say that his voting has not been mixed and he would like to see the use of flag lots with the 50ft of road frontage.

Mr. Kershaw amended his substitute motion to allow the flag lots, with a change in the road frontage from 15ft to 50ft, along with the proper frontage at the setback line, seconded by Mr. Ricky Loupe.

Chairman Spillman explained the substitute motion on the floor and asked if there were any further questions, there were no further questions at this time.

The following ordinance was offered by Mr. Chris Kershaw, seconded by Mr. Ricky Loupe

ORDINANCE 10 OF 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 amend and readopt the standards for “flag lots”.

WHEREAS Part III (“Unified Development Code”) of the West Baton Rouge Parish Code of Ordinances provides for the health, safety and welfare of property owners in West Baton Rouge Parish including, but not limited to, setting minimum requirements for lot dimensions AND

WHEREAS Chapter 101 (“General Provisions”) of the same Part provides definitions (Section 101-1) relevant to the governance of land development AND

WHEREAS the inclusion of a provision for “flag lots” has heretofore permitted said types of lots that otherwise don’t normally meet Site Development Regulations (“Chapter 106” of “Part III” of the West Baton Rouge Code of Ordinances) AND

WHEREAS the Parish Council wishes to exercise its police power to protect the health, safety and welfare of landowners in West Baton Rouge Parish by amending and readopting the standards for “flag lots” 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 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 101

GENERAL PROVISIONS

Sec. 101-1. Definitions.

* * *

Lot, flag, means a lot having access to a street by means of a private driveway, access easement, or parcel of land not meeting the requirements of these land use regulations ordinance for lot width, but having a dimension of at least 15 50 feet at its narrowest point. A flag lot must have the proper lot width – as mandated by other portions of the West Baton Rouge Parish Unified Development Code - at the location of the building setback (“front yard”) line .

* * *

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: 5 (Messrs. Kershaw, Loupe, Robertson, Mses. Fair, Gordon)

NAYS: 4 (Messrs. Mouch, Porto, Spillman, Huggins)

ABSENT: 0 (None)

WHEREUPON the ordinance was adopted on the 26th 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 26th day of February, 2015.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 8:45 o'clock AM on the 3rd day of March, 2015.

IN FAITH WHEREOF, witness my signature and the impress of the official seal of the West Baton Rouge Parish Council, Louisiana, on this 3rd day of March, 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 veto the foregoing ordinance on the 3rd day of March, 2015.

/s/Riley Berthelot Jr
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 11:20 o'clock AM on the 3rd day of March, 2015.

/s/Michelle Tullier
Michelle Tullier, Council Clerk

Mr. Porto questioned what would be done with the Rivet plat/rezoning which came before the council previously, Mr. Spillman and Mr. Huggins stated they would support the Rivets' in whatever decision they make.

Chairman Spillman moved on to item #11 Consider status report, Change order and/or other matters as required on current projects, there were no items to report at this time.

Chairman Spillman read Resolution 8 of 2015 into the minutes of the council, said Resolution was in Memory of Mrs. Gladys Lewis Hightower, and appears elsewhere in these minutes.

Mr. Spillman at this time recognized Ms. Beth Vandersteen, Director of the WBR Parish Library to say a few words. Ms. Vandersteen covered quite a few accomplishments of Mrs. Hightower, including the fact that since Mrs. Hightower started serving on the Library Board she only missed 2 meetings, she was always asking “what can I do for you”, she was very gracious, community minded and a lovely lady always willing to help others, she will be missed greatly. In closing, Ms. Vandersteen thanked the council for passing the aforementioned resolution in memory of Mrs. Gladys Hightower. Mr. Robertson thanked Ms. Vandersteen and commented that Mrs. Hightower was one of his teachers, a very good teacher and in fact was one of his favorites.

RESOLUTION 8 OF 2015

Resolution in Memory of Mrs. Gladys Lewis Hightower, 1919 - 2015:

The Members of the West Baton Rouge Parish Council:

Desire to recognize the outstanding public service rendered the Parish by Mrs. Gladys Hightower; along with acknowledging the invaluable contributions to West Baton Rouge Parish as a whole and the citizens of West Baton Rouge Parish by Mrs. Hightower during her service as member of various boards and/or commissions.

WHEREAS Mrs. Gladys Lewis Hightower lived an exemplary life of teaching and community service for more than 95 years, and

WHEREAS Mrs. Hightower served on the Library Board of Control from 1981 to 2015, a time of some 34 years, she served with faithful dedication, always keeping the library needs of the people of the Parish foremost in her sight, she was an involved and engaged member of the Parish community, and

WHEREAS she was an active member of the Retired Teachers Association, and served on the Board of Directors for the West Baton Rouge Federal Credit Union, and

WHEREAS she was a member of Delta Sigma Theta Sorority, Inc. for more than fifty years, and

WHEREAS she served as an Election Commissioner in Charge for West Baton Rouge Parish, and served on the Jury Selection Committee for West Baton Rouge Parish, and

WHEREAS she leaves a legacy of gracious dedication and love to both family and community.

NOW THEREFORE BE IT ALSO RESOLVED that we share in the loss of Mrs. Hightower, and we recognize that this loss on earth is Heaven’s gain, and

BE IT ALSO RESOLVED that a copy of this resolution be spread upon the minutes of this meeting to commemorate the contribution of her service and the gratitude of those she served, and

BE IT FURTHER RESOLVED that the West Baton Rouge Parish Council recognizes and celebrates the long and unselfish life of Mrs. Gladys Lewis Hightower.

A motion was made by Ms. Charlene Gordon, seconded by Mr. Randal Mouch to approve aforementioned resolution.

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)

As a result of the votes the motion 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 true and correct copy of a motion adopted by said body at its Regular Meeting of February 26, 2015, at which meeting a majority of the members were present and voting.

/s/Michelle Tullier

Michelle Tullier, Council Clerk

Council Clerk Michelle Tullier read by title into the record the below proposed ordinance being introduced and publicized by title, and considered for adoption following a public hearing on March 12, 2015, at 6:30pm in the Council Meeting Room, 880 North Alexander Avenue, Port Allen, La :

An Ordinance Amending the Compiled Ordinances, Parish of West Baton Rouge, Louisiana, Amending Appendix "A". Purchase/Donation of Real Property and further Authorizing the Parish President to sign the necessary documentation.

Chairman Spillman at this time moved on to item#14a, Blanchard Variance. Mr. Phil Porto was recognized and explained the need for the rear setback variance, Mrs. Blanchard is tearing down an old shed and this new shed is going in the same place, Mr. Porto went on the explain that in the future Mrs. Blanchard will be dividing her property among family and at that time she will fix the property lines in question. Clarification was made by Mr. Kevin Durbin on the issue of Mrs. Blanchard being related to our P&Z Commissioner Teri Bergeron, stating a variance does not appear in front of the Commission, therefore no ethics is being violated.

A motion was made by Mr. Phil Porto, seconded by Mr. Chris Kershaw to approve the variance for Mrs. Carolyn Blanchard for the minimum rear yard setback.

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

There were no Beer/Liquor permits at this time.

Council Clerk Michelle Tullier was recognized under Correspondence Report and noted the next meeting of the WBR Planning & Zoning Commission set for March 3, 2015 has been cancelled due to clear agenda.

Chairman Spillman noted that the next Fire Board meeting will be March 26, 2015 after the council meeting, he also stated from here on out these meetings will be held following the second council meeting of the month.

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/Michelle Z. Tullier

Michelle Z. Tullier, Council Clerk