

MINUTES
WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING
GOVERNMENT BUILDING

880 North Alexander Avenue, Port Allen

Thursday, January 12, 2023

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, January 12, 2023 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 and asked that everyone keep the families involved in the recent fires in the area, in their prayers.

3. PLEDGE OF ALLEGIANCE

Chairman Denstel recognized Councilman Craig Bergeron 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, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, and Mrs. Kayne Kleinpeter.

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, Ms. Kristen Canezaro, Special Legal Counsel, and Mrs. Michelle Tullier, Council Clerk.

5. ELECTION OF OFFICERS

A. Election of Council Chairman for 2023

Councilman Chris Kershaw nominated Councilman Carey Denstel to serve as Chairman for 2023 seconded by Councilman Gary Joseph, there were no other nominations, and therefore Councilman Carey Denstel was elected as 2023 Council Chairman by acclamation.

B. Election of Council Vice Chairman for 2023

Councilman Craig Bergeron nominated Councilman Alan Crowe to serve as Vice Chairman for 2023, seconded by Councilman Kenneth Gordon, there were no other nominations, and therefore Councilman Alan Crowe is elected as 2023 Council Vice Chairman by acclamation.

6. MINUTES APPROVAL

A. Approval of Minutes from the December 15, 2022 Regular Meeting

A motion was made by Councilman Kirk Allain, seconded by Councilman Alan Crowe to approve the Minutes from the December 15, 2022 Regular Meeting.

The vote was recorded as follows:

YEAS: 9 (Messrs. Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, and Mrs. Kayne Kleinpeter)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

7. CONSIDER ANY AMENDMENTS TO THE AGENDA

- A. **West Baton Rouge Parish Civil Service Board** – Consider Re-Appointment of Mr. Evan E. Cooper as the governing authority board member, current term to expire January 22, 2023.

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

The vote was recorded as follows:

YEAS: 9 (Messrs. Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, and Mrs. Kayne Kleinpeter)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes, the motion **Passed** and the agenda is therefore amended.

8. **PARISH PRESIDENT’S REPORT**

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

AT&T will be working on small cell towers in the area soon, there will be some random outages due to this;

Recent GOHSEP conference in Lake Charles;

American Legion addition for Port City.

There were no questions for the Parish President at this time.

9. **PUBLIC COMMENTS**

Chairman Denstel asked Mrs. Tullier to read aloud the letter recently received from Mr. Gary Spillman in regards to recent passing of the 2023 budget, current sales tax revenue split concerns, turf field and sidewalk projects included in the budget along with the recent resolution on the Road Transfer Program with the State of Louisiana. Mr.

Manola was recognized and responded to each one of the items that Mr. Spillman was addressing, noting we do have budget hearings to discuss the budget at length before introducing it for a vote, inconsistencies in the sales tax revenue numbers in the letter, along with comments in regards to the remaining items in said letter. Multiple Councilmembers responded to some of the items that were covered in the letter from Mr. Spillman, and in closing, everyone who spoke agreed that Mr. Spillman should have represented himself at the meeting in order to have a discussion on some of his items of concern.

10. **CONSIDER COST OF LIVING INCREASE FOR PARISH EMPLOYEES**

A. **Consider Cost of Living Increase for Parish Employees**

Mr. Phillip Bourgoyne was recognized and read aloud a memo from the Administration recommending a six percent (6%) Cost of Living increase, along with a 1 step (2%) increase to all pay scales of WBR Parish, also recommending the WBR Fire Department receive a six percent (6%) Cost of Living increase, noting the fire department automatically receives a two percent (2%) anniversary date increase.

A motion was made by Councilman Kirk Allain, seconded by Councilman Atley Walker to approve the recommended six percent (6%) Cost of Living increase along with a 1 step (2%) increase to all pay scales including Coroner's Office, Registrar of Voters, Health Unit, Judges, District Attorney, Detention Center, JP's, Constables, Council Clerk and all full-time and part-time employees of WBR Parish Departments, and a six percent (6%) Cost of Living increase for the WBR Fire Department employees.

The vote was recorded as follows:

YEAS: 9 (Messrs. Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, and Mrs. Kayne Kleinpeter)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

11. **ANNUAL DEPARTMENT OF REVENUE & TAXATION DELINQUENT SALES TAX REPORT**

Mrs. Melanie David, Director of Revenue, was recognized and presented the Annual

Department of Revenue Delinquent Sales Tax Report as presented to the Council and required by the Home Rule Charter, Mrs. David offered to answer any questions but there were none.

12. **COMMUNICATIONS WITH COUNCIL MEMBERS AND/OR ELECTED OR APPOINTED OFFICIALS**

Councilman Atley Walker noted the upcoming fundraiser for the families who lost their home in the recent Rev. Manual fire. This fundraiser will take place at Alexander Park on Saturday, January 21, 2023 at 11:30am.

Councilman Kershaw brought up State RS: 48:391 which states that "it shall be unlawful for any train, railroad car or equipment, or engine to obstruct vehicular traffic at a public highway railroad grade crossing for a period in excess of twenty consecutive minutes, except when"Councilman Kershaw recommended looking into this and possibly consider joining in on the lawsuit which will be taken up by the Supreme Court.

A. Approve Annual Sales Tax Percentage Adjustments

Mr. Bourgoyne was again recognized and reviewed the current sales tax percentage adjustments per the 2020 Census data versus what the adjusted numbers were after a protest from the Town of Addis. The reported estimated adjusted percentages as of December 31, 2021 are, Parish 47.44%, Port Allen 18.09%, Brusly 9.44%, and Addis 25.02%. Mr. Bourgoyne went on to explain how these numbers were figured and in closing he noted that all of the municipalities have agreed with the numbers being presented.

A motion was made by Councilman Kirk Allain, seconded by Councilman Atley Walker to approve the recommended sales tax percentage adjustments for 2023 as aforementioned.

The vote was recorded as follows:

YEAS: 9 (Messrs. Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, and Mrs. Kayne Kleinpeter)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

Director of Utilities, Adrian Genre, was recognized and showed two videos of some of the recent repairs which had taken place during the recent freezing conditions, Mr. Genre wanted to thank and bring attention to the hard work of the parish workers when an emergency happens.

13. **PUBLIC HEARING ON PREVIOUSLY INTRODUCED ORDINANCES**

- A.** An ordinance to amend and reenact the West Baton Rouge Parish Code of Ordinances, Part II ("Code of Ordinances"), Chapter 6 ("Alcoholic Beverages"), Article I ("In General"), Section 6-2 ("Sunday Closing Time"), Article II ("Beverages of Low Alcoholic Content"), Section 6-23 ("Prohibited activities of permittees"), Article III ("Beverages of High Alcoholic Content"); Part III ("Unified Development Code"), Chapter 101 ("General Provisions"), Section 101-1 ("Definitions"); Chapter 104 ("Zoning Ordinance"), Article II ("District Regulations"), Section 104-26 ("Adoption, amendment, and interpretation of zoning districts"), Section 104-28 ("Base district regulations by zoning districts"), Appendix A ("Zoning Districts"); and Chapter 106 ("Site Planning"), Article V ("Yard/Setback, Open Space and Common Area Requirements"), Section 106-125 ("C-2 site development regulations") to place all forms of legalized gambling under the same alcohol, site development and zoning requirements as truck stop casinos (with the exception of zoning and site development for riverboat casinos).

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

Mr. Kevin Durbin was recognized and explained the reasons for the aforementioned proposed ordinance and noted what it would actually include.

Mr. Rawlston Phillips III, was recognized representing the truck stop and video poker businesses in the Parish, and offered to answer any questions that the Council may have in

regards to this ordinance.

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.

Councilman Kershaw asked a few questions for clarification in regards to types of businesses included in the definition of gaming facilities as it is being presented. Mr. Durbin noted that there were two locations of the ordinance where a few words needed to be changed. In the Gaming Facility definition, the sentence reads ". The measurement of the distance shall be a straight line from the nearest point of the truck stop facility to the nearest point of the property....." the words "truck stop" need to be removed and the word "gaming" needs to be added in the same location. The sentence would then read. "The measurement of the distance shall be a straight line from the nearest point of the gaming facility to the nearest point of the property." The second location is in Sec. 106-125, the same sentence can be found, and therefore the same changes are needed.

A motion was made by Councilman Alan Crowe, seconded by Councilman Kenneth Gordon to approve with amendment/s An ordinance to amend and reenact the West Baton Rouge Parish Code of Ordinances, Part II ("Code of Ordinances"), Chapter 6 ("Alcoholic Beverages"), Article I ("In General"), Section 6-2 ("Sunday Closing Time"), Article II ("Beverages of Low Alcoholic Content"), Section 6-23 ("Prohibited activities of permittees"), Article III ("Beverages of High Alcoholic Content"); Part III ("Unified Development Code"), Chapter 101 ("General Provisions"), Section 101-1 ("Defintions"); Chapter 104 ("Zoning Ordinance"), Article II ("District Regulations"), Section 104-26 ("Adoption, amendment, and interpretation of zoning districts"), Section 104-28 ("Base district regulations by zoning districts"), Appendix A ("Zoning Districts"); and Chapter 106 ("Site Planning"), Article V ("Yard/Setback, Open Space and Common Area Requirements"), Section 106-125 ("C-2 site development regulations") to place all forms of legalized gambling under the same alcohol, site development and zoning requirements as truck stop casinos (with the exception of zoning and site development for riverboat casinos).

The vote was recorded as follows:

YEAS: 9 (Messrs. Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, and Mrs. Kayne Kleinpeter)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

Ordinance 1 of 2023 can be found at the end of these minutes.

14. **INTRODUCTION OF ORDINANCES**

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

- A. 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 2612 Highway 190 W Port Allen, La 70767 for Christine Langlois. File# 2022-28. Rezoning From AG-1 And AG-3 To AG-2. Public Hearing Date: February 9, 2023
- B. 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 3235 Red Hat Rd. Brusly, La 70719, for Cynthia Snell Dunbar. File# 2022-29. Rezoning From R-SF-3 To R-SF-2. Public Hearing Date: February 9, 2023.
- C. 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 1358 Quatrevingt Blvd. Port Allen, La 70767 for Christopher Zizzi. File# 2023-1. Rezoning from R-M (Residential Minor) to AG-3(Agricultural Full Scale). Master Plan Change. Public Hearing Date: February 9, 2023

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

A. **Accept/Reject Bid Recommendation on Artificial Turf Fields Project.**

Mr. Manola was recognized and asked that the Council table this item to the next meeting in order to have more time to review the bids.

A motion was made by Councilman Alan Crowe, seconded by Councilman Craig Bergeron to table the item Accept/Reject Bid Recommendation on Artificial Turf Fields Project to the January 26, 2023 Council Meeting.

The vote was recorded as follows:

YEAS: 9 (Messrs. Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, and Mrs. Kayne Kleinpeter)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

16. **RESOLUTIONS**

- A. A Resolution Adopting the Proposed 2023 West Baton Rouge Parish Council Regular Meeting Schedule A motion was made by Councilman Atley Walker, seconded by Councilman Chris Kershaw to approve A Resolution Adopting the Proposed 2023 West Baton Rouge Parish Council Regular Meeting Schedule.

The vote was recorded as follows:

YEAS: 9 (Messrs. Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, and Mrs. Kayne Kleinpeter)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

Resolution 1 of 2023 can be found at the end of these minutes.

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

There were no items to consider at this time.

18. **APPOINTMENTS**

- A. **West Baton Rouge Parish Civil Service Board** – Consider Re-Appointment of Mr. Evan E. Cooper as the governing authority board member, current term to expire January 22, 2023.

There were no other names recommended and with no objection, Chairman Denstel announced that Mr. Evan Cooper would be re-appointed as the Governing Authority Board Member Representative on the WBR Parish Civil Service Board.

19. **ALCOHOL PERMITS**

- A. **CHC Port Allen Manager LLC., DbA Crazy Horse Cabaret Located At 2901 I-10 Frontage Rd. Port Allen, La 70767, Requesting Class A Alcohol Permit, Change Of Ownership Only.**

Mrs. Tullier explained this was a name change only, due to an ownership name change, and per the applicant, there are no changes to daily business activities.

A motion was made by Councilman Kirk Allain, seconded by Councilman Kenneth Gordon to approve CHC Port Allen Manager LLC., DbA Crazy Horse Cabaret Located At 2901 I-10 Frontage Rd. Port Allen, La 70767, Requesting Class A Alcohol Permit.

The vote was recorded as follows:

YEAS: 9 (Messrs. Kirk Allain, Chris Kershaw, Atley Walker, Kenneth Gordon, Carey Denstel, Alan Crowe, Craig Bergeron, Gary Joseph, and Mrs. Kayne Kleinpeter)

NAYS: 0 (None)

ABSENT: 0 (None)
ABSTAIN: 0 (None)
As a result of the votes, the motion **Passed**.

20. **CORRESPONDENCE REPORT**

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

- Next Planning & Zoning Meeting is Tuesday, January 17, 2023 at 5:30pm;
- Next Council Meeting is Thursday, January 26, 2023 at 5:30pm;
- Next Fire Board Meeting is Thursday, January 26, 2023 at 5:00pm.

21. **ADJOURN**

There being no further business, a motion to adjourn was made by Councilwoman Kleinpeter and was adopted by acclamation at 06:42 PM.



Carey Denstel, Chairman



Michelle Z. Tullier, Council Clerk

ORDINANCE 1 OF 2023

As Introduced by the West Baton Rouge Parish Council
At the Regular Meeting of November 17, 2022
And Adopted January 12, 2023

An ordinance to amend and reenact the West Baton Rouge Parish Code of Ordinances, Part II (“Code of Ordinances”), Chapter 6 (“Alcoholic Beverages”), Article I (“In General”), Section 6-2 (“Sunday Closing Time”), Article II (“Beverages of Low Alcoholic Content”), Section 6-23 (“Prohibited activities of permittees”), Article III (“Beverages of High Alcoholic Content”); Part III (“Unified Development Code”), Chapter 101 (“General Provisions”), Section 101-1 (“Definitions”); Chapter 104 (“Zoning Ordinance”), Article II (“District Regulations”), Section 104-26 (“Adoption, amendment, and interpretation of zoning districts”), Section 104-28 (“Base district regulations by zoning districts”), Appendix A (“Zoning Districts”); and Chapter 106 (“Site Planning”), Article V (“Yard/Setback, Open Space and Common Area Requirements”), Section 106-125 (“C-2 site development regulations”) to place all forms of legalized gambling under the same alcohol, site development and zoning requirements as truck stop casinos (with the exception of zoning and site development for riverboat casinos).

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 (and other) laws in order to protect the public; **AND**

WHEREAS, the West Baton Rouge Council has previously regulated truck stop casinos with alcohol, zoning and site development regulations; **AND**

WHEREAS, the West Baton Rouge Council finds that other legalized forms of gaming may not have the same alcohol and/or land use regulations being applied to them at the State level; **AND**

WHEREAS, the West Baton Council intends to treat all legalized forms of gambling under the same alcohol, zoning and site development regulations as truck stop casinos (with the exception of zoning and site development for riverboat casinos)

NOW, THEREFORE, BE IT ORDAINED that the West Baton Rouge Parish Code of Ordinances, Part II (“Code of Ordinances”), Chapter 6 (“Alcoholic Beverages”), Article I (“In General”), Section 6-2 (“Sunday Closing Time”), Article II (“Beverages of Low Alcoholic Content”), Section 6-23 (“Prohibited activities of permittees”), Article III (“Beverages of High Alcoholic Content”); Part III (“Unified Development Code”), Chapter 101 (“General Provisions”), Section 101-1 (“Defintions”); Chapter 104 (“Zoning Ordinance”), Article II (“District Regulations”), Section 104-26 (“Adoption, amendment, and interpretation of zoning districts”), Section 104-28 (“Base district regulations by zoning districts”), Appendix A (“Zoning Districts”); and Chapter 106 (“Site Planning”), Article V (“Yard/Setback, Open Space and Common Area Requirements”), Section 106-125 (“C-2 site development regulations”)be amended and readopted 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 II – CODE OF ORDINANCES

CHAPTER 6

ALCOHOLIC BEVERAGES

* * *

ARTICLE I. – IN GENERAL

* * *

Sec. 6-2 – Sunday closing time.

Businesses selling alcoholic beverages shall be closed at 10:00 p.m. on Sundays and may not reopen until 6:00 a.m. on Monday, except the 10:00 p.m. Sunday closing time shall not apply to Super Bowl Sundays, a Sunday which is followed by either Memorial Day, Labor Day, the 4th of July or New Year’s Day, or if Sunday is the 4th of July or to restaurants, grocery stores, drugstores, off-track-betting parlors and truck-stop casinos or gaming facilities (including riverboat casinos).

* * *

ARTICLE II. – BEVERAGES OF LOW ALCOHOLIC CONTENT

* * *

Sec. 6-23 – Prohibited activities of permittees.

* * *

- (2) Sell, store, use, consume, handle, give away or otherwise dispose of any of the beverages described in section 6-21 between the hours of 1:00 a.m. and 6:00 a.m. daily and to conduct the operation of said business between the hours of 2:00 a.m. and 6:00 a.m. daily, except as provided by section 6-2. Restaurants, grocery stores, drugstores, truck-stop-casinos gaming facilities (including riverboat casinos) or other business may remain open for the sale of other items permitted by law, but any sale or consumption of alcoholic beverages in such places of business during the prohibited periods set forth above is expressly prohibited. During the prohibited periods, no open glasses, bottles, cans, or other containers holding alcoholic beverages shall be allowed anywhere on the licensed premises except in a locked cabinet or cupboard; provided, that those businesses which maintain separate rooms for the conduct of the business of dealing in alcoholic beverages may securely close and lock said separate rooms. Proof of the finding of any open container holding alcoholic beverages at any other place in the licensed premises during the prohibited periods shall result in a presumption that some of the contents of the container were consumed on the licensed premises on the date found; and shall further result in a presumption that the contents of the container were sold by the permit

holder, his manager, agent, servant or employee on the date found. The term "open" as used in this subsection shall include, but not be restricted to, any container from which the top has at any time been removed, regardless of whether it has been replaced, and in the case of a sealed container, any container on which the seal has been broken.

* * *

ARTICLE III. – BEVERAGES OF HIGH ALCOHOLIC CONTENT

* * *

Sec. 6-116. – Prohibited activities of licensees and permittees.

- (2) Sell, store, use, consume, handle, give away or otherwise dispose of any of the beverages described in section 6-114 between the hours of 1:00 a.m. and 6:00 a.m. daily and to conduct the operation of said business between the hours of 2:00 a.m. and 6:00 a.m. daily, except as provided by section 6-2. Restaurants, grocery stores, drugstores, ~~truck-stop-casinos~~ gaming facilities (including riverboat casinos) or other business may remain open for the sale of other items permitted by law, but any sale or consumption of alcoholic beverages in such places of business during the prohibited periods set forth in this subsection is expressly prohibited. During the prohibited periods, no open glasses, bottles, cans or other containers holding alcoholic beverages shall be allowed anywhere on the licensed premises except in a locked cabinet or cupboard; provided, that those businesses which maintain separate rooms for the conduct of the business of dealing in alcoholic beverages may securely close and lock said separate rooms. Proof of the finding of any open container holding alcoholic beverages at any other place in the licensed premises during the prohibited periods shall result in a presumption that some of the contents of the container were consumed on the licensed premises on the date found; and shall further result in a presumption that the contents of the container were sold by the permit holder, his manager, agent, servant or employee on the date found. The term "open" as used in this subsection shall include, but not be restricted to, any container from which the top has at any time been removed, regardless of whether it has been replaced and in the case of a sealed container, any container on which the seal has been broken.

* * *

PART III – UNIFIED DEVELOPMENT CODE

CHAPTER 101

GENERAL PROVISIONS

Sec. 101-1 - Definitions

* * *

Future land use plan means a land use plan recommended by the planning and zoning commission and approved by the parish council which illustrates the community's goals for future land use and which is intended to serve as the basis for the creation of zoning districts.

Gaming facility means any institution (other than riverboat casinos, as defined elsewhere) in which gaming operations are permitted to occur at a land-based casino, at a facility licensed for the operation of electronic video draw poker devices, at an eligible facility licensed for the operation of slot machines, for a licensed charitable organization, at a facility that contains a sports betting lounge, or at a pari-mutuel wagering facility or off-track wagering facility which are licensed for operation and otherwise also regulated under the laws of the State of Louisiana, or any other gaming operations authorized be law. No license shall be granted to any gaming facility (other than riverboat casinos, as defined elsewhere) within one mile from any property on the National Register of Historic Places, any public playground, any residential property, or a building used primarily as a church, synagogue, public library, or school. The measurement of the distance shall be a straight line from the nearest point of the gaming facility to the nearest point of the property on the National Register of Historic Places, the public playground, residential property, or a building used primarily as a church, synagogue, public library, or school. The definition of gaming facility herein, and the site development and zoning regulations that govern gaming facility districts, shall not be interpreted to apply to restaurants, bars and other assembly spaces that are permitted to

have no more than three (3) video draw poker devices pursuant to the current or previous Louisiana Revised Statute 27:413. Instead, restaurants, bars and other assembly spaces permitted to have no more than three (3) video draw poker devices shall be governed by their own use definitions as well as the site plan regulations and zoning regulations that govern the districts that those (restaurant, bar, and other assembly) uses are permitted.

Garage, private, means an accessory building for the private use of the owner or occupant of a principal building situated on the same lot as the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

* * *

Truck stop casino, for the purpose of this chapter, shall be as defined by R.S. 27:306.

* * *

CHAPTER 104

ZONING ORDINANCE

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

Sec. 104-26 – Adoption, amendment, and interpretation of zoning districts

All land within the unincorporated areas of the parish is hereby divided into the following base zoning districts:

(1) Base zoning districts:

Map Code	District Name
	* * *
C-1.4	Industrial-Transitional Commercial District
C-2	Commercial District (Truck Stop Casinos) Gaming Facilities District (except Riverboat Casinos)
I-1	Light Industrial District
	* * *

* * *

Sec. 104-28 – Base district regulations by zoning districts.

The regulations of this section identify the purpose of each of the created zoning districts and shall be considered the minimum requirements.

* * *

(2) *Nonresidential districts.*

* * *

e. ~~C-2 commercial truck stop casinos~~ Gaming facilities district (except Riverboat Casinos).

1. *Purpose.* The purpose of the C-2 ~~commercial truck stop casinos~~ gaming facilities district is to provide sites suitable for ~~truck stop casinos~~ various gaming facilities (other than riverboat casinos). C-2 zoning shall constitute a special use permit granting local government approval

for the operation of various gaming facilities ~~video poker devices~~ as provided for under ~~R.S.~~ 27:324 Louisiana state law.

2. *Permitted, prohibited and special uses.* See appendix A to this chapter.

* * *

APPENDIX A. - ZONING DISTRICTS

The table below indicates which land and building uses are permissible and nonpermissible in each zoning district. The phrase "any other similar uses compatible with" each zone may applied by the zoning administrator for C-1, I-1, I-2 and I-3 zoning districts. The following codes apply:

- P = Permitted use;
- Blank Space = Prohibited use;
- S = Special use permit required for the use.

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	AG- 1	AG- 2	AG- 3	B-1, B-2	POS-C- RV; PF
				*		*		*							
Funeral home					P	P	P								
<u>Gaming facility</u>								P							
Garden center				P	P	P	P								
				*		*		*							
Truck stop casino								P							
				*		*		*							

* * *

CHAPTER 106
SITE PLANNING

* * *

ARTICLE V. – YARD/SETBACK, OPEN SPACE AND COMMON AREA REQUIREMENTS

* * *

Sec. 106-125 – C-2 site development regulations

(a) *Site development regulations in C-2 districts.* Each development site in the C-2 commercial district shall also be subject to the development regulations contained in the parish subdivision regulations except that the minimum lot area shall be five acres, For truck stop casino sites, which these five acres shall also include a parking area large enough to accommodate at least 50 heavy trucks (18-wheelers). Furthermore For all gaming facilities in C-2 zoning districts, the required front yard/setback shall be 30 feet and the required side and rear yards/setbacks shall be ten feet. ~~Whenever a C-2 district abuts any type of residential district, the required side and/or rear yard/setback adjacent to the residential district shall be 50 feet.~~ No license shall be granted to any gaming facility (other than riverboat casinos, as defined elsewhere) within one mile from any property on the National Register of Historic Places, any public playground, any residential property, or a building used primarily as a church, synagogue, public library, or school. The measurement of the distance shall be a straight line from the nearest point of the gaming facility to the nearest point of the property on the National Register of Historic Places, the public playground, residential property, or a building used primarily as a church, synagogue, public library, or school.

- (b) *Special C-2 district requirements.*
- (1) Each lot in a C-2 district shall have frontage and access from a four-lane highway.
 - (2) ~~No lot in a C-2 district shall be located where the traffic or daily operations will interfere with ingress and egress to any residential or commercial area or public building.~~
- (c) ~~Special requirements adjacent to residential districts.~~
- (1) ~~(2) Buffer requirements.~~ A minimum eight-foot wooden fence with a maximum one-quarter inch gap between slats, permanently maintained, shall be required in the 50-foot required setback adjacent to all residential districts. All outdoor lighting must be directed toward the commercial property, be shielded from and shall not adversely impact any adjacent use or traffic.
 - (2) ~~(3) Greenbelt requirements.~~ A minimum ten-foot greenbelt shall be required along the front property line. No parking or structure of any kind will be permitted in this greenbelt, except for the permitted driveway access. A minimum five-foot side yard greenbelt is required from the front property line to the required building setback line. Utility servitudes located within the property line may be counted toward this greenbelt requirement. Servitudes located on public rights-of-way shall not be counted toward this greenbelt requirement.
 - (3) ~~Hours of operation and noise.~~ If night activities are conducted by the on-site use, such activities shall not interfere with the peace of any adjacent residential district or on-site residential use.
 - (4) *Storage of waste materials.* No waste materials that are the product of any research or testing activity may be stored on-site.
 - (5) *Outside storage of goods.* Outside storage of goods shall be permitted in the rear of the property beginning at the rear half of the building depth. This storage area shall be screened with a minimum eight-foot chainlink fence using slats, permanently maintained. The height of the stored goods shall not exceed the height of the roof eaves or 15 feet, whichever is less.

NOW, THEREFORE, BE IT FURTHER ORDAINED 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 HAVING BEEN SUBMITTED TO A PUBLIC HEARING WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER ALAN CROWE, WHICH WAS SECONDED BY COUNCIL MEMBER KENNETH GORDON. THE ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

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

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

WHEREUPON the ordinance was declared adopted on the 12th day of January, 2023.

ATTEST:


Michelle Tullier, Council Clerk

RESOLUTION 1 OF 2023

A Resolution Adopting the Proposed 2023 West Baton Rouge Parish Meeting Schedule

WHEREAS, pursuant to the Open Meetings Act, the Council is adopting an annual meeting schedule, AND WHEREAS, the proposed schedule provides for regular meetings to occur with starting times of 5:30 p.m. on

the second and fourth Thursday of each month with exceptions provided for when a meeting would fall on a Parish, religious or cultural holiday or Election Day or another event; **AND**
WHEREAS, notwithstanding any other provision of this resolution, any regular meeting of the Council may be set, canceled or rescheduled to a different date, time or location by motion duly adopted by the affirmative votes of at least five members of the Parish Council or by any other manner as provided by law. The date, time and location of any meeting set or rescheduled to a different date, time or location shall be noticed and posted in the manner provided by law; **AND**
WHEREAS, this resolution shall supersede and render null and void the provisions of any prior resolution to the extent such provisions are inconsistent with the provisions of this resolution. The resolution shall become effective upon adoption of this resolution.
NOW THEREFORE BE IT RESOLVED that the West Baton Rouge Parish Council does hereby adopt the 2023 Meeting Schedule attached.

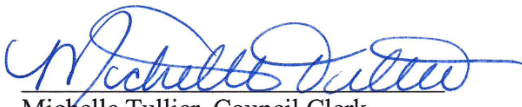
The Foregoing Resolution Was Considered, And, After Public Discussion, A Motion To Approve Was Made By Council Member Atley Walker Which Was Seconded By Council Member Chris Kershaw.

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

YEAS: 9 (Messrs. Allain, Joseph, Kershaw, Walker, Denstel, Crowe, Gordon, Bergeron, and Mrs. Kleinpeter)
NAYS: 0 (None)
ABSENT: 0 (None)
ABSTAIN: 0 (None)
AND the resolution was declared adopted on this **12th Day of January, 2023.**

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 January 12, 2023 at which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk

West Baton Rouge Parish
2023 Meeting Schedule Deadlines
All Meeting are held in the Council Meeting Room
880 N. Alexander Ave., Port Allen, LA 70767

Zoning Introduction Deadline	P&Z Commission Meeting Dates	Agenda Deadline for Council Meeting	Council Meeting Dates	Fire Board Meeting Dates	
November 11, 2022	January 3, 2023	December 22, 2023	January 12, 2023		
December 9, 2023	January 17, 2023	January 13, 2023	January 26, 2023	January 26, 2023	
January 6, 2023	February 7, 2023	January 27, 2023	February 9, 2023		
January 20, 2023	February 22, 2023	February 10, 2023	February 23, 2023	February 23, 2023	
February 3, 2023	March 7, 2023	February 24, 2023	March 9, 2023		
February 15, 2023	March 21, 2023	March 10, 2023	March 23, 2023	March 23, 2023	
March 3, 2023	April 4, 2023	March 31, 2023	April 13, 2023		
March 17, 2023	April 18, 2023	April 14, 2023	April 27, 2023	April 27, 2023	
March 17, 2023	May 2, 2023	April 28, 2023	May 11, 2023		

April 6, 2023	May 16, 2023	May 12, 2023	May 25, 2023	May 25, 2023	
March 5, 2023	June 6, 2023	May 26, 2023	June 8, 2023		
May 19, 2023	June 20, 2023	June 9, 2023	June 22, 2023	June 22, 2023	
June 2, 2023	July 5, 2023	June 29, 2023	July 13, 2023		
June 16, 2023	July 18, 2023	July 14, 2023	July 27, 2023	July 27, 2023	
June 16, 2023	August 1, 2023	July 28, 2023	August 10, 2023		
July 7, 2023	August 15, 2023	August 11, 2023	August 24, 2023	August 24, 2023	
August 4, 2023	September 5, 2023	August 31, 2023	September 14, 2023		
August 18, 2023	September 19, 2023	September 15, 2023	September 28, 2023	September 28, 2023	
August 18, 2023	October 3, 2023	September 29, 2023	October 12, 2023		
September 8, 2023	October 17, 2023	October 13, 2023	October 26, 2023	October 26, 2023	
October 6, 2023	November 7, 2023	November 2, 2023	November 16, 2023		
	No 2nd meeting Due to Holidays				
October 20, 2023	December 5, 2023	November 30, 2023	December 14, 2023		
	No 2nd meeting Due to Holidays				
To be placed on the Council Agenda contact Michelle Tullier at 225-214-4242					
To be placed on the P&Z Commission or BOA Agenda contact Mallorie Davis at 225-336-2434					
All P&Z meetings are the 1st & 3rd Tuesday of the month, BOA meetings are the 1st or 3rd Tuesday of the month as needed					
All Council meetings are the 2nd & 4th Thursday of the month, Fire BOC meetings are Monthly as noted above.					
This calendar is subject to change due to meeting changes, holidays and clear agenda cancellations					