

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING
SPECIAL MEETING LOCATION
PORT ALLEN COMMUNITY CENTER
749 NORTH JEFFERSON AVENUE, PORT ALLEN, LOUISIANA
OCTOBER 26, 2017 - 6:30PM**

The Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, October 26, 2017 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 Council Member Edward Robertson.

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

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

Also present were, Mr. Riley Berthelot, Parish President, Mr. Phillip Bourgoyne, Director of Finance, Mr. Kevin Durbin, Public Works Director & Ms. Michelle Tullier Clerk of Council.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Barry Hughhins to approve the minutes of the October 12, 2017 regular meeting.

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

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

NAYS: 0 (None)

ABSTAIN: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Item #5 Consider any Amendments to the agenda, there were the following items to consider, a) Consider re-scheduling the November 9th meeting to November 16th and cancelling November 23rd and December 28th meetings due to holidays, b) Accept/Reject Change Order No. 2 and Certificate of Substantial Completion on 2017 Concrete Road Rehabilitation Program Project Job No. 11310.01, c) Accept/Reject Changer Order No. 1 and grant Substantial Completion on Diversion Canal Project. There were no questions or comments from the public or Council at this time.

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

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

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

NAYS: 0 (None)

ABSTAIN: 0 (None)

ABSENT: 0 (None)

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

Chairman Spillman moved on to Item #6 Consider re-scheduling the November 9th meeting to November 16th and cancelling November 23rd and December 28th meetings due to holidays, there were no public comments at this time. Mr. Ricky Loupe questioned the first meeting in December, Ms. Tullier confirmed this meeting would remain at the regularly scheduled date of December 14th, 2017.

A Motion was made by Ms. Charlene Gordon to approve re-scheduling the November 9th meeting to November 16th and cancelling the November 23rd and December 28th meetings due to the holidays, seconded by Mr. Barry Hugghins.

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

NAYS: 0 (None)

ABSTAIN: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Chairman Spillman recognized President Berthelot for the Parish President's Report, the following items were covered: Status of the Diversion Canal Project along with a flyover presentation on the projector, reminder of the ribbon cutting at the \$1.1 Billion dollar project at Dow Chemical Company tomorrow for the all Council Members at 9am, invitation for everyone to attend the Veterans Day parade which will take place on November 5th at 1:00pm with the ceremony at the museum this year. Councilman Porto commented on the progress of the Diversion Canal Project and questioned the status of Levee Top Trail project recent land disputes, per President Berthelot there are three different landowners who are seeking additional compensation which we are still working to resolve, if this does not happen we have a court date set for November 13th. Chairman Spillman noted how nice the Diversion Canal project has turned out, and stated how positive this is for the drainage of this parish. Councilman Loupe thanked President Berthelot and his staff for the help along Riverside and Emily recently and help with issues he has requested for the public.

Item #8 Public Comments, Ms. Erin Bennett, Chairman of the Board of Directors, of Keep West Baton Rouge Beautiful, addressed the Council to explain the many ways that Ms. Rachel Starnes, Executive Director of Keep West Baton Rouge Beautiful, has gone out of her way to do a great job in her position, explaining she is a hard worker, intelligent and very optimistic to name a few. Ms. Bennett went on to explain that all of the concerns previously brought to the Council are no longer an issue in her opinion due to the recent hard work and dedication that Ms. Starnes has shown to this board, and Ms. Bennett felt she needed to come to the Council and speak on behalf of Ms. Starnes to express her appreciation for the work Ms. Starnes has been doing. Ms. Bennett thanked the Council for their help and time. There were no further public comments.

Communications with Council Members and/or Elected or Appointed Officials, Mayor David Toups, of Addis, was recognized and thanked the Council for the overlaying of First St, and reminded everyone about the upcoming Live at Five on November 3rd and 17th. Mayor Richard Lee of Port Allen was recognized and thanked the Council for working with the City on multiple projects from drainage to sidewalks, to overlays and finished by thanking Ms. Gordon for her assistance on the Rosedale Rd. sidewalk project. City Marshall Mike Zito was recognized and thanked the Parish President, and Council for the help with the addition to the City Court building stating that this will make the courtroom safer for the citizens and staff. There were no further comments at this time.

Chairman Spillman moved on to Item #10 Public Hearing on previously introduced Ordinances and announced that a Public Hearing was in order at this time and all interested persons were invited to

appear and be heard on item 10a) 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 Clyde Ewing, File #2017-12, 9258 Hwy 190 West Port Allen La, 70767, Lots E-1 thru E-8, 21 acres m/l fronting Hwy 190 West, being a portion of the original Lot E-4 containing 98+ acres in SE/4, Section 28, T6S, R11E, rezoning from AG (Agricultural) & C-1.2 (Community Scale Commercial) to I-1 (Light Industrial) & I-2 (Moderate Industrial). Master Plan Change.

Mr. Kevin Durbin, Director of the Public Works was recognized and explained this rezoning came before the Planning & Zoning Commission and received a recommendation of approval, with a vote of 7 in favor, 1 against, and 1 absent, and he noted this is a Master Plan Change which would require a two thirds vote of those members present.

Chairman Spillman asked if there was anyone from the public who wished to speak on this item at this time, there were no comments at this time 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.

Mr. Kershaw questioned Mr. Durbin on the distance of the sandblasting facility to the nearest homes, and asked if the sandblasting would in any way infringe on the residences currently existing. Chairman Spillman commented that Mr. Clyde Ewing who owns the property has stated that anyone who leases the property understands they will have to meet the requirements of the EPA.

A Motion was made by Mr. Barry Huggins, seconded by Ms. Charlene Gordon to approve the aforementioned rezoning.

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

NAYS: 0 (None)

ABSTAIN: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Ordinance 16 of 2017 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 item #10b) 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 Nolan-McKay WBR, LLC., File #2017-11, Court Street, Port Allen, LA 70767, A 95.58 acre tract, and 5.63 acres fronting Court Street, being a portion of tract RCR-1A, remaining western portion of a 253.93 acre tract, being a portion of Bobette A. Cohn Sears, ET AL, rezoning from AG (Agricultural) to PUD (Planned Unit Development) & C-1.3 (Regional Scale Commercial).

Mr. Kevin Durbin, Director of the Public Works was recognized and explained this rezoning came before the Planning & Zoning Commission and received a recommendation of denial with a vote of 7 in favor to deny, 1 against the motion, with 1 absent, the reasons to deny were drainage issues in the area, traffic on a two lane road and lot sizes.

Chairman Spillman asked if there was anyone from the public who wished to speak on this item at this time. Mr. Dennis Carlin of Nolan-McKay WB, LLC was recognized and explained the history of the project back to 2008 to present, average price of homes, average size of lots, tax revenue for parish, he did confirm there would be a homeowners association, no section 8 housing, and that the development would adhere to what the drainage study and the traffic study showed once completed. He went on to explain it would be 12 to 18 months before the first house would begin being constructed on the property. Mr. Jim Tatum of Tatum Engineering was recognized and pointed out the success of Sugarmill in Addis, he explained the demand for these size residential lots at this time, and pointed out they currently have three large drainage ditches, and detention ponds for minimal impact on surrounding property in this proposal. Mr. Carlin asked for more time on this item to talk to the public and maybe meet with them to address some of the concerns, Mr. Durbin clarified what Mr. Carlin is asking is to possibly defer the vote on this item. Chairman Spillman questioned one of the preliminary drawings received which showed a school and a few other things, Mr. Carlin explained the school is no longer possible.

Various residents at this time were recognized in opposition to this rezoning with multiple reasons such as, increased traffic congestion on an already heavily traveled two lane road, drainage concerns, sewage concerns, lot sizes, safety of one way in and out, infrastructure improvements to accommodate this many residents, pipeline that runs across this property, on street parking concerns, and phases or filings complying to the code. Mr. Durbin addressed the on street parking question and clarified that on street parking is not permitted per our code, he also clarified that our understanding is that minimum standards are required per filing of each preliminary plat. Residents who spoke with an objection to the rezoning were:

Mr. Charles Diffey	Mr. Jerry Tingle	Mr. Todd Carr	Mr. Darrel Fontaine
Mr. Mike Zito	Mr. Mark Miller	Mr. Kenny Carr	Mr. Melvin Demoulin
Ms. Robin Fontaine	Mr. Kenny Carr Jr.	Ms. Clair Sarradet	

The Council Chairman at this point declared the Public Hearing concluded and opened the matter up to the Council.

Councilman Porto was recognized and gave a brief history of the PUD ordinance creation, explaining he did not believe in this concept and listed the reasons why, explaining the first phase will put our sewer facility at capacity, mentioned the traffic issue with Sugarmill which is a similar development to this and the traffic light issue which took someone losing their life to get that light, along with the drainage issue that Sugarmill originally had, and the drainage issues that could happen in this area. Councilman Porto, finished by letting everyone know he could not support this rezoning due to these issues.

Councilman Ricky Loupe was recognized and explained this is zoning and not planning however some of his concerns are, the preliminary plan we are looking at shows fifty foot lots, one way in and one way out on a two lane roadway, the drainage and the traffic. Mr. Loupe asked the Council to relook at this ordinance regarding if the ordinance applies to the entire development or per phase/filing.

Councilman Huggins was recognized and mentioned the sewer plant status, wastewater discharge limits, along with the 700 to 1,000 car increase this could cause on Court Street, and asked that if this study shows that Court Street needs to be turned to a four lane highway who is going to pay for that, with a fiscal cliff he knows it will not be the state, and cannot support this rezoning for these reasons.

Councilman Robertson was recognized and expressed his concerns of the sewer plant which he lives behind and the current status of it, and the traffic problems which already exist on Court Street.

Councilman Kershaw spoke in support of this rezoning, stating he is for growth when it is smart growth, mentioning there are some things that he does not agree with in this project, currently the concept being presented does not meet the ordinance requirements. Mr. Kershaw explained the drainage and traffic concern is not a part of this rezoning tonight that is for the engineering phase, he is concerned about the language in our code and wants to make sure this ordinance is applied per phase. Mr. Kershaw feels this is a good project in theory, a lot of engineering work needs to be done, but this is only the rezoning portion of the project.

A Motion was made by Mr. Chris Kershaw at this time to approve the rezoning of the aforementioned project.

Mr. Chris Kershaw withdrew said Motion.

President Berthelot was recognized and explained there will be a drainage study before anything can be done on this project, a traffic study will also need to be done on this project with DOTD, we will not be at capacity at our sewer system, we would let them expand under our sewer permit if needed, most people don't like small lots, however Port Allen is mostly fifty foot lots, pointed out when Walmart was on Court Street there were probably that many cars traveling this road. President Berthelot went on to point out these guys know the market and know what is selling right now, however he did agree that the ordinance should apply per filing or phase.

Councilman Porto questioned the Maybe indications on the Zoning Application, Mr. Durbin clarified this means that this development could potentially, cause "Undue congestion of streets and traffic areas, also Overcrowding of land or overburden public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities." Mr. Durbin explained without any study information there is no data to put a yes or no to those questions, we will not know this until these studies are done.

Chairman Spillman explained why he voted against this PUD ordinance when it came up years ago, he met with the developers months back and they explained at that time they would need a little help with this development, but never heard back from them with the changes. The Chairman went on to comment we are here for zoning tonight, however once this is passed then the variances will come up with the site plan phase, he ask that everyone listen to the Planning and Zoning Commission recommendation and deny this rezoning.

A Motion was made by Mr. Chris Kershaw to approve the aforementioned rezoning, there was no second to the motion and therefore it died for lack of second.

A Motion was made by Mr. Phil Porto to deny the rezoning of the aforementioned project “due to maybe undue congestion of streets and traffic, maybe overcrowding of land or overburden public facilities such as transportation, sewerage, drainage, schools, parks and other public facilities,” seconded by Mr. Barry Huggins.

YEAS: 6 (Messrs. Huggins, Robertson, Porto, Loupe, Spillman, Ms. Gordon)

NAYS: 3 (Ms. Fair, Messrs. Kershaw, Allain)

ABSTAIN: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted and the rezoning request denied.

Chairman Spillman moved on to item #11 Consider status report, Change order and/or other matters as required on current projects, item #11a) Authorize Parish President to Execute Design Contract for Joliet Trail Sidewalk and Bike Trail Lane Facility to Connect Alexander Park to the Levee Trailhead, Mr. Durbin was recognized and explained the need for this authorization, and further explained this trail would connect Alexander Park to the levee trailhead and the cost for this design contract would be approximately \$79,000. Chairman Spillman questioned if this sidewalk would be crossing LA1, Mr. Durbin confirmed yes it would at the red light, Chairman Spillman expressed his concerns on how everyone is always concerned about the traffic flow on LA1 and now we are talking about pedestrians stopping the traffic at a light and crossing over LA1, “I can’t see us moving forward on this”. Councilman Kershaw clarified with Mr. Durbin the funding on this portion of the project the Parish will pay 100%, and on the construction phase there is an 80/20 grant, however we are on the design phase at this time Mr. Durbin noted. Mr. Kershaw also confirmed with Mr. Durbin the Addis project which will connect Myhand Park to the levee trail system this will be coming up soon.

A Motion was made by Mr. Barry Huggins to approve authorizing the Parish President to Execute Design Contract for Joliet Trail Sidewalk and Bike Trail Lane Facility to Connect Alexander Park to the Levee Trailhead, seconded by Mr. Chris Kershaw.

YEAS: 8 (Messrs. Kershaw, Huggins, Robertson, Porto, Allain, Loupe, Mses. Fair, Gordon)

NAYS: 1 (Mr. Spillman)

ABSTAIN: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted

Chairman Spillman moved on to item #11b) Accept/Reject Change Order No. 2 and Certificate of Substantial Completion on 2017 Concrete Road Rehabilitation Program Project Job No. 11310.01, Mr. Kevin Gravois, with PEC was recognized and explained this was Change Order No. 2 on this project for \$2,592.00 and Certificate of Substantial Completion.

A Motion was made by Mr. Phil Porto, seconded by Mr. Barry Huggins to approve Change Order No. 2 for 2017 Concrete Road Rehabilitation Program for \$2,592.00 and Certificate of Substantial Completion with Hard Rock Construction LLC.

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

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

NAYS: 0 (None)

ABSTAIN: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Chairman Spillman moved on to item #11c) Accept/Reject Changer Order No. 1 and Grant Substantial Completion on Diversion Canal Project, President Berthelot was recognized and explained, this was Change Order No. 1 on this project for \$17,720.00 and Certificate of Substantial Completion.

A Motion was made by Mr. Phil Porto, seconded by Ms. Charlene Gordon to approve Change Order No. 1 for Diversion Canal Project for \$17,720.00 and Certificate of Substantial Completion with Cecil Perry Improvements LLC.

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

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

NAYS: 0 (None)

ABSTAIN: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Chairman Spillman moved on to item #12 Resolutions, specifically item #12a) A Resolution of the West Baton Rouge Parish Council Approving HR Nu Blu Energy, LLC for Participation in the Industrial Tax Exemption Program at 3450 S. Riverview Road, Port Allen, West Baton Rouge Parish, Louisiana, 70767, Ms. Jamie Hanks, Executive Director of the West Baton Rouge Chamber of Commerce was recognized and explained that Nu Blu does qualify for this exemption, which is why they are here today asking for this Resolution of support for this exemption, she also introduced Mr. Dean Kilgard in case there were any questions from the Council.

Councilman Porto was marked absent at 8:22pm

A Motion was made by Mr. Chris Kershaw to approve A Resolution of the West Baton Rouge Parish Council Approving HR Nu Blu Energy, LLC for Participation in the Industrial Tax Exemption Program at 3450 S. Riverview Road, Port Allen, West Baton Rouge Parish, Louisiana, 70767, seconded by Mr. Ricky Loupe.

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

YEAS: 8 (Mes. Fair, Gordon, Messrs. Kershaw, Huggins, Robertson, Allain, Loupe, Spillman)

NAYS: 0 (None)

ABSTAIN: 0 (None)

ABSENT: 1 (Mr. Porto)

As a result of the votes the motion was adopted.

Resolution 28 of 2017 appears at the end of these minutes.

Councilman Porto was marked present at 8:23pm

Item #13 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 Belmont Owners, LLC, File #2017-9(a), 6415 N. River Rd. Port Allen La, 70767, A parcel of land more particularly described as a portion of Tract 1 located in Sections 33 & 34, T6S, R12E, S.E. Land District, West of the Mississippi River, West Baton Rouge Parish, LA for a point of reference begin at NGS monument "B 283" having a northing of 728,749.12 & easting of 3,308,641.3 referenced to NAD 83 Louisiana State Plane Coordinate System, LA Southern zone; thence proceed N70 56'52" E a distance of 772.57 feet to the centerline of LA Hwy 986, which is the point of beginning; from said point of beginning proceed along the centerline of LA. Hwy 986 N68 27'49"E a distance of 860.40 feet to a point; Thence proceed S05'21'51"E a distance of 1774.16 feet to a 1/2" iron pipe at the northern right of way line of U.S. Hwy 190; Thence proceed along the right of way line S64'46'16"W a distance of 845.63 feet to a 1/2' iron pipe; thence proceed N06'19'46"W a distance of 1822.22 back to the point of beginning; said portion of Tract 1 containing 1,431,575 S. F. being 32.864 acres, rezoning from I-1 (Light Industrial) to POS-C-RV (RV campground). Master Plan Change.

Public Hearing Date: December 14, 2017

Consider Planning & Zoning Commission Meeting Minutes, Subdivision Plats, Condemnations and/or waivers and matters related thereto, item #14a) Ratify Condemnation of 12511 N. Palmer Ln. Port Allen, La 70767, Mr. Durbin was recognized and explained to the Council this condemnation was the structure that was brought to our attention by the garbage can discussion at the previous meeting, and asked for approval of the condemnation ratification at this time.

A Motion was made to approve Ratifying the Condemnation of 12511 N. Palmer Ln. Port Allen, La 70767, with a sixty day time frame by Mr. Phil Porto, seconded by Mr. Barry Hughhins.

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

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

NAYS: 0 (None)

ABSTAIN: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Mr. Kevin Durbin added Ms. Deanna Fourroux, has taken over condemnations along with Mr. Jimmy Talbot, doing inspections and taking pictures, he could not get this work done so quickly without their help.

Consider Beer and/or Liquor Permits, there were no items to consider at this time.

Correspondence Report included the following items:

- Next Planning & Zoning Commission Meeting is November 7th, 2017 at 5:30pm in the new Council Chambers
- Next Council Meeting is November 16th, 2017 at 6:30pm in the new Council Chambers
- Budget hearings November 1st and 2nd, 2017 at 6:00pm in new Council Chambers

There being no further business, a motion to adjourn was made by Ms. Charlene Gordon and adopted by acclamation at 8:28pm.

Gary M. Spillman, Council Chairman

Michelle Z. Tullier, Council Clerk

ORDINANCE 16 OF 2017

As Adopted by the West Baton Rouge Parish Council
At the Regular Meeting of
October 26, 2017

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 Clyde Ewing, File #2017-12, 9258 Hwy 190 West Port Allen La, 70767, Lots E-1 thru E-8, 21 acres m/l fronting Hwy 190 West, being a portion of the original Lot E-4 containing 98+ acres in SE/4, Section 28, T6S, R11E, rezoning from AG (Agricultural) & C-1.2 (Community Scale Commercial) to I-1 (Light Industrial) & I-2 (Moderate Industrial).

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 was considered, and after public hearing, a motion was made by Council Member Barry Huggins, which was seconded by Council Member Charlene Gordon, and a vote being taken, the following result was had:

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

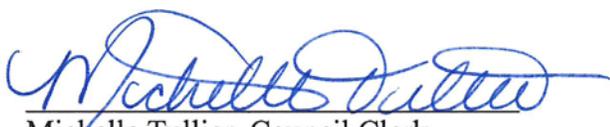
NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

WHEREUPON the ordinance was declared adopted on the 26th day of October, 2017.

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 26th day of October, 2017.

I further certify that the above and foregoing ordinance was submitted to the Parish President at 9:30 o'clock AM on the 27th day of October, 2017.

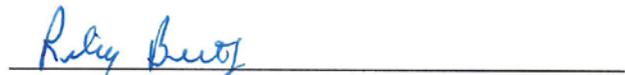
IN FAITH WHEREOF witness my official signature and the official seal of the West Baton Rouge Parish Council, Louisiana on the 27th day of October, 2017.



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 30th day of October, 2017.



Riley Berthelot, Jr., Parish President

COUNCIL CLERK'S RETURN RECEIPT

I certify that the above and foregoing ordinance was returned from the Parish President at 10:15 o'clock AM on the 30th day of October, 2017.



Michelle Tullier, Council Clerk

RESOLUTION 28 OF 2017

A RESOLUTION OF THE WEST BATON ROUGE PARISH COUNCIL APPROVING
HR NU BLU ENERGY, LLC FOR PARTICIPATION IN THE INDUSTRIAL TAX
EXEMPTION PROGRAM AT 3450 S. RIVERVIEW ROAD, PORT ALLEN, WEST
BATON ROUGE PARISH, LOUISIANA 70767

WHEREAS, Article 7, Section 21(F) of the Louisiana Constitution provides for the Board of Commerce and Industry (“BCI”), with the approval of the Governor, to approve contracts for the exemption of ad valorem taxes of a new manufacturing establishment or an addition to an existing

manufacturing establishment, on such terms and conditions as the board, with the approval of the Governor, deems in the best interest of the state; and

WHEREAS, HR Nu Blu Energy, LLC has applied for an Industrial Tax Exemption (“ITE”) and seeks approval of the BCI and the Governor for a contract granting that exemption; and

WHEREAS, Governor Edwards, through Executive Order JBE 16-73, has set forth the conditions for his approval of ITE contracts, and affirmed that those conditions are in the best interest of the state of Louisiana; and

WHEREAS, Executive Order JBE 16-73 provides that ITE contracts should be premised upon job and payroll creation at new or expanded manufacturing plants or establishments, and that the percentage of exemption from ad valorem taxes, and length of the contract for such exemption, may vary depending upon the nature of the project and its economic development benefit in accordance with guidance received from the Secretary of Economic Development and concurred in by the appropriate parish and/or municipal council, school board, and sheriff; and

WHEREAS, Executive Order JBE 16-73 mandates that each exemption contract approved by the Governor shall include as Exhibit “A” a Cooperative Endeavor Agreement for the ITE between the State of Louisiana, the Louisiana Department of Economic Development, and the applicant for the ITE contract, which provides for the creation or retention of jobs, and provides for the exercise of the option in the Louisiana Constitution for the term or percentage of the parish ad valorem tax exemption granted in the contract, and provides for the reduction or loss of the exemption based upon the applicant’s compliance with the contract; and

WHEREAS, Executive Order JBE 16-73 further requires that the West Baton Rouge Parish Council together with the other required local governmental entity signify consent to the terms of the exemption by resolution and the sheriff of this parish shall signify consent to the terms of the exemption by letter. Executive Order JBE 16-73 further provides that the resolutions of approval and the sheriff’s approval shall be attached as Exhibit “B” to the ITE contract between the BCI and HR Nu Blu Energy, LLC; and

WHEREAS, HR Nu Blu Energy, LLC and the Louisiana Department of Economic Development have advised that certain terms and conditions forming Exhibit “A” to the Industrial Tax Exemption Contract pending approval before the Louisiana Board of Commerce and Industry have been reached and have conveyed the same to the West Baton Rouge Parish Council, and thus this matter is now ready for a determination of approval of th West Baton Rouge Parish Council as required by Executive Order JBE 16-73;

THEREFORE, BE IT RESOLVED, upon consideration of the foregoing and the public discussion held this day, that the West Baton Rouge Parish Council approves the terms of the Industrial Tax Exemption contract based on the inclusion of the following terms and conditions into Exhibit “A” (the Cooperative Endeavor Agreement between the State of Louisiana, the Louisiana Department of Economic Development, and HR Nu Blu Energy, LLC to the Industrial Tax Exemption contract between the Board of Commerce and Industry and HR Nu Blu Energy, LLC with respect to its manufacturing plant to be located at 3450 S. Riverview Road, Port Allen, West Baton Rouge Pariah, Louisiana 70767:

5 New Direct Permanent Jobs at the Manufacturing Establishment

\$250,000 Annual Payroll

5 Term of Initial Exemption Contract

100% Percentage of Initial Exemption Contract

3 Term of Renewal Exemption Contract

80% Percentage of Renewal Exemption Contract

Yes Reduction/Loss of Exemption for non-compliance

The West Baton Rouge Parish Council further authorizes the Louisiana Department of Economic Development, on behalf of the Board of Commerce and Industry, to include this resolution in Exhibit "B" to the Industrial Tax Exemption Contract between the Board of Commerce and Industry and HR Nu Blu Energy, LLC.

THEREFORE, BE IT FURTHER RESOLVED by the West Baton Rouge Parish Council that a copy of this resolution shall be forwarded to Board of Commerce and Industry and the Louisiana Department of Economic Development.

THE FORGOING RESOLUTION WAS READ, AND, AFTER PUBLIC DISCUSSION, A MOTION WAS MADE BY COUNCIL MEMBER CHRIS KERSHAW, WHICH WAS SECONDED BY COUNCIL MEMBER RICKY LOUPE.

THIS RESOLUTION HAVING BEEN SUBMITTED TO A VOTE, THE VOTE THEREON WAS AS FOLLOWS:

YEAS: 8 (MSES. FAIR, GORDON, MESSRS. LOUPE, SPILLMAN, HUGGHINS, KERSHAW, ALLAIN, ROBERTSON)

NAYS: 0 (NONE)

ABSENT: 1 (MR. PORTO)

ABSTAIN: 0 (NONE)

AND the resolution was declared adopted on this October 26, 2017.

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 26, 2017, at which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk