

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING—MARCH 10, 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, March 10, 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. Deano Moran, Director of WBR Office of Emergency Preparedness.

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

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

Absent: Mses. Charlene Gordon, Naomi Fair.

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

A motion was made by Mr. Barry Hughhins, seconded by Mr. Kirk Allain, to approve the minutes of the February 25, 2016 regular meeting.

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

YEAS: 7 (Messrs. Kershaw, Porto, Loupe, Hughhins, Robertson, Allain, Spillman)

NAYS: 0 (None)

ABSENT: 2 (Mses. Gordon, Fair)

As a result of the votes the motion was adopted.

Chairman Spillman moved on to item #5 Consider any Amendments to the Agenda, there were two items to consider. Accept/Reject Certificate of Substantial Completion on Rivault Park Light Project and Accept/Reject Change Order on Choctaw Sewer Project No. 11140.07.

There were no questions at this time.

A Motion was made by Mr. Barry Hughhins, seconded by Mr. Edward Robertson to amend tonight’s agenda to include the aforementioned items.

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

YEAS: 7 (Messrs. Kershaw, Porto, Loupe, Hughhins, Robertson, Allain, Spillman)

NAYS: 0 (None)

ABSENT: 2 (Mses. Gordon, Fair)

As a result of the votes the motion was unanimously adopted by present members and the agenda therefore amended.

Chairman Spillman moved on to item#6 Presentation of Proclamation Declaring April as Autism Awareness Month, President Berthelot was recognized and read aloud a Proclamation declaring the same. President Berthelot recognized Ms. Teresa Wilson and Ms. Randy Stevens with Families helping

Families, both ladies spoke briefly about what the program does for kids with autism in the community and what it means to all of the families affected by autism, in closing they thanked the parish for the continuing support and invited everyone to join them at the Active for Autism 5K run/walk on Saturday, April 30, 2016 at State Police Headquarters. The complete Proclamation can be found at the end of these minutes.

Chairman Spillman moved on to the next item on the agenda Parish President's Report, and once again recognized President Berthelot, who updated the council on the following items:

LA DOTD I-10 Corridor Study meeting recently held in Addis was a good meeting with good turnout from the local residents;

Updated the council on attending the recent Police Jury Convention in Shreveport, added to keep all of those in North Louisiana and the surrounding parishes in our prayers;

Asked Mr. Deano Moran, Director of WBR Office of Emergency Preparedness to speak on the current weather situation, Mr. Moran updated the council on all of the following locations in the parish which currently have sand and bags available: Erwinville ballpark, Port Allen Train Depot, Rivault Park, Alexander Park near water tower, Myhand near water tower and Addis Fire Station on La 1, he also noted to let the public know to bring a shovel just in case those furnished by the parish are not available. Mr. Moran briefly updated the council on the Zika virus, and in response to Councilman Huggins question he noted there were two confirmed cases in the state, but the state does not release the locations of the cases due to HIPAA laws. Mr. Moran did add that Mr. George Bragg in the Mosquito Control Dept. is on top of the current Zika information and will be updating everyone of any new information locally. In closing Mr. Moran did add, the type of mosquito which carries this virus is located close to houses in standing water, and this makes this mosquito more difficult to treat, and contrary to West Nile this virus seems to spread with certain types of human to human contact.

Chairman Spillman moved on to item#7 Public Comments, Mr. Larry Johnson stepped up to the microphone and expressed his concerns from the latest meeting of the Planning and Zoning Commission, his various concerns were mainly regarding the little to no discussion that was held during the recent public hearing concerning a special use permit in his area, Mr. Johnson further expressed that in his opinion the Zoning Commission needed more training.

Chairman Spillman moved on to item #9 Communication with Council Members and/or Elected or Appointed Officials, Councilman Porto spoke for a moment to update everyone on a few of the items recently covered at the Wildlife Committee meeting held during the recent Police Jury Conference, such as feral hog hunting, lakes and river bottom ownership of property owned by the state, various structures being built on this type of property and Wildlife and Fisheries updating there website to handle transactions such as buying licenses, renewing registrations etc. Mr. Porto finished by reminding everyone that Household Hazardous Materials Collection day is this Saturday at the Louis Mouch Arena from 8am to Noon.

Councilman Spillman moved on to item #9a Discussion only on current waiver language, he asked Ms. Tullier to show on the screens an aerial view of Section Rd. and Bueche Rd. specifically Mr. Brent Beauvais property. He explained the current situation with Mr. Beauvais wanting to divide said property and expressed concerns over the thru street requirements currently in our parish code. Mr. Spillman further explained that this type of development backs up to a private road with a pond, the thru street in this development in his opinion does not make sense, however the way the recent ordinance is written up Mr. Beauvais cannot ask for a waiver on this due to the twenty percent language included in said ordinance.

Ms. Lynn Cline of the Planning and Development Office was recognized and explained the reasons why the waiver was not allowed, there was further discussion by various council members on how this language could be fixed, one of the recommendations being to possibly put something in the code which would require a 2/3 vote of the council to override the twenty percent requirement of waivers when there are special circumstances. Mr. Durbin was recognized and offered his help with drafting up some sort of language to further clarify the intent of this section of the code. Mr. Beauvais was recognized and expressed his thanks for the council addressing and looking into this issue.

Chairman Spillman moved on to item #10 Public Hearing on previously introduced Ordinances, and announced that a Public Hearing was in order at this time and all interested persons were invited to appear and be heard on 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.

Mr. Bobby Arnold was recognized and explained the reason that he was asking for this special use permit for his potential buyer to be able to have horses, and asked that the council to consider granting this permit. Mr. TJ Dickey the potential buyer of the property was recognized and explained that he takes very good care of his horses which are very expensive horses and explained all of the measures that he plans on doing to keep up the property. Mr. Kevin Medine who is also a property owner in the area stepped up and expressed his opposition to the council granting any special use permit for the area, whether it be for commercial use or for any agricultural use.

Mr. Larry Johnson was once again recognized and explained he is not against horses, but is against any special use permit, he feels that the property should be rezoned to agricultural and expressed that other owners in this area feel the same way.

Chairman Spillman recognized Parish President Berthelot whom explained to the council and audience a plan for going forward regarding this particular Acadian Bayou area, considering the ongoing zoning issues that we are facing. President Berthelot is proposing to take a look at this specific area and look into our R-ED zoning as an option. He explained in a little more detail what this zoning would allow and also explained that the parish would look into offering a onetime waiver of the fees for rezoning if the residents in that area were interested in rezoning to R-ED. President Berthelot stressed that this will take some time as the R-ED zoning category will be changed somewhat and that could take about two months or so to complete.

There were no further public comments 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 and opened discussion up to the council.

A Motion was made by Mr. Barry Huggins to approve the Special Use Permit to allow horses on the aforementioned property, with good management practices, seconded by Mr. Chris Kershaw.

Mr. Huggins adding that after rezoning the other lot in the area to agricultural how can we not allow this special use permit.

Mr. Ricky Loupe commented that with all of the ongoing issues in this area he would like to see this area rezoned to R-ED.

Mr. Kershaw stated for clarity that he was not at the recent convention and had no discussion on this particular item, in his opinion there are many issues with this area, read aloud a previous letter received from Mr. Arnold regarding a previous rezoning request, gave dollar figures on recent buying and selling of property by Mr. Arnold to show that rezoning to agricultural would not bring down any property values, and finished by commenting he thinks this is a perfect place in the parish for horses, and would support rezoning to R-ED.

Mr. Porto addressed previous concerns stated by Mr. Johnson regarding the Planning & Zoning Commission, stating in his opinion these are special people who do a tough job and added they did recently receive training to his knowledge. Mr. Porto expressed his concerns that this offer of rezoning has been made before to residents in this area to try and fix the issues, and the residents were against it. Mr. Porto in closing stated however, that this property was sold as residential and bought as residential by the current owners.

Mr. Spillman explained he could not support the Special Use permit due to his stance on the previous rezoning to agricultural, he further explained that he did support changing to a completely different zoning but did not support giving a special use permit due to the types of animals one wanted to have at this particular time, he feels this would open the door for any other requests for the raising of various types of animal or livestock, and this is what agricultural zones are for not residential.

There were no further comments or questions.

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

YEAS: 5 (Messrs. Kershaw, Loupe, Huggins, Robertson, Allain)

NAYS: 2 (Messrs. Spillman, Porto)

ABSENT: 2 (Mses. Gordon, Fair)

As a result of the votes the motion was adopted.

Ordinance 5 of 2016 appears at the end of these minutes.

Chairman Spillman moved on to item #10 Public Hearing on previously introduced Ordinances, and announced that a Public Hearing was in order at this time and all interested persons were invited to appear and be heard on 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 Westport Investments LLC.

President Berthelot explained this purchase/donation of property was part of the Westport Ext. proposed roadway that was included in this year's budget.

There were no public comments 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 and opened discussion up to the council. There were no questions or discussion from the council at this time.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Barry Huggins to approve the aforementioned purchase/donation of property and authorize the Parish President to sign the same.

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

YEAS: 7 (Messrs. Kershaw, Porto, Loupe, Huggins, Robertson, Allain, Spillman)

NAYS: 0 (None)

ABSENT: 2 (Mses. Gordon, Fair)

As a result of the votes the motion was adopted.

Ordinance 6 of 2016 appears at the end of these minutes.

Chairman Spillman moved on to item #11 Consider status report, Change orders and/or other matters as required on current projects, specifically item #11a Accept/Reject Certificate of Substantial Completion on Rivault Park Light Project, President Berthelot was recognized and explained to the council the status of the lights at Rivault park and asked for the acceptance of the substantial completion.

A motion to approve was made by Mr. Barry Huggins, seconded by Mr. Edward Robertson.

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

YEAS: 7 (Messrs. Kershaw, Porto, Loupe, Huggins, Robertson, Allain, Spillman)

NAYS: 0 (None)

ABSENT: 2 (Mses. Gordon, Fair)

As a result of the votes the motion was adopted.

Chairman Spillman moved on to item #11b Accept/Reject change order on Choctaw Rd. Sewer project Job No. 11140.07, again President Berthelot was recognized and explained this change order was needed for the contractor to raise some of the manholes on this project, which is a two thousand five hundred dollar increase. There were no questions for the Parish President at this time.

A motion to approve said change order was made by Mr. Chris Kershaw, seconded by Mr. Barry Huggins.

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

YEAS: 7 (Messrs. Kershaw, Porto, Loupe, Huggins, Robertson, Allain, Spillman)

NAYS: 0 (None)

ABSENT: 2 (Mses. Gordon, Fair)
As a result of the votes the motion was adopted.

There were no Resolutions to consider at this time.

Item #13 Introduction of Ordinances, Ms. Tullier read the following ordinance by title into the record:
An Ordinance to Amend Chapter 22 Elections, Sec. 22-59 Polling Places, to Relocate Precinct 09 from American Legion Hall, 850 Sixth Street, Port Allen, La. to the KC Hall, 679 N. Jefferson Avenue, Port Allen, La 70767. Public Hearing Date: March 24, 2016

Chairman Spillman moved on to item #14 Consider Planning & Zoning Commission Meeting Minutes, Subdivision Plats, Condemnations and/or Variances and matters related thereto, there were no items to consider at this time.

Chairman Spillman moved on to item #15 Consider Beer and/or Liquor Permits, there were no items to consider at this time.

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

- Ms. Tullier advised the council of two letters received notifying them that DC's Grill and Anthony Cashiola Jr. are applying to renew their licenses to operate video poker.
- Next meeting of the Planning & Zoning Commission set for March 15th 2016 at 5:30pm
- Next meeting of the Board of Adjustments set for March 15th 2016 at 5:00pm

There being no further business, a motion to adjourn was made by Mr. Barry Huggins and adopted by acclamation at 8:05pm.



Gary M. Spillman, Council Chairman



Michelle Z. Tullier, Council Clerk

The following ordinance was offered by Mr. Barry Huggins, seconded by Mr. Chris Kershaw.

ORDINANCE 5 OF 2016
As Adopted by the West Baton Rouge Parish Council
At the Regular Meeting of
March 10, 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.

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 the rezoning request of Bobby E. and Terry J. Arnold, 1044 West Acadian Bayou Road, Port Allen, LA 70767, File #2015-09 Tracts CJ-5A containing 10.71 acres in Section 7, T7S, R11E, Port Allen, LA, West Baton Rouge Parish, Louisiana, for Special Use Permit to allow Horses only with good management practices, in an R-SF-3 Zoning District.

THEREFORE BE IT FURTHER 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 RESOLVED 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, Huggins, Allain, Robertson, Loupe)
NAYS: 2 (Messrs. Porto, Spillman)
ABSENT: 2 (Mses. Fair, Gordon)
ABSTAIN: 0 (None)

WHEREUPON the ordinance was declared adopted on the 10th day of March, 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 10th day of March, 2016.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:30 o'clock AM on the 11th day of March, 2016.

IN FAITH WHEREOF witness my official signature and the official seal of the West Baton Rouge Parish Council, Louisiana on the 11th day of March, 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 11th day of March, 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 10:10 o'clock AM on the 14th day of March, 2016.



Michelle Tullier, Council Clerk

The following ordinance was offered by Mr. Ricky Loupe, seconded by Mr. Barry Hughins.

ORDINANCE 6 OF 2016

As Adopted by the West Baton Rouge Parish Council
At the Regular Meeting of
March 10, 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/donation of real property from Westport Investments LLC

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 tract or parcel of land designated as Proposed North Westport Dive Extension "Tract NWDE" located in Section Ninety-Three (93), Township Seven South (T-7-S), Range Twelve East (R-12-E), West Baton Rouge Parish, State of Louisiana, containing 35,175 Sq. Ft. (0.808 Acres). Said tract or parcel is more particularly described as follows:

Commencing at a point of beginning (P.O.B.) being a found one-half inch diameter iron pipe being at the Northeaster most corner of North Westport Drive; thence South 64°21'17" East (Title Bearing: South 64°21'17" East) along the Northerly right-of-way limits of the Proposed North Westport Dive Extension a distance of 266.55 feet (Title Dimension: 266.55 feet) to a found one-half inch diameter iron pipe; thence Southeasterly along said Northerly right-of-way limits of Proposed North Westport Dive Extension a distance of 272.57 feet (Title Dimension: 272.57 feet) along a curve to the left having a radius of 11,249.16 feet (Title Radius: 11,249.16 feet) and a chord of 272.56 feet at South 85°23'48" East to a placed one-half inch diameter iron pipe being on the Easterly right-of-way limits of Proposed North Westport Dive Extension; thence South 25°44'57" West along said Easterly right-of-way limits of

Proposed North Westport Dive Extension a distance of 19.72 feet to a placed one-half inch diameter iron pipe; thence South 7°29'41" West along said Easterly right-of-way limits of Proposed North Westport Dive Extension a distance of 60.00 feet to a placed one-half inch diameter iron pipe being on the Southerly right-of-way limits of Proposed North Westport Dive Extension; thence Northwesterly along said Southerly right-of-way limits of Proposed North Westport Dive Extension a distance of 275.68 feet along a curve to the right having a radius of 11,314.65 feet (Title Radius: 11,314.65 feet) and a chord of 275.67 feet at North 81°33'15" West to a found LDH Monument; thence North 64°16'26" West (Title Bearing: North 64°16'26" West) along said Southerly right-of-way limits of Proposed North Westport Dive Extension a distance of 276.25 feet (Title Dimension: 276.25 feet) to a found one-half inch diameter iron pipe being on the Westerly right-of-way limits of the Proposed North Westport Drive Extension; thence North 25°38'43" East (Title Bearing: North 25°38'43" East) along said Westerly right-of-way limits of Proposed North Westport Dive Extension a distance of 60.00 feet (Title Dimension: 60.0 feet) to a found one-half inch diameter iron pipe being the point of beginning (P.O.B.).

Said tract or parcel of land is bound as follows: Northerly by property now or formerly of TMI Enterprise, LLC (Tract FNB) & DIVI Hospitality of Port Allen, LLC (Tract F1-B), Easterly by property now or formerly Westport Investments, LLC (Remainder of Tract F1), Southerly by the Northerly right-of-way limits of Interstate I-10 & Westerly by the Westerly right-of-way limits of North Westport Drive.

This description is based on the plat made by Patin Engineers and Surveyors, Inc. (Cletus Langlois, PLS) dated February 2, 2016, entitled "Final Plat Showing the Removal of Tract NWDE from the remainder of Tract F1 (Westport) located in Section 93, Township 7 South, Range 12 East, S.E. Land District, West of the Mississippi River, Parish of West Baton Rouge, State of Louisiana for Westport Investments, LLC". (PESI Job # 15-119)

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 Westport Investments LLC.

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 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: 7 (Messrs. Spillman, Huggins, Porto, Allain, Kershaw, Robertson, Loupe)

NAYS: 0 (None)

ABSENT: 2 (Mses. Fair, Gordon)

WHEREUPON the ordinance was declared adopted on the 10th day of March, 2016.

ATTEST:


Michelle Tullier, Council Clerk

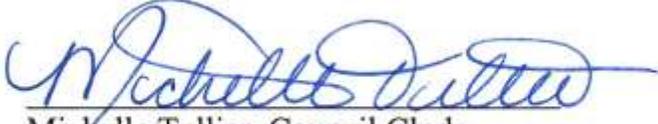
CERTIFICATE

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 10th day of March, 2016.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:30 o'clock AM on the 11th day of March, 2016.

IN FAITH WHEREOF witness my official signature and the official seal of the West Baton Rouge Parish Council, Louisiana on the 11th day of March, 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 11th day of March, 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 10:10 o'clock AM on the 14th day of March, 2016.


Michelle Tullier, Council Clerk