

**WEST BATON ROUGE PARISH COUNCIL  
REGULAR MEETING  
WEST BATON ROUGE PARISH GOVERNMENTAL BUILDING  
880 NORTH ALEXANDER AVENUE, PORT ALLEN, LOUISIANA  
May 9, 2019  
5:30PM**

**The Following Minutes Are Summarized For Brevity, For Precise Meeting Information Please Refer To Meeting Audio Or Video.**

The Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, May 9, 2019 and called to order at 5:30pm. Council Chairman Gary Spillman asked that all electronic devices be placed on silent and recognized Mr. Jason Manola, who led everyone in the Pledge of Allegiance.

**ATTENDANCE**

The following members were recorded as being present:

Messrs. Barry Hughhins, Ricky Loupe, Kirk Allain, Gary Spillman, Edward “Bob” Robertson, Chris “Fish” Kershaw, and Phil Porto.

Absent: Mses. Naomi Fair and Charlene Gordon.

Also present were, Mr. Riley Berthelot Jr, Parish President, Mr. Jason Manola, Executive Assistant, Mr. Phillip Bourgoyne, Director of Finance, Mr. Kevin Durbin, Director of Public Works, and Mrs. Michelle Tullier, Council Clerk.

**MINUTE APPROVAL**

A motion was made by Mr. Barry Hughhins, seconded by Ms. Charlene Gordon to approve the minutes of the April 25, 2019 regular meeting.

The vote was recorded as follows:

YEAS: 7 (Spillman, Hughhins, Robertson, Kershaw, Porto, Allain, Loupe)

NAYS: 0 (None)

ABSENT: 2 (Fair, Gordon)

ABSTAIN: 0 (None)

As a result of the votes the motion passed.

**CONSIDER ANY AMENDMENTS TO THE AGENDA**

Chairman Spillman explained there was a request for the following items to be amended onto the agenda:

**A. Accept/Reject the Certificate of Substantial Completion and Change Order No. 1 for the Sid Richardson Road Extension project**

**B. Accept/Reject Change Order No. 1 for the 2019 Asphalt Road Rehabilitation Program**

There were no comments or questions regarding this request.

A motion was made by Mr. Barry Hughhins, seconded by Mr. Ricky Loupe to amend the agenda to include the aforementioned items.

The vote was recorded as follows:

YEAS: 7 (Spillman, Hughhins, Robertson, Kershaw, Porto, Allain, Loupe)

NAYS: 0 (None)

ABSENT: 2 (Fair, Gordon)

ABSTAIN: 0 (None)

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

Councilwoman Charlene Gordon entered the meeting at 5:35pm.

## PARISH PRESIDENT'S REPORT

Parish President Riley Berthelot was recognized and covered the following items:

HB 578 update regarding La1/415 connector funding;

SB 214 Update regarding ITEP Program;

June 6<sup>th</sup> opening bids on south end water line;

Status update on south end waterline project.

There were a few questions for the Parish President.

## PUBLIC COMMENTS

There were no public comments at this time.

## COMMUNICATIONS WITH COUNCIL MEMBERS AND/OR ELECTED OR APPOINTED OFFICIALS

Mr. Phillip Bourgoyne, was recognized and provided monthly budget to actual numbers year to date, and offered to answer any questions. Mr. Bourgoyne also took a moment to introduce the Council to the newest hire in the Administration office, Mr. Chance Stephens the new Assistant Finance Director.

Mr. Kevin Durbin was recognized and covered the drainage grant recently received for the Bayou Stumpy Watershed. Chairman Spillman requested that we get a drone and fly over the Chamberlain Canal to see if there were any obvious issues there, and administration agreed. Mr. Kershaw reminded everyone about financial disclosure statements being due, and also updated everyone on the Brusly High School athletic accomplishments specifically, Girls Softball, Boys Baseball, Girls and Boys Track Teams and the Brusly High Fishing Team.

## CONSIDER NAME FOR NEW EXTENSION ROAD OFF SID RICHARDSON RD.

Councilman Kirk Allain made a motion to name the aforementioned road to Carroll Bourgeois Road, seconded by Charlene Gordon.

The vote was recorded as follows:

YEAS: 8 (Spillman, Huggins, Robertson, Kershaw, Gordon, Porto, Allain, Loupe)

NAYS: 0 (None)

ABSENT: 1 (Fair)

ABSTAIN: 0 (None)

As a result of the votes the motion passed.

## PUBLIC HEARING ON PREVIOUSLY INTRODUCED ORDINANCES

The Chairman 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 Adopting an Adjusted Operating Budget of Revenues and Expenditures for the Fiscal Year Beginning July 1, 2018 and Ending June 30, 2019 for West Baton Rouge Council on Aging (deferred from April 25, 2019 meeting)**

Mr. Phillip Bourgoyne was recognized and attempted to explain this request, and the updated which were made regarding the same.

No interested citizens appeared either for or against the aforementioned item. No written protests opposing the rezoning request were received. The Council Chairman at this point declared the Public Hearing closed.

A motion was made by Mr. Barry Huggins, seconded by Mr. Ricky Loupe to approve the **Ordinance Adopting an Adjusted Operating Budget of Revenues and Expenditures for the Fiscal Year Beginning July 1, 2018 and Ending June 30, 2019 for West Baton Rouge Council on Aging**, as presented tonight.

The vote was recorded as follows:

YEAS: 8 (Spillman, Huggins, Robertson, Kershaw, Gordon, Porto, Allain, Loupe)  
NAYS: 0 (None)  
ABSENT: 1 (Fair)  
ABSTAIN: 0 (None)

As a result of the votes the motion passed.

Ordinance 13 of 2019 appears at the end of these minutes.

The Chairman 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 to amend and reenact Section 101-1 (“Definitions”), Chapter 101 (“General Provisions”); Appendix A (“Zoning Districts”), Chapter 104 (“Zoning Ordinance”); and Section 106-67 (“General Provisions”), Division 2 (“Off-Street Parking and Loading”), Article III (“Transportation Planning”), Chapter 106 (“Site Planning”) of Part III (“Unified Development Code”) of the West Baton Rouge Parish Code of Ordinances to allow assisted living facilities and nursing homes in certain commercial districts with special use permits.**

Mr. Kevin Durbin explained that the Zoning Commission recommended this Ordinance for approval with the change in the classification to read and/or, that was the only change requested.

No interested citizens appeared either for or against the aforementioned item. No written protests opposing the rezoning request were received. The Council Chairman at this point declared the Public Hearing closed.

The Parish Council discussed this ordinance and had a few questions regarding the same. Councilman Ricky Loupe did express that originally he wanted the two types of facilities in different categories, however if we add the and/or that would make him happy, he also requested that the both type facilities be allowed with a special use permit in the residential multifamily zonings.

A motion was made by Mr. Ricky Loupe, seconded by Mr. Barry Huggins to approve the **ordinance to amend and reenact Section 101-1 (“Definitions”), Chapter 101 (“General Provisions”); Appendix A (“Zoning Districts”), Chapter 104 (“Zoning Ordinance”); and Section 106-67 (“General Provisions”), Division 2 (“Off-Street Parking and Loading”), Article III (“Transportation Planning”), Chapter 106 (“Site Planning”) of Part III (“Unified Development Code”) of the West Baton Rouge Parish Code of Ordinances to allow assisted living facilities and nursing homes in certain commercial districts with special use permits, and requested the aforementioned ordinance be effective upon signature of the Parish President.**

The vote was recorded as follows:

YEAS: 8 (Spillman, Huggins, Robertson, Kershaw, Gordon, Porto, Allain, Loupe)  
NAYS: 0 (None)  
ABSENT: 1 (Fair)  
ABSTAIN: 0 (None)

As a result of the votes the motion passed.

Ordinance 14 of 2019 appears at the end of these minutes.

**CONSIDER STATUS REPORT, CHANGE ORDERS AND/OR OTHER MATTERS AS REQUIRED ON CURRENT PROJECTS**

***Accept/Reject the Certificate of Substantial Completion and Change Order No. 1 for the Sid Richardson Road Extension project***

Mr. Kevin Gravois with PEC was recognized and explained that Change Order No. 1 consists of a – (\$39,498.49) dollar reduction in the project cost, for a total cost of \$1,924,383.91 dollars. Mr. Gravois went on to explain that the aforementioned job is now substantially complete and asked for the Council to approve.

A motion was made to accept the Change Order No. 1 and Substantial Completion on the Sid Richardson Road Extension project, job#11142.01 for – (\$39,498.49) dollars, made by Mr. Kirk Allain, seconded by Mr. Chris Kershaw.

The vote was recorded as follows:



YEAS: 8 (Spillman, Huggins, Robertson, Kershaw, Porto, Allain, Loupe, Gordon)  
NAYS: 0 (None)  
ABSENT: 1 (Fair)  
ABSTAIN: 0 (None)

As a result of the votes the motion passed.

***Accept/Reject Change Order No. 1 for the 2019 Asphalt Road Rehabilitation Program***

Mr. Gravois with PEC was once again recognized and explained that Change Order No. 1 on this project was for additional work on Emily Drive, and Sid Richardson Road, this change order would be for an additional \$92,471.75 dollars and an increase in contract time of 21 consecutive calendar days, bringing the total cost of this project to \$940,184.95 dollars.

A motion was made by Mr. Phil Porto, seconded by Mr. Ricky Loupe to accept the Change Order No. 1 on the 2019 Asphalt Road Rehabilitation Program as aforementioned.

The vote was recorded as follows:

YEAS: 8 (Spillman, Huggins, Robertson, Kershaw, Porto, Allain, Loupe, Gordon)  
NAYS: 0 (None)  
ABSENT: 1 (Fair)  
ABSTAIN: 0 (None)

As a result of the votes the motion passed.

**RESOLUTIONS**

**A Resolution Authorizing the Parish President to Sign Cooperative Endeavor Agreement with WBR Council on Aging for Renovation/Construction Project**

A motion was made by Ms. Charlene Gordon, seconded by Mr. Edward Robertson to approve the Resolution Authorizing the Parish President to Sign Cooperative Endeavor Agreement with WBR Council on Aging for Renovation/Construction Project

The vote was recorded as follows:

YEAS: 8 (Spillman, Huggins, Robertson, Kershaw, Porto, Allain, Loupe, Gordon)  
NAYS: 0 (None)  
ABSENT: 1 (Fair)  
ABSTAIN: 0 (None)

As a result of the votes the motion passed.

Resolution 15 of 2019 appears at the end of these minutes.

**INTRODUCTION OF ORDINANCES**

There were no items to introduce at this time.

**CONSIDER SUBDIVISION PLATS, CONDEMNATIONS, WAIVERS AND MATTERS RELATED THERETO**

**File #2019-6 Final plat showing survey and subdivision of Tract,, C-2-B, C-2-C, C-2-D, and the remainder of Tract C-2 of Beaulieu Plantation into Tracts C-2-B-1, C-2-C-1, C-2-D-1, C-2-H and C-2-G, of Beaulieu Plantation, located in Section 73, T7S, R12E, Southeastern Land District, West of the Mississippi River, West Baton Rouge Parish, LA for Jean Crites.**

Ms. Jean Crites was recognized and explained to the Council her plans on the aforementioned plat, and gave her reasons for needing the waivers listed on said plat, there were questions from the Council.

Chairman Spillman expressed his concerns regarding the buildings being on the actual property line with only a 5 foot servitude on the adjacent property for access to the rear of the buildings, asking that the surveyor put a note to clarify this permanent servitude on the plat and the sale, Mr. Court Bradford agreed to clarify this and callout each lot. Chairman Spillman also questioned the 50 feet access from Beaulieu and commented that this would only be a servitude of access due to zoning restrictions, making sure that Ms. Crites is aware of this for the future.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Ricky Loupe to approve File #2019-6 Final plat showing survey and subdivision of Tract,, C-2-B, C-2-C, C-2-D,and the remainder of Tract C-2 of Beaulieu Plantation into Tracts C-2-B-1, C-2-C-1, C-2-D-1, C-2-H and C-2-G, of Beaulieu Plantation, located in Section 73, T7S, R12E, Southeastern Land District, West of the Mississippi River, West Baton Rouge Parish, LA for Jean Crites, with the waivers listed.

The vote was recorded as follows:

YEAS: 8 (Spillman, Huggins, Robertson, Kershaw, Porto, Allain, Loupe, Gordon)  
NAYS: 0 (None)  
ABSENT: 1 (Fair)  
ABSTAIN: 0 (None)

As a result of the votes the motion passed.

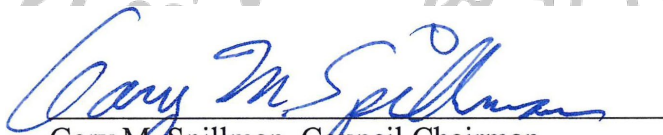
### **CORRESPONDENCE REPORT**

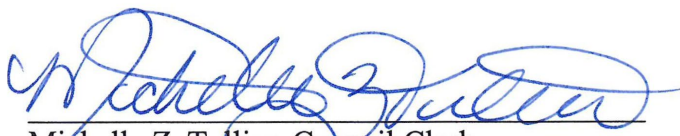
Correspondence Report from Council Clerk, Mrs. Michelle Tullier included the following items:

- New Appointment on Civil Service Board James Hartley, Jr., Fire Department Representative
- Next Planning & Zoning Meeting of Tuesday May 21<sup>st</sup> have been canceled due to a clear agenda.
- Next Council Meeting is Thursday, May 23<sup>rd</sup> at 5:30pm.

### **ADJOURN**

There being no further business, a motion to adjourn was made by Mrs. Charlene Gordon and was adopted by acclamation at 7:08pm.

  
\_\_\_\_\_  
Gary M. Spillman, Council Chairman

  
\_\_\_\_\_  
Michelle Z. Tullier, Council Clerk

### **ORDINANCE 13 OF 2019**

As Introduced by the West Baton Rouge Parish Council  
At the Regular Meeting of April 11, 2019  
And Adopted at the Regular Meeting of  
May 09, 2019

An Ordinance Adopting an Adjusted Operating Budget of Revenues and Expenditures for the Fiscal Year Beginning July 1, 2018 and Ending June 30, 2019 for West Baton Rouge Council on Aging

**SECTION 1:** The detailed estimate of revenues for the fiscal year beginning July 1, 2018 and ending June 30, 2019 is hereby adopted to serve as an operating budget of revenues for West Baton Rouge Council on Aging for said period.

**SECTION 2:** The detailed estimate of expenditures for the fiscal year beginning July 1, 2018 and ending June 30, 2019 is hereby adopted to serve as an operating budget of expenditures for West Baton Rouge Council on Aging for said period.

**SECTION 3:** The adoption of this adjusted operating budget of revenues and expenditures is hereby declared to operate as an appropriation of the amount therein set forth within the terms of the budget classification.

**SECTION 4:** Amounts are available for expenditures only to the extent included within said budgets for this period.

**NOW THEREFORE 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 AFTER PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER Ricky Loupe, WHICH WAS SECONDED BY COUNCIL MEMBER Charlene Gordon, AND A VOTE BEING TAKEN, THE FOLLOWING RESULT WAS HAD:**

YEAS: 8 (Loupe, Gordon, Allain, Kershaw, Spillman, Huggins, Porto, Robertson)

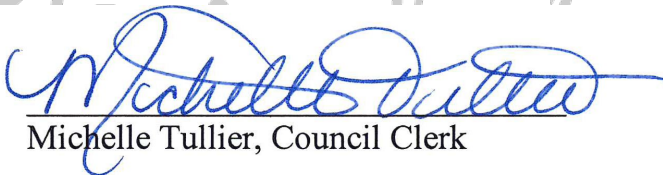
NAYS: 0 (None)

ABSENT: 1 (Fair)

ABSTAIN: 0 (None)

**WHEREUPON** the ordinance was adopted on the **9<sup>th</sup> Day of May, 2019.**

**ATTEST:**



Michelle Tullier, Council Clerk

**ORDINANCE 14 OF 2019**

As Introduced by the West Baton Rouge Parish Council  
At The Regular Meeting of April 11, 2019  
And Adopted with Amendments at the  
Regular Meeting of May 09, 2019

An ordinance to amend and reenact Section 101-1 (“Definitions”), Chapter 101 (“General Provisions”); Appendix A (“Zoning Districts”), Chapter 104 (“Zoning Ordinance”); and Section 106-67 (“General Provisions”), Division 2 (“Off-Street Parking and Loading”), Article III (“Transportation Planning”), Chapter 106 (“Site Planning”) of Part III (“Unified Development Code”) of the West Baton Rouge Parish Code of Ordinances to allow assisted living facilities and nursing homes in certain commercial districts with special use permits.

**WHEREAS** the West Baton Rouge Parish Council seeks to exercise its police power to protect the health, safety and welfare of the citizens of West Baton Rouge Parish **AND**

**WHEREAS** as part of its role in exercising police power, the Council has from time-to-time adopted and amended zoning regulations to provide for development consistency and transparency **AND**

**WHEREAS** the Council has determined that nursing homes might be properly zoned within certain commercial districts using special use permit criteria **THEREFORE**

**BE IT ORDAINED BY THIS COUNCIL** that Section 101-1 (“Definitions”), Chapter 101 (“General Provisions”); Appendix A (“Zoning Districts”), Chapter 104 (“Zoning Ordinance”); and Section 106-67 (“General Provisions”), Division 2 (“Off-Street Parking and Loading”), Article III (“Transportation



Planning”), Chapter 106 (“Site Planning”) of Part III (“Unified Development Code”) of the West Baton Rouge Parish Code of Ordinances be amended and reenacted to read as follows (NOTE: underlined words are additions and strikethrough words are deletions. Three asterisks - \* \* \* - indicate sections of the code skipped for brevity of this ordinance. Such sections are to be retained by the code editors.):

**PART III – UNIFIED DEVELOPMENT CODE**

\* \* \*

**CHAPTER 101**

**GENERAL PROVISIONS**

**Section 101-1. – Definitions**

\* \* \*

*Arts and crafts studio* means a use involving the production of works of art by individuals and the incidental sale to consumers of those works produced, limited to the use of hand tools or domestic mechanical equipment not exceeding two horsepower or a single kiln not exceeding eight kilowatts. Such use shall be placed and operated in such a manner that the adjoining property owners or tenants are not inconvenienced by external noise, vibration, smoke, dust, odor, heat, glare, fumes, electrical interference or waste runoff.

Assisted living facility means a residential facility offering assistance with daily living activities such as medication, administration, dressing, bathing, and social activities, but does not rise to the level of the skilled medical care provided in a nursing home

*Auto salvage yard.* See *Junkyard.*

\* \* \*

**CHAPTER 104**

**ZONING ORDINANCE**

\* \* \*

**APPENDIX A – ZONING DISTRICTS.**

\* \* \*

|   |                                    |                        |           |       |          |          |       |     |          |     |   |          |              |
|---|------------------------------------|------------------------|-----------|-------|----------|----------|-------|-----|----------|-----|---|----------|--------------|
| Use Classifications                             | R-SF-1, R-SF-2, R-SF-3, R-ED, R-2F | R-MF-1, R-MF-2, R-MF-3 | R-MH, R-M | C-1.1 | C-1.2    | C-1.3    | C-1.4 | C-2 | I-1, I-2 | I-3 | A | B-1, B-2 | POS-C-RV; PF |
| * * *   |                                    |                        |           |       |          |          |       |     |          |     |   |          |              |
| Nursing homes and/or assisted living facilities |                                    | <u>PS</u>              |           |       | <u>S</u> | <u>S</u> | S     |     |          |     |   |          |              |
| * * *   |                                    |                        |           |       |          |          |       |     |          |     |   |          |              |

\* \* \*

**CHAPTER 106**

**SITE PLANNING**

\* \* \*

**ARTICLE III**

**TRANSPORTATION PLANNING**

\* \* \*

**DIVISION 2 – OFF-STREET PARKING AND LOADING**

\* \* \*

Section 106-67. – General provisions.

\* \* \*

(j) *Table, minimum off-street parking requirements by use classification.*

| Use Classification                             | Minimum Off-Street Parking Spaces                              |
|--|--|
| * * *  |  |
| Nursing home and/or assisted living facilities | 1 per every 4 <u>3</u> beds plus 1 per 200 s.f. of office area |
| * * *  |  |

\* \* \*

**BE IT FURTHER ORDAINED** by the West Baton Rouge Parish Council that this ordinance shall become effective upon the signature of the Parish President.

**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 AFTER PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER RICKY LOUPE, WHICH WAS SECONDED BY COUNCIL MEMBER BARRY HUGGHINS, AND A VOTE BEING TAKEN, THE FOLLOWING RESULT WAS HAD:**

- YEAS: 8 (Loup, Huggins, Allain, Kershaw, Spillman, Gordon, Porto, Robertson)**
- NAYS: 0 (None)**
- ABSENT: 1 (Fair)**
- ABSTAIN: 0 (None)**

**WHEREUPON** the ordinance was declared adopted on the **9<sup>th</sup> Day of May, 2019.**



ATTEST:

  
Michelle Tullier, Council Clerk

## **RESOLUTION 15 OF 2019**

A Resolution Authorizing the Parish President to Sign Cooperative Endeavor Agreement with WBR Council on Aging for Renovation/Construction Project

**WHEREAS**, West Baton Rouge Parish agrees to enter into an Cooperative Endeavor Agreement, with the West Baton Rouge Council on Aging, Inc. and;

**WHEREAS**, in order to proceed with said agreement, West Baton Rouge Parish requires that the legislative body of the local government authorizes its chief executive "The Parish President" to execute agreement titled:

COOPERATIVE ENDEAVOR AGREEMENT  
BY: WEST BATON ROUGE COUNCIL  
AND: WEST BATON ROUGE COUNCIL ON AGING, INC.

**WHEREAS**, said agreement is attached hereto and identified as "Exhibit A".

**NOW THEREFORE BE IT RESOLVED**, the West Baton Rouge Parish Council does hereby authorize Parish President Riley L. Berthelot, Jr. to execute on behalf of the Parish of West Baton Rouge, an agreement with the West Baton Rouge Council on Aging, Inc., and sign all future documentation regarding the same.

**BE IT FURTHER RESOLVED**, that the West Baton Rouge Parish Council does hereby ratify the Parish President signature for the aforementioned agreement.

**BE IT FURTHER RESOLVED** that if any portion or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

**BE IT FURTHER RESOLVED**, that all resolutions or parts thereof in conflict herewith are hereby repealed.

**The Foregoing Resolution Was Considered, And, After Public Discussion, A Motion To Approve Was Made By Council Member Charlene Gordon, Which Was Seconded By Council Member Edward Robertson.**

**The Resolution Was Submitted To A Vote, The Vote Thereon Was As Follows:**

**YEAS: 8 (Gordon, Robertson, Allain, Kershaw, Spillman, Huggins, Loupe, Porto)**

**NAYS: 0 (None)**

**ABSENT: 1 (Fair)**

**ABSTAIN: 0 (None)**

As a result of the votes the resolution was adopted this **9<sup>th</sup> day of May, 2019.**

**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 May 9, 2019 at which meeting a majority of the members were present and voting.

  
Michelle Tullier, Council Clerk

