

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING
GOVERNMENTAL BUILDING
880 NORTH ALEXANDER AVENUE, PORT ALLEN, LOUISIANA
OCTOBER 13, 2016 - 6:30PM**

The Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, October 13, 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 former Parish Councilman Jeff "Petit" Kershaw.

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

Messrs. Chris "Fish" Kershaw, Barry Huggins, Edward G. "Bob" Robertson, Gary Spillman, Kirk Allain, Ricky Loupe, Phil Porto Jr., Meses. Charlene Gordon and 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. Phil Porto, seconded by Mr. Barry Huggins to approve the minutes of the September 22, 2016 regular meeting.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

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 the following items to consider, a) Consider re-scheduling the November 10th and December 8th Meetings to the 3rd Thursday of the Month b) Resolution Authorizing Parish President to Submit Application through the Office Of Community Development, Local Government Assistance Program (LGAP), c) Resolution in support of Application to the Office of Community Development for Community Water Enrichment Funds for water rehabilitation projects for fiscal year 2015-2016, d) Resolution Authorizing the Parish President to sign a Letter of Agreement on behalf of West Baton Rouge Parish with Louisiana Department of Environmental Quality (DEQ). There were no questions from the council.

A motion was made by Mr. Barry Huggins, seconded by Mr. Kirk Allain to amend tonight's agenda to include the aforementioned items.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted by a unanimous vote of those members present.

The agenda was therefore amended.

Chairman Spillman moved on to item #6 Consider Re-scheduling the November 10th and December 8th Meetings to the 3rd Thursday of the month, Chairman Spillman explained that he would like to see this actually become a yearly thing not just something we do this year.

A motion was made by Mr. Barry Huggins, seconded by Ms. Charlene Gordon to move the November 10th and December 8th meetings to the 3rd Thursday of the month which would be November 17th and December 15th of 2016 and included in the motion to move the Fire Board meeting to in front of the Council meeting with a start time of 6:15pm.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Chairman Spillman moved on to item #7 Parish President's Report, and recognized President Berthelot who covered the following items: Update on recent traffic meeting regarding LA 1 South of Intracoastal Canal, CRISIS meeting presentation to Governor's office, questions from the councilmembers included the status of surrounding Mayors and Parish Presidents support for a new bridge or loop, as well as the status of delineators for the intracoastal canal. There were no further questions for the Parish President at this time.

Chairman Spillman moved on to item #8 Consider Adoption of 5- Year Master Plan Update, Director Kevin Durbin of the Planning and Development Office was recognized and introduced Mr. Scott D'Agostino of Tipton and Associates whom presented the Updated Master Plan with a few minor changes, some of those being changes of residential versus agricultural land uses, simplified land use categories, landscape and sod ordinances, redevelopment authority possibilities, etc. Mr. Huggins mentioned he would like to see an infrastructure/drainage study done before any more subdivisions are approved, before we get into a situation like some of the surrounding parishes. There were no questions from the council at this time.

A motion was made by Mr. Barry Huggins, seconded by Ms. Charlene Gordon to approve the 5 year Master Plan Update.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Chairman Spillman moved on to item #9 Public Comments, Mr. Kenneth Cutno current candidate for US Congress introduced himself with a brief speech to the council. Mr. Cutno explained his work experience and upbringing and what he feels could bring to the parish if elected, in closing he stated that together we can make a difference for the river parishes and he would appreciate any support. There were no further public comments at this time.

Chairman Spillman moved on to item #10 Communications with Council Members and/or Elected or Appointed Officials, WBR Parish School Board Superintendent Wes Watts was recognized and presented the Council with a presentation on the School Improvement Plan which consists of two different millage proposals that will come up for a vote on December 10th 2016. Mr. Watts gave more detailed information as to where WBR stands as compared to surrounding parishes when it comes to teacher pay. He also talked about what the second millage would fund, for example new schools, modernization of other schools, technology upgrades, eliminating temporary buildings, etc. Mr. Watts was questioned by a few of the councilmembers before being thanked by the council for his time and efforts he has put into trying to make West baton Rouge Schools a better place for our children to learn. Councilman Porto was recognized and informed the council that Murphy Energy had declared bankruptcy so they would not be moving to the property recently rezoned on the North end, and stated he would not support an I-3 on that piece of property; he also mentioned working with Mr. Kenny Carr on his minor subdivision recently and talked about possibly bringing back family partitions due to the cost of minor subdivisions.

Councilwoman Charlene Gordon received an update from Mr. Durbin on the Rosedale Rd. Project, and reminded the council to wear pink for the next meeting in recognition of Breast Cancer Awareness.

Chairman Spillman moved on to item #11 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 item 11a) An Ordinance Amending and Supplementing the West Baton Rouge Code of Ordinances, Particularly, Chapter 28, by Adding Article III: Fire Prevention Codes and Section 28-31. Codes Adopted, Providing that the Parish of West Baton Rouge Adopts the NFPA 1 Fire Prevention Code and the NFPA 101 Life Safety Code as Recommended by the National Fire Protection Administration

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 the matter up to the council.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Barry Hugghins to approve the aforementioned ordinance as written.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Ordinance 32 of 2016 appears at the end of these minutes.

Chairman Spillman moved on and announced that a Public Hearing was in order at this time and all interested persons were invited to appear and be heard on item #11b)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 Wayne Brogdon & Ryan Polansky, File #2016-13, Proposed Tract Y-3-A-1 Located in Sections 18 & 19, T7S, R12E, Located at the End of West Lake Drive, Port Allen, La 70767.Rezoning from AG (Agricultural) to R-SF-3 (Residential Single Family), Master Plan Change.

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 the matter up to the council.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Phil Porto to approve the rezoning of the aforementioned property from AG to R-SF-3.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Ordinance 33 of 2016 appears at the end of these minutes.

Chairman Spillman moved on to item #12 Consider status report, Change order and/or other matters as required on current projects, specifically item #13a) Accept/Reject Bid Recommendation on Westport Extension Project. Mr. Jason Manola, Executive Assistant was recognized and explained the low bidder on the project was Industrial Enterprises at \$207,163.42 and administration was recommending awarding the project to the same.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Kirk Allain to accept Industrial Enterprises with a base bid of \$207,163.42 as the low bid recommendation of administration for the Westport Extension Project.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Chairman Spillman moved on to Item #13 Resolutions, specifically item #13a) a) Resolution Employing Special Tax Counsel for the West Baton Rouge Revenue Department. Ms. Melanie David, Director of Revenue was recognized and explained the need for this resolution was due to our current attorney's illness and recent passing. There were no questions from the council.

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

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Resolution 25 of 2016 appears at the end of these minutes.

Chairman Spillman moved on to item #13b) Resolution of Annual Certification of Compliance with LADOTD Bridge Inspection Program, Chairman Spillman explained this is a yearly resolution needed for DOTD on our Parish maintained bridges. There were no questions from the council at this time.

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

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Resolution 26 of 2016 appears at the end of these minutes.

Chairman Spillman moved on to item #13 c) Resolution Authorizing Parish President to Submit Application through the Office Of Community Development, Local Government Assistance Program (LGAP), President Berthelot was recognized and explained this was for grant monies from the State that we can use for the Lukeville Sewer pond as explained on an email previously sent out to the council. There were no questions from the council at this time.

A motion was made by Mr. Phil Porto, seconded by Mr. Kirk Allain to approve the aforementioned resolution.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Resolution 27 of 2016 appears at the end of these minutes.

Chairman Spillman moved on to item #13 d) Resolution in support of Application to the Office of Community Development for Community Water Enrichment Funds for water rehabilitation projects for fiscal year 2015-2016, President Berthelot explained this was also for grant money which can be used for certain water projects, as explained in the email sent out previously. There were no questions from the council at this time.

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

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Resolution 28 of 2016 appears at the end of these minutes.

Chairman Spillman moved on to item #13e) Resolution Authorizing the Parish President to sign a Letter of Agreement on behalf of West Baton Rouge Parish with Louisiana Department of Environmental Quality (DEQ). President Berthelot explained this resolution was the same as the one previously signed with Sid Richardson at the last meeting, DEQ requested that there name be listed on the resolution. There were no questions from the council at this time.

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

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Resolution 29 of 2016 appears at the end of these minutes.

Item #14 Introduction of Ordinances, Council Clerk Michelle Tullier read the following ordinances by title into the record:

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 the West Baton Rouge Parish Council File #2016-08, Rezoning from I-1 to AG (Agricultural) , with a location being a combination of Rosedale Rd. and Hwy 190 West, Port Allen, La 70767. Current property owners being: Wendy Kahao Wilcombe, MERK, Kenneth H. Kahao ETALS, WARRENCO, and Westover Planting Co LTD. Parcels currently identified by the West Baton Rouge Assessors Office as: Parcel 1,1008.5 acres known as Westover Plantation in Section 7, T7S, R11E, Sections 7,8, 83, 84, 85 & 113, T7S, R12E;Parcel 2, Tract K190-B2-B Containing 9.134 acres in Sections 38, 82 & 83 T7S, R12E, Parcel 3, Tract K190-B2-A containing 13.703 acres in Sections 38, 82 & 83, T7S, R12E, Parcel 4, Tract K190-B1-A containing 9.13 acres in Sections 38, 82 & 83 T7S, R12E, Parcel 5, 691.057 acres m/l known as Allendale Plantation in Sections 23, 24, 25, 26, 27, 28 & 53 T6S R12E Sections 38, 39, 0,41, 82, 83 & 84, T7S, R12E, Sections 12 & 37 T7S, R11E, Tract AP-1 containing 10.01, Tract AP-2 Containing 0.14 & Tract B containing 4.10 acres in Section 23, T6S, R12E, Parcel 6, Tract KR-1-C containing 46.411 acres in Section 12, T7S, R11E, Parcel 7, Tract KR-1-B containing 46.411 acres in Section 12, T7S, R11E, Parcel 8, Tract KR-1-A Containing 69.625 acres in Section 12, T7S, R11E. Public Hearing Date: November 17, 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 rezoning request of Canyon Ridge Limited Partnership & Monterey Bay Limited Partnership, 2808 Court Street, Port Allen, LA 70767, File #2016-16, Lot 1-A-2-1 containing 6.480 acres in Sections 91 & 92, T7S, R12E, Southeastern Land District, West of the Mississippi River, West Baton Rouge Parish, Louisiana, for Special Use Permit for light warehousing in a C-1.3 zone. Public Hearing Date: November 17, 2016

Chairman Spillman moved on to Item #16 Consider Planning & Zoning Commission Meeting Minutes, Subdivision Plats, Condemnations and/or waivers and matters related thereto, there were no items to consider at this time.

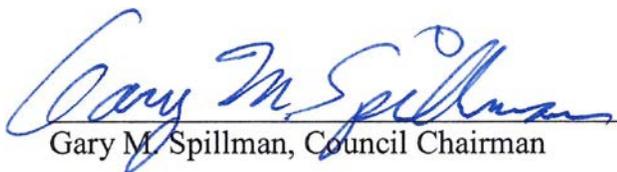
Item #17 Consider Beer and/or Liquor Permits, there were none at this time.

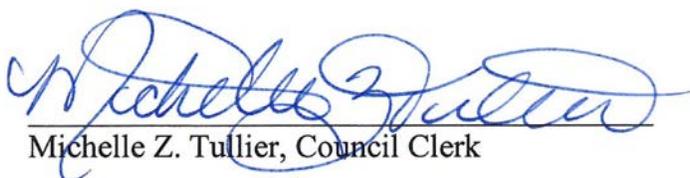
Item #18 Appointments –Board of Adjustments- one alternate needed- this item was postponed to the next meeting.

Correspondence Report included the following item:

- Next Planning & Zoning Meeting is October 18, 2016 at 5:30pm
- Reminder to wear pink for next council meeting in recognition of Breast Cancer Awareness
- Early voting reminder – Tuesday October 25th through Tuesday November 1st hours 8am – 6pm

There being no further business, a motion to adjourn was made by Ms. Charlene Gordon and adopted by acclamation at 8:07pm.


Gary M. Spillman, Council Chairman


Michelle Z. Tullier, Council Clerk

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

ORDINANCE 32 OF 2016

As Adopted by the West Baton Rouge Parish Council
At the Regular Meeting of
October 13, 2016

An Ordinance Amending and Supplementing the West Baton Rouge Code of Ordinances, Particularly, Chapter 28, by Adding Article III: Fire Prevention Codes and Section 28-31. Codes Adopted, Providing that the Parish of West Baton Rouge Adopts the NFPA 1 Fire Prevention Code and the NFPA 101 Life Safety Code as Recommended by the National Fire Protection Administration.

WHEREAS, the Parish of West Baton Rouge, Louisiana, is desirous of amending and supplementing its Code of Ordinances, particularly, Chapter 28, by adding Article III: Fire Prevention Codes, Section 28-31; **AND**

WHEREAS, the Parish of West Baton Rouge, Louisiana, is desirous of providing quality fire protection and prevention for the safety of the residents and structures in the Parish of West Baton Rouge; **AND**

WHEREAS, the Parish of West Baton Rouge in keeping with this desire feels it is necessary to adopt various Fire Codes promulgated and approved by the National Fire Protection Administration.

NOW, THEREFORE, BE IT ORDAINED, by the West Baton Rouge Parish Council, Louisiana, acting as the governing authority thereof, that Chapter 28, Article III: Fire Prevention Codes, Section 28-31 shall be amended and supplemented to read as follows:

PART II CODE OF ORDINANCES

* * *

Chapter 28 – FIRE PROTECTION AND PREVENTION

* * *

ARTICLE III – FIRE PREVENTION CODES

Section 28-31. Codes Adopted

- (A) There is hereby adopted by the Parish of West Baton Rouge, for the purpose of prescribing regulations governing conditions hazardous to life and property, from fire and explosion, that certain code known as the NFPA 1 Fire Prevention Code recommended by the National Fire Protection Association, being particularly the 2000 edition, save and except such portions as are deleted, modified, or amended, of which code not less than three copies have been filed in the offices of the clerk of the Parish of West Baton Rouge and these copies are hereby adopted and incorporated as fully if set out at length in this article, and the provisions thereof shall be controlling within the limits of the Parish of West Baton Rouge. Further, any amendments or additions to the State Uniform Fire Prevention Code, pursuant to LSA 40:1578.7(E) to conform to NFPA 1, as it is subsequently amended or issued as a new edition by the National Fire Protection Association shall hereby be adopted.
- (B) There is hereby further adopted by the Parish of West Baton Rouge, for the purpose of prescribing regulations governing conditions hazardous to life and property, from fire and explosion, and for life safety that certain code known as the NFPA 101 Life Safety Code recommended by the National Fire Protection Association, being particularly the 2000 edition,

save and except such portions as are deleted, modified, or amended, of which code not less than three copies have been filed in the offices of the clerk of the Parish of West Baton Rouge and these copies are hereby adopted and incorporated as fully if set out at length in this article, and the provisions thereof shall be controlling within the limits of the Parish of West Baton Rouge. Further, any amendments or additions to the State Uniform Fire Prevention Code, pursuant to LSA 40:1578.7(E) to conform to NFPA 101, as it is subsequently amended or issued as a new edition by the National Fire Protection Association shall hereby be adopted.

Section 28-32 – 28-100. – RESERVED

* * *

BE IT FURTHER ORDAINED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that this ordinance shall become effective pursuant to Section 2-12 (C) of the Home Rule Charter.

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

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

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

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

NAYS: 0 (None)

ABSTAIN: 0 (None)

ABSENT: 0 (None)

WHEREUPON the ordinance was declared adopted on the 13th day of October, 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 13th day of October, 2016.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 10:00 o'clock AM on the 14th day of October, 2016.

IN FAITH WHEREOF witness my official signature and the official seal of the West Baton Rouge Parish Council, Louisiana on the 14th day of October, 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 14th day of October, 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 9:00 o'clock AM on the 17th day of October, 2016.



Michelle Tullier, Council Clerk

The following ordinance was offered by Motion of Mr. Chris Kershaw, seconded by Mr. Phil Porto.

ORDINANCE 33 OF 2016

As Adopted by the West Baton Rouge Parish Council
At the Regular Meeting of
October 13, 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.

NOW THEREFORE BE IT ORDAINED by the West Baton Rouge Parish Council in legal session that Chapter 104 Zoning, Sec. 104-3 Establishment of Districts, Official Zoning Map of the Compiled Ordinances of the Parish of West Baton Rouge, Louisiana is amended and re-enacted to read as follows:

Sec.104-3. Establishment of districts, official zoning map for rezoning request of Wayne Brogdon & Ryan Polansky, File #2016-13, Proposed Tract Y-3-A-1 Located in Sections 18 & 19, T7S, R12E, Located at the End of West Lake Drive, Port Allen, La 70767. Rezoning from AG (Agricultural) to R-SF-3 (Residential Single Family).

BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council that this Ordinance shall also 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.

THEREFORE BE IT FURTHER 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: 9 (Mses. Fair, Gordon Messrs. Porto, Robertson, Kershaw, Spillman, Allain, Huggins, Loupe)

NAYS: 0 (None)

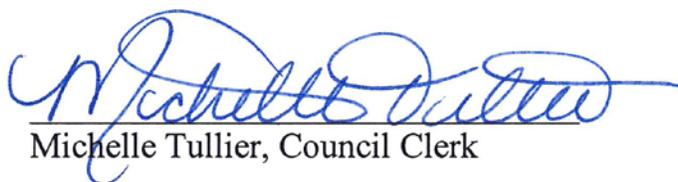
ABSTAIN: 0 (None)

ABSENT: 0 (None)

WHEREUPON the ordinance was declared adopted on the 13th day of October, 2016.

ATTEST:

ATTEST:


Michelle Tullier, Council Clerk

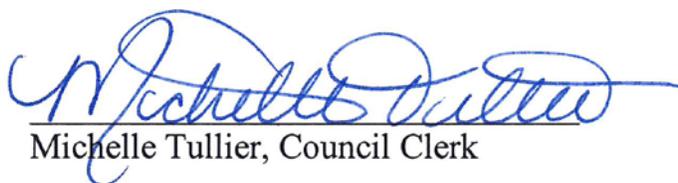
CERTIFICATE

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 13th day of October, 2016.

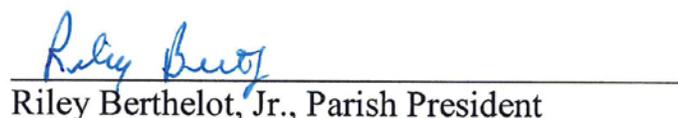
I further certify that the above and foregoing ordinance was submitted to the Parish President at 10:00 o'clock AM on the 14th day of October, 2016.

IN FAITH WHEREOF witness my official signature and the official seal of the West Baton Rouge Parish Council, Louisiana on the 14th day of October, 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 14th day of October, 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 9:00 o'clock AM on the 17th day of October, 2016.


Michelle Tullier, Council Clerk

RESOLUTION 25 OF 2016

WEST BATON ROUGE COUNCIL THROUGH THE
WEST BATON ROUGE PARISH REVENUE DEPARTMENT
PORT ALLEN, LOUISIANA

RESOLUTION EMPLOYING
RAINER ANDING & TALBOT THROUGH
DREW M. TALBOT, ATTORNEY AT LAW, L.L.C.
AS SPECIAL TAX COUNSEL TO THE
WEST BATON ROUGE REVENUE DEPARTMENT

The following resolution was offered by Motion of Mr. Barry Huggins, and seconded by Mr. Chris Kershaw, at a meeting of the West Baton Rouge Parish Council held on the 13th day of October, 2016, in Port Allen, Louisiana.

WHEREAS, the West Baton Rouge Parish Council (the “Collector” hereafter) administers the sales and use tax ordinances in effect in West Baton Rouge Parish, Louisiana (the “Parish”), the Uniform Local Sales Tax Code (ULSTC), La.R.S. 47:337.1, *et seq.*, adopted as Act 73 of 2003, and related provisions, and collects sales and use taxes for all local taxing authorities within the Parish, and

WHEREAS, it is necessary that the Collector retain special counsel with expertise in sales and use tax law to represent it and provide general legal advice, consultation and representation involving the ongoing cases, including but not limited to the matters titled,

Cajun Country Camp Ground, Inc. v. West Baton Rouge Parish Revenue Dept., Board of Tax Appeals Docket No. L00172; *Medco Health Solutions, Inc. versus West Baton Rouge Revenue Department*, Board of Tax Appeals Docket No. L00080; *Night RV Park Esquivel, LLC vs. West Baton Rouge Parish Revenue Dept.*, Board of Tax Appeals Docket No. L00242, as well as in lawsuits and other sales and use tax issues as the need may arise, from time to time in the future, as assigned by the Collector, and

WHEREAS, because of the specialized nature of the above referenced statutes, ordinances and related provisions and the specialized nature of sales and use tax litigation, a real necessity exists for the

employment of special counsel to represent the Collector, and, in turn, the other local taxing authorities within the Parish, and

WHEREAS, it is the desire of the Collector to retain the law firm of Rainer Anding & Talbot through Drew M. Talbot, Attorney at Law, L.L.C. of Baton Rouge, Louisiana, (“Law Firm” hereafter) as a law firm that has special expertise and experience in prosecuting and defending sales and use tax cases and in providing local sales and use tax legal advice to local taxing authorities such as the Collector and the taxing authorities it represents, and to retain the services of the said Law Firm pursuant to the applicable provisions of the sales and use tax statutes of the State of Louisiana and the above referred to ordinances in effect in West Baton Rouge Parish, Louisiana, and

NOW THEREFORE BE IT RESOLVED that the Law Firm be and is hereby employed by the Collector as special counsel to the Collector with reference to the above cited sales and use tax statutes and ordinances to provide legal representation to the Collector, conduct hearings requested by taxpayers, and to undertake the prosecution and/or defense of any legal proceedings involving sales and use tax matters as may be brought from time to time against the Collector, or any of the taxing authorities they represent, and to undertake the defense of any legal proceedings involving sales and use tax filed against any of the same, as may be required from time to time, and for providing general legal advice and consultation to the Collector in the administration of the above referred to statutes and ordinances as the need may arise from time to time as assigned by the Collector, and that the fee of said Law Firm is to be that as provided by the applicable provisions of the sales and use tax statutes and ordinances, including the Uniform Local Sales Tax Code administered by the Collector, in accordance with law, or the sum of \$175.00 per hour, or such other hourly rate as may be established by the Louisiana Attorney General, to be paid monthly, together with all reasonable expenses incurred by said Law Firm in connection with the providing of such legal services, the specific fee arrangement to be decided on a case-by-case basis, jointly by the Collector and the Law Firm in advance of such legal services being rendered.

BE IT FURTHER RESOLVED that, from time to time, when permitted by law and supported by the underlying facts of each individual case at the discretion of the Collector in consultation with the Law Firm, the Collector shall seek to impose statutory attorney fees against a dealer or taxpayer, in addition to or in connection with the collection of Parish taxes, penalties and/or interest or appeal of a refund claim denial. If the Collector prevails and collects statutory attorney fees from the taxpayer or dealer, said statutory attorney fee funds shall be paid to and retained by the Collector, up to the total

amount paid to the Law Firm at the hourly rate for that particular engagement. If, however, the statutory attorney fees collected from the taxpayer or dealer exceed the sums billed by and paid to the Law Firm, the Law Firm shall be entitled to any excess or additional statutory attorney fees collected from the taxpayer or dealer.

BE IT FURTHER RESOLVED that neither the Collector nor the Law Firm shall have the authority to discontinue, dismiss, compromise, or otherwise dispose of a sales and use tax claim against a taxpayer doing business in West Baton Rouge Parish Council, or a claim brought by a taxpayer doing business in said Parish, against the Collector without the concurrence of the Collector and the Law Firm.

BE IT FURTHER RESOLVED that the District Attorney of West Baton Rouge Parish seek the immediate approval of this resolution by the Attorney General for the State of Louisiana and that notice of this resolution be published in the official journal of West Baton Rouge Parish, Louisiana, all in accordance with law.

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

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

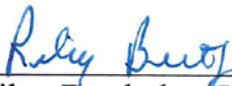
NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

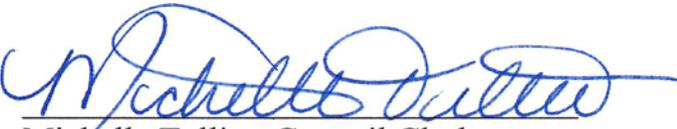
THE FOREGOING having been submitted to a vote by the West Baton Rouge Parish Council, and a quorum being present, and by majority vote in favor thereof, the foregoing resolution was declared adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Port Allen, Louisiana, on this 14th day of October, 2016.



Riley Berthelot, Jr., Parish President

ATTEST:



Michelle Tullier, Council Clerk

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

RESOLUTION 26 OF 2016

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, 2017 through December 31, 2017:

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

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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 13, 2016 at which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk

RESOLUTION 27 OF 2016

WHEREAS the WEST BATON ROUGE PARISH GOVERNMENT is in need of FUNDS FOR LUKEVILLE OXIDATION POND; and

WHEREAS grants for this project may be available through Office of Community Development, Local Government Assistance Program; and

WHEREAS the West Baton Rouge Parish Council is in support of this project.

NOW, THEREFORE, BE IT RESOLVED, by the WEST BATON ROUGE PARISH COUNCIL of WEST BATON ROUGE PARISH GOVERNMENT that:

Section 1. The PARISH PRESIDENT is hereby authorized to submit an-application to the Office of Community Development on behalf of WEST BATON ROUGE PARISH GOVERNMENT for the purpose of securing funds toward aforementioned project; and

Section 2. The PARISH PRESIDENT is further authorized to furnish such additional information as may reasonably be requested in connection with the application; and

Section 3. The PARISH PRESIDENT is hereby designated as the Official Project Representative for the WEST BATON ROUGE PARISH GOVERNMENT for any project that may result from the submission of the application.

A MOTION TO ADOPT the above resolution was made by Mr. Phil Porto, seconded by Mr. Kirk Allain and resulted in the following vote:

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

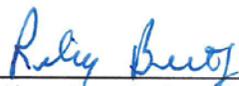
NAYS: 0 (None)

ABSTAIN: 0 (None)

ABSENT: 0 (None)

CERTIFICATE

We the undersigned do certify that the foregoing resolution is a true and correct copy of a resolution adopted at a meeting held on the 13th day of October, 2016 at which meeting a quorum was present and voting.



Riley Berthelot, Jr., Parish President

ATTEST:



Michelle Tullier, Council Clerk

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

RESOLUTION 28 OF 2016

A Resolution in support of the West Baton Rouge Parish application through the Governor’s Office of Community Development for Community Water Enrichment funds for water rehabilitation projects for the fiscal year 2015-2016

WHEREAS, West Baton Rouge Parish desires to secure funding for the installation of Chlorine Analyzers at remote sample sites to record chlorine residuals through our telemetry system on a daily basis; including weekends and holidays as required by the Department of Health and Hospitals and the Environmental Protection Agency.

WHEREAS, currently the residual chlorine concentration is monitored by manually visiting each of 9 locations, extracting a water sample, and testing each sample on a daily basis. The broad scope of this project would be to install electronic residual chlorine sampling equipment at each of these sites and electronically record the sample results.

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby express support for and request approval of the grant application for Community Water Enrichment funds for water rehabilitation projects for the fiscal year 2015-2016 through the Governor’s Office of Community Development.

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

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

NAYS: 0 (None)

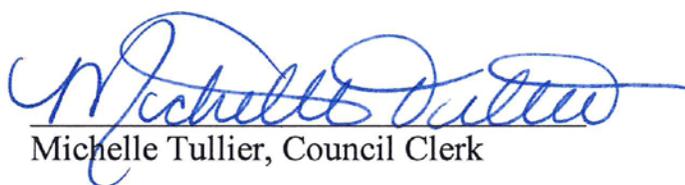
ABSTAIN: 0 (None)

ABSENT: 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 October 13, 2016 at which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk

The following resolution was offered by Mr. Kirk Allain seconded by Mr. Chris Kershaw.

RESOLUTION 29 OF 2016

A Resolution authorizing the Parish President to sign a Letter of Agreement on behalf of West Baton Rouge Parish with Louisiana Department of Environmental Quality (DEQ).

NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby authorize the Parish President to sign a Letter of Agreement on behalf of West Baton Rouge Parish with DEQ in order to locate a monitoring station at the end of Sid Richardson Road. The space will be maintained by DEQ for a period of at least three years commencing on November 1, 2016, unless cancelled by either party prior to that time.

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the roll call vote 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 October 13, 2016 at which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk