

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING
WEST BATON ROUGE PARISH GOVERNMENTAL BUILDING
880 NORTH ALEXANDER AVENUE, PORT ALLEN, LOUISIANA
August 8, 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, August 8, 2019 and called to order at 5:30pm. Council Chairman Gary Spillman asked that all electronic devices be placed on silent and recognized Councilman Kirk Allain who led everyone in the Pledge of Allegiance.

ATTENDANCE

The following members were recorded as being present:

Messrs. Barry Huggins, Kirk Allain, Gary Spillman, Edward “Bob” Robertson, Chris “Fish” Kershaw, Phil Porto, and Ms. Charlene Gordon.

Absent: Mr. Ricky Loupe, and Ms. Naomi Fair

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

MINUTE APPROVAL

A motion was made by Mr. Barry Huggins, seconded by Mr. Phil Porto to approve the minutes of the July 25, 2019 regular meeting.

The vote was recorded as follows:

YEAS: 7 (Spillman, Huggins, Robertson, Kershaw, Porto, Allain, Gordon)

NAYS: 0 (None)

ABSENT: 2 (Loupe, Fair,)

ABSTAIN: 0 (None)

As a result of the votes the motion passed.

CONSIDER ANY AMENDMENTS TO THE AGENDA

Chairman Spillman notified the Council of the request by Administration to add amend the following item to tonight’s agenda: 5A) A Resolution Authorizing the Parish President to Sign Act of Predial Drainage Servitude Agreement with Harry L. Laws & Company, Inc. There were no questions and no objections to this request.

A motion was made by Mr. Kirk Allain, seconded by Mr. Chris Kershaw to approve adding the aforementioned item onto the agenda.

The vote was recorded as follows:

YEAS: 7 (Spillman, Huggins, Robertson, Kershaw, Porto, Allain, Gordon)

NAYS: 0 (None)

ABSENT: 2 (Loupe, Fair,)

ABSTAIN: 0 (None)

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

PARISH PRESIDENT’S REPORT

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

Irvin St. in Erwinville work;

Airline Park Lift Station servitude agreement;

Contract is now laying pipe on phase 1 of the south end waterline project;
Recent visit to PAHS, very impressed with new theater;
Update on Levee Trail trial going to the Appeals Court;
Solid Waste contract, will be on August 22nd agenda;
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

Councilman Huggins gave an update on issues currently in front of the Groundwater Commission, and also congratulated Kirk Allain & Carey Denstel for going in unopposed for election.
Chairman Spillman questioned the Administration on if there was a need to call for a Fire Board Special Meeting in order to ratify an interim Fire Chief and the administration agreed. The Special Meeting would take place before the August 22nd Council Meeting at 5:15pm.

PUBLIC HEARING ON PREVIOUSLY INTRODUCED ORDINANCES

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 Shureda Grover and Cade's Auto Sales, File #2019-09, located at 9450 Bueche Rd. Erwinville, LA 70729, Tract J containing 3.49 acres, Yattan Plantation, located in Section 61, T5S, R11E, West Baton Rouge Parish, rezoning from AG (Agricultural) to C-1.2 (Moderate Commercial). Master Plan Change

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 9A) 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 Shureda Grover and Cade's Auto Sales, File #2019-09, located at 9450 Bueche Rd. Erwinville, LA 70729, Tract J containing 3.49 acres, Yattan Plantation, located in Section 61, T5S, R11E, West Baton Rouge Parish, rezoning from AG (Agricultural) to C-1.2 (Moderate Commercial). Master Plan Change

Mr. Kevin Durbin was recognized and explained the Zoning Commission voted to deny the aforementioned Master Plan Change with a vote of 8 to 1 by those members present. The reason for denial was that the request does not fit the Master Plan nor does it fit with the surrounding residential zoning.

The following citizens appeared to speak against the aforementioned rezoning:

Mr. Mark Dauzat, Mr. Robert Guidroz, Mr. Cook, Ms. Phoebe Collins and Mr. August Barbay III.

Mr. Kevin Durbin read into the record the following letter against the rezoning: My husband, Steve Dauzat, and I, Susan Dauzat, live at 8956 Bueche rd. We own 73.8 acres and we have an entrance that comes out two properties to the east from the property that is up to be rezoned. The only thing separating our pasture and their back yard is a barbed wire fence. We are definitely against the rezoning. We are unable to attend the Thursday night meeting as our 10 year old grandson is having open-heart surgery in Houston. If you have any questions please call Steve Dauzat or Susan Dauzat thank you

There were no further comments for or against said ordinance. The Council Chairman at this point declared the Public Hearing closed.

There was a motion made by Mr. Barry Huggins, seconded by Mr. Kirk Allain to deny the requested 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 Shureda Grover and Cade's Auto Sales, File #2019-09, located at 9450 Bueche Rd. Erwinville, LA 70729, Tract J containing 3.49 acres, Yattan Plantation, located in Section 61, T5S, R11E, West Baton Rouge Parish, rezoning from AG (Agricultural) to C-1.2 (Moderate Commercial). Master Plan Change, due to it not meeting the Master Plan and not fitting in the current residential zone.

The vote was recorded as follows:

YEAS: 7 (Spillman, Huggins, Robertson, Kershaw, Porto, Allain, Gordon)
NAYS: 0 (None)
ABSENT: 2 (Loupe, Fair,)
ABSTAIN: 0 (None)

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

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 Troy Blair and Loretta Blanchard, File #2019-10, located at 3439 Kahns Road, Port Allen, LA 70767, The portion of Lot 4 fronting Kahns Road to the Rail Road tract, in Section 114 & 115, T7S, R12E, containing 7.745 acres, rezoning from AG (Agricultural) to R-SF-3 (Residential Single Family).

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 9B) 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 Troy Blair and Loretta Blanchard, File #2019-10, located at 3439 Kahns Road, Port Allen, LA 70767, The portion of Lot 4 fronting Kahns Road to the Rail Road tract, in Section 114 & 115, T7S, R12E, containing 7.745 acres, rezoning from AG (Agricultural) to R-SF-3 (Residential Single Family).

Mr. Durbin was again recognized and explained the Commission recommended approval of this ordinance by a unanimous vote of those members present.

Mr. Troy Blair was recognized and explained the reason for the requested rezoning. There were a few questions from the Council for clarity.

A motion was made by Mr. Phil Porto, seconded by Mr. Barry Huggins to approve the 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 Troy Blair and Loretta Blanchard, File #2019-10, located at 3439 Kahns Road, Port Allen, LA 70767, The portion of Lot 4 fronting Kahns Road to the Rail Road tract, in Section 114 & 115, T7S, R12E, containing 7.745 acres, rezoning from AG (Agricultural) to R-SF-3 (Residential Single Family).

The vote was recorded as follows:

YEAS: 7 (Spillman, Huggins, Robertson, Kershaw, Porto, Allain, Gordon)
NAYS: 0 (None)
ABSENT: 2 (Loupe, Fair,)
ABSTAIN: 0 (None)

As a result of the votes the motion passed

Ordinance 20 of 2019 appears at the end of these minutes.

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

Mr. Jason Manola was recognized and updated the Council on the following items:

Bids out on joints for various Concrete Roads;

Council on Aging building addition will start advertising next week;

Emily Drive overlay update, noting that the mailer from the postmaster regarding mailbox height did not have anything to do with the road overlay;
There were a few questions for Mr. Manola.

RESOLUTIONS

A Resolution Authorizing the Parish President to Sign Act of Predial Drainage Servitude Agreement with Harry L. Laws & Company, Inc.

President Berthelot was recognized and explained this agreement was needed in order to service one of the drainage ditches along West St. Francis and through the cane field to Coulee Canal. There were a few questions for the Council for clarification.

A motion was made by Mr. Chris Kershaw, seconded by Mr. Barry Huggins to approve the Resolution Authorizing the Parish President to Sign Act of Predial Drainage Servitude Agreement with Harry L. Laws & Company, Inc.

The vote was recorded as follows:

YEAS: 7 (Spillman, Huggins, Robertson, Kershaw, Porto, Allain, Gordon)
NAYS: 0 (None)
ABSENT: 2 (Loupe, Fair,)
ABSTAIN: 0 (None)

As a result of the votes the motion passed

Resolution 20 of 2019 appears at the end of these minutes.

INTRODUCTION OF ORDINANCES

There were no items to introduce.

CONSIDER SUBDIVISION PLATS, CONDEMNATIONS, WAIVERS AND MATTERS RELATED THERETO

There were no items to consider.

ALCOHOL PERMITS

Bayou Country Sportsman, LLC. dba Spillway Sportsman located at 1920 American Way, Suite A, Port Allen, La 70767 applying for Class AR permit

Ms. Tullier noted this an additional license for said establishment to be able to serve alcohol by the glass, and due to having video poker machines. Said applicant has met all requirements in accordance with the Compiled Ordinances, West Baton Rouge Parish, Louisiana, Chapter 6 Alcoholic Beverages.

A motion was made by Mr. Phil Porto, seconded by Ms. Charlene Gordon to approve Bayou Country Sportsman, LLC. dba Spillway Sportsman located at 1920 American Way, Suite A, Port Allen, La 70767 applying for Class AR permit.

The vote was recorded as follows:

YEAS: 7 (Spillman, Huggins, Robertson, Kershaw, Porto, Allain, Gordon)
NAYS: 0 (None)
ABSENT: 2 (Loupe, Fair,)
ABSTAIN: 0 (None)

As a result of the votes the motion passed.

APPOINTMENTS

Capital Area Human Services District Representative Recommendation for Appointment

Chairman Spillman notified everyone that Ms. Toddie Milstead had shown interest in serving on the aforementioned board, explaining we have been looking for replacements to represent West Baton Rouge Parish, adding that he thinks Mrs. Milstead with her background would make a great member of that board.

There were no other recommendations at this time.

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

The vote was recorded as follows:

YEAS: 7 (Spillman, Huggins, Robertson, Kershaw, Porto, Allain, Gordon)
NAYS: 0 (None)
ABSENT: 2 (Loupe, Fair,)
ABSTAIN: 0 (None)

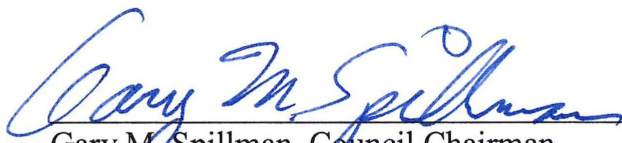
As a result of the votes the motion passed.

CORRESPONDENCE REPORT

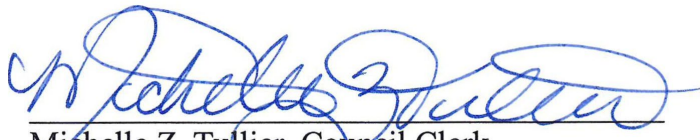
Correspondence Report from Council Clerk, Mrs. Michelle Tullier included the following items:

- 2019 Hazardous Materials Collection Day set for Saturday, September 28, 2019 8AM to 12PM at Alexander Park
- Capital Region Solar Open House Tuesday, August 13th from 4pm to 7pm
- Region III Meeting Thursday, August 15th at 6pm
- Next Board of Adjustment Meeting Tuesday, August 20th at 5:00pm
- Next Planning & Zoning Commission Meeting Tuesday, August 20th at 5:30pm
- Next Parish Council Meeting Thursday, August 22nd at 5:30pm
- Next Fire Board Meeting Thursday, August 22nd at 5:15pm.

There being no further business, a motion to adjourn was made by Ms. Charlene Gordon and was adopted by acclamation at 6:30pm.



Gary M. Spillman, Council Chairman



Michelle Z. Tullier, Council Clerk

ORDINANCE 20 OF 2019

As Introduced by the West Baton Rouge Parish Council
At the Regular Meeting of June 27, 2019
And Adopted August 8, 2019

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 Troy Blair and Loretta Blanchard, File #2019-10, located at 3439 Kahns Road, Port Allen, LA 70767, The portion of Lot 4 fronting Kahns Road to the Rail Road tract, in Section 114 & 115, T7S, R12E, containing 7.745 acres, rezoning from AG (Agricultural) to R-SF-3 (Residential Single Family).

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.

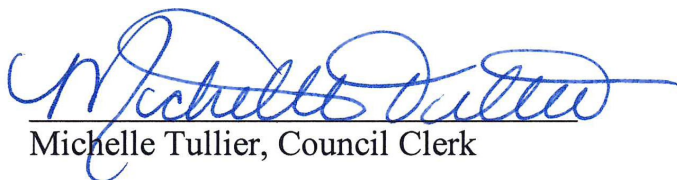
NOW THEREFORE BE IT FURTHER RESOLVED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be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

THE FOREGOING ORDINANCE HAS BEEN READ AND CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER PHIL PORTO, WHICH WAS SECONDED BY COUNCIL MEMBER BARRY HUGHGINS, AND A VOTE BEING TAKEN, THE FOLLOWING RESULT WAS HAD:

YEAS: 7 (Porto, Huggins, Allain, Kershaw, Spillman, Gordon, Robertson)
NAYS: 0 (None)
ABSENT: 2 (Fair, Loupe)
ABSTAIN: 0 (None)

WHEREUPON the ordinance was declared adopted on the 8th Day of August, 2019.

ATTEST:


Michelle Tullier, Council Clerk

RESOLUTION 20 OF 2019

A Resolution Authorizing the Parish President to Sign Act of Predial Drainage Servitude Agreement with Harry L. Laws & Company, Inc.

WHEREAS, West Baton Rouge Parish agrees to enter into a drainage servitude agreement with the Harry L. Laws & Company, 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:

ACT OF PREDIAL DRAINAGE SERVITUDE

WHEREAS, said agreement is attached hereto.

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, a drainage servitude agreement with the Harry L. Laws & Company, 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 Chris Kershaw, Which Was Seconded By Council Member Barry Huggins.

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

YEAS: 7 (Kershaw, Huggins, Allain, Spillman, Gordon, Porto, Robertson)

NAYS: 0 (None)

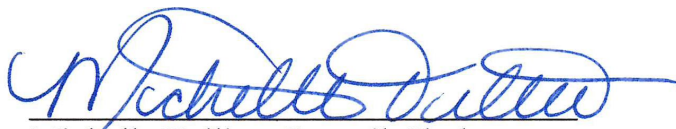
ABSENT: 2 (Fair, Loupe)

ABSTAIN: 0 (None)

As a result of the votes the resolution was adopted this **8th day of August, 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 August 8, 2019 at which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk