

**WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING
WEST BATON ROUGE PARISH GOVERNMENTAL BUILDING
880 NORTH ALEXANDER AVENUE, PORT ALLEN, LOUISIANA
SEPTEMBER 12, 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, September 12, 2019 and called to order at 5:30pm. Council Chairman Gary Spillman asked that all electronic devices be placed on silent and recognized Mr. Phillip Bourgoyne who led everyone in the Pledge of Allegiance.

ATTENDANCE

The following members were recorded as being present:

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

Absent: 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. Kirk Allain to approve the minutes of the August 22, 2019 regular meeting.

The vote was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 1 (Fair)

ABSTAIN: 0 (None)

As a result of the votes the motion passed.

CONSIDER ANY AMENDMENTS TO THE AGENDA

There were no items to be considered.

PARISH PRESIDENT’S REPORT

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

Congratulated the WBR Chamber for winning Louisiana Chamber of the Year;

Update on CRPC meeting;

Reminder about Household Hazardous Materials Day on Saturday September 28 from 8am – 12pm at Alexander Park;

Reminded everyone about the new laws regarding hands free devices in school zones;

Asking DOTD for a four way stop at Rougon and Section due to new school;

Chairman Spillman requested DOTD to also look into this at Bueche and Section;

There a few questions for the Parish President.

Councilwoman Naomi Fair entered the meeting at 5:40pm.

PUBLIC COMMENTS

Mrs. Diana LeBlanc was recognized and read aloud a message of opinion to the Parish Council regarding the Thermaldyne plant in West Baton Rouge, this message can be found at the end of these minutes. Mrs. Leblanc also invited everyone to come to the September 30th court hearing and express their concerns over the LDEQ permit given to Thermaldyne.

Mr. Brandon Bergeron candidate for House District #18 addressed the Council, introducing himself and asking for any support that can be given.

COMMUNICATIONS WITH COUNCIL MEMBERS AND/OR ELECTED OR APPOINTED OFFICIALS

Councilwoman Charlene Gordon gave thanks to Mr. Johnson and his crew at Williams and Lee Park for keeping up with the park and grounds.

Councilman Chris Kershaw gave an update on the recent Port Allen versus Brusly football game and noted the good sportsmanship after the game, even though Brusly was victorious it was a close score.

Councilman Edward Robertson thanked the administration for the help and work at the Council on Aging Building.

PUBLIC HEARING ON PREVIOUSLY INTRODUCED ORDINANCES

There were no items to consider

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

There were no items to consider

RESOLUTIONS

A Resolution of the West Baton Rouge Parish Council Authorizing Parish President to Sign Opioid Litigation Contract

Mr. Jason Manola gave a brief overview of the reason for the aforementioned resolution request, there was a question from Councilman Huggins on whether or not it's kosher for a governmental entity to enter into a contingency fee contract with a law firm. Mr. Lou Delahaye, Parish Attorney indicated he would check into this and let the Council know his findings.

A motion was made by Mr. Phil Porto, seconded by Mr. Chris Kershaw to approve the Resolution of the West Baton Rouge Parish Council Authorizing Parish President to Sign Opioid Litigation Contract.

The vote was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes the motion passed.

Resolution 21 of 2019 appears at the end of these minutes.

INTRODUCTION OF ORDINANCES

Mrs. Tullier read by title the below proposed ordinance/s being introduced and publicized by title, and considered for adoption following public hearing on October 24, 2019, at 5:30pm in the Council Chambers, located at 880 North Alexander Avenue, Port Allen, La.:

An Ordinance To Amend And Reenact Appendix A ("Zoning Districts"), Chapter 104 ("Zoning Ordinance") Of Part III ("Unified Development Code") Of The West Baton Rouge Parish Code Of Ordinances To Allow Special Use Permits For Moderate Industrial Uses Within Light Industrial Zoning Districts.

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 Alan Crowe, File #2019-18, located 1664 Hugh Loop Rd. Port Allen, LA 70767, Hwy 190 West at E. Hugh Loop Road, approximately 7 acres of Tract A-2 containing 23.03 acres, located in Section 85, T7S, R12E, West Baton Rouge Parish, rezoning from C-2 (Community Scale Commercial) to I-1 (Light Industrial).

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 Larry L. Johnson Sr., File #2019-17, located 11628 Rosedale Rd. Port Allen, La 70767 Tract CJ-3-C-1 Containing 20.782 acres in Section 7, T7S, R11E, Lot fronts on Rosedale Rd as well as West Acadian Bayou Lane, rezoning from R-SF-3 (Residential Single Family) to AG (Agricultural). Master Plan Change

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 Bill Carmouche and Specialty Assets, File #2019-19, Tract 1A-2 Containing 43.78 acres being a portion of Belmont Plantation in Section 33 T6S, R12E & Sections 46 & 47 T7S, R12E, West Baton Rouge Parish, rezoning from I-1 (Light Industrial) to I-2 (Moderate Industrial).

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 to correct error on zoning map, located on Hwy 190 West Port Allen, La 70767, more particularly described as: the first 300 ft. of:

Parcel 1

1008.5 acres known as Westover Plantation in Section 7, T7S, R11E, Sections 7, 8, 83, 84, 85 & 113, T7S, R12E.

Parcel 2

Tract K190-B2-B Containing 9.134 acres in Sections 38, 82 & 83 T7S, R12E

Parcel 3

Tract K190-B2-A Containing 13.703 acres in Sections 38, 82, & 83, T7S, R12E

Parcel 4

Tract K190-B1-A containing 9.13 acres in Sections 38, 82 & 83 T7S, R12E,

Parcel 5

1.057 acres m/l known as Allendale Plantation in Sections 23, 24, 25, 26, 27, 28 & 53 T6S, R12E, Sections 38, 39, 0, 41, 82, 83 & 84, T7S, R12E, Sections 12 & 37, T7S, R11E, Tract AP-1 containing 10.01 acres, Tract AP-2 Containing .14 acres & Tract B containing 4.10 acres in Section 23, T6S, R12E.

CONSIDER SUBDIVISION PLATS, CONDEMNATIONS, WAIVERS AND MATTERS RELATED THERETO

There were no items to consider

APPOINTMENTS

WBR Board of Adjustments – current member Steve Jones, term expires 9/24/2019

Chairman Spillman notified everyone that Mr. Steve Jones wished to continue to serve on said board. There were no other nominations to consider at this time.

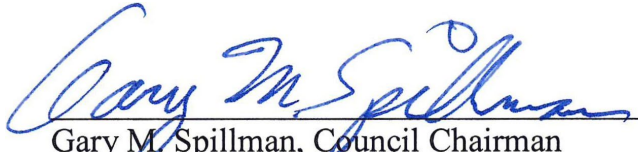
A motion was made by Ms. Charlene Gordon seconded by Mr. Chris Kershaw to re-appoint Mr. Steve Jones to the Board of Adjustments with the new term expiring 9/24/2024.


The vote was recorded as follows:

YEAS: 9 (Spillman, Huggins, Kershaw, Robertson, Loupe, Porto, Allain, Gordon, Fair)
NAYS: 0 (None)
ABSENT: 0 (None)
ABSTAIN: 0 (None)

As a result of the votes the motion passed.

There being no further business, a motion to adjourn was made by Ms. Charlene Gordon and was adopted by acclamation at 6:23pm.


Gary M. Spillman, Council Chairman


Michelle Z. Tullier, Council Clerk

It was moved by Mr. Phil Porto, seconded by Mr. Chris Kershaw and carried to adopt the following to-wit:

RESOLUTION 21 of 2019

A Resolution Of The West Baton Rouge Parish Council Authorizing The Parish President To Sign Opioid Litigation Contract

WHEREAS, the West Baton Rouge Parish Council seeks to enforce any and all available remedies it may have and to seek any damages it may be entitled to, related to the national, statewide, and/or local opioid litigation and that a real necessity exists to pursue its rights and remedies;

WHEREAS, the West Baton Rouge Parish Council acknowledges that its general counsel, the West Baton Rouge Parish District Attorney's Office, does not possess the resources, staff, or specific expertise to handle such litigation and that because the West Baton Rouge Parish District Attorney's Office does not have the resources, staff, or expertise to properly and effectively handle the matter a "real necessity exists" for the employment of special counsel to represent the Parish's interest therein;

WHEREAS, the West Baton Rouge Parish Council seeks to retain outside counsel with specific expertise to handle the Opioid Litigation on a contingency fee basis, as the Parish does not possess the resources to pay the potential attorney fees on an hourly basis, nor the potential expenses in advance;

WHEREAS, other Parishes have retained outside counsel with specific expertise to handle the opioid litigation on a contingency fee basis in a similar or identical basis;

WHEREAS, the West Baton Rouge Parish Council has sought to retain and has agreed to a proposed contingency fee contract with attorneys John F. Young, Michael G. Stag, L.L.C. and Stag Liuzza, L.L.C., Smith & Fawer, L.L.C., Alvendia, Kelly, and Demarest, L.L.C., Chehardy, Sherman, Williams, Murray, Recile, Stakelum & Hayes, L.L.P., Anthony Iripino of Iripino, Avin & Hawkins, and Chad Danenhower of PMI Legal Services, LLC, subject to the provisions of LSA-R.S. 42:263, said Contract consistent with requirements of the Louisiana Attorney General with a maximum contingency of 25% on the first ten million recovered, 20% on any recovery between ten million and twenty million, and 15% of any recovery over twenty million;

WHEREAS, the fee shall be in accordance with the Attorney General fee schedule for Opioid Claims initiated by Parishes;

WHEREAS, the West Baton Rouge Parish Council acknowledges that LSA-R.S. 42:263 requires a specific resolution and approval of the Louisiana Attorney General before retaining such specific outside counsel;

WHEREAS, the West Baton Rouge Parish Council authorizes the Parish President to to sign the contract to retain outside counsel with specific expertise to handle the opioid litigation;

NOW, THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council in a duly conveyed session on September 12, 2019, voted formally to approve the contingency fee contract and to formally request that the Louisiana Attorney General approve the hiring of such special counsel pursuant to the proposed contingency fee contract as is required by LSA-R.S. 42:263;

This resolution was declared adopted on September 12, 2019 at its regular meeting where a Quorum was present. The vote was as follows:

YEAS:	9	(Porto, Kershaw, Allain, Fair, Spillman, Huggins, Loupe, Godon, Robertson)
NAYS:	0	(None)
ABSENT:	0	(None)
ABSTAIN:	0	(None)

*****CERTIFICATION*****

I, Michelle Tullier, Council Clerk, West Baton Rouge Parish Council, do hereby certify that the above and foregoing is a true and correct copy of a Resolution adopted by the Council of West Baton Rouge Parish, Louisiana, convened in regular session on the 12th day of September, 2019, at which time a quorum was present and voting.



Michelle Tullier, Council Clerk