

MINUTES
WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING
GOVERNMENT BUILDING

880 North Alexander Avenue, Port Allen
Thursday, October 27, 2022
5:30 PM

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

1. CALL MEETING TO ORDER & REQUEST ALL ELECTRONIC DEVICES BE SILENCED

A Regular Meeting of the West Baton Rouge Parish Council was held on Thursday, October 27, 2022 and called to order at 05:30 PM. Council Chairman Carey Denstel asked that all electronic devices be placed on silent.

2. OPENING PRAYER

Councilman Atley Walker Jr. led everyone in an opening prayer.

3. PLEDGE OF ALLEGIANCE

Chairman Denstel recognized Representative Edmond Jordan who led everyone in the Pledge of Allegiance.

4. LOG ATTENDANCE

The following members were recorded as being present: Messrs. Kirk Allain, Chris Kershaw, Atley Walker, Caleb Kleinpeter, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, and Gary Joseph.

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

5. MINUTES APPROVAL

A. Approval of Minutes from the October 13, 2022 Regular Meeting

A motion was made by Councilman Chris Kershaw, seconded by Councilman Alan Crowe to approve Approval of Minutes from the October 13, 2022 Regular Meeting.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Caleb Kleinpeter, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

6. CONSIDER ANY AMENDMENTS TO THE AGENDA

There were no items to consider at this time.

7. PARISH PRESIDENT'S REPORT

Parish President Riley Berthelot was recognized and covered the following items: Ribbon Cutting Monday at 8AM for the Rev. Manual to Freeman Lane connector road.

President Berthelot offered to answer any questions, Councilman Kleinpeter asked about the service road on La1 re-pavement status. Representative Edmond Jordan answered this question stating that this would be complete before the next school year starts, per DOTD Secretary Shawn Wilson.

8. PUBLIC COMMENTS

There were no comments from the public at this time.

9. COMMUNICATIONS WITH COUNCIL MEMBERS AND/OR ELECTED OR APPOINTED OFFICIALS

Mr. Danny Rabalais of the Planning and Development Office was recognized and updated the Council on the status of the property located at 1854 Hwy 190 West, which was condemned by the Council previously. Mr. Rabalais explained this property was bought by Mr. Louie Vielee and is in the process of being cleaned up.

A. Presentation by Ms. Julie Mayeaux, WBR Schools Supervisor of Secondary Education

Ms. Julie Mayeaux, WBR Schools Supervisor of Secondary Education was recognized and gave a lengthy presentation on upcoming possibilities for a WBR Career Academy that the School Board is working on for those students who are looking to get experience for a certain trade instead of going to a 4-year college. Ms. Mayeaux explained there were still more steps to be taken before this would come to fruition. However, the School Board is working very hard to make this happen, and noted she would be back to give the Council updates as they happen.

10. PUBLIC HEARING ON PREVIOUSLY INTRODUCED ORDINANCES

A. An Ordinance Adopting The 2022 WBR Parish Council Amendments To The General Fund, And Fire District No. 1, Revenue And Expenditure Budgets, For The Fiscal Year Beginning January 1, 2022 And Ending December 31, 2022.

The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item.

No public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Council Chairman at this point declared the Public Hearing closed.

A motion was made by Councilman Kirk Allain, seconded by Councilman Atley Walker to approve An Ordinance Adopting The 2022 WBR Parish Council Amendments To The General Fund, And Fire District No. 1, Revenue And Expenditure Budgets, For The Fiscal Year Beginning January 1, 2022 And Ending December 31, 2022.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Caleb Kleinpeter, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

Ordinance 49 of 2022 can be found at the end of these minutes.

B. An Ordinance Amending the Compiled Ordinances, Parish of West Baton Rouge, Louisiana, Amending Appendix A. Purchase/Donation of Real Property and Further Authorizing the Parish President to Sign the Necessary Documentation to Purchase Property for the WBR Parish Library.

The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item.

No public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Council Chairman at this point declared the Public Hearing closed.

Chairman Denstel briefly spoke to remind the Council on why the aforementioned ordinance is being presented.

A motion was made by Councilman Kirk Allain, seconded by Councilman Kenneth Gordon to approve An Ordinance Amending the Compiled Ordinances, Parish of West Baton Rouge, Louisiana, Amending Appendix A. Purchase/Donation of Real Property and Further Authorizing the Parish President to Sign the Necessary Documentation to Purchase Property for the WBR Parish Library.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Caleb Kleinpeter, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph)

NAYS: 0 (None)
ABSENT: 0 (None)
ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.
Ordinance 50 of 2022 can be found at the end of these minutes.

C. An Ordinance Amending The Compiled Ordinances, Parish Of West Baton Rouge, Louisiana, Amending Chapter 14 (Animals And Fowl), Article I (In General), Section 14-1 Definition For Articles II And III) Article IV (Bee Keeping) Sections 14-125 through 135.

The Chairman opened a public hearing for the purpose of receiving comment regarding the aforementioned item.

No public comments for or against said ordinance were presented. No written protests opposing the ordinance were received. The Council Chairman at this point declared the Public Hearing closed.

Mr. George Bragg, Director of Animal Control, was recognized and answered a few questions for Councilman Chris Kershaw for clarification in regards to the proposed ordinance.

A motion was made by Councilman Alan Crowe, seconded by Councilman Craig Bergeron to approve An Ordinance Amending The Compiled Ordinances, Parish Of West Baton Rouge, Louisiana, Amending Chapter 14 (Animals And Fowl), Article I (In General), Section 14-1 Definition For Articles II And III) Article IV (Bee Keeping) Sections 14-125 through 135.

The vote was recorded as follows:
YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Caleb Kleinpeter, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph)
NAYS: 0 (None)
ABSENT: 0 (None)
ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.
Ordinance 51 of 2022 can be found at the end of these minutes.

11. INTRODUCTION OF ORDINANCES

There were no items to consider at this time.

12. CONSIDER STATUS REPORT, CHANGE ORDER AND/OR OTHER MATTERS AS REQUIRED ON CURRENT PROJECTS

There were no items to consider at this time.

13. RESOLUTIONS

A. Resolution Authorizing Parish President to Submit Application through the Office of Community Development, Local Government Assistance Program (LGAP)

A motion was made by Councilman Kirk Allain, seconded by Councilman Kenneth Gordon to approve Resolution Authorizing the Parish President to Submit an Application through the Office of Community Development, Local Government Assistance Program (LGAP).

The vote was recorded as follows:
YEAS: 8 (Kirk Allain, Atley Walker, Caleb Kleinpeter, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph)
NAYS: 0 (None)
ABSENT: 0 (None)
ABSTAIN: 1 (Chris Kershaw)

As a result of the votes, the motion **Passed**.
Resolution 37 of 2022 can be found at the end of these minutes.

B. A Resolution of the West Baton Rouge Parish Council Making Recommendation In Regards To "ITEP" Industrial Tax Exemption Non-Compliance for Graham Packaging Company, L.P. Contract #20180413-ITE For the Year 2021

Ms. Anna Johnson, Executive Director of the WBR Chamber of Commerce, was recognized and explained the need for the aforementioned resolution.

A motion was made by Councilman Craig Bergeron, seconded by Councilman Chris Kershaw to approve A Resolution of the West Baton Rouge Parish Council Making Recommendation In Regards To "ITEP" Industrial Tax Exemption Non-Compliance for Graham Packaging Company, L.P. Contract #20180413-ITE For the Year 2021.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Caleb Kleinpeter, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

Resolution 38 of 2022 can be found at the end of these minutes.

C. A Resolution Approving The West Baton Rouge Parish All Hazard Emergency Plan 2022 Update

Mr. Anthony Summers of the WBR Homeland Security Office was recognized and explained the need to update our All Hazard Emergency Plan.

A motion was made by Councilman Kirk Allain, seconded by Councilman Gary Joseph to approve A Resolution Approving The West Baton Rouge Parish All Hazard Emergency Plan 2022 Update.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Caleb Kleinpeter, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

Resolution 39 of 2022 can be found at the end of these minutes.

D. A Resolution Authorizing The Parish President, Director Department Of Finance And Council Clerk To Sign The Louisiana Compliance Questionnaire For Audit Engagement With Hawthorn, Waymouth And Carroll, LLC., On Behalf Of West Baton Rouge Parish Council And Fire Protection District No. 1, For The Period January 1, 2022 December 31, 2022 As Prepared By The Director Department Of Finance.

A motion was made by Councilman Chris Kershaw, seconded by Councilman Kirk Allain to approve A Resolution Authorizing The Parish President, Director Department Of Finance And Council Clerk To Sign The Louisiana Compliance Questionnaire For Audit Engagement With Hawthorn, Waymouth And Carroll, LLC., On Behalf Of West Baton Rouge Parish Council And Fire Protection District No. 1, For The Period January 1, 2022 December 31, 2022 As Prepared By The Director Department Of Finance.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Caleb Kleinpeter, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

Resolution 40 of 2022 can be found at the end of these minutes.

E. 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 January 1, 2022– December 31, 2022.

A motion was made by Councilman Chris Kershaw, seconded by Councilman Kenneth Gordon to approve 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 January 1,

2022– December 31, 2022.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Caleb Kleinpeter, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph)
NAYS: 0 (None)
ABSENT: 0 (None)
ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

Resolution 41 of 2022 can be found at the end of these minutes.

14. CONSIDER SUBDIVISION PLATS, CONDEMNATIONS, WAIVERS AND MATTERS RELATED THERETO

A. Final Plat Map Showing Subdivision of Remaining Portion of Lot 10 Original Rosario Dibenedetto Estate into Lots 10-B & 10-C Located in Section 30, T6S, R12E, SE Land District, West of the Mississippi River, West Baton Rouge Parish, Louisiana, for Phillip L. Porto, Jr. and Joann Porto Newchurch.

Mr. Kevin Durbin was recognized and explained the need for waivers on the aforementioned plat, which is why the plat was presented to the Council for consideration. Chairman Denstel explained he had spoken to Mr. Porto who could not be here tonight, and Mr. Porto notified him that when the longtime renters were no longer in the trailer, he would replace said trailer and would position the replacement trailer within the correct setbacks for the zone.

A motion was made by Councilman Atley Walker, seconded by Councilman Alan Crowe to approve with waiver/s Final Plat Map Showing Subdivision of Remaining Portion of Lot 10 Original Rosario Dibenedetto Estate into Lots 10-B & 10-C Located in Section 30, T6S, R12E, SE Land District, West of the Mississippi River, West Baton Rouge Parish, Louisiana, for Phillip L. Porto, Jr. and Joann Porto Newchurch with waivers for a setback of 14.8 feet in the front and a 5 foot setback in the rear.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Caleb Kleinpeter, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph)
NAYS: 0 (None)
ABSENT: 0 (None)
ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

15. ALCOHOL PERMITS

A. Notification Approval for Suspension or Revocation Hearing of Bucket's Bar and Grill Class "AR" Alcohol Permit, located at 12812 Hwy 190 West, Port Allen, La 70767.

Chairman Denstel explained this item was put on the agenda to start the process for possible revocation of the AR permit held by Bucket's Bar & Grill located at 12812 Hwy 190 West, as applicable in our Alcohol Permit Code. Chairman Denstel explained this would allow Mrs. Tullier to send the notification letter to the permit holder regarding a hearing to be held at the November 17, 2022 meeting. Councilman Kirk Allain made the motion for this item noting the misstatements in regards to questions he himself asked of the applicant before issuing the alcohol permit.

A motion was made by Councilman Kirk Allain, seconded by Councilman Craig Bergeron to approve sending Notification for Suspension or Revocation Hearing of Bucket's Bar and Grill Class "AR" Alcohol Permit, located at 12812 Hwy 190 West, Port Allen, La 70767.

The vote was recorded as follows:

YEAS: 9 (Kirk Allain, Chris Kershaw, Atley Walker, Caleb Kleinpeter, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph)
NAYS: 0 (None)
ABSENT: 0 (None)
ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed**.

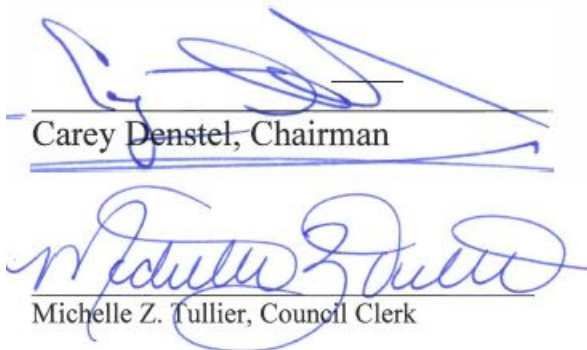
16. CORRESPONDENCE REPORT

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

- Planning & Zoning Meeting Tuesday, November 8, 2022 at 5:30pm.
- Council Meeting Thursday, November 17, 2022 at 5:30pm.

17. ADJOURN

There being no further business, a motion to adjourn was made by Councilman Kershaw and was adopted by acclamation at 06:52 PM.



Carey Denstel, Chairman

Michelle Z. Tullier, Council Clerk

ORDINANCE 49 OF 2022

As Adopted by the West Baton Rouge Parish Council
At the Regular Meeting of October 13, 2022
And Adopted on October 27, 2022

An Ordinance Adopting The 2022 WBR Parish Council Amendments To The General Fund, And Fire District No. 1, Revenue And Expenditure Budgets, For The Fiscal Year Beginning January 1, 2022 And Ending December 31, 2022

BE IT ORDAINED by the Council of the Parish of West Baton Rouge, Louisiana in regular session convened that:

SECTION 1: The attached detailed 2022 Council budget amendments to estimate of expenditures of the WBR Parish Council for the fiscal year beginning January 1, 2022 and ending December 31, 2022.

SECTION 2: The attached detailed 2022 Council budget amendments to estimate of revenue and expenditures of the General Fund and Fire District No. 1 for the fiscal year beginning January 1, 2022 and ending December 31, 2022 be and the same is hereby adopted as budget of expenditures for the Parish during the said period.

SECTION 3: The adoption of these 2022 Council budget amendments to revenue and expenditures budget and the same 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 with the 2022 budget.

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 HAVING BEEN SUBMITTED TO A PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER KIRK ALLAIN, WHICH WAS SECONDED BY COUNCIL MEMBER ATLEY WALKER. THE ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

THE FOREGOING ORDINANCE HAVING BEEN SUBMITTED TO A VOTE WAS ADOPTED BY THE FOLLOWING VOTE:

YEAS: 9 (MESSRS. ALLAIN, WALKER, KERSHAW, KLEINPETER, DENSTEL, CROWE, GORDON, BERGERON AND JOSEPHO

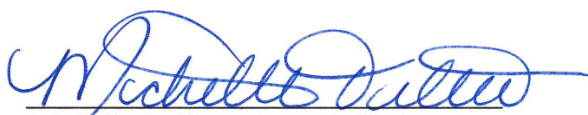
NAYS: 0 (NONE)

ABSENT: 0 (NONE)

ABSTAIN: 0 (NONE)

WHEREUPON the ordinance was declared to be adopted on the **27th day of October, 2022.**

ATTEST:


Michelle Tullier, Council Clerk

ORDINANCE 50 OF 2022

As Introduced by the West Baton Rouge Parish Council
At the Regular Meeting of October 13, 2022
And Adopted October 27, 2022

An Ordinance Amending the Compiled Ordinances, Parish of West Baton Rouge, Louisiana, Amending Appendix A. Purchase/Donation of Real Property and Further Authorizing the Parish President to Sign the Necessary Documentation to Purchase Property for the WBR Parish Library

NOW THERE BE IT ORDAINED by the West Baton Rouge Parish Council, in legal session, that Appendix A. Purchase/Donation of Real Property of the Compiled Ordinances of the Parish of West Baton Rouge, Louisiana, is amended and re-enacted to read as follows:

Appendix A. Purchase of real property described as follows:

Municipal Address: 6311 Hwy 1 South, Brusly, LA 70719

One (1) certain lot or parcel of ground, together with all buildings and improvements located thereon, designated as TRACT B-1-A on a map entitled "Final Map of Tract B-1 into B-1-A & B-1-B Located in Section 20, T-8-S, R-12-E, Southeastern Land District West Baton Rouge Parish, Louisiana for Angelo Borruano, Sr." dated 4-25-12, prepared by Phillip J. Thomas, Registered Professional Land Surveyor, and recorded at Map Book 7, entry 45 of the records of West Baton Rouge Parish, Louisiana . Said TRACT B-1-A having those same measurements and dimensions as shown on said map of record.

BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council, that the Parish President is hereby authorized to sign any and all necessary documentation to effectuate the purchase of the above described property.

NOW THEREFORE BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council, that this ordinance shall become effective immediately upon Parish President's signature.

NOW THEREFORE BE IF 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 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 HAVING BEEN SUBMITTED TO A PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER KIRK ALLAIN, WHICH WAS SECONDED BY COUNCIL MEMBER KENNETH GORDON, THE ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: 9 (MESSRS. ALLAIN, GORDON, KERSHAW, WALKER, KLEINPETER, DENSTEL, CROWE, BERGERON AND JOSEPH)

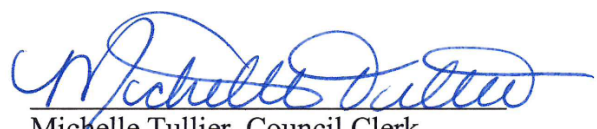
NAYS: 0 (NONE)

ABSENT: 0 (NONE)

ABSTAIN: 0 (NONE)

WHEREUPON the ordinance was declared adopted on the 27th day of October, 2022.

ATTEST:


Michelle Tullier, Council Clerk

ORDINANCE 51 OF 2022

As Introduced by the West Baton Rouge Parish Council
At the Regular Meeting of October 13, 2022
And Adopted on October 27, 2022

An Ordinance Amending The Compiled Ordinances, Parish Of West Baton Rouge, Louisiana, Amending Chapter 14 (Animals And Fowl), Article I (In General), Section 14-1 Definition For Articles II And III) Article IV (Bee Keeping) Sections 14-125 through 135.

WHEREAS, one of the primary functions of local governments is to protect the health, safety and welfare of its people; AND

WHEREAS, in exercising its role to carry-out the above, the West Baton Rouge Parish Council utilizes its police powers under the Constitution and laws of the State of Louisiana; AND

WHEREAS, such exercise of police power involves from time-to-time creating or amending local development laws in order to protect the public.

NOW THERE BE IT ORDAINED by the West Baton Rouge Parish Council, in legal session, Chapter 14 (Animals And Fowl), Article I (In General), Section 14-1 Definition For Articles II And III) Article IV (Bee Keeping) Sections 14-125 through 135 of the Compiled Ordinances of the Parish of West Baton Rouge, Louisiana, is amended and re-enacted 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.):

CODE OF ORDINANCES WEST BATON ROUGE, LOUISIANA

* * *

Chapter 14 - ANIMALS AND FOWL

* * *

ARTICLE I- IN GENERAL

Sec. 14-1. Definitions for articles II and, III and IV

* * *

Apiary means the assembly of one (1) or more colonies of bees at a single location.

Beekeeper means a person who owns or has charge of one (1) or more colonies of bees.

Beekeeping equipment means anything that is used in the operation of an apiary, such as hive bodies, supers, frames, tops and bottom boards, and extractors.

Colony or hive means an aggregate of bees consisting principally of workers, but having, when perfect, one (1) queen and at times many drones; including brood, combs, honey, and the receptacle inhabited by the bees.

Honey bee means all life stages of the common domestic honeybee, Apis mellifera species.

Tract means a contiguous parcel of land under common ownership.

Undeveloped property means any idle land that is not improved or actually in the process of being improved with residential, commercial, industrial, church, park, school, or governmental facilities or other structures or improvements intended for therewith. The term shall be deemed to include property developed exclusively as a street or highway or property used for commercial agricultural purposes.

(NOTE TO CODE EDITORS: Please insert the above definitions in the current code as needed to maintain order.)

* * *

ARTICLE IV. Bee Keeping

14-125 – Unlawful Conduct

- A. The purpose of this article is to establish certain requirements of sound beekeeping practices, which are intended to avoid problems that may otherwise be associated with the keeping of bees in populated areas.
- B. Notwithstanding compliance with the various requirements of this article, it shall be unlawful for any beekeeper to keep any colony or colonies in such a manner or of such disposition as to cause any nuisance, unhealthy condition, interfere with the normal enjoyment of human or animal life of others or interfere with the normal use and enjoyment of any public property or property of others.
- C. The keeping of bees is prohibited in a recognized residential subdivision on lots of one acre or less.

14-126 – Hive Registration

- A. All honeybee colonies shall be registered annually with the Louisiana Department of Agriculture and Forestry.

14 -127 - Fencing of flyways, distance from dwellings, property lines, and roads.

- A. In each instance in which any colony is situated within twenty-five (25) feet of a public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six (6) feet in height consisting of a solid wall, fence, dense vegetation, or combination thereof that is parallel to the property line and extends ten (10) feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six (6) feet above ground level over the property lines in the vicinity of the apiary.
- B. Notwithstanding the provisions of subsection (a) above, in no instance shall a bee colony be situated within one hundred (100) feet of a dwelling on adjoining property.
- C. To not interfere with mosquito control efforts, it is recommended that bee colonies be placed a minimum of 300 feet from the nearest road or street, whether public or private. It is further recommended, that colony owners contact the West Baton Rouge Mosquito Control Department and make them aware of their colony’s location to, if possible, avoid the accidental destruction of bees during regular ground or aerial mosquito control operations. In every case where the presence of mosquitoes or mosquito-borne disease constitutes a public health concern or emergency, mosquito control efforts deemed necessary to protect public health shall have preeminence over any bee colonies that may be impacted by mosquito control measures.

14-128 – Water Source

- A. Each beekeeper shall ensure that a convenient source of water is available to the bees at all times during the year so that the bees will not congregate at swimming pools, bibcocks, pet watering bowls, birdbaths, or other water sources where they may cause human, bird, or domestic pet contact.

14-129 - General Maintenance

- A. Each beekeeper shall ensure that no bee comb or other materials that might encourage

robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other bee-proof enclosure.

14-130 - Colony Densities

- A. It shall be unlawful to keep more than the following number of colonies on any tract within the parish, based upon the size or configuration of the tract on which the apiary is situated:
 - 1. One-quarter acre or less tract size—Two (2) colonies.
 - 2. More than a one-quarter acre but less than one-half acre tract size—Four (4) colonies.
 - 3. More than a one-half acre but less than one-acre tract size—Six (6) colonies.
 - 4. One-acre or larger tract size—Eight (8) colonies.
- B. Regardless of tract size, where all hives are situated at least two hundred (200) feet in any direction from all property lines of the tract on which the apiary is situated, there shall be no limit to the number of colonies.
- C. Regardless of tract size, so long as all property other than the tract upon which the hives are situated, that is within a radius of at least two hundred (200) feet from any hive remains undeveloped property, there shall be no limit to the number of colonies.

14-132 - Marking of Hives

- A. In apiaries, the beekeeper shall conspicuously post a sign setting forth his name and telephone number. In addition, the beekeeper's registration yard marker, provided by the LDAF, shall be posted on a sign within the apiary.
- B. Unless marked in accordance with subsection (a) it shall be presumed for purposes of this article that the beekeeper is the person or persons who own or otherwise have the present right of possession and control of the tract upon which a hive or hives are situated. The presumption may be rebutted by a written agreement authorizing another person to maintain the colony or colonies upon the tract setting forth the name, address, and telephone number of the other person who is acting as the beekeeper.

14-133 Investigation of Complaints

- A. The regulations of Article IV shall apply upon the receipt of a complaint made to the animal control center with the complainant's full name, address, and phone number.
- B. It shall be the duty of the animal control center through its superintendent, and officers to investigate such complaints.
- C. Law enforcement officers, animal control officers, or agents thereof are hereby authorized to enter upon any lot, tract, or parcel of land, public or private to investigate violations of this chapter and to enforce the penalties thereof.

14-134 Enforcement

- A. If upon inspection, it is determined that (1) or more bee colonies are being kept in violation of the regulations of this chapter, the owner of the colony(s) shall be issued a written warning notice detailing the corrective measures needed to comply with the regulations of this chapter. If the colony(s) owner cannot be identified, then the warning notice shall be given to the property owner that the colony(s) reside upon. If the owner of the colony(s) or property owner cannot be identified, the warning notice shall be posted in a conspicuous location on or near the apiary.
- B. The owner of the bee colony(s) shall have (10) days from the issuance of the warning notice to comply with the regulations of this chapter.
- C. After the (10) day period has elapsed, if the owner of the bee colony(s) has not complied with the regulations outlined in this chapter or if no owner has been identified; the apiary, colony(s), and beekeeping equipment may then be seized by the animal control center through its superintendent and officers or agents thereof and the bees therein destroyed or transferred to a new owner at the discretion of the animal control superintendent.
- D. If upon inspection, it is determined that the bees are unusually aggressive so as to pose an immediate threat to public safety or of bodily harm or death to humans or animals, the animal control center through its' superintendent, its' officers, or agents thereof shall have the right to have the bees destroyed immediately without the necessity of identifying the owner or a warning notice being issued.

14-135 Penalty

- A. Any person who violates any section of article IV, shall upon conviction by a court of competent jurisdiction, be deemed guilty of a misdemeanor and may be fined any amount up to \$250.00, or be imprisoned for not more than 180 days or both fined and imprisoned, in the discretion of the court.
- B. Each day a violation of this article continues following the issuance of a citation(s) by any law enforcement officer or animal control officers to the owner of the colony(s) causing the violation shall be deemed separate and subsequent violation of this article and punishable hereunder as such without the necessity of issuing separate and subsequent citations for each day the ordinance violation continues.

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 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.

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 HAVING BEEN SUBMITTED TO A PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER ALAN CROWE, WHICH WAS SECONDED BY COUNCIL MEMBER CRAIG BERGERON. THE ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS: 9 (MESSRS. CROWE, BERGERON, KERSHAW, WALKER, KLEINPETER, DENSTEL, GORDON, ALLAIN, AND JOSEPH)

NAYS: 0 (NONE)

ABSENT: 0 (NONE)

ABSTAIN: 0 (NONE)

WHEREUPON the ordinance was declared adopted on the **27th Day of October, 2022.**

ATTEST:


Michelle Tullier, Council Clerk

RESOLUTION 37 OF 2022

Resolution Authorizing Parish President to Submit Application through the Office of Community Development, Local Government Assistance Program (LGAP) For The Overlay Of Tuscaloosa Avenue

WHEREAS the WEST BATON ROUGE PARISH GOVERNMENT is in need of funds for funds to overlay Tuscaloosa Avenue; and

WHEREAS grants for this project may be available through Office of Community Development, Local Government Assistance Program (LGAP); and

WHEREAS the West Baton Rouge Parish Council is in support of this project.

NOW, THEREFORE, BE IT RESOLVED, by the WEST BATON ROUGE PARISH COUNCIL of WEST BATON ROUGE PARISH GOVERNMENT that:

Section 1. The PARISH PRESIDENT is hereby authorized to submit an-application to the Office of Community Development on behalf of WEST BATON ROUGE PARISH GOVERNMENT for the purpose of securing funds toward aforementioned project; and

Section 2. The PARISH PRESIDENT is further authorized to furnish such additional information as may reasonably be requested in connection with the application; and

Section 3. The PARISH PRESIDENT is hereby designated as the Official Project Representative for the WEST BATON ROUGE PARISH GOVERNMENT for any project that may result from the submission of the application.

A MOTION TO ADOPT the above resolution was made by Councilman Kirk Allain, seconded by Councilman Kenneth Gordon and resulted in the following vote:

YEAS: 8 (Messrs. Allain, Gordon, Walker, Denstel, Kleinpeter, Crowe, Bergeron, and Joseph)

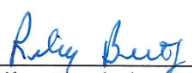
NAYS: 0 (None)

ABSTAIN: 1 (Mr. Kershaw)

ABSENT: 0 (None)

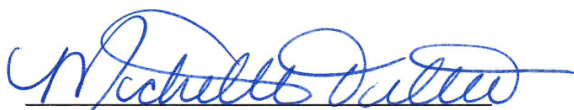
CERTIFICATE

We the undersigned do certify that the foregoing resolution is a true and correct copy of a resolution adopted at a meeting held on the 27th day of October, 2022 at which meeting a quorum was present and voting.



Riley Berthelot, Jr., Parish President

ATTEST:



Michelle Tullier, Council Clerk

RESOLUTION 38 OF 2022

A Resolution of the West Baton Rouge Parish Council Making Recommendation In Regards To "ITEP" Industrial Tax Exemption Non-Compliance for Graham Packaging Company, L.P. Contract #20180413-ITE For the Year 2021

WHEREAS, in a letter dated September 15, 2022, the Louisiana Department of Economic Development provided notice to the West Baton Rouge Parish Council that Graham Packaging Company L.P., located at 1844 Commercial Dr., Port Allen, La 70767 had defaulted on a contract for the Industrial Tax Exemption Program (ITEP), Contract #20180413-ITE; and

WHEREAS, the Company Objectives in Exhibit A to the Contract required 55 jobs and payroll of \$2,402,400.00 for Project Year 2021; and

WHEREAS, the Company's Annual Certification of Compliance was received however the Company's actual jobs and payroll was 44 jobs and payroll of \$3,234,851.89 for 2021, therefore they were not in compliance with the Company Objectives in Exhibit A to the Contract; and

WHEREAS, in accordance with Section 6.01(B)(4) of Exhibit A to the Contract, the local government entities can make a recommendation to the Louisiana Board of Commerce and Industry on the consequence for non-compliance; and

WHEREAS, the deadline provided in the notice to ensure consideration by the Louisiana Board of Commerce and Industry of any local action is November 14, 2022.

NOW, THEREFORE, BE IT RESOLVED, Upon consideration of the foregoing and the public discussion held this day, that the West Baton Rouge Parish Council defers to the Louisiana Board of Commerce and Industry to request no charges or penalties implied due to the explained circumstances, and amend the original ITEP Application based on WBR Parish Resolution 3 of 2021.

Regarding Graham Packaging Company L.P. tax exemption, Industrial Tax Exemption Program Contract #20180413-ITE for 2021.

BE IT FURTHER RESOLVED, a copy of this resolution be sent to the Louisiana Department of Economic Development.

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

The Foregoing Resolution Has Been Considered, Upon Motion By Council Member Craig Bergeron, Which Was Seconded By Council Member Chris Kershaw, And A Vote Being Taken, The Following Result Was Had:

Yeas: 9 (Messrs. Bergeron, Kershaw, Walker, Kleinpeter, Denstel, Crowe, Gordon, Allain, and Joseph)

Nays: 0 (None)

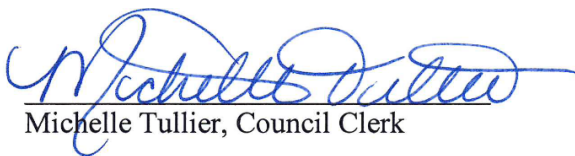
Absent: 0 (None)

Abstain: 0 (None)

WHEREUPON the resolution was declared adopted this **27th Day of October, 2022.**

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, 2022, at which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk

RESOLUTION 39 OF 2022

A Resolution Approving The West Baton Rouge Parish All Hazard Emergency Plan 2022 Update

WHEREAS, The Parish Of West Baton Rouge recognizes the need to have a coordinated approach to major incidents and disasters that affect the parish; and

WHEREAS, West Baton Rouge Parish has the statutory responsibility to develop, implement and maintain an effective Emergency Operations Plan under the Louisiana Homeland Security and Emergency Assistance and Disaster Act of 1993 as amended ; and

WHEREAS, West Baton Rouge Parish has developed an Emergency Management Agency to oversee and complete these functions for the entire parish, municipalities; and

WHEREAS, all agencies and departments having responsibilities contained within the plan have acknowledged and agreed upon their roles and responsibilities;

WHEREAS, a copy of said plan can be obtained and/or viewed at the Office of Homeland Security, Emergency Preparedness and 911.

NOW THEREFORE BE IT RESOLVED by the West Baton Rouge Parish Council as the governing authority of the Parish, meeting in regular session, hereby adopts the 2022 West Baton Rouge Parish All Hazards Emergency Operation Plan Update as the emergency management plan for West Baton Rouge Parish.

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.

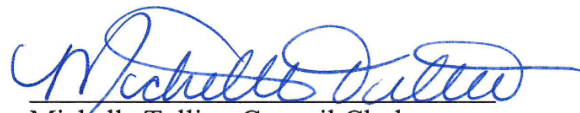
The Foregoing Resolution Was Considered, And, After Public Discussion, A Motion To Approve Was Made By Commissioner Kirk Allain, Which Was Seconded By Commissioner Gary Joseph.

YEAS: 9 (Messrs. Allain, Joseph, Kershaw, Walker, Denstel, Kleinpeter, Crowe, Gordon, and Bergeron)
NAYS: 0 (None)
ABSENT: 0 (None)
ABSTAIN: 0 (None)

As a result of the votes the resolution was adopted this **27th Day of October, 2022.**

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, 2022 at which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk

RESOLUTION 40 OF 2022

A Resolution Authorizing The Parish President, Director- Department Of Finance And Council Clerk To Sign The Louisiana Compliance Questionnaire For Audit Engagement With Hawthorn, Waymouth And Carroll, LLC., On Behalf Of West Baton Rouge Parish Council And Fire Protection District No. 1, For The Period January 1, 2022 - December 31, 2022 As Prepared By The Director- Department Of Finance

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-Department of Finance and Council Clerk to sign the Louisiana Compliance Questionnaire for Audit Engagement for the period January 1, 2022-December 31, 2022 as prepared by the Director-Department of Finance.

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 Kirk Allain.

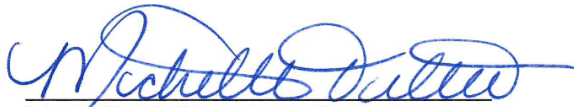
The resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: 9 (Messrs. Kershaw, Allain, Walker, Kleinpeter, Denstel, Crowe, Gordon, Bergeron and Joseph)
NAYS: 0 (None)
ABSENT: 0 (None)
ABSTAIN: 0 (None)

AND the resolution was declared adopted on this 27th Day of October, 2022.

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, 2022 at which meeting a majority of the members were present and voting.



Michelle Tullier, Council Clerk

RESOLUTION 41 OF 2022

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
January 1, 2022– December 31, 2022

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 January 1, 2022 – December 31, 2022.

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 Kenneth Gordon.

The resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: 9 (Messrs. Kershaw, Walker, Gordon, Kleinpeter, Denstel, Crowe, Allain, Bergeron and Joseph)

NAYS: 0 (None)

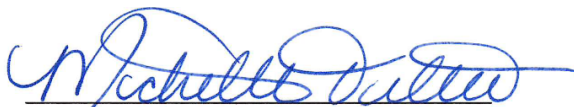
ABSENT: 0 (None)

ABSTAIN: 0 (None)

AND the resolution was declared adopted on this 27th DAY OF OCTOBER, 2022.

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, 2022 at which meeting a majority of the members were present and voting.



Michelle Tullier, Council Clerk