

MINUTES
WEST BATON ROUGE PARISH COUNCIL
REGULAR MEETING
GOVERNMENT BUILDING
880 North Alexander Avenue, Port
Allen Thursday, October 28, 2021
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 28, 2021 and called to order at 05:30 PM. Council Chairman Kirk Allain 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 Allain recognized Councilman Alan Crowe 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. Jason Manola, Executive Assistant, Mr. Kevin Durbin, Director of Public Works, Mr. Lou Delahaye, Parish Attorney and Mrs. Michelle Tullier, Council Clerk.

5. MINUTES APPROVAL

A. Approval of Minutes from October 14, 2021.

A motion was made by Carey Denstel, seconded by Kenneth Gordon to approve the Minutes from October 14, 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.

6. CONSIDER ANY AMENDMENTS TO THE AGENDA

A. A Resolution of the West Baton Rouge Parish Council Committing Funds for Certain Water Sector Program Projects

A motion was made by Caleb Kleinpeter, seconded by Chris Kershaw to approve amending the agenda to include A Resolution of the West Baton Rouge Parish Council Committing Funds for Certain Water Sector Program Projects.

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 and the agenda therefore amended.

7. **PARISH PRESIDENT’S REPORT**

Parish President Riley Berthelot was recognized and covered the following items:
Meeting tomorrow and ribbon cutting at the new voting site in Brusly, Secretary of State, Kyle Ardoin will be in attendance;
Notified the Council of the big equipment set for December 3rd which could possibly change;
Halloween October 31st, 5:30 - 7:30pm;
Councilman Kleinpeter asked for an update on the 415 connector and Intracoastal projects, President Berthelot and Mr. Durbin gave a brief update of the aforementioned.
Chance Stephens was recognized and reminded the Council about the rescheduled Budget Hearing on November 2nd at 5:30pm.

8. **PUBLIC COMMENTS**

There were no items to comments at this time.

9. **CONSIDER THE FOLLOWING ITEMS FOR SURPLUS**

A. WBRP Jail- Chiller Compressors and Parts and 1997 Hobart Mixer

A motion was made by Caleb Kleinpeter, seconded by Gary Joseph to approve the aforementioned items for surplus.

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.

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

A. Proclamation Calling for Special Election to Fill Seat of Constable Ward 2, Parish of West Baton Rouge. (Tabled from October 14th meeting)

President Berthelot was recognized and explained the Justice of the Peace Special Election has been called by the Governor for March 26, 2022 and April 30, 2022.

A motion was made by Caleb Kleinpeter, seconded by Carey Denstel to approve Proclamation Calling for Special Election to Fill Seat of Constable Ward 2, Parish of West Baton Rouge. (tabled from October 14th 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.

Proclamation can be found at the end of these minutes.

Mr. Jason Manola was recognized and advised the Council of the recent meeting with Jamie Setze with Capital Region Planning Commission who advised he would not be able to handle the reapportionment coming up. Mr. Manola explained Mr. Mike Heffner will be doing the reapportionment for the School Board and has actually taken over for the previous Demographer used by the Parish. A meeting was held with Mr. Heffner and administration recently showing the new numbers which will shift districts quite a bit, there will be an upcoming resolution to set this demographer at some point but this is not needed until qualifying of 2023. President Berthelot explained this process will have Council input and review as the process takes place.

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

A. An Ordinance Adopting the 2021 Council Amendments to include The CARES Act Fund and American Rescue Plan Act of 2021 (ARPA) for the Fiscal Year beginning January 1, 2021 and ending December 31, 2021

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

Mr. Chance Stephens was recognized and explained the need for these amendments and the amounts of the same.

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 Chris Kershaw, seconded by Kenneth Gordon to approve An Ordinance Adopting the 2021 Council Amendments to include The CARES Act Fund and American Rescue Plan Act of 2021 (ARPA) for the Fiscal Year beginning January 1, 2021 and ending December 31, 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.

Ordinance 22 of 2021 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 111 (“Administration And Enforcement”), Article IV (“Zoning Enforcement”), Section 111-78 (“Special, Conditional Use Requirements And Procedures”), Subsection 2 (“Procedures”) To Clarify Various Procedures For Special, Conditional Use Permit Reviews.

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

Mr. Durbin was recognized and explained what the language in this Ordinance would do, and also notified the Council of the recommendation of approval from the Zoning Commission.

President Berthelot expressed his opinion on how quickly things are moving from the Zoning Review Board to the Council for introduction and adoption. There was a lengthy conversation on how this process works and when the copies of all ordinances are distributed and available for anyone to review. Mrs. Tullier pointed out that any ordinance that is introduced by title at a meeting is immediately available and is included in that meeting packet, per current state laws. Chairman Allain expressed his opinion not only to the need of the zoning review board but also noted again that ordinances which are being introduced at the very least must be advertised for so many weeks before adoption, and are all available online with the meeting packets.

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 Carey Denstel, seconded by Caleb Kleinpeter to approve An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part III (“Unified Development Code”), Chapter 111 (“Administration And Enforcement”), Article IV (“Zoning Enforcement”), Section 111-78 (“Special, Conditional Use Requirements And Procedures”), Subsection 2 (“Procedures”) To Clarify Various Procedures For Special, Conditional Use Permit Reviews.

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 23 of 2021 can be found at the end of these minutes.

C. An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part III (“Unified Development Code”), Chapter 104 (“Zoning Ordinance”), Appendix A (“Zoning Districts”), To Prohibit “Solar Farms” From AG-1 And AG-2 Zoning Districts.

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

Mr. Durbin was again recognized and explained the reasons for said ordinance, and also noted the approval recommendation from the 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.

A few councilmembers had questions for clarification on what exactly this ordinance was changing, as well as a few questions from the administration.

A motion was made by Alan Crowe, seconded by Caleb Kleinpeter to deny An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part III (“Unified Development Code”), Chapter 104 (“Zoning Ordinance”), Appendix A (“Zoning Districts”), To Prohibit “Solar Farms” From AG-1 And AG-2 Zoning Districts.

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.

D. An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part III (“Unified Development Code”), Chapter 105 (“Subdivisions”), Article II (“Minimum Design Standards”), Section 105-40 (“Improvements”) To Clarify Streetlight Installation Requirements For New Subdivisions.

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

Mr. Durbin asked that a Zoning Review Board Member take the reins in explaining the reasons for this item and noted the approval recommendation from the Planning and 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.

President Berthelot expressed his concerns with the aforementioned proposed ordinance and the problems that it may cause in the future. Councilman Alan Crowe explained the reasons for the language of this ordinance and that it will make all developers follow the same rules. Multiple Councilmembers were recognized to ask questions and expressed their opinions on the language of this ordinance.

A motion was made by Caleb Kleinpeter, seconded by Carey Denstel to approve An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part III (“Unified Development Code”), Chapter 105 (“Subdivisions”), Article II (“Minimum Design Standards”), Section 105-40 (“Improvements”) To Clarify Streetlight Installation Requirements For New Subdivisions. .

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:	1	(Mr. Chris Kershaw)
ABSENT:	0	(None)
ABSTAIN:	0	(None)

As a result of the votes the motion passed.

Ordinance 24 of 2021 can be found at the end of these minutes.

12. 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 5:30pm in the Council Chambers, located at 880 North Alexander Avenue, Port Allen, La.:

- A. An Ordinance To Amend Chapter 104 Zoning To Enact Rezoning The Remaining Properties Currently Zoned AG (Agricultural) To New Agricultural Districts AG-1 (Agricultural Small), AG-2 (Agricultural Moderate) And AG-3 (Agricultural Full Scale) Per The Attached Map And In Accordance With Ordinance No. 6 Of 2021. Public Hearing Date: December 9, 2021

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

There were no items to consider at this time.

14. RESOLUTIONS

- A. **A Resolution of the West Baton Rouge Parish Council Committing Funds for Certain Water Sector Program Projects**

Councilman Kleinpeter asked the question if the designation of GIS needed to be included in this resolution. President Berthelot was recognized and said the firm was not needed on the resolution for the grant application and confirmed the administration could hire the company if the grant comes to fruition.

A motion was made by Caleb Kleinpeter, seconded by Carey Denstel to approve with amendment/s A Resolution of the West Baton Rouge Parish Council Committing Funds for Certain Water Sector Program Projects, striking the two paragraphs which include the GIS designation from the Resolution.

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 20 of 2021 can be found at the end of these minutes.

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

There were no items to consider at this time.

16. CORRESPONDENCE REPORT

- Household Hazardous Materials Collection Day October 30th at Myhand Park
- Next Planning & Zoning Commission set for Tuesday, November 9, 2021 at 5:30pm
- Next Council Meeting set for Thursday, November 18, 2021 at 5:30pm

17. ADJOURN

There being no further business, a motion to adjourn was made by Councilman Kleinpeter and was adopted by acclamation at 07:00 PM.


Kirk Allain, Council Chairman


Michelle Tullier, Council Clerk



Parish of West Baton Rouge
In the Name and By the Authority of the People of the
Parish of West Baton Rouge

PROCLAMATION

- WHEREAS,** a vacancy exists in the office of Constable, Ward 2, West Baton Rouge Parish, due to the resignation of Mr. Ron LeRay on May 4, 2021; and
- WHEREAS,** R.S. 18:602 mandates that the West Baton Rouge Parish Council shall call a special election to fill the vacancy in an office where the unexpired term exceeds one (1) year, in accordance with provisions of R.S. 18:602 (E) (2) (a) and/or the dates for elections set forth in R.S. 18:402;
- NOW, THEREFORE,** the West Baton Rouge Parish Council, in regular session called for this purpose on October 28, 2021, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:
- SECTION 1:** A special primary and a special general election shall be held throughout the jurisdiction of West Baton Rouge Parish Constable, Ward 2, for the purpose of electing a Constable for Ward 2 to fill the vacancy in the office.
- SECTION 2:** Any qualified person desiring to become a candidate shall file a notice of candidacy, accompanied by a qualifying fee or a nominating petition, as required or authorized by law, with the appropriate election official in the manner and form and under the procedures and conditions provided by R.S. 18:461, *et seq.*, and all other applicable provisions of the Louisiana Election Code, R.S. 18:1, *et seq.*, during the period commencing Wednesday, January 26, 2022 and ending at 5:00pm Friday, January 29, 2022.
- SECTION 3:** The special election shall be held and conducted under the applicable provisions of the Louisiana Election Code, R.S. 18:1, *et seq.*
- SECTION 4:** The primary election shall be held Saturday, March 26, 2022 and the general election shall be held Saturday, April 30, 2022, at the times and places and in the manner prescribed by law.
- SECTION 5:** The Secretary of State, Commissioner of Elections, Parish Board of Supervisors, Clerk of Court, Registrar of Voters, and all other persons charge with any power, function, right, duty or responsibility in conducting elections in the jurisdiction of the West Baton Rouge Parish, Constable, Ward 2, are hereby authorized, requested, directed and empowered to exercise every lawful function and to do every act necessary to conduct the special election, to cause the returns to be made, to canvass and promulgate the results, and to perform all related and incidental functions.

The Foregoing Proclamation Has Been Read And Considered, Upon Motion By Council Member Caleb Kleinpeter, Which Was Seconded By Council Member Carey Denstel, And A Vote Being Taken, The Following Result Was Had:

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

As a result of the votes said proclamation was adopted by those members present.

In Witness Whereof, I have hereunto set my hand officially and caused to be affixed the Great Seal of the Parish of West Baton Rouge, in the City of Port Allen, Louisiana, on this 29th day of October, 2021.

Kirk Allain, Council Chairman

ORDINANCE 22 OF 2021

As Introduced by the West Baton Rouge Parish Council
At the Regular Meeting of October 14, 2021
And Adopted October 28, 2021

An Ordinance Adopting the 2021 Council Amendments to include The CARES Act Fund and American Rescue Plan Act of 2021 (ARPA) for the Fiscal Year beginning January 1, 2021 and ending December 31, 2021

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

SECTION 1: The attached detailed 2021 Council budget amendments to estimate of expenditures for the fiscal year beginning January 1, 2021 and ending December 31, 2021.

SECTION 2: The attached detailed 2021 Council budget amendments to estimate of revenue and expenditures for the fiscal year beginning January 1, 2021 and ending December 31, 2021 be and the same is hereby adopted as budget of expenditures for the Parish during the said period.

SECTION 3: The adoption of these 2021 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 2021 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 CHRIS KERSHAW, WHICH WAS SECONDED BY COUNCIL MEMBER KENNETH GORDON. 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. Kershaw, Gordon, Walker, Kleinpeter, Allain, Denstel, Crowe, Bergeron, Joseph)

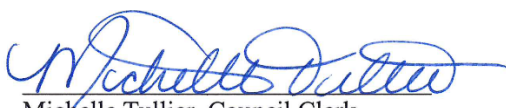
NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

WHEREUPON the ordinance was declared to be adopted on the 28th day of October, 2021.

ATTEST:


Michelle Tullier, Council Clerk

ORDINANCE 23 OF 2021

As Introduced by the West Baton Rouge Parish Council
At the Regular Meeting of September 23, 2021
And Adopted on October 28, 2021

An Ordinance To Amend And Reenact The West Baton Rouge Parish Code Of Ordinances, Part III (“Unified Development Code”), Chapter 111 (“Administration And Enforcement”), Article IV (“Zoning Enforcement”), Section 111-78 (“Special, Conditional Use Requirements And Procedures”), Subsection 2 (“Procedures”) To Clarify Various Procedures For Special, Conditional Use Permit Reviews.

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; **AND**

WHEREAS, one of the methods of administering and enforcing the zoning development laws is to utilize various special, conditional use permits for development; **AND**

WHEREAS, the West Baton Rouge Parish Council finds that the procedures for reviewing special, conditional use permits should be further clarified;

NOW, THEREFORE, BE IT ORDAINED that the West Baton Rouge Parish Code of Ordinances, Part III (“Unified Development Code”), Chapter 111 (“Administration and Enforcement”), Article IV (“Zoning Enforcement”), Section 111-78 (“Special, conditional use requirements and procedures”), Subsection 2 (“Procedures”) 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 III – UNIFIED DEVELOPMENT CODE

* * *

CHAPTER 111

ADMINISTRATION AND ENFORCEMENT

* * *

ARTICLE IV. – ZONING ENFORCEMENT

* * *

Sec. 111-78. Special, conditional use requirements and procedures.

* * *

(2) *Procedures.* The application shall be reviewed by the zoning administrator who shall be responsible for evaluating and reporting his findings to the planning and zoning commission. The commission shall hold a public hearing, advertised according to applicable laws, at which interested parties and citizens shall have an opportunity to be heard. The planning and zoning commission shall review and take action on each application. A report of the planning and zoning commission's recommendation and the zoning administrator's recommendation shall be submitted to the parish council. If procedural rules for reviewing special use permits are not specifically prescribed in this Section, then those rules prescribed for procedures for amendments to the zoning map found elsewhere in the Unified Development Code of West Baton Rouge Parish Government shall be followed. Such prescriptive, procedural rules found elsewhere shall include, but not be limited to: rules for applications, reviews, schedules, inability to withdraw after certain times, advertising, public hearings, actions by the Planning & Zoning Commission, actions by the Parish Council, and limitations on re-hearings of the same item. In no cases shall an application for a special, conditional use be withdrawn after it has been introduced by the West Baton Rouge Parish Council. A special use permit approval shall be interpreted as constituting a change to the official zoning map of West Baton Rouge Parish.

* * *

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 CAREY DENSTEL, WHICH WAS SECONDED BY COUNCIL MEMBER CALEB KLEINPETER. THE ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

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

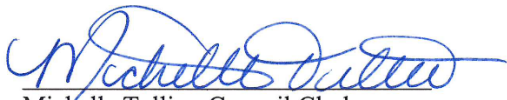
NAYS: 0 (None)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

WHEREUPON the ordinance was declared adopted on the **28th Day of October, 2021.**

ATTEST:


Michelle Tullier, Council Clerk

ORDINANCE 24 OF 2021
As Introduced by the West Baton Rouge Parish Council
At the Regular Meeting of September 23, 2021
And Adopted on October 28, 2021

An ordinance to amend and reenact the West Baton Rouge Parish Code of Ordinances, Part III (“Unified Development Code”), Chapter 105 (“Subdivisions”), Article II (“Minimum Design Standards”), Section 105-40 (“Improvements”) to clarify streetlight installation requirements for new subdivisions.

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; **AND**

WHEREAS, one of the many development provisions affecting public health and safety includes the provision of installing adequate street lighting, sometimes by developers and sometimes by the government; **AND**

NOW, THEREFORE, BE IT ORDAINED that the West Baton Rouge Parish Code of Ordinances, Part III (“Unified Development Code”), Chapter 105 (“Subdivisions”), Article II (“Minimum Design Standards”), Section 105-40 (“Improvements”) 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 III – UNIFIED DEVELOPMENT CODE

* * *

CHAPTER 105

SUBDIVISIONS

* * *

ARTICLE II. MINIMUM DESIGN STANDARDS

* * *

Section 105-40. – Improvements.

* * *

(3) Street improvements.

* * *

g. Streetlights.

* * *

1. Streetlight standards shall be located in all subdivisions of land regardless of whether or not new street construction is required. Said standards and may be located on either side of the street or in the center of the median on boulevards. The subdivider shall arrange with the utility franchisee for the arrangement of the monthly utility cost with the bills rendered to the customers within the subdivision. The subdivider shall show proof of their agreement with the electric company to provide electricity to the developed lots. The subdivider shall also show proof of the agreement with (and payment to) the electric company to provide streetlights prior to approval of any final plats. In no cases shall the subdivider enter into any type of joint participation agreement with the Parish Administration for West Baton Rouge Parish to assist in sizing, locating, installing and paying for streetlights.

* * *

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 CALEB KLEINPETER, WHICH WAS SECONDED BY COUNCIL MEMBER CAREY DENSTEL. THE ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

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

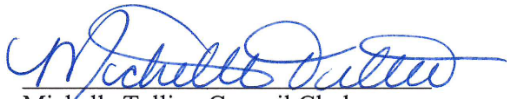
NAYS: 1 (Kershaw)

ABSENT: 0 (None)

ABSTAIN: 0 (None)

WHEREUPON the ordinance was declared adopted on the **28th Day of October, 2021.**

ATTEST:



Michelle Tullier, Council Clerk

RESOLUTION 20 OF 2021

A Resolution of the West Baton Rouge Parish Council Committing Funds for Certain Water Sector Program Projects

WHEREAS, Louisiana Department of Health and the Department of Environmental Quality in conjunction with Louisiana Office of Community Development – Local Government Assistance (OCD-LGA) and Office of Facility Planning and Control (OFPC) will provide ratings and recommendations for funding to the Water Sector Commission for review and potential selection of the following project applications for West Baton Rouge Parish as these projects relate to Public Water Systems and Community Sewerage Systems:

- Influent system from South of the Intracoastal
- Influent system from North of the Intracoastal
- WWTP receiving station
- WWTP tankage
- WWTP Processing
- Effluent Discharge Lift Station
- Effluent line to River
- Municipal Water Wells

WHEREAS, prior to being officially awarded, the Water Sector Program requires that the legislative body of West Baton Rouge Parish must assume full responsibility for the minimum local match requirement of 25%; for all engineering fees, including resident inspection fees, which will be applied towards the said match for the listed projects

NOW THEREFORE BE IT RESOLVED, the West Baton Rouge Parish Council does hereby assume full responsibility for the minimum local match requirement of 25%; for all engineering fees, including resident inspection fee for the listed projects.

BE IT FURTHER RESOLVED that is 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 effort without invalid provisions, items or applications and to this end of 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 has been read and considered, upon motion by Council Member Caleb Kleinpeter, which was seconded by Council Member Carey Denstel, and a vote being taken, the following result was had:

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

NAYS: 0 (None)

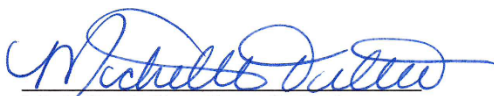
ABSENT: 0 (None)

ABSTAIN: 0 (None)

As a result of the votes said resolution was adopted by those members present.

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 28, 2021 at which meeting a majority of the members were present and voting.



Michelle Tullier, Council Clerk