

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING—OCTOBER 8, 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, October 8, 2015 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 led by Mr. Edward Robertson.

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

Messrs. Chris “Fish” Kershaw, Randal Mouch, Barry Hughhins, Edward G. “Bob” Robertson, Ms. Charlene Gordon, Messrs. Gary Spillman, Phil Porto Jr. & Ms. Naomi Fair.

Absent: Mr. Ricky Loupe

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

A motion was made by Mr. Chris Kershaw, seconded by Mr. Randal Mouch, to approve the minutes of the September 24, 2015 regular meeting.

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

YEAS: 8 (Messrs. Kershaw, Porto, Hughhins, Robertson, Spillman, Mouch, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

As a result of the votes the motion was adopted.

Chairman Spillman moved on to item #5 Consider any Amendments to the Agenda and explained to the council, there was a Resolution requested to authorize the Parish President to sign a Servitude Encroachment Agreement with Sugar Mill Apartments.

A motion was made by Mr. Barry Hughhins to amend tonight’s agenda to include an item titled Sugar Mill Apartments Servitude Encroachment Agreement, seconded by Ms. Charlene Gordon, Said item was added under resolutions on the agenda.

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

YEAS: 8 (Messrs. Kershaw, Porto, Hughhins, Robertson, Spillman, Mouch, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

As a result of the votes the motion was adopted.

President Berthelot was recognized under item#6 Parish President Report, and reported to the council about a recent meeting with DOTD regarding driveway access to the proposed Munson Property off of LA415, DOTD is requesting said driveway be moved due to possible widening of

I-10, although at this time there is no money to fund this proposed project, there were no questions for the President Berthelot at this time.

Chairman Spillman moved on to item #7 Recognize Louisiana State Senator Troy Brown, there being no representation at the meeting for Senator Brown, Chairman Spillman moved on to the next item.

Item #8 Public Comments, there were no comments from the public at this time.

Chairman Spillman asked if any Elected/Appointed Officials or any Council Members would like to speak under item #9, Ms. Charlene Gordon reminded everyone to wear pink at the next council meeting in recognition of Breast Cancer Awareness Month.

Mr. Kershaw requested taking a look at the permitted uses in AG, Mr. Huggins commented he and Mr. Kevin Durbin were already looking at other permitted uses and offered to take a look at AG. Mr. Durbin stood up and offered his assistance to Mr. Kershaw to take a look at items allowed in AG, Mr. Huggins clarified that all uses in Appendix A will be looked at.

Mr. Porto thanked everyone for the help with the Industrial Buffer meetings, making good progress, but explained this would take longer than originally intended. Mr. Durbin briefly updated the council on where the Industrial Buffer committee stands currently.

Chairman Spillman recognized Ms. Verita Lee who is currently running for State Representative of District 29, formerly Representative Regina Barrow's seat. Ms. Lee gave a brief overview of her experience and qualifications and explained her reasons for wanting to run for this seat, asking the council for their support. The Council thanked Ms. Lee for taking time to come and speak with them and wished her good luck in the upcoming election.

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 an Ordinance Amending Chapter 104 Zoning to Incorporate Amended Zoning Designation Map (Zoning Plan) under Sec. 104-3 Establishment of Districts, Official Zoning Map for rezoning request of Night RV Park Esquivel, LLC., 4667 Rebelle Lane, Port Allen, LA 70767, File # 2015-6 28.8 acres in South West Quarter of Section 17 & North West Quarter of Section 20, T7S, R12E, being a portion of the Kearney LeJeune Sr. property known as Cajun Country Campground, rezoning from C-1.1 to POS-C-RV (parks & open space, campgrounds and RV parks).

Mr. Kevin Durbin was recognized and explained to the council the recommendation of the Planning & Zoning Commission was a unanimous vote in favor of the rezoning, Mr. Durbin further noted this would be a Master Plan Change and will require a 2/3 vote to rezone.

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.

A Motion was made by Mr. Phil Porto to adopt aforementioned Ordinance, seconded by Mr. Randy Mouch

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

YEAS: 8 (Messrs. Kershaw, Porto, Huggins, Robertson, Spillman, Mouch, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

As a result of the votes the motion was adopted

Ordinance No. 27 of 2015 appears at the end of these minutes

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 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"); Chapter 105 ("Subdivisions"), Article I ("General"), Section 105-7 ("Minor Subdivisions") and Section 105-37 ("Blocks"); and Chapter

111 (“Administration and Enforcement”), Article IV (“Zoning Enforcement”), Sec. 111-63 (“Board of Adjustment – Establishment and procedure.”), Sec. 111-64 (“Same – Powers and Duties; compensation.”), Sec. 111-66 (“Duties of zoning administrator, parish council, board of adjustment and courts on matters of appeals and variances”), Article VI (“Subdivision Approval Procedure”), Sec. 111-113 (“Preliminary Plat Approval”), Sec. 111-115 (“Final Plat Approval”) and Sec. 111-116 (“Subdivision Variances”), and Article VII (“Site Plan Approval Procedure”), Section 111-136 (“General”) and Section 111-139 (“Final Site Plan”) to amend and reenact the procedure for hearing requests related to zoning variances, site plan variances and subdivision waivers .

Mr. Durbin was again recognized and read aloud the requested additions to Sec. 111-116 and also requested striking through certain parts of Sec. 111-16, adding lot frontages and block lengths.

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.

Mr. Spillman pointed out on page eight (8) item number four (4), the parentheses did not need to be included in this section it is covered further into the ordinance, Mr. Durbin concurred with this request to strike through the items in parentheses in said paragraph.

Mr. Barry Hughhins requested adding side streets/stub out streets to Section 111-116 due to the proposed percentage limitations on waivers.

Ms. Tullier noted this was requested by the Planning Office to become effective upon the Parish President’s signature due to the amount of plats pending currently.

Mr. Durbin also added advertising would need to be amended into this ordinance as well specifically that appeals to the Board of Adjustments would require three (3) advertisements in the paper.

A Motion was made by Mr. Barry Hughhins to adopt said Ordinance with all aforementioned amendments, to be effective upon the Parish President’s signature, seconded by Mr. Phil Porto

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

YEAS: 8 (Messrs. Kershaw, Porto, Hughhins, Robertson, Spillman, Mouch, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

As a result of the votes the motion was adopted

Ordinance No. 28 of 2015 appears at the end of these minutes

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 an Ordinance Adopting the 2015 Council Amendments to the General Fund Revenue and Expenditure Budgets and the Capital Outlay Budgets for Roads, Buildings, Land and Recreation for the Fiscal Year Beginning January 1, 2015 and Ending December 31, 2015.

Mr. Phillip Bourgoyne was recognized and explained the need for the amendments to said budgets, there were no questions at this time.

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.

A Motion was made by Mr. Randal Mouch to adopt aforementioned Ordinance, seconded by Mr. Mr. Phil Porto.

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

YEAS: 8 (Messrs. Kershaw, Porto, Hughhins, Robertson, Spillman, Mouch, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

As a result of the votes the motion was adopted
Ordinance No. 29 of 2015 appears at the end of these minutes

Item #11 Consider status report, Change order and/or other matters as required on current projects, there were none at this time.

Chairman Spillman moved on to item #12 Resolutions, 12a) DOTD Bridge Certification Resolutions. There were no questions at this time.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Barry Hughhins to approve the aforementioned resolution.

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

YEAS: 8 (Messrs. Kershaw, Porto, Hughhins, Robertson, Spillman, Mouch, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

As a result of the votes the resolution was adopted.
Resolution 21 of 2015 appears at the end of these minutes.

Item #12b) 2015-2016 Capital Outlay Project(s) Support, President Berthelot was recognized and explained the first Capital Outlay project needing support was the Sid Richardson Road extension project to connect Sid Richardson Rd. with State Highway 1148, noting the project estimate has increased due to the location of the connecting street and gave a brief explanation on this increase, there being no questions for President Berthelot at this time.

A motion was made by Mr. Randal Mouch, seconded by Mr. Barry Hughhins to approve said resolution.

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

YEAS: 8 (Messrs. Kershaw, Porto, Hughhins, Robertson, Spillman, Mouch, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

As a result of the votes the resolution was adopted.
Resolution 22 of 2015 appears at the end of these minutes.

Item #12b) 2015-2016 Capital Outlay Project(s) Support, President Berthelot was again recognized to explain the Northline Rd Connector project, using a few overhead pictures President Berthelot explained this proposed road would connect Northline Rd to American Way, he covered the estimated cost of the project, explained the reasons for needing this road in case of an emergency situation with the rail expansion going on and finished by pointing out this road could actually be used as part of the La415/I-10 connector project in the future. There was some discussion on the potential activity on Northline Rd. as well as the possibility for more development along this proposed road in the future, there being no further discussion.

A motion was made by Mr. Barry Hughhins, seconded by Mr. Chris Kershaw to approve the aforementioned resolution of support.

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

YEAS: 8 (Messrs. Kershaw, Porto, Hughhins, Robertson, Spillman, Mouch, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

As a result of the votes the resolution was adopted.

Resolution 23 of 2015 appears at the end of these minutes

Item #12c) Passenger Rail Proposal Resolution, Councilman Huggins was recognized and explained the purpose of this resolution being, funding for infrastructure projects is scarce and the dollars to pay for such improvements are precious and as a council we feel there are greater traffic improvement needs at this time and ask that any expenditures for, or consideration of, any passenger rail projects be deferred until such time more critical infrastructure improvement needs have been satisfied.

Mr. Kershaw spoke and stated he was in favor of the resolution but asked that the word chairmen be changed to chairs, in order to not offend anyone.

A motion was made by Mr. Barry Huggins to approve the Passenger Rail Resolution with the requested amendment to change the word chairmen to chairs, seconded by Mr. Phil Porto.

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

YEAS: 8 (Messrs. Kershaw, Porto, Huggins, Robertson, Spillman, Mouch, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

As a result of the votes the resolution was adopted.

Resolution 24 of 2015 appears at the end of these minutes

Item #12d) Amended item- Sugar Mill Apartments Servitude Agreement Resolution, Mr. Durbin was recognized and explained the need for this resolution was to allow the parish president to sign two Encroachment agreements with Sugar Mill Apartments, due to the project encroaching on our utility and draining servitudes.

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

Mr. Spillman stated he supported this resolution but asked if there was a way to sit down with the municipalities to make sure they have our regulations ahead of time in order to avoid these types of oversight in the future, President Berthelot and Mr. Durbin concurred that we will be more a part of that process in the future.

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

YEAS: 8 (Messrs. Kershaw, Porto, Huggins, Robertson, Spillman, Mouch, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

As a result of the votes the resolution was adopted.

Resolution 25 of 2015 appears at the end of these minutes

Item #13 Introduction of Ordinances, the following were read aloud by Ms. Tullier:

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 rezoning request of Kyledren Antoine, 5985 Rougon Rd. Port Allen, La 70767, File #2015-7, Tract M Containing 14.06 acres in Section 17, T6S, R11E, being part of Unit 4 of NE/4 & W/2 of SE/4 P/O H. Morris Property, rezoning from AG (Agricultural) to RM (Residential Minor Subdivision). Public Hearing Date: November 12, 2015

An Ordinance to amend and reenact Chapter 101 (“General Provisions”), Section 101-1 (“Definitions”) and to enact a new Chapter 107.5 (“Sanitary Sewers”) of Part III (“Unified Development Code”) of the West Baton Rouge Parish Code of Ordinances. Public Hearing Date: October 22, 2015

Item #14, Consider Planning & Zoning Minutes, Subdivisions, Plats, Condemnations and/or Variances and matters related thereto, there were no items at this time.

Item #15 Consider Beer and/or Liquor Permits, there were none at this time.

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

- The Planning & Zoning Commissions next meeting of October 20, 2015 has been cancelled due to clear agenda
- October 28th 2015 Ethics Training at the Port Allen Community Center for Elected/Appointed Officials
- WBR Healthy Community Coalition Workshop October 13 & 14th

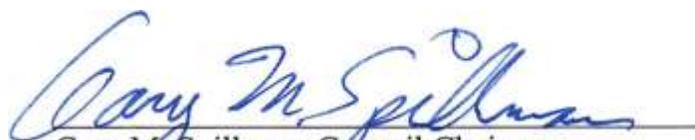
Chairman Spillman moved on to Item #17 Board nomination – Capital Area Ground Water Conservation Commission, Current Member Barry Huggins term to expire 12/1/2015, eligible for re-nomination to another 3 year term which would expire on 12/1/2018. Chairman Spillman requested to re-nominate Mr. Huggins to another term on said board.

A Motion was made by Ms. Charlene Gordon to nominate Mr. Barry Huggins for a second term with the Capital Area Ground Water Conservation Commission, seconded by Mr. Chris Kershaw, said motion was adopted by acclamation.

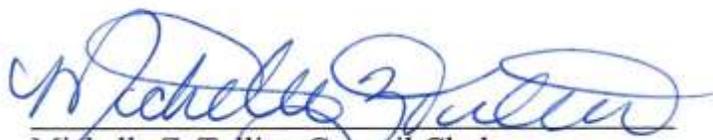
Mr. Spillman reminded everyone about absentee voting starting this Saturday.

Ms. Gordon took a moment to recognize her former Port Allen High School teacher Ms. Carter.

There being no further business, a motion to adjourn was made by Ms. Charlene Gordon and adopted by acclamation at 7:35pm.



Gary M. Spillman, Council Chairman



Michelle Z. Tullier, Council Clerk

The following ordinance was offered by Mr. Barry Huggins, seconded by Mr. Randal Mouch

ORDINANCE 27 OF 2015

As Adopted by the West Baton Rouge Parish Council
At the Regular Meeting of
October 8, 2015

An Ordinance Amending Chapter 104 Zoning to Incorporate Amended Zoning Designation Map (Zoning Plan) under Section 104-3 Establishment of Districts, Official Zoning Map.

NOW THERE 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 Night RV Park Esquivel, LLC., 4667 Rebelle Lane, Port Allen, LA 70767, File # 2015-6 28.8 acres in South West Quarter of Section 17 & North West Quarter of Section 20, T7S, R12E, being a portion of the Kearney LeJeune Sr. property known as Cajun Country Campground, rezoning from C-1.1 to POS-C-RV (parks & open space, campgrounds and RV parks)

BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council that this Ordinance shall serve as a Master Plan Change.

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

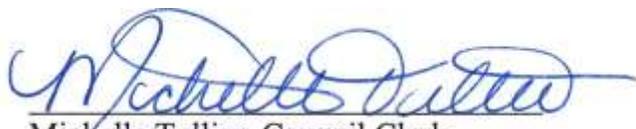
NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

ABSTAIN: 0 (None)

WHEREUPON the ordinance was declared adopted on the 8th day of October, 2015.

ATTEST:



Michelle Tullier, Council Clerk

CERTIFICATE

I, Michelle Tullier, hereby certify that I am the duly qualified Council Clerk of the West Baton Rouge Parish Council.

I further certify that the above and foregoing is a true and correct copy of an ordinance adopted by the West Baton Rouge Parish Council in regular session on the 8th day of October, 2015.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:20 o'clock AM on the 13 day of October, 2015.

IN FAITH WHEREOF witness my official signature and the official seal of the West Baton Rouge Parish Council, Louisiana on the 13 day of October, 2015.


Michelle Tullier, Council Clerk

PARISH PRESIDENT'S APPROVAL OR VETO

I, Riley Berthelot, Jr., Parish President, West Baton Rouge Parish, State of Louisiana, do hereby approve the foregoing ordinance on the 13 day of October, 2015.


Riley Berthelot, Jr., Parish President

COUNCIL CLERK'S RETURN RECEIPT

I certify that the above and foregoing ordinance was returned from the Parish President at 4:15 o'clock PM on the 13 day of October, 2015.


Michelle Tullier, Council Clerk

The following Ordinance was offered by Mr. Barry Huggins, seconded by Mr. Phil Porto

ORDINANCE 28 OF 2015

As Adopted with Amendments by the West Baton Rouge Parish Council
At The Regular Meeting of
October 8th, 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”); Chapter 105 (“Subdivisions”), Article I (“General”), Section 105-7 (“Minor Subdivisions”) and Section 105-37 (“Blocks”); and Chapter 111 (“Administration and Enforcement”), Article IV (“Zoning Enforcement”), Sec. 111-63 (“Board of Adjustment – Establishment and procedure.”), Sec. 111-64 (“Same – Powers and Duties; compensation.”), Sec. 111-66 (“Duties of zoning administrator, parish council, board of adjustment and courts on matters of appeals and variances”), Article VI (“Subdivision Approval Procedure”), Sec. 111-113 (“Preliminary Plat Approval”), Sec. 111-115 (“Final Plat Approval”) and Sec. 111-116 (“Subdivision Variances”), and Article VII (“Site Plan Approval Procedure”), Section 111-136 (“General”) and Section 111-139 (“Final Site Plan”) to amend and reenact the procedure for hearing requests related to zoning variances, site plan variances and subdivision waivers.

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, zoning and subdivision regulations **AND**

WHEREAS the same Unified Development Code provides relief from said regulations under certain conditions **AND**

WHEREAS it has recently come to the attention of West Baton Rouge Parish that there are certain legal criteria and conditions that should be applied in matters of variances and waivers **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 and to provide relief from regulations in line with proper legal practice **THEREFORE**

BE IT ORDAINED BY THIS COUNCIL Part III (“Unified Development Code”), Chapter 101 (“General Provisions”), Section 101-1 (“Definitions”); Chapter 105 (“Subdivisions”), Article I (“General”), Section 105-7 (“Minor Subdivisions”) and Section 105-37 (“Blocks”); and Chapter 111 (“Administration and Enforcement”), Article IV (“Zoning Enforcement”), Sec. 111-63 (“Board of Adjustment – Establishment and procedure.”), Sec. 111-64 (“Same – Powers and Duties; compensation.”), Sec. 111-66 (“Duties of zoning administrator, parish council, board of adjustment and courts on matters of appeals and variances”), Article VI (“Subdivision Approval Procedure”), Sec. 111-113 (“Preliminary Plat Approval”), Sec. 111-115 (“Final Plat Approval”) and Sec. 111-116 (“Subdivision Variances”), and Article VII (“Site Plan Approval Procedure”), Section 111-136 (“General”) and Section 111-139 (“Final Site Plan”) be amended and readopted to read as follows (NOTE: underlined words are additions and ~~strike through 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

Section 101-1. – Definitions

* * *

Variance means a grant of relief to a person from the requirements of this unified development code, other than subdivision development requirement “waivers”(as elsewhere defined) permitted on individual parcels of property, as a method of alleviating unnecessary hardship by allowing a reasonable use of the building, structure, or property, which would otherwise be prohibited by this unified development code. Variances shall only be granted by the Board of Adjustments.

* * *

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

Waiver (with respect to subdivision development guidelines) means a grant of relief to a developer / owner / sub divider from certain subdivision development requirements permitted in new subdivision proposals, as a method of alleviating unnecessary hardship by allowing a reasonable development proposal on the property which would otherwise be prohibited by this unified development code. Waivers shall only be recommended by the Planning Commission and granted by the Parish Council.

* * *

Chapter 105 - SUBDIVISIONS

ARTICLE I. - IN GENERAL

* * *

Sec. 105-7. - Minor subdivisions.

* * *

(e) The parish president and chairman of the planning commission shall have the authority to approve final plats of minor subdivisions, as defined in section 101-1, after the following requirements have been met:

- (1) The applicable fees have been paid by the applicant for the subdivision processing.
- (2) Subdivisions qualifying under this section shall be required to meet the following standards:

* * *

- i. ~~Variance~~ Waiver(s); hearing. If the parish president and/or chairman of the planning commission determines that a ~~variance~~ waiver is required on subsection (e)(2)d, roads; (e)(2)e, water and gas; or (e)(2)f, setbacks, of this section, then the final plat for the minor subdivision will have to go before the parish council for a public hearing.

* * *

Sec. 105-37. - Blocks.

Blocks shall not be more than 800 feet in length, unless the commission determines that such longer blocks shall not lessen the accessibility to existing or future adjoining subdivisions or that such longer blocks will not increase the response time for emergency vehicles. The commission shall state reasons for recommending to the council all blocks longer than 800 feet in length. When it has been determined that a block is required, then this shall be accomplished by what is called a "cross-street" and this street shall be dedicated to the parish government on the preliminary and final plat and paved according to parish street standards in section 105-40 prior to the parish's approval of the final plat. In cases where the developer owns the adjacent property to which the "cross-street" is intended to connect, and in lieu of the mandatory paving of cross-streets, the council may instead require the following language to be placed on the plat in a minimum of bold, 14 point font:

BUYER BEWARE: ONE OR MORE "CORNER LOT(S)" ON THIS PLAT ARE NOT TO BE A BUILDING SITE UNTIL DEVELOPER INSTALLS REQUIRED STREETS TO PARISH STANDARDS. BUILDER HAS OPTION OF MAKING THE SAME CORNER LOT(S) BUILDABLE BY AGREEING TO CONSTRUCT DRIVEWAY ACCESS TO EXISTING PAVED ROAD ONLY INSTEAD OF WAITING FOR DEVELOPER TO INSTALL MISSING, REQUIRED STREET(S).

In cases where the developer does not own the property to which the "cross-street" is intended to connect, then there shall be no ~~variances~~ waivers granted for the mandatory paving of required blocks / "cross-streets."

* * *

Chapter 111 - ADMINISTRATION AND ENFORCEMENT

* * *

ARTICLE IV. - ZONING ENFORCEMENT

* * *

Sec. 111-63. - Board of adjustment—Establishment and procedure.

(a) Created. A board of adjustment is hereby established. The membership of the board of adjustment and the terms of office shall be as provided in R.S. 33:4780.46 and 33:140.177. ~~The powers and duties of the board of adjustment shall not be the same as listed in the revised statutes but instead shall be as described in this article.~~

(b) Proceedings. The board of adjustment shall adopt rules necessary to the conduct of its affairs ~~and in keeping with the provisions of chapter 104, zoning.~~ Meetings shall be held at the call of the chairman and at such other times as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

(c) Minutes. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the board.

(d) Hearings; appeals; notice.

(1) Appeals to the board of adjustment concerning interpretation or administration of ~~chapter 104~~ those parts of the West Baton Rouge Unified Development Code that involve administrative decisions that are not assigned to other forums may be taken by any person aggrieved or by any officer or bureau of the parish council affected by any administrative decision made in carrying-out the provisions of the Unified Development Code whose appeals are not assigned to other forums. ~~of the zoning administrator.~~ Such appeals shall be taken within a reasonable time, not to exceed 45 60 days (due to advertising) or such lesser period as may be provided by the rules of the board, by filing with the zoning administrator and with the board of adjustment a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board all papers constituting the record upon which the action appealed from was taken.

(2) The board of adjustment shall fix a reasonable hour for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney. Once a notice of appeal is filed with the zoning administrator, it shall be advertised three (3) consecutive times in the official Parish journal. The property for which the appeal is sought shall be posted with a public hearing notice in a manner similar to rezoning postings and the abutting property owners shall be notified with certified letters no less than ten (10) days prior to the public hearing for the appeal.

(e) Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the administrative official from whom the appeal is taken certifies to the board of adjustment after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to life and property. In such case proceedings shall not be stayed other than by a restraining order which may be granted by the board of adjustment or by a court of record on application, on notice to the administrative official from whom the appeal is taken and on due cause shown.

Sec. 111-64. - Same—Powers and duties; compensation.

(a) The board of adjustment shall have the following powers and duties:

(1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the zoning administrator or other administrative officials in the enforcement of those parts of the Unified Development Code for which appeals therefrom are not provided by way of another forum ~~chapter 104, zoning.~~

(2) To permit the extension of a district where the boundary line of a district divides a lot or separate tract held in single ownership at the time of the passage of chapter 104

(3) To interpret the provisions of chapter 104 in such a way as to carry out the intent and purpose of the plan, as shown upon the official zoning map, which is made a part of chapter 104, where the street layout on the ground varies from the street layout as shown on the official zoning map.

(b) Members of the board of adjustment, created by this article, shall receive per diem payments of \$85.00 per meeting, regardless of attendance or absence from same. Members of the Board of Adjustment shall not be compensated for duly cancelled meetings as a result of clear agendas. If any member of the Board of Adjustment misses three (3) meetings within one calendar year (regardless of excused or unexcused, but not counting duly cancelled meetings as a result of a clear agenda), then his or her appointment to the Board of Adjustments shall be reconsidered by the Parish Council at their next meeting following the third reported absence.

* * *

Sec. 111-66. - Duties of zoning administrator, parish council, board of adjustment and courts on matters of appeals and variances.

(a) It is the intent of this article that all questions of interpretation and enforcement shall be first presented to the zoning administrator, and that such questions shall be presented to the board of adjustment only on appeal from the decision of the zoning administrator, and that recourse from the decisions of the board of adjustment shall be to the courts as provided by law. As examples, such interpretation and enforcement questions include, but are not limited to official, formal determination of zoning violations as provided for in section 111-62, zoning administrator, and determinations of use classifications as provided for in section 111-68

(b) A request for a variance from the terms of chapter 104, zoning (and those other parts of the Unified Development Code for which relief from administrative decisions is not provided by another forum), shall be submitted to the ~~parish council~~ Board of Adjustments and may not be considered unless all of the following conditions are met. The applicant shall be notified of this determination.

(1) The office of community planning and development shall provide the necessary forms and checklists to an applicant seeking a ~~zoning variance from the Board of Adjustments~~ Unified Development Code waivers at the time of a building permit or other administrative decision. ~~Zoning variances~~ Unified Development Code waivers can also be granted earlier, at the time of final plat approval, if the plat makes direct reference to the code section being ~~varied from~~ waived and if the parish council determines, during final plat approval, that such ~~variance waiver~~ variance waiver is acceptable. The date of such ~~variance waiver~~ variance waiver approval shall be written on the final, approved, signed plat by the secretary of the planning and zoning commission. When a ~~zoning variance~~ Unified Development Code waiver is granted at the time of final plat approval as described above, whether for one lot or multiple lots, the forms and other material required in this section shall not be necessary.

(2) A written or typed explanation of, and reason for, the variance shall be signed by the applicant and attached to the form provided by the office of community planning and development. The applicant must demonstrate that special conditions and circumstances exist which are peculiar to the land, structure, or building involved (including, but not limited to: size, shape, topography, location, or surroundings of the subject property) and which are not applicable to other lands, structures, or buildings in the same zoning district. A fee of \$25.00 shall be submitted with each application. The applicant must also demonstrate that:

1. Literal interpretations of the provisions of the applicable parts of the Unified Development Code would deprive the applicant of rights commonly enjoyed by other properties in the same district.

2. The special conditions and circumstances do not result from the actions of the applicant or any other person who may have or had interest in the property.

3. Granting the variance requested will not confer on the applicant any special privilege which is denied by the applicable parts of the Unified Development Code onto other lands, structures or buildings in the same district or similarly situated.

- 4. The variance, if granted, will not alter the essential character of the locality.
- 5. Strict adherence to the regulation for the property would result in a demonstrable hardship upon the owner, as distinguished from a mere inconvenience.
- 6. The purpose of the variance is not based exclusively upon a desire to serve the convenience or profit of the property owner or other interested parties.
- 7. The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.
- 8. The proposed variance will not impair an adequate supply of light and air to adjacent property or increase substantially the congestion.

~~(3) In lieu of a public hearing, the applicant shall be required to show that adjoining property owners have no objection to the variance being sought. Such proof can be in the form of a letter circulated among, and signed by, the adjoining property owners. It shall be the duty of the office of community planning and development to determine the adjoining property owners and to check the signed letters for consistency with the most recent property owner information provided by the online parish assessor's parcel maps. Such letters of no objection shall be forwarded to the parish council clerk along with the forms, maps, checklists and other material listed in this section.~~

(NOTE TO CODE EDITORS: Please renumber the following subsections accordingly due to strikeout above. Do not include this note in the final, printed version of the code.)

- (4) When necessary, the office of community planning and development shall contact the road superintendent, drainage superintendent, director of utilities and/or chief building inspector to look at the variance application and offer any comments or objections to the variance being sought. Private and public utility company representatives shall also be contacted by the office of community planning and development in variance matters that affect utility locations and operations.
 - (5) Each request, either granted or denied, shall be accompanied by a written finding of fact, based on testimony and evidence presented at the ~~parish council~~ Board of Adjustment meeting, specifying the reason for granting or denying the variance or appeals request.
- (c) It is further the intent of this article that the duties of the parish council in connection with chapter 104, zoning, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and chapter 104. Under this article the parish council shall have only:
- (1) The duties of considering and deciding on any amendments to chapter 104, zoning, as provided by law; and
 - ~~(2) The duties of hearing and deciding on zoning variances as provided above; and~~
 - (3) Establishing a schedule of fees and charges as stated elsewhere in chapter 104, zoning.

* * *

ARTICLE VI. - SUBDIVISION APPROVAL PROCEDURE

Sec. 111-113. - Preliminary plat approval.

- (a) To prevent undue hardship on the subdivider through possible required plat revisions, the subdivider shall first submit a minimum of ten copies of the preliminary plat to the commission and shall give the following information:

* * *

- (7) All ~~variances~~ waivers being requested shall be shown on the preliminary plat along with a direct reference to the parish Code section being ~~varied~~ waived and a space to write-in the date that the ~~variance~~ waiver is granted.

* * *

- (e) Preliminary plat checklist.

* * *

- (22) List of all ~~variances~~ waivers being applied for along with a specific reference to the parish Code section number being varied and a blank for the date that the variance is granted.

* * *

Sec. 111-115. - Final plat approval.

* * *

- (e) The final plat shall be drawn on tracing film, cloth, or paper on sheets having a maximum size of 24 inches by 36 inches and shall be at a scale of 100 feet to one inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall show the following in addition to the requirements of the preliminary plat:

* * *

- (14) All ~~variances~~ waivers being requested shall be shown on the final plat along with a direct reference to the parish Code section being ~~varied~~ waived and a space to write in the date that the ~~variance~~ waiver is granted.

* * *

Sec. 111-116. - Subdivision ~~variances~~ waivers.

Whenever a subdivider certifies that strict compliance with ~~any certain provisions of chapter 105, article II,~~ the Unified Development Code (as listed below) would not further the general welfare, safety, health or economic benefit of the residents of the parish and further that the subdivider can and will comply in an alternative manner within the intent of this article and related regulations, the planning commission may recommend that a ~~variance~~ waiver be granted. Any ~~variance~~ waiver so recommended is required to be entered in writing in the minutes of the commission and the reason which justified the departure is to be set forth and recorded on the final plat. The council has final authority to grant ~~variances~~ subdivision waivers as per section 105-2, jurisdiction. Standards for waiver approval include: presentation of some type of hardship, general consistency with surrounding properties and/or the movement of the property from higher degrees of non-conformity to lower non-conformity with regulations. The only waivers that are allowed for consideration are: fire hydrant installation (with a supporting letter from the WBR Fire District), block lengths / side streets / "stub-out streets", lot sizes, lot frontage and yard/setbacks. In approving waivers, both the Planning Commission and the Parish Council shall explicitly state in their motion for approval that the plat is approved with the waivers requested and granted. Waivers of any numerical considerations shall equate to no more than a 20% reduction in the equivalent standard. The proper venue for appeal of waiver decisions is the 18th Judicial District Court.

* * *

ARTICLE VII. - SITE PLAN APPROVAL PROCEDURE

Sec. 111-136. - General.

* * *

- (d) Submission of applications. Applications for approval of plans required by this article must be submitted to the office of community planning and development. A calendar of official submittal dates for items requiring appeals or variances shall be published by the parish 30 days prior to the beginning of each year. All applications received on a date other than an official submittal date shall be dated received on the next official submittal date. Complete

applications for appeals or variances shall be placed on the meeting agenda of the ~~parish council~~ Board of Adjustments no later than 28 days following the official date of submittal. Items requiring staff approval only may be submitted at any time during normal office hours. Complete applications shall be acted upon by the staff of the office of community planning and development within 21 days.

* * *

Sec. 111-139. - Final site plan.

* * *

(c) Application procedure and requirements.

* * *

(4) Standards of approval. Where application for final site plan approval is made for development, the staff of the office of community planning and development (~~or the parish council in the case of variance requests~~) may approve, conditionally approve, or deny the application based upon the criteria listed below. The applicant may appeal the decision of the staff to the ~~parish council~~ Board of Adjustments by filing a notice of appeal within ten days following the date the staff notifies the applicant of their decision.

* * *

(6) Lapse. The approval of a final site plan shall be effective for a period of two years from the date of approval by the ~~parish council~~ Board of Adjustments (in the case of variances) or staff of the office of community planning and development, at the end of which time the applicant must have submitted and received approval of engineering plans and building permits. If the engineering plans and building permits are not approved, the final site plan approval is null and void. If engineering plans and permits have been approved only for a portion of the property and for improvements, the final site plan for the remaining property and/or improvements shall be null and void. The applicant shall be required to submit a new final site plan for review and approval subject to the then existing regulations. Final site plan approval shall expire upon completion of the improvements shown on the plan. Subsequent additional development, site modifications, and redevelopment shall be permitted in accordance with the sections of the Code governing the same.

* * *

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

NAYS: 0 (None)
ABSENT: 1 (Mr. Loupe)
ABSTAIN: 0 (None)

WHEREUPON the ordinance was declared adopted on the 8th day of October, 2015.

ATTEST:



Michelle Tullier, Council Clerk

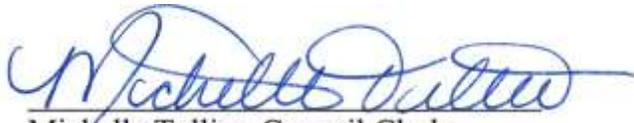
CERTIFICATE

I, Michelle Tullier, hereby certify that I am the duly qualified Council Clerk of the West Baton Rouge Parish Council.

I further certify that the above and foregoing is a true and correct copy of an ordinance adopted by the West Baton Rouge Parish Council in regular session on the 8th day of October, 2015.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:20 o'clock AM on the 13 day of October, 2015.

IN FAITH WHEREOF witness my official signature and the official seal of the West Baton Rouge Parish Council, Louisiana on the 13 day of October, 2015.



Michelle Tullier, Council Clerk

PARISH PRESIDENT'S APPROVAL OR VETO

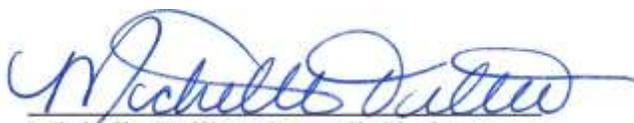
I, Riley Berthelot, Jr., Parish President, West Baton Rouge Parish, State of Louisiana, do hereby approve the foregoing ordinance on the 13 day of October, 2015.



Riley Berthelot, Jr., Parish President

COUNCIL CLERK'S RETURN RECEIPT

I certify that the above and foregoing ordinance was returned from the Parish President at 4:15 o'clock PM on the 13 day of October, 2015.



Michelle Tullier, Council Clerk

The following ordinance was offered by Mr. Randal Mouch, seconded by Mr. Phil Porto

ORDINANCE 29 OF 2015

As Adopted by the West Baton Rouge Parish Council
At the Regular Meeting of
October 8, 2015

An Ordinance Adopting the 2015 Council Amendments to the General Fund Revenue and Expenditure Budgets and the Capital Outlay Budgets for Roads, Buildings, Land and Recreation for the Fiscal Year Beginning January 1, 2015 and Ending December 31, 2015.

BE IT ORDAINED by the Council of the Parish of West Baton Rouge, Louisiana in regular session convened that:

SECTION 1: The attached detailed 2015 Council budget amendments to estimate of expenditures for the fiscal year beginning January 1, 2015 and ending December 31, 2015.

SECTION 2: The attached detailed 2015 Council budget amendments to estimate of expenditures for the fiscal year beginning January 1, 2015 and ending December 31, 2015 be and the same is hereby adopted to serve as budget of expenditures for the parish during the said period.

SECTION 3: The adoption of these 2015 Council budget amendments to capital projects budget of 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 with the 2015 budget.

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 yeas or nays on roll call vote.

YEAS: 8 (Messrs. Porto, Robertson, Kershaw, Huggins, Mouch, Spillman, Meses. Fair, Gordon)

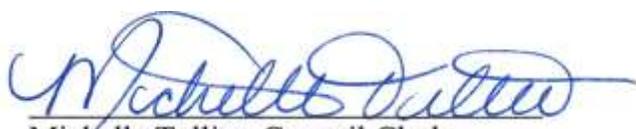
NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

ABSTAIN: 0 (None)

WHEREUPON the ordinance was declared adopted on the 8th day of October, 2015.

ATTEST:



Michelle Tullier, Council Clerk

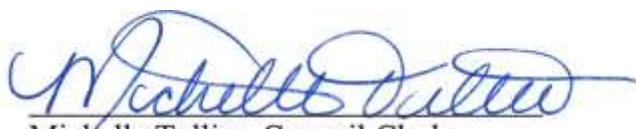
CERTIFICATE

I, Michelle Tullier, hereby certify that I am the duly qualified Council Clerk of the West Baton Rouge Parish Council.

I further certify that the above and foregoing is a true and correct copy of an ordinance adopted by the West Baton Rouge Parish Council in regular session on the 8th day of October, 2015.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:20 o'clock AM on the 13 day of October, 2015.

IN FAITH WHEREOF witness my official signature and the official seal of the West Baton Rouge Parish Council, Louisiana on the 13 day of October, 2015.



Michelle Tullier, Council Clerk

PARISH PRESIDENT'S APPROVAL OR VETO

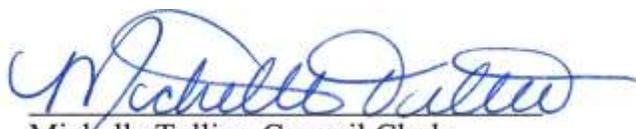
I, Riley Berthelot, Jr., Parish President, West Baton Rouge Parish, State of Louisiana, do hereby approve the foregoing ordinance on the 13 day of October, 2015.



Riley Berthelot, Jr., Parish President

COUNCIL CLERK'S RETURN RECEIPT

I certify that the above and foregoing ordinance was returned from the Parish President at 4:15 o'clock PM on the 13 day of October, 2015.



Michelle Tullier, Council Clerk

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

RESOLUTION 21 of 2015
RESOLUTION OF ANNUAL CERTIFICATION OF COMPLIANCE
WITH THE STATE OF LOUISIANA
OFF-SYSTEM BRIDGE REPLACEMENT PROGRAM

WHEREAS, the code of Federal Regulations as enacted by the United States Congress mandates that all structures defined as bridges located on all public roads will be inspected, rated

for safety load capacity and posted in accordance with the National Bridge Inspection Standards and that an inventory of these bridges is maintained by each State; and

WHEREAS, the responsibility to inspect, rate and load post those bridges under the authority of West Baton Rouge Parish in accordance with those Standards is delegated by the Louisiana Department of Transportation & Development to West Baton Rouge Parish.

THEREFORE BE IT RESOLVED by the governing authority of West Baton Rouge Parish (herein referred to as the Parish) that the Parish in Regular Meeting assembled does hereby certify to the Louisiana Department of Transportation & Development (herein referred to as the DOTD) that for the period January 1, 2016 through December 31, 2016:

1. The Parish has performed all interim inspections on all Parish owned or maintained bridges in accordance with the National Bridge Inspection Standards;
2. All bridges owned or maintained by the Parish have been structurally analyzed and rated by the Parish as to the safe load capacity in accordance with AASHTO Manual for Maintenance Inspection of Bridges. The load posting information that has been determined by the Louisiana DOTD for bridges where the maximum legal load under Louisiana State Law determined above has been critically reviewed by the Parish. Load posting information has been updated by the Parish to reflect all structural changes, any obsolete structural ratings or any missing structural ratings;
3. All Parish owned or maintained bridges which require load posting or closing are load posted or closed in accordance with the table in the DOTD Engineering Directives and Standards Manual Directive No. 1.1. 1.8. All DOTD supplied load posting information concerning a bridge has been critically reviewed by the Parish Engineer prior to load posting;
4. All bridges owned or maintained by the Parish are shown on the attached list in the format specified by the DOTD. Corrections to data supplied to the Parish by the LA. DOTD are noted.

These stipulations are prerequisite to participation by the Parish in the Off-System Bridge Replacement Program.

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

YEAS: 8 (Mes. Gordon, Fair, Messrs. Huggins, Robertson, Mouch, Spillman, Kershaw, Porto)

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

As a result of the votes the resolution was adopted by those members present.

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 resolution adopted by said body at its Regular Meeting of October 8, 2015, at which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk

The following resolution was offered by Mr. Randal Mouch, seconded by Mr. Barry Huggins

RESOLUTION 22 OF 2015

A Resolution expressing West Baton Rouge Parish Council support for the FY 2015-2016 Capital Outlay request for a project to construct a roadway to connect Sid Richardson Road and State Highway 1148.

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council that the West Baton Rouge Parish Council does hereby express support for the FY 2014-2015 Capital Outlay request for a project to construct a roadway to connect Sid Richardson Road and State Highway 1148.

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

YEAS: 8 (Mes. Gordon, Fair, Messrs. Huggins, Robertson, Mouch, Spillman, Kershaw, Porto)

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

As a result of the votes the resolution was adopted by those members present.

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 October 8, 2015 at which meeting a majority of the members were present and voting.



Michelle Tullier, Council Clerk

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

RESOLUTION 23 OF 2015

A Resolution expressing West Baton Rouge Parish Council support for the FY 2015-2016 Capital Outlay request for a project to construct a roadway to connect North Line Road and American Way to serve as an alternate evacuation route in case of emergency.

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council that the West Baton Rouge Parish Council does hereby express support for the FY 2014-2015 Capital Outlay request for a project to construct a roadway to connect North Line Road and American Way to serve as an alternate evacuation route in case of an emergency.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Commissioner of Agriculture, Mike Strain and The Port of Greater Baton Rouge.

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

YEAS: 8 (Meses. Gordon, Fair, Messrs. Huggins, Robertson, Mouch, Spillman, Kershaw, Porto)

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

As a result of the votes the resolution was adopted by those members present.

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 October 8, 2015 at which meeting a majority of the members were present and voting.



Michelle Tullier, Council Clerk

The following resolution was offered by Mr. Barry Huggins., seconded by Mr. Phil Porto

RESOLUTION 24 OF 2015

WHEREAS, the idea of “passenger rail service” between Baton Rouge and New Orleans, and points in between, has been proposed yet again, and

WHEREAS, the merits of this project, or lack thereof, notwithstanding, it will do little to nothing to relieve the I-10 / LA 1 / Mississippi River Bridge traffic congestion problems, nor will it in any way enhance traffic flow or commerce in the Greater Baton Rouge area, and

WHEREAS, funding for infrastructure projects is scarce and dollars to pay for needed improvements are precious, and

WHEREAS, far greater infrastructure improvement and traffic enhancement needs exist than any sort of “passenger rail service”,

THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby respectfully ask the Louisiana Congressional delegation, the Louisiana Legislature, and the Governor to defer any expenditure for, or consideration of, any passenger rail project until such time as more critical infrastructure improvement needs have been satisfied.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to the State of Louisiana's Congressional delegation, Governor Jindal, and the chairs of the appropriate committees of the Louisiana House and Senate.

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

YEAS: 8 (Mes. Gordon, Fair, Messrs. Huggins, Robertson, Mouch, Spillman, Kershaw, Porto)

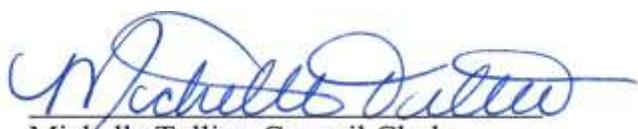
NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

As a result of the votes the resolution was adopted by those members present.

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 October 8, 2015 at which meeting a majority of the members were present and voting.



Michelle Tullier, Council Clerk

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

RESOLUTION 25 OF 2015

WHEREAS, from time to time, the Parish of West Baton Rouge enters into servitude encroachment agreements with landowners in order to permit construction work, and

WHEREAS, said agreements stipulate that property owners are responsible for maintaining the servitudes in question, and

WHEREAS, the owners of Sugar Mill Apartments, Phase II, are seeking to enter into said servitude encroachment agreements with the Parish of West Baton Rouge.

THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby authorize Parish President, Riley L. Berthelot, Jr. to execute two (2) servitude encroachment agreements with Sugar Mill Apartments dated September 28, 2015.

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

YEAS: 8 (Mes. Gordon, Fair, Messrs. Huggins, Robertson, Mouch, Spillman, Kershaw, Porto)

NAYS: 0 (None)

ABSENT: 1 (Mr. Loupe)

As a result of the votes the resolution was adopted by those members present.

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 October 8, 2015 at which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk