

MINUTES
WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING
GOVERNMENT BUILDING

880 North Alexander Avenue, Port Allen
Thursday, April 27, 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, April 27, 2023 and called to order at 05:35 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 Councilman Gary Joseph, 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, Brady Hotard.

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. MINUTES APPROVAL

A. Approval of Minutes from The Regular Meeting of March 23, 2023.

A motion was made by Councilman Chris Kershaw, seconded by Councilman Brady Hotard to approve Minutes from The Regular Meeting of March 23, 2023.

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, Brady Hotard)

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:

- Update on Intracoastal project;
- Thursday May 4th at 6PM, National Day of Prayer at the Port Allen Train Depot;
- Upcoming Resolution in regards to a grant for a new proposed diversion canal to try and move water faster into the Intracoastal Canal, noting this item will be on the next agenda to ratify. Mr. Jacob Loeske, with GIS Engineering was recognized and explained this proposed project which is in the early stages;
- Presentation of Proclamation recognizing the Port Allen High School Boys Basketball Team, Mr. Jason Manola read aloud the proclamation being presented to the team. Coach Dimario Jackson was recognized and thanked everyone for the recognition, he talked highly about this team, not only the wins they have, but also about the great young men they are becoming in the community.
- Presentation of Proclamation recognizing the Port Allen High Girls Power Lifting Team, Mr. Jason Manola read aloud the proclamation being presented. Coach

Brian Bizette was recognized and gave a brief overview of the season, thanked everyone for the recognition and spoke highly of the girls on this year's team.

Councilman Kershaw thanked Mr. James Jackson, the principal at Port Allen High School, congratulated him and thanked him for the program done for the two angels our community recently lost.

8. **PUBLIC COMMENTS**

City of Port Allen Councilwoman Clerice Lacy, was recognized and Thanked all Councilmembers who participated in the recent Parade of Champions, she went on to invite everyone to attend the upcoming Zydeco and Blues Festival coming up on May 20th from 1-6PM.

Ms. Olesteen Brown was recognized with a complaint in regards to making a reservation to rent the Port Allen Community Center for a renewal of vows, Chairman Denstel asked that the administration to look into the complaint.

9. **LIBRARY PRESENTATION**

Ms. Tamie Martin, WBR Library Director, was recognized and updated the Council on the progress of the newly acquired building for the second library location. Ms. Martin recognized Mr. Matt Daigrepoint of Fusion Architects, who showed a brief presentation of the conceptual plan for said library.

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

A. **Introduction of New WBR Parish School Superintendent**

Chairman Denstel introduced the new WBR Parish School Board Superintendent, Mr. Chandler Smith, who started his presentation with a brief background on himself and presented a brief presentation to the Council on his vision for WBR Parish Schools going forward.

Councilman Atley Walker notified the Council of HB14 passing out of committee, the next step will be for it to be heard on the house floor.

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

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 Annie Overstreet G ETALS. Located at 5357 Flynn Rd. Port Allen, La 70767. File #2023-6: as described by the WBR Assessor: LOT 21 & 21A SUBD SW/4 SEC 18 T6S R11E 6B-139. Rezoning from AG-2 (Agricultural Moderate Sale) to AG-1 (Agricultural Small Scale). Master Plan Change.**

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

Mr. Kevin Durbin was recognized and explained details on the aforementioned rezoning, noting there would be waivers on the plat which comes later on the agenda, he noted that Planning & Zoning recommended this item for approval, and it was a Master Plan Change.

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 Craig Bergeron, seconded by Councilman Brady Hotard to approve 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 Annie Overstreet G ETALS. Located at 5357 Flynn Rd. Port Allen, La 70767. File #2023-6: as described by the WBR Assessor: LOT 21 & 21A SUBD SW/4 SEC 18 T6S R11E 6B-139. Rezoning from AG-2 (Agricultural Moderate Sale) to AG-1 (Agricultural Small Scale). **Master Plan Change.**

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, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

Ordinance 16 of 2023 can be found at the end of these minutes.

B. An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part III (“Unified Development Code”), Chapter 104 (Zoning), Article II (District Regulations), Sections 104-26, and 104-28, Chapter 106 (Site Planning) Article V (Yard/Setback, Open Space And Common Area Requirements), Sections 106-114, and 106-115, Updating Lot Minimums For Future Development.

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

Mr. Kevin Durbin was recognized and explained the details of this ordinance, noting that it came out of the Zoning Review Board and was recommended for approval unanimously by the Planning & Zoning Commission.

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 Alan Crowe spoke briefly about the reason for the changes being proposed and the work that was done by the Zoning Review Board in order to get to the proposed numbers.

Councilman Kershaw spoke briefly, thanked the Zoning Review Board and Administration for their work done on this ordinance and noted that no matter what these numbers are set at there will always be waivers needed for certain circumstances, and that he would be supporting this ordinance. After more discussion between members on the reasons for this proposal and clarification on what the reasons were for the changes a motion was made.

A motion was made by Councilman Alan Crowe, seconded by Councilman Kirk Allain to approve An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part III (“Unified Development Code”), Chapter 104 (Zoning), Article II (District Regulations), Sections 104-26, and 104-28, Chapter 106 (Site Planning) Article V (Yard/Setback, Open Space And Common Area Requirements), Sections 106-114, and 106-115, Updating Lot Minimums For Future Development.

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, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

Ordinance 17 of 2023 can be found at the end of these minutes.

12. INTRODUCTION OF ORDINANCES

Chairman Denstel 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 Adopting the 2023 Council Amendments to the General and Fire Department Funds’ Revenues and Expenses for the Fiscal Year beginning January 1, 2023 and ending December 31, 2023. Public Hearing Date: May 11, 2023**

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

A. Accept/Reject Bid Recommendation for Grapple Truck

Mr. Manola was recognized and explained that out of the two bids that were received, River City Hydraulics noted their bid did not meet certain specifications. Based on that review, the recommendation is that River City Hydraulics would be considered a non-responsive bidder and administration would recommend rejecting that bid and awarding the bid to Covington Sales and Service, Inc. in the amount of \$260,784.00, as they meet all of the minimum specifications. Mr. Manola also noted that this amount is under the budgeted amount of \$300,000.00.

A motion was made by Councilman Kirk Allain, seconded by Councilman Chris Kershaw to approve the Bid Recommendation for the Grapple Truck, awarding the bid to Covington Sales and Service, Inc. in the amount of \$260,784.00.

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, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

B. Accept/Reject Change Order #1 on Turf Fields Project

Mr. Manola was again recognized and explained this change order was a deduction in the amount of -\$59,400.00, and has to do with specification changes to the proposed 9 pitcher's mounds, noting that we will have to come back once the correct style mounds are quoted and we are expecting those to be about half the price. There were a few questions from Councilmembers for clarification.

A motion was made by Councilman Kirk Allain, seconded by Councilman Chris Kershaw to approve Change Order #1 on Turf Fields Project in the amount of -\$59,400.00.

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, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

14. RESOLUTIONS

A. A Resolution Of The West Baton Rouge Parish Council Making Recommendation In Regards To Industrial Tax Exemption Non-Compliance For Community Coffee, LLC. Located At 1833 La Hwy 1 South, Port Allen, La 70767 Contract #20170188-ITE For The Year 2021.

Chairman Denstel explained this was Community Coffee, noting they did not meet the required 2021 ITEP numbers needed therefore they are sending notification that they will be paying the default payment specified due to not meeting the tax exemption agreement numbers of 2021 ITEP Contract #20170188.

A motion was made by Councilman Alan Crowe, seconded by Councilman Brady Hotard to approve A Resolution Of The West Baton Rouge Parish Council Making Recommendation In Regards To Industrial Tax Exemption Non-Compliance For Community Coffee, LLC. Located At 1833 La Hwy 1 South, Port Allen, La 70767 Contract #20170188-ITE For The Year 2021.

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, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

Resolution 8 of 2023 can be found at the end of these minutes.

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

A. File # 2023-4: FINAL PLAT SHOWING SURVEY & EXCHANGE OF LOTS 21 & 21-A ERWINVILLE ESTATES INTO LOTS 21-A-1 & 21-A-2 LOCATED IN SECTION 18, T6S-R12E SOUTHEASTERN LAND DISTRICT WEST OF THE MISSISSIPPI RIVER, WEST BATON ROUGE PARISH, LOUISIANA FOR ANNIE OVERSTREET WITH WAIVERS.

Mr. Kevin Durbin was recognized and explained this plat is for the rezoning which was voted on earlier, it does have waivers for flag lot width, side setback and 15-foot utility servitude with 15-foot servitude of passage, as presented on the plat. Mr. Durbin noted that the Planning & Zoning Commission did recommend this for

approval with the waivers requested.

A motion was made by Councilman Brady Hotard, seconded by Councilman Kenneth Gordon to approve File # 2023-4: FINAL PLAT SHOWING SURVEY & EXCHANGE OF LOTS 21 & 21-A ERWINVILLE ESTATES INTO LOTS 21-A-1 & 21-A-2 LOCATED IN SECTION 18, T6S-R12E SOUTHEASTERN LAND DISTRICT WEST OF THE MISSISSIPPI RIVER, WEST BATON ROUGE PARISH, LOUISIANA FOR ANNIE OVERSTREET, with waivers for minimum lot width to 30 feet, and side setback.to 5.4 feet.

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, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

16. EXECUTIVE SESSION

- A. **Consider Entering in to Executive Session in regards to "Baton Rouge Water Works Company and West Baton Rouge Parish Council vs. Capital Area Groundwater Conservation District and the Capital Area Groundwater Conservation Commission, 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana, Suit No. C-715795, Division M, Section 31.**

A motion was made by Councilman Kirk Allain, seconded by Councilman Kenneth Gordon to approve Entering in to Executive Session in regards to "Baton Rouge Water Works Company and West Baton Rouge Parish Council vs. Capital Area Groundwater Conservation District and the Capital Area Groundwater Conservation Commission, 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana, Suit No. C- 715795, Division M, Section 31.

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, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

Executive Session was entered into at 7:01PM.

- B. **Consider Exiting Executive Session in regards to "Baton Rouge Water Works Company and West Baton Rouge Parish Council vs. Capital Area Groundwater Conservation District and the Capital Area Groundwater Conservation Commission, 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana, Suit No. C-715795, Division M, Section 31.**

A motion was made by Councilman Kirk Allain, seconded by Councilman Atley Walker to approve the Exiting of Executive Session in regards to "Baton Rouge Water Works Company and West Baton Rouge Parish Council vs. Capital Area Groundwater Conservation District and the Capital Area Groundwater Conservation Commission, 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana, Suit No. C- 715795, Division M, Section 31.

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, Brady Hotard)

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

Executive Session was exited at 8:35PM.

17. CORRESPONDENCE REPORT

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

- Special Needs Summer Camp by the WBR Parks and Recreation Department;
- Next Planning & Zoning Meeting Tuesday, May 2nd at 5:30pm;
- Next Council Meeting Thursday, May 11th at 5:30pm.

18. ADJOURN

There being no further business, a motion to adjourn was made by Councilman Kershaw and was adopted by acclamation at 08:36 PM.


Carey Denstel, Chairman


Michelle Z. Tullier, Council Clerk

ORDINANCE 16 OF 2023

As Introduced by the West Baton Rouge Parish Council
At the Meeting of March 23, 2023
And Adopted on April 27, 2023

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 Annie Overstreet G ETALS. Rezoning from AG-2 to AG-1.

NOW THEREFORE BE IT ORDAINED by the West Baton Rouge Parish Council in legal session that Chapter 104 Zoning, Sec. 104-3 Establishment of Districts, Official Zoning Map of the Compiled Ordinances of the Parish of West Baton Rouge, Louisiana is amended and re-enacted to read as follows:

Sec.104-3. Establishment Of Districts, Official Zoning Map For Rezoning Request Of Annie Overstreet G Etals, Located at 5357 Flynn Rd. Port Allen, La 70767. **File #2023-6:** as described by the WBR Assessor: LOT 21 & 21A SUBD SW/4 SEC 18 T6S R11E 6B-139. Master Plan Change. Rezoning From Ag-2 (Agricultural Moderate Scale) to AG-1 (Agricultural Small Scale).

BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council that this Ordinance shall also serve as a Master Plan Change.

THEREFORE, BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council that this ordinance shall become effective pursuant to Section 2-12 (C) of the Home Rule Charter.

THEREFORE, BE IT FURTHER RESOLVED by the West Baton Rouge Parish Council, that all other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

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

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

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

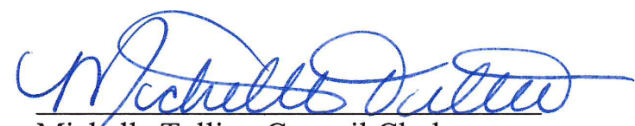
NAYS: 0 (NONE)

ABSENT: 0 (NONE)

ABSTAIN: 0 (NONE)

WHEREUPON the ordinance was declared adopted on the 27th Day of April, 2023.

ATTEST:


Michelle Tullier, Council Clerk

ORDINANCE 17 OF 2023

As Introduced by the West Baton Rouge Parish Council
At The Regular Meeting of March 23, 2023
And Adopted April 27, 2023

An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part III (“Unified Development Code”), Chapter 104 (Zoning), Article II (District Regulations), Sections 104-26, and 104-28, Chapter 106 (Site Planning) Article V (Yard/Setback, Open Space And Common Area Requirements), Sections 106-114, and 106-115, Updating Lot Minimums For Future Development.

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

WHEREAS as part of its role in exercising police power, the Council has from time-to-time adopted and amended site development regulations; **AND**

WHEREAS after consideration of the facts and circumstances, the Council has determined minimum lot sizes should be increased in certain residential zones.

THEREFORE BE IT ORDAINED BY THIS COUNCIL that The West Baton Rouge Parish Code Of Ordinances, Part III (“Unified Development Code”), Chapter 104 (Zoning), Article II (District Regulations), Sections 104-26, and 104-28, Chapter 106 (Site Planning) Article V (Yard/Setback, Open Space And Common Area Requirements), Sections 106-114, and 106-115, be amended and reenacted to read as follows

(NOTE: underlined words are additions and strikethrough words are deletions. Three asterisks - * * * - indicate sections of the code skipped for brevity of this ordinance. Such sections are to be retained by the code editors.):

PART III – UNIFIED DEVELOPMENT CODE

CHAPTER 104 – ZONING ORDINANCE

* * *

ARTICLE II - DISTRICT REGULATIONS

* * *

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

Map Code	District Name
R-SF-1	Single-Family Residence (7,000 <u>7,500</u> square feet minimum area)
R-SF-2	Single-Family Residence (9,600 <u>12,500</u> square feet minimum area)

* * *

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

* * *

(1) Residential districts.

- a. R-SF-1 single-family residence (~~7,000~~ 7,500 square feet minimum area) district.

1. Purpose. The R-SF-1 single-family residence (~~7,000~~ 7,500 square feet minimum area) district is intended to provide for small-lot, urban, single-family development protected from excessive noise, illumination, odors, visual clutter, and other objectionable influences to family living.
2. Permitted, prohibited and special uses. See appendix A to this chapter.

b. R-SF-2 single-family residence (~~9,600~~ 12,500 square feet minimum area) district.

1. Purpose. The R-SF-2 single-family residence (~~9,600~~ 12,500 square feet minimum area) district is intended to provide areas for medium-lot, urban, single-family development protected from excessive noise, illumination, odors, visual clutter, and other objectionable influences to family living.
2. Permitted, prohibited and special uses. See appendix A to this chapter.

* * *

CHAPTER 106 – SITE PLANNING

* * *

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

* * *

Sec. 106-114. – R-SF-1 site development regulations

(a) Site development regulations in R-SF-1 districts are as follows:

- (1) Minimum lot area: ~~7,000~~ 7,500 square feet.
- (2) Minimum width: ~~65~~ 70 feet (90 feet if corner lot).
- (3) Minimum depth: 100 feet.

* * *

Sec. 106-115. – R-SF-2 site development regulations

(a) Site development regulations in R-SF-2 districts are as follows:

- (1) Minimum lot area: ~~9,600~~ 12,500 square feet.
- (2) Minimum width: ~~80~~ 90 feet (100 feet if corner lot).
- (3) Minimum depth: ~~120~~ 125 feet.

* * *

BE IT FURTHER ORDAINED by the West Baton Rouge Parish Council that this ordinance shall become effective pursuant to Section 2-12 (C) of the Home Rule Charter.

THEREFORE BE IT FURTHER RESOLVED by the West Baton Rouge Parish Council, that all other ordinances or parts of ordinances in conflict herewith are hereby repealed in their entirety.

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

THE FOREGOING ORDINANCE AFTER PUBLIC HEARING, WAS CONSIDERED, AND UPON MOTION BY COUNCIL MEMBER ALAN CROWE, WHICH WAS SECONDED BY COUNCIL MEMBER KIRK ALLAIN, AND A VOTE BEING TAKEN, THE FOLLOWING RESULT WAS HAD:

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

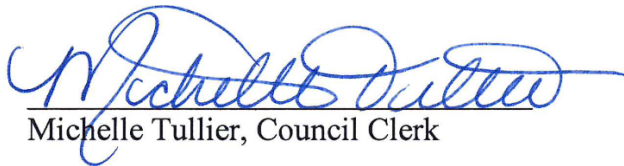
NAYS: 0 (NONE)

ABSENT: 0 (NONE)

ABSTAIN: 0 (NONE)

WHEREUPON the ordinance was declared adopted on the 27th day of April, 2023.

ATTEST:



Michelle Tullier, Council Clerk

RESOLUTION 8 OF 2023

A Resolution Of The West Baton Rouge Parish Council Making Recommendation In Regards to Industrial Tax Exemption Non-Compliance for Community Coffee, LLC. located at 1833 La Hwy 1 South, Port Allen, La 70767 Contract #20170188-ITE For The Year 2021.

WHEREAS, in a letter dated March 7, 2023, the Louisiana Department of Economic Development provided notice to the West Baton Rouge Parish Council that Community Coffee, LLC. located at 1833 La Hwy 1 South, Port Allen, La 70767 had defaulted on a contract for the Industrial Tax Exemption Program (ITEP), Contract #20170188-ITE; and

WHEREAS, the Company Objectives in Exhibit A to the Contract required 484 jobs and payroll of \$31,050,000.00 for Project Year 2021; and

WHEREAS, the Company's Annual Certification of Compliance was received, the Company's actual jobs and payroll was 467 jobs and payroll of \$41,213,299.00 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 May 6, 2023.

WHEREAS, Community Coffee in a letter dated April 10, 2023 responded to the Non-Conformance indicating they will be paying the default payment in the amount of \$23,460.00, as noted in the attached.

NOW, THEREFORE, BE IT RESOLVED, Upon consideration of the foregoing and the public discussion held this day, that the West Baton Rouge Parish Council asks the Louisiana Board of Commerce and Industry **to take no action, due to the letter from Community Coffee indicating they are paying the default payment.**

Regarding Community Coffee LLC. Tax exemption, Industrial Tax Exemption Program Contract #20170188-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.

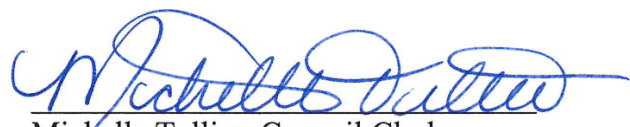
The Foregoing Resolution Has Been Considered, Upon Motion By Council Member Alan Crowe, Which Was Seconded By Council Member Brady Hotard, And A Vote Being Taken, The Following Result Was Had:

Yeas: 9 (Messrs. Crowe, Hotard, Allain, Kershaw, Walker, Denstel, Gordon, Bergeron Joseph)
Nays: 0 (None)
Absent: 0 (None)
Abstain: 0 (None)

WHEREUPON the resolution was declared adopted this **27th Day of April, 2023.**

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 April 27, 2022, at which meeting a majority of the members were present and voting.


Michelle Tullier, Council Clerk