

**WEST BATON ROUGE PARISH COUNCIL  
REGULAR MEETING—SEPTEMBER 24, 2015  
WEST BATON ROUGE PARISH COUNCIL  
GOVERNMENTAL BUILDING  
880 NORTH ALEXANDER AVENUE, PORT ALLEN, LOUISIANA  
6:30PM**

The Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, September 24, 2015 and called to order at 6:30pm. Council Chairman Gary Spillman requested that all electronic devices be placed on silent as the meeting opened with the pledge led by Ms. Naomi Fair.

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

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

Absent: Mr. Randal Mouch

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

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A motion was made by Mr. Phil Porto, seconded by Ms. Charlene Gordon, to approve the minutes of the September 10, 2015 regular meeting.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Mouch)

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 and explained to the council, due to the resignation of Ms. Kristen Saucier from the Capital Area Human Services District as well as Mr. Spillman’s current term on said board due to expire this month, candidates must be submitted to the Governor’s Office soon for appointment, he also noted that two candidate names are needed for each seat.

A motion was made by Mr. Barry Huggins, to amend tonight’s agenda to include an item titled Capital Area Human Services District Candidates, seconded by Ms. Charlene Gordon.

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

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

NAYS: 0 (None)

ABSENT: 1 (Mr. Mouch)

As a result of the votes the motion was unanimously adopted by members present.

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Chairman Spillman moved on to item#6 Parish President's Report, President Berthelot started by congratulating the five council persons who recently went in unopposed during the recent qualifying, and also extended a helping hand of support to those who have opposition in the upcoming elections. President Berthelot reminded everyone about Sugar Fest which is Sunday, October 4<sup>th</sup>, spoke about meeting with Thermodyn a new company coming to the Parish on Northline Rd. and informed the council of the groundbreaking at the new Dow Warehouses on the old Copolymer site. There were no questions for President Berthelot at this time.

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Chairman Spillman moved on to item#7 Presentation by West Baton Rouge Parish Library, and recognized Mr. Luis Interiano, Adult Services Librarian who started off his presentation with a brief overview of the services currently offered at the Library and wanted to let the public know about the new technology services of the Library. Services such as a Conference room with whiteboard, projector, laptop, wireless keyboard, conference phone and webcam. Mr. Interiano briefly overviewed the new system called "Lynda.com" which will soon become available on the Library Website, it will include multiple courses such as business skills, education, web design, Office programs, coding programing, IT tech training, video development, photography, 3D animation and AutoCAD just to name a few, all of these services available from home with a valid library card. Mr. Kershaw asked if there were any plans to put a location south of the Intracoastal Canal due to the traffic issues, Mr. Interiano explained this is an interest, however he is not sure about the funding, but would check with the Library Director Ms. Beth Vandersteen, who wanted to be here but is out sick today. There were no further questions for Mr. Interiano.

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Councilman Randal Mouch entered the meeting at 6:35pm.

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At this time the West Baton Rouge Parish Council met as the Board of Review for the purpose of considering and hearing complaints from taxpayers desiring to be heard on the 2015 tax assessment values of property as determined by the West Baton Rouge Parish Assessor. Assessor Barney Altazan was recognized to certify the totals for year 2015, reviewed and read into the record excerpts from schedules A & B for real estate, personal property & public service for tax year 2014 & 2015 as well as homestead exempted property totals for the same. Mr. Altazan certified the assessment lists of West Baton Rouge Parish for 2015 to the Board of Review in the amount of \$419,158,492.00 with additional total assessment for 2015 for Public Service from the Louisiana Tax Commission as \$31,178,960.00. Mr. Altazan explained there was one protest received in his office by Auto Zone, but that protests was not filed with the Board of Review therefore in his opinion it is not valid as it was not submitted to the Board in writing. Mr. Altazan confirmed 1 mill brings in \$406,000.00 and answered a few questions from the Council.

A motion was made by Mr. Barry Hughhins, seconded by Mr. Ricky Loupe to ratify the 2015 assessment lists as determined and presented.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Certifying Resolution 19 of 2015 appears at the end of these minutes.

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Following a brief discussion on municipal consensus, a motion was made by Mr. Phil Porto, seconded by Ms. Charlene Gordon to set the time and date for Halloween Trick-or-Treat for the unincorporated areas of West Baton Rouge Parish from 5:30PM – 7:30PM, Saturday, October 31, 2015.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

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Mr. Kevin Durbin, Public Works Director was recognized at this time under item #10 Review and adopt the floodplain management program for Public Information (PPI). Mr. Durbin started by explaining our participation in National Flood Insurance Program (NFIP) along with the Community Rating System (CRS) whereby through certain activities by the parish, residents qualify for certain discounts off flood insurance ratings. As a participant in this program FEMA audits our activities and as a new requirement the council has been presented with the Floodplain Outreach Project, Program for Public Information by which we promise to perform certain outreach activities to the community. Mr. Durbin continued by giving an overview of where we stand on our Hazard Mitigation Plan, which is currently going through its five year update, from this plan 12 action items have been identified that relate directly to our NFIP which are listed in 4 different groups: Rules, regulations and policies, Land use principles, Repetitive loss mitigation and Emergency communications response. Mr. Durbin offered to answer any questions, there were no questions for Mr. Durbin at this time.

A Motion was made by Mr. Randal Mouch, to adopt the Floodplain Management Program for Public Information (PPI) and accept the Annual report on Floodplain management as it relates to the West Baton Rouge Parish Hazard Mitigation Plan, seconded by Mr. Ricky Loupe.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

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Item #11 Public Comments, there were no comments from the public at this time.

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Chairman Spillman asked if any Elected/Appointed Officials or any Council Members would like to speak under item #12, Mr. Randal Mouch shared with everyone that he has a new granddaughter in the family, and was congratulated by the Council. Mr. Phil Porto announced the upcoming marriage of his daughter and extended open invitations to the Council and Administration to attend this wedding which will be on October 16 at 6:30pm at Holy Family Church and reception to follow at the Addis Community Center. Mr. Barry Huggins spoke on a recent article he read about the passenger rail idea between Baton Rouge and New Orleans coming up again, and expressed his concerns with this proposal due to the extreme need for a Hwy 1/I-110 connector, stating "If there was a need for passenger rail, Kansas City Southern would already be doing it". He expressed the proposal was to spend \$360 million dollars and noted we could get a connector for that price. Mr. Huggins requested the council consider adopting an amendment stating our position on this passenger rail proposal when we have real transportation needs that should be addressed, "instead of wasting money because it fits somebody's political agenda". Mr. Spillman asked that a resolution be added to the next agenda per Mr. Huggins request.

Mr. Spillman asked Mr. Huggins to bring us up to date on the saltwater intrusion issue. Mr. Huggins explained there were two fee increase proposals to fund test wells for the two thousand foot sand, one proposal would only apply the fee to those who actually pull from the two thousand foot sand and the other was to distribute the fee to everyone. After a vote of the Capital

Area Ground Water Commission, the result was to distribute the fee to everyone. Mr. Huggins added for the record that he himself and one other person were the only votes against this proposal. There were no further comments at this time.

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Chairman Spillman announced that a Public Hearing was in order at this time and all interested persons were invited to appear and be heard on An Ordinance Amending Chapter 104 Zoning to Incorporate Amended Zoning Designation Map (Zoning Plan) under Sec. 104-3 Establishment of Districts, Official Zoning Map for rezoning request of Patrick and Patricia Bollich, 963 West Acadian Bayou Lane, Port Allen, LA 70767, File # 2015-5 Tracts CJ-2-A containing 25.606 acres located in Section 7, T7S, R11E, rezoning from R-SF-3 to AG (Agricultural). Mr. Durbin was recognized and noted the Zoning Commission previously voted 9 Yays to 0 Nays to deny the rezoning of the aforementioned property.

There was a lengthy discussion by the following individuals either for or against aforementioned proposed ordinance touching on some of the issues below:

Mr. Ted Denstel, for rezoning due to land use and intent on zoning regulations

Mr. Pat Bollic, spoke on reasons needed to rezone, gave history of what his intent was and still is with said property, to raise trees to harvest at a later date among other things which can be done in agricultural.

Mr. Bobby Arnold, against rezoning due to vast things done in agricultural as well as diminishing property values

Mr. Clifton Jordon, against rezoning due to diminishing value and explained he had no problem with a tree farm, but has trees with weeds next to his property not a tree farm, therefore he has rodent problems.

Mr. Larry Johnson, for rezoning due to the sales history of the property and due to what the plat files listed the zoning of the property as.

Mr. Jordan was recognized again and rebutted some comments made by Mr. Johnson.

Mr. Arnold was recognized again and also rebutted comments previously made by Mr. Johnson and also explained the status of the Gaudin property previously rezoned which now looks like "trash".

At this time there were no further comments from the public and the Chairman at this time declared the public hearing closed and opened up discussion to the Council.

A motion was made at this time by Mr. Randal Mouch to approve the rezoning of aforementioned property for Mr. Patrick Bollich from R-SF-3 to AG, seconded by Mr. Chris Kershaw.

Mr. Huggins spoke on not being able to support the rezoning to agricultural, due to worry of litigation for diminished value at a later date, he offered a substitute motion to deny the rezoning, and issue Mr. Pat Bollich a Special Use permit for Resource Extraction, seconded by Mr. Phil Porto.

Mr. Loupe spoke and clarified the difference in this request and the last rezoning request in his opinion, was the location to the residential lots which is why he would vote differently on this particular rezoning, shared his concerns on resource extraction, read aloud the definition of Timberland and questioned the timberland option, which currently is not allowed as a special use under residential in our code.

Mr. Kershaw, clarified the votes needed in order to pass the original and substitute motion, questioned Mr. Pat Bollich on whether he wanted to go with the substitute motion or hold out for the original request of the rezoning to agricultural. Mr. Bollich explained he may want to do other things at a later date and was concerned a special use would not cover those things.

Mr. Durbin read aloud the definition of Resource Extraction and Mr. Loupe previously read the definition of Timberland. Attorney Lou Delahaye gave an opinion that trees could be considered a natural resource.

Mr. Kershaw clarified the motions on the table currently and asked Mr. Bollich if he would like to go for the agricultural rezoning or go for the special use permit, per Mr. Bollich the concern is that he may have issues at a later date with other things he may want to do and would like to go for the rezoning. Mr. Kershaw continued by reading the Right to Forrest Law, explained Mr.

Bollich's property assessment classifications, reviewed the Planning & Zoning votes from the previous meeting, reviewed the current Master Plan and explained the reasoning for the number of votes needed to pass any rezoning which goes against what the Master Plan shows, he finished by asking the council to vote down the special use and vote on the rezoning.

Mr. Porto thanked everyone for being patient and also thanked Mr. Kershaw for his extensive research, but explained if we went by that law, we would never create another subdivision in this parish, he continued by reading the vote and recommendation from the Planning & Zoning Commission meeting "the commission feels that changing the zoning on this track will be a disservice to the surrounding property owners who knew and purchased their property knowing it was zoned residential". Mr. Porto stated "this is what I am stuck on, I feel like people bought property out there knowing it was residential and now people are wanting to rezone" and further explained to Mr. Denstel, this is not simply a rezoning to allow for trees, but a long list of other things which are acceptable in agricultural. He finished by giving an example of a Military Base being allowed in this zone.

Mr. Larry Johnson requested to speak and Chairman Spillman explained to him that the Public Hearing had already been closed.

Mr. Mouch voiced his opinion to support voting down the substitute motion and allow for the rezoning to go to agricultural.

Mr. Spillman explained the difference in a residential zoning and an agricultural zoning, and mentioned talking to Mr. Bollich previously about a special use permit. Mr. Spillman wondered how this could be done without rezoning to agricultural due to the vast list of things allowed in the agricultural zoning such as underground storage, private landing strips and even a Federal Prison. He stressed that all sorts of things can be done in agricultural, and these people bought property as residential and built houses as residential and in closing Mr. Spillman stated he felt comfortable that Mr. Bollich could do what he is asking for without a rezoning to agricultural, supported voting in favor of the substitute motion.

Chairman Spillman clarified the substitute motion on the floor is deny the rezoning request and issue a special use permit for resource extraction for Mr. Pat Bollich at aforementioned property.

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

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

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

ABSENT: 0 (None)

As a result of the votes the substitute motion was adopted.

Ordinance 26 of 2015 appears at the end of these minutes.

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Chairman Spillman moved on to item #14 Consider status report, Change order and/or other matters as required on current projects, Mr. Jason Manola was recognized and reviewed the following projects:

Explained 4% increase in garbage rates due to contract

Wrapping up culvert project in Silvery Estates then on to DiBenedetto subdivision

Rivault Park dirt work moving along, possibly doing more by end of this year than first thought

Playground equipment replacement going on, Mulatto Bend and William & Lee is next to be worked on

Ms. Gordon questioned dumping in the area of the graveyard near Solomon St, Mr. Manola stated that trash and debris only be put in front of homes or trucks will not pick up

Mr. Loupe asked about status on Antonio project, Mr. Manola stated working on pouring banks next week

There were no further questions for Mr. Manola at this time.

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Item #15 Resolutions, President Berthelot was recognized and explained he is looking for support to be a nominee for the Police Jury Association of Louisiana's Region III Executive Board. There were no questions for President Berthelot at this time.

A motion was made by Mr. Phil Porto, seconded by Mr. Ricky Loupe to adopt the resolution in support of President Berthelot seeking nomination to serve on the PJAL Region III Executive Board.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

Certifying Resolution 20 of 2015 appears at the end of these minutes

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Item #14 Introduction of Ordinances, Chairman Spillman read the following ordinance by title into the record: An Ordinance Adopting the 2015 Council Amendments to the General Fund Revenue and Expenditure Budgets and the Capital Outlay Budgets for Roads, Buildings, Land and Recreation for the Fiscal Year Beginning January 1, 2015 and Ending December 31, 2015. Public Hearing date: October 8, 2015

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Item #17, Consider Planning & Zoning Minutes, Subdivisions, Plats, Condemnations and/or Variances and matters related thereto, there were none at this time.

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There were no Beer and/or Liquor Permits to consider at this time.

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Chairman Spillman moved on to the Amended Item on the agenda: Capital Area Human Services District Candidates and asked Ms. Tullier to read the names of candidates to the council. Ms. Tullier read the following candidates for the Capital Area Human Services District Board: Ms. Stacey Morales, Mr. Brandon Brown, Ms. Etha LaCour & Mr. Gary Spillman.

A motion was made by Mr. Barry Huggins, seconded by Ms. Charlene Gordon to submit the aforementioned candidates to the Governor's Office for consideration of appointment to the Capital Area Human Services District board.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

As a result of the votes the motion was adopted.

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

- Reminder Police Jury Region III meeting in Plaquemine on Thursday October 1<sup>st</sup> at 6pm at the Waterfront Park
- Police Jury 92<sup>nd</sup> Annual Convention is set for March 3 – 5 of 2016 at the Shreveport Convention Center

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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

The following resolution was offered by Mr. Barry Huggins, seconded by Mr. Ricky Loupe

**RESOLUTION 19 of 2015**

A Resolution to ratify the total assessed value of the 2015 assessment lists as determined and presented by the West Baton Rouge Parish Assessor and certified to the West Baton Rouge Parish Council acting as the “Board of Review”.

**WHEREAS**, pursuant to Louisiana Revised Statute 47:1992, the West Baton Rouge Parish Assessor has determined the assessment lists of real and personal property in and for the Parish and has exposed the same for inspection by the taxpayers and other interested persons for a period of 15 Calendar days as advertised, and

**WHEREAS**, now that said period has expired and the lists have been changed where necessary for clerical errors or erroneous assessments.

**NOW THEREFORE BE IT RESOLVED** that the West Baton Rouge Parish Council does hereby ratify the total assessed value of the 2015 assessment lists as determined and presented by the West Baton Rouge Parish Assessor and certified to the West Baton Rouge Parish Council acting as the “Board of Review” in the amount of \$419,158,492.00.

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to the Louisiana Tax Commission and the West Baton Rouge Parish Assessor.

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

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

NAYS: 0 (None)

ABSTAIN: 0 (None)

ABSENT: 0 (None)

As a result of the votes the resolution was unanimously 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 acting as "Board of Review" at its Regular Meeting of September 24, 2015 at which meeting all of the members were present and voting.

  
Michelle Tullier, Council Clerk

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

**ORDINANCE 26 of 2015**

As Adopted by the West Baton Rouge Parish Council  
At the Regular Meeting of  
September 24, 2015

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

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

Sec.104-3. Establishment of districts, official zoning map for the rezoning request of Patrick and Patricia Bollich, 963 West Acadian Bayou Lane, Port Allen, LA 70767, File #2015-5 Tracts CJ-2-A, containing 25.606 acres located in Section 7, T7S, R11E, Special Use Permit for Resource Extraction in R-SF-3.

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

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

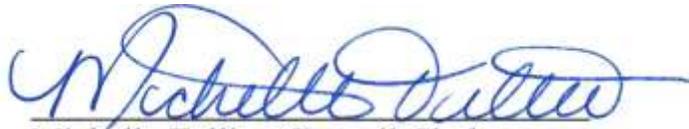
**NOW THEREFORE BE IT FURTHER RESOLVED** by the Parish Council of the Parish of West Baton Rouge, Louisiana, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can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

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

YEAS:           6       (Messrs. Loupe, Porto, Spillman, Huggins, Robertson, Ms. Gordon)  
NAYS:           3       (Messrs. Mouch, Kershaw, Ms. Fair)  
ABSENT:        0       (None)  
ABSTAIN:       0       (None)

WHEREUPON the ordinance was declared adopted on the 24<sup>th</sup> day of September, 2015.

ATTEST:



Michelle Tullier, Council Clerk

The following resolution was offered by Mr. Phil Porto, seconded by Mr. Ricky Loupe

**RESOLUTION 20 of 2015**

A Resolution of support for Mr. Riley L. Berthelot, Jr. currently seeking nomination to serve on The Police Jury Association of Louisiana Region III Executive Board

**WHEREAS**, Mr. Riley L. Berthelot, Jr. is currently serving in his 12<sup>th</sup> year as West Baton Rouge Parish President and was recently unopposed in his bid for a 4<sup>th</sup> consecutive term since 2004, and

**WHEREAS**, Mr. Berthelot, a long standing delegate to the Police Jury Association has been a member of the Highway Committee since 2005 and was the Region III President for 2011-2012, and seeks nomination to serve on the Region III Executive Board, and

**WHEREAS**, Mr. Berthelot has over 27 years of experience as an elected official with a broad range of experience not only through his duties as Parish President but formerly as a successful businessman, and

**WHEREAS**, Mr. Berthelot's wide range of knowledge gained during this time and his excellent working relationships with his colleagues on a local, state and national level makes him an ideal candidate for this position.

**NOW THEREFORE BE IT RESOLVED** by the West Baton Rouge Parish Council, in Regular Session convened on this 24th day of September, 2015, on behalf of the citizens of West Baton Rouge Parish, that it does wholeheartedly and unanimously support Mr. Riley L. Berthelot Jr. as a candidate for the PJAL Region III Executive Board at the upcoming Region III Meeting on October 1, 2015.

**BE IT FURTHER RESOLVED** that this Resolution be sent to all other Region III Parishes in Louisiana humbly requesting that they support and endorse Mr. Riley L. Berthelot Jr. as a candidate for Region III Executive Board of the Police Jury Association of Louisiana.

**THUS PASSED AND ADOPTED** on this, 24<sup>th</sup> day of September, 2015.

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

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

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes the resolution was unanimously 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 September 24, 2015 at which meeting a majority of the members were present and voting.



Michelle Tullier, Council Clerk