

**WEST BATON ROUGE PARISH COUNCIL  
REGULAR MEETING—JANUARY 28, 2016  
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, January 28, 2016 and called to order at 6:30pm. Council Chairman Gary Spillman requested that all electronic devices be placed on silent as the meeting opened with the Pledge of Allegiance led by Mr. Patrick Ganaway.

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

Messrs. Chris “Fish” Kershaw, Ricky Loupe, Barry Hughhins, Edward G. “Bob” Robertson, Ms. Charlene Gordon, Messrs. Gary Spillman, Phil Porto Jr., Kirk Allain and Ms. Naomi Fair.

Also present were, Mr. Riley Berthelot, Parish President, Mr. Jason Manola, Executive Assistant, Mr. Phillip Bourgoyne, Director of Finance, and Ms. Michelle Tullier, Council Clerk.

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A motion was made by Mr. Chris Kershaw, seconded by Ms. Charlene Gordon, to approve the minutes of the January 14, 2016 regular meeting.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

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Chairman Spillman moved on to item #5 Consider any Amendments to the Agenda, he explained to the council the following items were requested to be added on tonight’s agenda:

- a) Substantial Completion and Close Out Change Order for the Antonio Drainage Project
- b) Approval to bid the Lobdell Sewer Project and bid the Cypress Street Bridge Replacement in Erwinville Project
- c) Resolution to authorize the Parish President to Sign Agreement with DOTD for Levee Top Project

A motion was made by Ms. Charlene Gordon to amend tonight’s agenda to include the aforementioned items, seconded by Mr. Ricky Loupe.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted and the agenda was amended.

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Chairman Spillman moved on to the next item on the agenda Parish President’s Report, and recognized President Berthelot, who opened by introducing Mr. Patrick Ganaway, whom recently earned the rank of Eagle Scout, the highest achievement in scouting. President Berthelot read aloud a letter of recognition and congratulation to Mr. Patrick Ganaway, on behalf of himself and the West Baton Rouge Parish

Council. President Berthelot mentioned one of Mr. Ganaway's accomplishments, helping to create an extra parking lot for students at Brusly High School. Mr. Ganaway explained his reasons for taking on this project, and finished by thanking the Parish President and Council, an ovation followed.

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Chairman Spillman moved on to item #7 Annual Department of Revenue & Taxation Delinquent Sales Tax Report, Ms. Melanie David, Director of Revenue & Taxation was recognized. Ms. David reported to the council on the sales tax levels over the past year, which finished off at a little over forty one million, which she pointed out is higher than 2014, and that was a record breaking year in itself. Ms. David noted that so far this month the preliminary numbers look to beat January of 2015, which was the highest collection month in history, she concluded however that one business was responsible for thirty five percent of that revenue. There were no questions for Ms. David at this time.

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Chairman Spillman moved on to item#8 Public Comments, Mr. Evan Cooper was recognized and thanked Ms. Lynn Cline, of the Planning & Development Office, for the help on his Site Plan for his truck wash project, and also Mr. Kevin Durbin for his responses to text, emails etc.

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Chairman Spillman moved on to item #9 Communication with Council Members and/or Elected or Appointed Officials, Port Allen City Councilman Hugh "Hootie" Riviere, was recognized and Thanked the council, and administration for the help and open lines of communication with the City of Port Allen. Chairman Spillman asked if anyone from the Council had anything to communicate, there was none at time.

Chairman Spillman moved on to discuss the meeting coming up in March which happens to be the day before Good Friday, he wanted to make sure that everyone would be able to attend as this meeting is the day before a holiday. The council concurred they would be available and the Chairman moved on to the next item on the agenda.

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Chairman Spillman announced that a Public Hearing was in order at this time and all interested persons were invited to appear and be heard on a) 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 of the purchase/donation of real property from Harry L. Laws & Company. President Berthelot explained this would be a donation of property for a Fire Station location.

No interested citizens appeared either for or against said budgets and programs. No written protests opposing the ordinance were received. The Council Chairman at this point declared the Public Hearing concluded.

A motion was made by Mr. Chris Kershaw to approve the aforementioned Ordinance and requested said ordinance become effective upon the Parish President's signature, seconded by Mr. Ricky Loupe.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Said Ordinance No. 3 of 2016 appears at the end of these minutes.

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Chairman Spillman moved on to item #11 Consider status report, Change orders and/or other matters as required on current projects, specifically item #11a) Substantial Completion and Close Out Change Order for the Antonio Drainage Project, Mr. Kevin Gravois with PEC was recognized and explained the adjustment change order increase of thirty eight thousand eight hundred seventy three dollars and fifty

one cents (\$38,873.51), he explained what items the increase included and offered to answer any questions the council may have pertaining to this project. Mr. Spillman questioned the grade of slope that was used in this project, per Mr. Gravois the maximum slope used on this project was 4:1 along the banks of this project. Mr. Huggins stated the pictures received looked like at the very least this ditch is better than what was there before, Mr. Gravois did explain there were a few more things the contractor needs to do once the ground dries up. President Berthelot explained a letter of response has been sent to Mr. Davis addressing his previous concerns and also noted that we have a pre-construction video of what the site looked like before construction, and pictures of after construction as well. Mr. Ricky Loupe stated that it is not a perfect ditch, but it is better than what it was before, the residents are way better off than before this was done.

A Motion was made by Mr. Ricky Loupe, seconded by Mr. Kirk Allain to approve the Change Order and Substantial Completion request as aforementioned.

Mr. Kershaw, questioned the total on the Transmittal coversheet versus the actual Contract Change Order sheet, Mr. Gravois confirmed the total amount of the change order and explained the coversheet had a typo. The councilmembers followed with a few more comments and questions pertaining to this drainage project.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Chairman Spillman moved on to item #11b) Approval to bid the Lobdell Sewer Project and Bid the Cypress Street Bridge Replacement in Erwinville Project, Mr. Gravois was once again recognized and explained all approvals have been received for said projects, if approved the base bid with alternates would be about 4.1 million dollars and bids would open on March 15<sup>th</sup> for both projects.

A motion was made by Mr. Phil Porto to approve the above referenced projects for bid, seconded by Mr. Barry Huggins.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

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Chairman Spillman moved on to item #12 Resolutions and started with 12a) Resolution to authorize Parish President to Sign Agreement with DOTD for Levee Top Project, Mr. Kevin Durbin was recognized and explained this resolution was needed in order for the Parish President to sign the agreement between West Baton Rouge Parish and LADOTD to fund the three mile levee top pavement project from Addis Lane to Beaulieu Lane, the agreement is for a 20/80 percent match of funds, with the parish contributing about one hundred seventy thousand dollars (\$170,000) to the project. There were no questions for Mr. Durbin at this time.

A Motion was made by Mr. Robertson, seconded by Mr. Kershaw to approve the aforementioned resolution.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Said Resolution 4 of 2016 appears at the end of these minutes.

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Item #13 Introduction of Ordinances, Chairman Spillman read the following ordinance by title into the record:

An Ordinance Adopting the 2015 Year End Budget Adjustments for Council Operating, Capital Outlay Funds & Fire Protection District No. 1 Operating Funds for the Fiscal Year Beginning January 1, 2015 and ending December 31, 2015 Public Hearing Date: February 11, 2016

An Ordinance Amending Chapter 104 Zoning to Incorporate Amended Zoning Designation Map (Zoning Plan) under Section 104-3 Establishment of Districts, Official Zoning Map. for the rezoning request of Bobby E. and Terry J. Arnold, 1044 West Acadian Bayou Road, Port Allen, LA 70767, File #2015-09, Tract CJ-5A containing 10.71 acres in Section 7, T7S, R11E, West Baton Rouge Parish, Louisiana, for Special Use Permit to allow Livestock in an R-SF-3 Zoning District. Public Hearing Date: March 10, 2016

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There was nothing to consider under item #14 at this time.

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Chairman Spillman moved on to item #15 Consider Beer and/or Liquor Permits, item 15a) Lemoine Oil LLC. dba Tiger Trax #1 located at 12724 Hwy 190 West, Port Allen, La 70767. Per Ms. Tullier, said establishment has met all requirements in accordance with the Compiled Ordinances, West Baton Rouge Parish, Louisiana, Chapter 6 Alcoholic Beverages.

A motion to approve the Beer and/or Liquor Permits requested by aforementioned establishment was made by Mr. Barry Hughhins, seconded by Ms. Charlene Gordon.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

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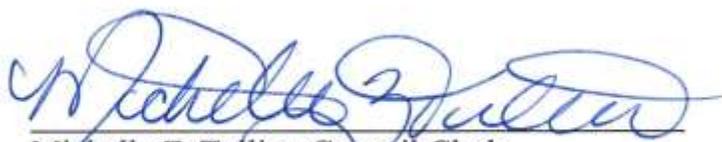
Correspondence Report from Council Clerk, Michelle Tullier included the following items:

- Next meeting of the Planning & Zoning Commission set for February 2, 2016 at 5:30pm, has been cancelled due to a clear agenda.

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There being no further business, a motion to adjourn was made by Ms. Charlene Gordon and adopted by acclamation at 7:00pm.

  
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Gary M. Spillman, Council Chairman

  
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Michelle Z. Tullier, Council Clerk

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

**ORDINANCE 3 OF 2016**

As Adopted by the West Baton Rouge Parish Council  
At the Regular Meeting of  
January 28, 2016

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 for the purchase of the below described property.

**NOW THERE BE IT ORDAINED** by the West Baton Rouge Parish Council, in legal session, Appendix A. Purchase/Donation of Real Property of the Compiled Ordinances of the Parish of West Baton Rouge, Louisiana, is amended and re-enacted to read as follows:

**Appendix A.** Donation of real property described as follows:

A certain lot or parcel of land, lying, being and situated in the Parish of West Baton Rouge, State of Louisiana in Section 70, T5S, R12E, Southeastern Land District, west of the Mississippi River, together with all buildings and improvements thereon, and being described on a plat prepared by Cletus Langlois, Registered Land Surveyor, dated September 9, 2015, and said plat being entitled “Final Plat Showing The Re-subdivision of Harry L. Laws & Company, Inc. property into Lot AFS & Remainder of Harry L. Laws & Company, Inc. property Located In Section 70, Township 5 South, Range 12 East, Southeastern Land District, West of The Mississippi River, Parish of West Baton Rouge, State of Louisiana for Harry L. Laws & Company, Inc., P. O. Box 158, Brusly, Louisiana 70719”, a copy of said plat is recorded at Map Book 8, Entry 114, Instrument #2015-00027530 of the conveyance records in the Clerk and Recorder’s office of West Baton Rouge Parish, Louisiana, and being designated as LOT ASF, consisting of 1.496 acres, which is more particularly described on said plat. Said lot is subject to servitudes as shown on said map and having such size, dimensions and measurements and being subject to such building lines as shown on said plat. A copy of said plat is hereto attached and made part hereof as Exhibit “C”.

**BE IT FURTHER ORDAINED** that the Parish President is hereby authorized to sign all necessary documentation to accept the donation of the above described property from Harry L. Laws & Company, Inc.

**NOW THEREFORE BE IT FURTHER ORDAINED** by the West Baton Rouge Parish Council, that this ordinance shall become effective immediately upon Parish President’s signature.

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

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

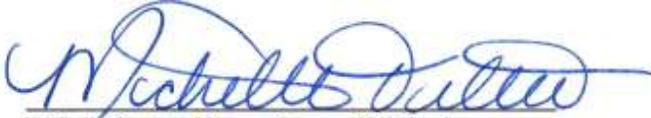
The foregoing ordinance having been submitted to a vote was adopted by the following yea or nay on roll call vote.

YEAS:	9	(Mes. Fair, Gordon, Messrs. Porto, Spillman, Loupe, Allain, Huggins, Kershaw, Robertson)
NAYS:	0	(None)
ABSTAIN:	0	(None)

ABSENT: 0 (None)

WHEREUPON the ordinance was declared adopted on the 28<sup>th</sup> day of January, 2016.

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 28<sup>th</sup> day of January, 2016.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:45 o'clock am on the 29<sup>th</sup> day of January, 2016.

**IN FAITH WHEREOF** witness my official signature and the official seal of the West Baton Rouge Parish Council, Louisiana on the 29<sup>th</sup> day of January, 2016.



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 1<sup>st</sup> day of February, 2016.



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 10:55 o'clock AM on the 1st day of February, 2016.



Michelle Tullier, Council Clerk

The following resolution was offered by Mr. Chris Kershaw, seconded by Mr. Edward Robertson

**RESOLUTION 4 OF 2016**

A resolution authorizing the Parish President to enter into an Entity-State Agreement with LaDOTD to provide a 20% match for certain items related to the Levee Top Trails Project

**WHEREAS**, West Baton Rouge Parish must enter into an agreement with LaDOTD which obligates the Parish to pay 20% of the construction (original limit) costs; and

**WHEREAS**, in order to proceed with said agreement, LaDOTD requires that the legislative body of the local government authorize its chief executive “the Parish President” to execute agreement titled:

Entity/State Agreement  
State Project No. H.010768  
Federal Aid Project No. H010768  
Multi-Use Trails, Phase I-B (WBR)  
West Baton Rouge Parish

**NOW THEREFORE BE IT RESOLVED**, the West Baton Rouge Parish Council does hereby authorize Parish President Riley L. Berthelot, Jr. to execute on behalf of the Parish of West Baton Rouge, an agreement with the LaDOTD which obligates the parish to pay 20% of the construction (Original Limit) costs for the above referenced items.

**BE IT FURTHER RESOLVED** that if any portion or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

**BE IT FURTHER RESOLVED**, that all resolutions or parts thereof in conflict herewith are hereby repealed.

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

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

NAYS:           0       (None)

ABSENT:        0       (None)

ABSTAIN:       0       (None)

As a result of the votes the resolution was 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 January 28, 2016 at which meeting a majority of the members were present and voting.

  
Michelle Tullier, Council Clerk