

MINUTES
WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING
GOVERNMENT BUILDING

880 North Alexander Avenue, Port Allen
Thursday, September 28, 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, September 28, 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.

3. PLEDGE OF ALLEGIANCE

Chairman Denstel recognized Mrs. Katherine Andre 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 September 14, 2023.

A motion was made by Councilman Chris Kershaw, seconded by Councilman Alan Crowe to approve the Minutes from the regular meeting of September 14, 2023.

The vote was recorded as follows:

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

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

A. Amendment Requested By The Parish President To Allow A Temporary Use Permit For Ag Logistics, L.L.C. To Continue Their Sugar Cane Operations On The Back-End Portion Of Their Property (4 Acres).

Chairman Denstel read aloud the request for the aforementioned amendment to the agenda. There were no questions from the Council.

Councilman Hotard explained that he would be abstaining from this vote due to conflict of interests per RS: 42:1112.

A motion was made by Councilman Kirk Allain, seconded by Councilman Chris Kershaw to approve amending the agenda to include Amendment Requested By The Parish President To Allow A Temporary Use Permit For Ag Logistics, L.L.C. To Continue Their Sugar Cane Operations On The Back-End Portion Of Their Property (4 Acres).

The vote was recorded as follows:

YEAS: 7 (Messrs. Kenneth Gordon, Alan Crowe, Craig Bergeron, Chris Kershaw, Gary Joseph, Kirk Allain, Atley Walker)

NAYS: 1 (Mr. Carey Denstel)
ABSENT: 0 (None)
ABSTAIN:1 (Brady Hotard)
As a result of the votes, the motion **Failed**.

7. PARISH PRESIDENT’S REPORT

Parish President Riley Berthelot was recognized and covered the following items:
Proposed new bridge meeting;
Plaquemine bridge update;
Kiewit update for Intracoastal Bridge project, looking to start working again late this year, with a completion date of 4th quarter of 2024;
Spoke briefly on letter received from Mr. Todd Doiron with AG Logistics.
Councilman Gordon asked about any updated from DOTD in regards to repairing LA 1 through the City of Port Allen, President Berthelot explained he did reach out to them, and was told there was no money in the budget at this time, the Parish President recommended the Council prepare a resolution in regards to the matter.

8. PUBLIC COMMENTS

Mr. Todd Doiron of AG Logistics was recognized and read a letter aloud to the Parish Council in regards to his business operating down Rosedale Rd. and asked that he be put on the next agenda.
Mr. Heath Morris a local farmer was recognized and explained the reasons for the aforementioned business and the results from operating the facility.
Mr. Rick Ward representing AG Logistics and Cora Texas, was recognized and asked the Council to work with AG Logistics on resolving the issue of operating at this site.
Mr. Charlie Shoepack, COO of Cora Texas Sugar mill, was recognized and explained the time period to get sugarcane transported.
Mr. Travis Hebert was recognized and spoke to less accidents and traffic due to this yard.
Mr. Charles Bondi representing the Price LeBlanc Family was recognized and noted that they are willing to rezone this property if that is what is needed.
Chairman Denstel explained there is an introduction coming up on this item later in the meeting, this is the public comment period not a public hearing.
Ms. Canezaro was recognized and gave a brief overview of the history of this property and the meetings which took place to get to this request.
The Parish President spoke with questions and comments regarding the permit issue.
There were multiple questions from the Council to Mr. Doiron in regards to this property and its current zoning, and the Administration in regards to this ongoing issue and how it has been handled for the last five years. Chairman Denstel took the floor and explained the legal process and what has and has not been done in the past. The Chairman went on to explain the process moving forward per the laws of West Baton Rouge Parish.
Councilman Kershaw asked more questions to Mr. Doiron, who answered the questions and explained what had taken place. Councilman Crowe was recognized and explained that he was part of this process and this is not a public hearing and the public is not here to speak about the item adding, in his opinion this is not about the farmers this is about the legal process.

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

Mrs. Corey Passantino, WBR Parish Registrar of Voters, was recognized and gave the Early Voting hours and requests deadlines.
Mr. Phillip Bourgoyne was recognized and asked if any Councilmember has something to add to the budget for next year, please get with Chance next week.
Mr. Kevin Durbin gave a brief update in regards to the La415 connector project.

10. CONSIDER SETTING TIME AND DATE FOR HALLOWEEN TRICK OR TREAT WITHIN UNINCORPORATED AREAS OF THE PARISH

A. Consider Setting Trick or Treat For Tuesday, October 31, 2023 From 5:30 to 7:30 PM.

Mrs. Tullier explained that all municipalities agreed with the date and time proposed.

A motion was made by Councilman Chris Kershaw, seconded by Councilman Alan Crowe to approve Setting Trick or Treat For Tuesday, October 31, 2023 From 5:30 to 7:30 PM in the unincorporated areas of the Parish of West Baton Rouge.

The vote was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

11. OLD BUSINESS

- 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 MR Engineering, Regarding Property Owned by 3SK Properties, LLC. File #2023-15, Parcel#203000000800, A portion of: TRACT 3SK (REMAINDER OF 778.45 AC) CONT 386 AC M/L IN SECS 25, 32, 33 T8S R11E 30-8. Master Plan Change. Rezoning From I-1 (Industrial Light) to C-1.2 (Community Scale Commercial) and R-SF-2 (Residential Single Family). Public Hearing held September 14, 2023**

Chairman Denstel explained this public hearing was previously held on September 14, 2023.

There were multiple questions in regards to the old business, and Chairman Denstel wanted to clarify the reason this item was coming up again on this agenda.

Councilman Hotard made a motion to deny the R-SF-2 as requested with a second from Councilman Allain.

Councilman Kershaw questioned the changing of the zoning on the floor at the last meeting, Mr. Durbin answered a few questions in regards to the opinion of Mr. Steven Villavaso.

Councilman Kershaw made a substitute motion to approve R-SF-2 seconded by Councilman Bergeron.

There were multiple questions to Mr. Jason Safford who is the owner of the aforementioned property. Councilmembers had questions in regards to not only the process but also to the current request which is on the floor. Mr. Safford stated on the record that per the concept drawing this rezoning is only for the areas shaded in blue and the lots will not be small like R-SF-2 lots there are no plans to shrink the lots. Mr. Safford noted the only reason he is asking for R-SF-2 is due to the setbacks, because of the constraints from the 250-foot servitude on the Intracoastal. Mr. Hotard noted that on the record there will be no deviations from what is being presented. Chairman Denstel explained there has been a public hearing at the previous meeting. Mr. Safford noted the balance of the property is wetlands and would cost too much to develop. President Berthelot explained that administration was working with property owners to try and get another road for access to this property. Chairman Denstel reiterated that this is not a public hearing and we need to move on to a vote, this should have been hashed out at the last public hearing. Councilman Kershaw clarified that his motion is to approve R-SF-2 for 86 acres m/l. Councilman Crowe noted his objection to asking some applicants to come back and resubmit but for others we change the zone on the floor, noting that we need to be more consistent with the process, if one person has to do it one way the other person must do it that way.

A substitute motion was made by Councilman Chris Kershaw, seconded by Councilman Craig Bergeron to approve with amendment/s 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 MR Engineering, Regarding Property Owned by 3SK Properties, LLC. File #2023-15, Parcel#203000000800, A portion of: TRACT 3SK (REMAINDER OF 778.45 AC) CONT 386 AC M/L IN SECS 25, 32, 33 T8S R11E 30-8. Master Plan Change. Rezoning 86 Acres M/L From I-1 (Industrial Light) to C-1.2 (Community Scale Commercial) and R-SF- 2 (Residential Single Family).

The vote was recorded as follows:

YEAS: 7 (Messrs. Brady Hotard, Kenneth Gordon, Craig Bergeron, Chris Kershaw, Gary Joseph, Kirk Allain, Atley Walker)

NAYS: 2 (Messrs. Alan Crowe, Carey Denstel)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

Ordinance 33 of 2023 can be found at the end of these minutes.

12. PUBLIC HEARING ON PREVIOUSLY INTRODUCED ORDINANCES

There were no items to consider at this time.

13. 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. And Chapter 111 Administration and Enforcement, Article IV Zoning Enforcement, Section 111-78 Special, Conditional Use Requirements and Procedures For AG Logistics Property Located at 3790 Rosedale Rd. Port Allen, La 70767. Requesting Special Use in R-SF-2 for Farming. Public Hearing Date: November 16, 2023

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

- A. **Accept/Reject Bid Recommendation on Bayou Stumpy Watershed Improvements Project.**

Mr. Kevin Durbin was recognized and introduced Mr. Seneca Toussaint with GIS Engineering. Mr. Toussaint explained that the low bid was from Shallow Water Equipment LLC. with a total base bid of \$1,566,140.25 dollars, which per Mr. Durbin is under the budgeted amount.

A motion was made by Councilman Alan Crowe, seconded by Councilman Brady Hotard to approve the Bid Recommendation on Bayou Stumpy Watershed Improvements Project accepting the bid of Shallow Water Equipment LLC. with a total base bid of \$1,566,140.25 dollars.

The vote was recorded as follows:

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

NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

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

15. RESOLUTIONS

There were no items to consider at this time.

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

There were no items to consider at this time.

17. CORRESPONDENCE REPORT

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

- Early voting starts Saturday September 30th at 8:30am.
- The next Planning & Zoning Meeting of October 3rd has been cancelled.
- The next Parish Council Meeting is Thursday, October 12, 2023 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 07:14 PM.



Carey Denstel, Chairman



Michelle Z. Tullier, Council Clerk

ORDINANCE 33 OF 2023

As Introduced by the West Baton Rouge Parish Council
At the Meeting of July 27, 2023
And Adopted on September 28, 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 MR Engineering for 3SK Properties. Rezoning from I-1 to R-SF-2 and C-1.2.

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 MR Engineering & Surveying, LLC. Property Located on Choctaw Rd. Brusly, La 70719. File #2023-15: Parcel#203000000800, as described by the WBR Assessor: A portion of: TRACT 3SK (REMAINDER OF 778.45 AC) CONT 386 AC M/L IN SECS 25, 32, 33 T8S R11E 30-8. **Master Plan Change.** Rezoning 86 AC M/L From I-1 (Industrial Light) to C-1.2 (Community Scale Commercial) and R-SF-2 (Residential Single Family).

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.

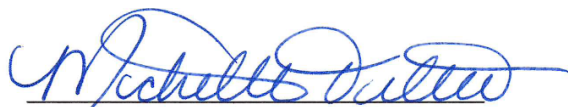
NOW THEREFORE BE IT FURTHER RESOLVED by the Parish Council of the Parish of West Baton Rouge, Louisiana, that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be 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 CHRIS KERSHAW, WHICH WAS SECONDED BY COUNCIL MEMBER CRAIG BERGERON. THE ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

- YEAS:** 7 (MESSRS. KERSHAW, BERGERON, ALLAIN, WALKER, HOTARD, GORDON, JOSEPH)
- NAYS:** 2 (MESSRS. DENSTEL, CROWE)
- ABSENT:** 0 (NONE)
- ABSTAIN:** 0 (NONE)

WHEREUPON the ordinance was declared adopted on the **28th Day of September, 2023.**

ATTEST:


Michelle Tullier, Council Clerk