

**WEST BATON ROUGE PARISH COUNCIL  
REGULAR MEETING  
GOVERNMENTAL BUILDING  
880 NORTH ALEXANDER AVENUE, PORT ALLEN, LOUISIANA  
OCTOBER 27, 2016 - 6:30PM**

The Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, October 27, 2016 and called to order at 6:30pm. Council Chairman Gary Spillman requested that all electronic devices be placed on silent as the meeting opened with The Pledge of Allegiance led by Mr. Barry Wilkinson.

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, Mses. Charlene Gordon and Naomi Fair.

Absent: Mr. Phil Porto Jr.

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

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A motion was made by Ms. Charlene Gordon, seconded by Mr. Chris Kershaw to approve the minutes of the October 13, 2016 regular meeting.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

As a result of the votes the motion was adopted.

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Chairman Spillman moved on to item #5 Consider any Amendments to the Agenda, there was one item to consider a) A resolution Expressing the Desire of the West Baton Rouge Parish Council Continuing to Promote Economic Development. There were no questions from the council at this time.

A motion was made by Mr. Barry Huggins, seconded by Mr. Ricky Loupe to amend tonight's agenda to include the aforementioned item.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

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

The agenda was therefore amended.

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Chairman Spillman moved on to item #6 Parish President's Report, and recognized President Berthelot who covered the following items: Update on Lobdell Sewer, there will be an All Call going out to citizens next week about roads being blocked next week in order to set man holes in the Lobdell area, Mr. Spillman questioned maybe starting Tuesday if possible due to Halloween. President Berthelot reminded everyone about budget hearings on November 2<sup>nd</sup> and 3<sup>rd</sup> at 6pm and also reminded everyone

about the Veterans Day program on the 11<sup>th</sup> at 10AM on the steps of the Courthouse; spoke briefly on the meeting about the PILOT program and the recent executive orders issued by Governor Edwards and how they will effect local governments and the taxes we rely on, and mentioned the resolution coming up which was amended onto tonight's agenda dealing with the same.

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Chairman Spillman moved on to item #7 Public Comments, there were no comments from the public at this time.

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Chairman Spillman moved on to item #8 Communications with Council Members and/or Elected or Appointed Officials, Annual report on floodplain management as it relates to the West Baton Rouge Parish Hazard Mitigation Plan, Mr. Kevin Durbin, Director of Public Works was recognized and gave a presentation to review the action items which were a part of the 2015 Hazard Mitigation Plan update as they relate to floodplain management and to give future direction on how to proceed. Mr. Durbin covered the following items; Rules, regulations and policies; Land use principles; Repetitive loss mitigation; Emergency communications and response. The council thanked Mr. Durbin for the update. There were no questions from the council.

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Chairman Spillman at this time moved on the Item #9 Consider Approval of Group Medical Insurance for period January 1, 2017 through December 31, 2017, Mr. Manola was recognized and explained we did get some good news from Humana Health Care there will be a two percent decline in premiums for 2017 health insurance, no increase in vision and a 4% increase in dental; Group Life Insurance policy will stay as Blue Cross and Blue Shield with no increase.

Mr. Manola recommended that the Council also continue to pay the 100% of High Deductible Insurance and continue to contribute to the employees HSA accounts (the same four hundred dollar single and eight hundred dollar family contributions); continue to also pay the 85% of the Co-Pay plan; continue to pay half of basic life for employees and asked for a motion to authorize the Parish President to sign the renewal for approval.

Mr. Manola also noted that open enrollment would be from November 1<sup>st</sup> through November 22, 2016.

A motion to was made by Mr. Ricky Loupe, seconded by Mr. Barry Hugghins to accept the Administration's recommendation of Humana for 1) high deductible plan, (with aforementioned contributions) 2) alternative co-payment plan to provide employee health insurance as well as Blue Cross Blue Shield Life Insurance policy for January 1, 2017 through December 31, 2017, and authorize Parish President to sign the necessary documentation.

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

YEAS: 8 (Messrs. Kershaw, Hugghins, Robertson, Spillman, Loupe, Allain, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

As a result of the votes the motion was adopted.

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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 Sec. 104-3 Establishment of Districts, Official Zoning Map for rezoning request of T. Barry Wilkinson, File #2016-15, 3450 S. Riverview Rd. Port Allen, La 70767, Approximately 50 acres m/l being a part of Monte Vista Farms located in Section 50, T6S, R12E, and Sections 57, 58 & 111, T7S, R12E. Rezoning from AG (Agricultural) to I-3 (Heavy Industrial). Mr. Barry Wilkinson was recognized and asked the council to consider his rezoning request of the aforementioned property and offered to answer any questions that they may have at this time. Mr. Kevin Durbin was recognized and notified the council, this rezoning was recommended for approval by the Planning and Zoning Commission by a unanimous vote of those members present at the last meeting.

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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.

Mr. Spillman commented that Mr. Porto could not be here tonight as he is on vacation however he asked for me to let everyone know, he is in support of this rezoning. Mr. Huggins commented he was in support and would be even if it was next door to his location, and also wanted to look into the issues with the road situation on Riverside, along with the landowners down Safe Energy, due to connectivity issues.

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

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

As a result of the votes the motion was adopted.

Ordinance 34 of 2016 appears at the end of these minutes.

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Chairman Spillman moved on to item #11 Consider status report, Change order and/or other matters as required on current projects, specifically item #11a) Accept/Reject Adjustment Change Order and Certificate of Substantial Completion for 2016 Asphalt Roads Rehab Project #11236.01, Mr. Kevin Gravois with PEC was recognized and explained to the council the change order on this project was for a decrease in the project of \$111,810.12 dollars due to some items being omitted from the project, he also recommended that a Certificate of Substantial Completion be approved for this project, as it has been completed by Barber Brothers Contracting Company for a contract total, of \$690,811.69 dollars, which includes the aforementioned change order.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Barry Huggins to accept Change Order No. 2 for -\$111,810.12 dollars and the Certificate of Substantial Completion as recommended by administration on the 2016 Asphalt Road Rehabilitation Program Project #11236.01.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

As a result of the votes the motion was adopted.

Item #11b) Accept/Reject Adjustment Change Order and Certificate of Substantial Completion for Court St. Rehab Project #11238.01, Mr. Kevin Gravois was again recognized and advised the council this project required a change order for an increase of \$34,615.18 dollars, this increase was for additional turning radius and some side road paving, for a contract total of \$423,796.58 dollars, also recommended approval of the Certificate of Substantial Completion for Industrial Enterprises, Inc. for the Court Street Rehabilitation Project #11238.01.

A motion was made by Mr. Barry Huggins, seconded by Mr. Kirk Allain to accept Change Order No. 1 for \$34,615.18 dollars and the Certificate of Substantial Completion as recommended by administration on the Court Street Rehabilitation Project #11238.01.

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

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YEAS: 8 (Messrs. Kershaw, Hugghins, Robertson, Spillman, Loupe, Allain, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

As a result of the votes the motion was adopted.

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Chairman Spillman moved on to Item #12 Resolutions, specifically item #12 a) Authorize Signing Louisiana Governmental Compliance Questionnaire for 2016 Annual Audit for Natural Gas & Water Systems, Ms. Pam Keowen of the Utilities Department was recognized and explained to the council this resolution was needed in order for their department to proceed with a thirteen month audit this year. There were no questions from the council at this time.

A motion was made by Mr. Ricky Loupe, seconded by Ms. Charlene Gordon to approve the aforementioned resolution.

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

YEAS: 8 (Messrs. Kershaw, Hugghins, Robertson, Spillman, Loupe, Allain, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

As a result of the votes the motion was adopted.

Resolution 30 of 2016 appears at the end of these minutes.

Item #12b) has been deleted from the agenda by the requestor.

Item #12c) A Resolution Expressing the Desire of the West Baton Rouge Parish Council Continuing to Promote Economic Development, Ms. Jamie Hanks, Executive Director of the West Baton Rouge Chamber of Commerce was recognized and briefly explained to the council the recent events which have went on concerning the Industrial Tax Exemption Program, she expressed the need for this resolution simply to let everyone know that West Baton Rouge is interested in negotiating with any businesses willing to come to our parish; the need for this resolution is in response to the growing concerns over the recent executive orders issued by the governor concerning the ITEP. There were no questions at this time.

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

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

YEAS: 8 (Messrs. Kershaw, Hugghins, Robertson, Spillman, Loupe, Allain, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

As a result of the votes the motion was adopted.

Resolution 31 of 2016 appears at the end of these minutes.

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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 Sec. 104-3 Establishment of Districts, Official Zoning Map for rezoning request of Elray Kocke Service, Inc and Harry L. Laws & Company, Inc., 5100 La Hwy 1 South, Port Allen, La 70767, File #2016-17, 3686.92 AC M/L DESIG AS: 1090 AC BEING CINCLARE PLTN IN SECS 9 10 11 12 51 52 53 & 54 T8S R12E & SEC 109 & 110 T7S R12E; 163.92 AC IN SEC 17&18 T8S R12E; 50 AC N P/O SEC 59 T8S R12E; 30 AC LEJEUNE TR IN SEC 59 T8S R12E; 80 AC S P/O SEC 59 T8S R12E; 163 AC SEC 60 T8S R12E; 29 AC SEC 60; 608 AC SEC 32 & SE/4 SEC 31 SW/4

SEC 31 SE/4 OF NW/4 SEC 31 & NE/4 SEC 31 LESS 20 AC TO CANAL IN T7S R12E; 114 AC SEC 77 T8S R12E; 431 AC N/2 SEC 78 & P/O S/2 SEC 78 T8S R12E; 930 AC S/2 SEC 23 P/O SEC 59 N/2 SEC 24 E/2 SE/4 SEC 34 T8S R11E & N/2 SEC 79 T8S R12E; 1.23 AC W P/O SEC 79 T8S R12E; 43.77 AC BOUNDED N E & W BY SELF SO BY RR MEAS 150' WIDTH BEING 75' ON EACH SIDE OF CENTERLINE OF RR (C-1C SERVITUDE MAP) 5 Acres of the actual Cinclare Sugar Mill site; Rezoning from I-1 (Light Industrial) to I-2 (Moderate Industrial) with a Special Use Permit for a Concrete Batch Plant. Public Hearing Date: December 15, 2016

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 West Shore Park LLC., File #2016-18, 1812 & 1813 West Shore Avenue Port Allen, La 70767, Lots 12-A & 13-A located in Sections 75 & 76, T7S R12E, Southeastern Land District, West of the Mississippi River, Parish of West Baton Rouge, LA. Rezoning from C-1.2 to C-1.3. Public Hearing Date: December 15, 2016

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Chairman Spillman moved on to Item #14 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.

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Item #15 Consider Beer and/or Liquor Permits, 15a) LA Express #7, 12610 Hwy 190 West Erwinville, La 70729, (Change of Ownership) Ms. Tullier explained this was a change of ownership and the new owners Representative Democracy LLC., have met all requirements in accordance with the Compiled Ordinances, West Baton Rouge Parish, Louisiana, Chapter 6 Alcoholic Beverages.

A motion was made by Mr. Barry Hughhins to approve the aforementioned alcohol permit, seconded by Mr. Kirk Allain.

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

YEAS: 8 (Messrs. Kershaw, Hughhins, Robertson, Spillman, Loupe, Allain, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

As a result of the votes the motion was adopted.

Item #15b) False River Queen, 12610 Hwy 190 West, Suite A, Erwinville, La 70729 (Change of Ownership) per Ms. Tullier this is the same place just an additional license, they must be voted on separately. The establishments have met all requirements in accordance with the Compiled Ordinances, West Baton Rouge Parish, Louisiana, Chapter 6 Alcoholic Beverages.

A motion was made by Mr. Barry Hughhins to approve the aforementioned alcohol permit, seconded by Ms. Charlene Gordon.

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

YEAS: 8 (Messrs. Kershaw, Hughhins, Robertson, Spillman, Loupe, Allain, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

As a result of the votes the motion was adopted.

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Item #16 Appointments –Board of Adjustments- one alternate needed- Chairman Spillman asked if there were any suggestions on a name for appointment, no names were suggested at this time.

A motion was made by Mr. Barry Hughhins to table this item until the next meeting, seconded by Ms. Charlene Gordon.

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

YEAS: 8 (Messrs. Kershaw, Hughhins, Robertson, Spillman, Loupe, Allain, Mses. Gordon, Fair)

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

As a result of the votes the motion was adopted.

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Correspondence Report included the following item:

- Next Planning & Zoning Meeting is November 15, 2016 at 5:30pm
- Next Fire Board Meeting is November 17<sup>th</sup> at 6:15pm before the Council Meeting

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There being no further business, a motion to adjourn was made by Ms. Charlene Gordon and adopted by acclamation at 7:06pm.



Gary M. Spillman, Council Chairman



Michelle Z. Tullier, Council Clerk

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

### **ORDINANCE 34 OF 2016**

As Adopted by the West Baton Rouge Parish Council  
At the Regular Meeting of  
October 27, 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 T. Barry Wilkinson, File #2016-15, 3450 S. Riverview Rd. Port Allen, La 70767, Approximately 50 acres m/l being a part of Monte Vista Farms located in Section 50, T6S, R12E, and Sections 57, 58 & 111, T7S, R12E. Rezoning from AG (Agricultural) to I-3 (Heavy Industrial).

**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:                   8       (Mses. Fair, Gordon, Messrs. Allain, Spillman, Loupe, Robertson, Kershaw, Huggins)

NAYS:                   0       (None)

ABSENT:               1       (Mr. Porto)

ABSTAIN:             0       (None)

**WHEREUPON** the ordinance was declared adopted on the 27<sup>th</sup> day of October 2016.

**ATTEST:**



Michelle Tullier, Council Clerk

The following resolution was offered by Mr. Ricky Loupe, seconded by Ms. Charlene Gordon.

### **RESOLUTION 30 OF 2016**

A Resolution authorizing the Parish President, Director of Utilities, and Director of Finance to sign the Louisiana Compliance Questionnaire for Audit Engagement for Provost, Salter, Harper and Alford, LLC. On behalf of the West Baton Rouge Parish Natural Gas & Water Systems for the period December 1, 2015– December 31, 2016

**WHEREAS**, as mandated by State Law the West Baton Rouge Parish Council completed the compliance questionnaire for audit engagements as a required part of a financial audit of Louisiana governmental units and quasi-public entities.

**NOW THEREFORE BE IT RESOLVED** that the West Baton Rouge Parish Council does hereby authorize the Parish President, Director of Utilities, and Director of Finance to sign the Louisiana Compliance Questionnaire for Audit Engagement for the period December 1, 2015 – December 31, 2016.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Porto)

ABSTAIN: 0 (None)

As a result of the votes said 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 27, 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. Ricky Loupe.

**RESOLUTION 31 OF 2016**

A Resolution Expressing the Desire of the West Baton Rouge Parish Council Continuing to Promote Economic Development

**NOW THEREFORE BE IT RESOLVED** that the West Baton Rouge Parish Council does hereby express its continuing promotion of Economic Development by means of partnering with taxing authorities to enter in to negotiations with new or existing companies considering investment in West Baton Rouge Parish.

**NOW THEREFORE BE IT FURTHER RESOLVED** that a certified copy of this resolution be transmitted by the Office of the Council Clerk to the West Baton Rouge Chamber of Commerce, the Baton Rouge Area Chamber and the Louisiana Department of Economic Development.

Roll call vote on the resolution was recorded as follows:

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

NAYS: 0 (None)

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ABSENT: 1 (Mr. Porto)

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 27, 2016 at which meeting a majority of the members were present and voting.

  
Michelle Tullier, Council Clerk