

MINUTES

Livingston Parish March 8, 2022

Pursuant to notice duly posted in the public lobby of the Livingston Parish Governmental Building, the Livingston Parish Ordinance Committee met on March 8, 2022, at the hour of four-thirty (4:30) p.m. in the Parish Council Chambers, located in the Livingston Parish Governmental Building, 20355 Governmental Boulevard, Livingston, Louisiana with the following members present:

John Wascom – chairman
Shane Mack

Absent: Maurice “Scooter” Keen - vice-chairman
Tracy Girlinghouse

The chair called the meeting to order. He advised that he had spoken to Councilman Tracy Girlinghouse and Councilman Maurice “Scooter” Keen, both having reported to the chair to advise that they would not be able to be present that evening. This means that the committee meeting would not have a quorum. However, the chair expressed his desire to still proceed and have discussion as just as we are in full ordinance committee, the only difference being that as a committee, they were not allowed to take action as a committee. He requested the audience to trust him as their thoughts, their views will be recorded on the television, will be seen by the rest of the Council, so the main action, the most important thing that’s valid, would be the Parish Council, so they will just continue with that.

The chair requested that everyone in attendance please check their cell phones to make sure that they do not get interrupted.

The chair addressed agenda item number 3:

3. Old Business: Review, Discussion and Recommendation(s) of Ordinance(s):
 - a. Master Plan recommendations:
 - i. Introduction of ordinance for Building Lines/Setbacks on State and Federal Roads and Highways

The chair advised that Mr. Gerald Burns serves as the Master Plan Review Committee chairman. He explained that Mr. Burns submitted an ordinance for the Ordinance committee and the Parish Council to review. The chair summarized the purpose of the ordinance and if adopted, would only apply to state and federal roads and highways.

The chair read the ordinance as follows:

WHEREAS, the Livingston Parish Council adopted L.P. Resolution No. 19-081 on March 14, 2019, forming and creating a committee to be known as the Master Plan Review Committee; and

WHEREAS, the Master Plan Review Committee was tasked with reviewing the Parish’s Master Plan as it relates specifically to zoning and traffic studies, to discover what existed and what had been done by their predecessors, by updating, reviewing, and giving presentation reports to the members of the Livingston Parish Council for discussion and adoption; and

WHEREAS, the Master Plan Review Committee chairman and members of the committee met with local state and federal officials and legislators to discuss the Parish of Livingston's growth and its pressing needs; and

WHEREAS, the Master Plan Review chairman presented a report to the Livingston Parish Ordinance Committee and the Livingston Parish Council that through these meetings, determination had made that the adoption of an ordinance was necessitated to provide for the requirements of building lines/setbacks that were located on state roads and federal highways in the Parish of Livingston; and

WHEREAS, the Master Plan Review Committee rendered the purpose of the ordinance(s) is to reduce future rights-of-way acquisition costs to expand roads and highways in Livingston Parish, whereby saving taxpayer dollars; and

WHEREAS, building development that is created near state and federal roads and highways will become cost prohibitive when plans are created to widen these roads and highways; and

WHEREAS, widening state and federal roads highways will provide safety measures by fewer accidents, easement of traffic congestion in high growth areas, and offer enhanced development in the Parish of Livingston.

NOW, THEREFORE, BE IT ORDAINED by the Parish Council of Livingston, Louisiana: The Code of Ordinances of the Parish of Livingston Louisiana, is hereby amended by adding a Section to be numbered Section 125-33, "Building Lines/Setbacks Requirements that are adjacent to State and Federal Highways", which Section shall read as follows:

Section 125-33. Building Lines/Setbacks Requirements that are adjacent to State and Federal Highways

These requirements shall only apply to the building lines/setbacks of buildings and other structures that are adjacent to state and federal roads and highways. Interstate 12 shall not be included in this provision.

No permanent structure (above or below the ground) shall be located within the building lines/setbacks, other than signs for onsite businesses or developments that do not block visibility. The building lines/setbacks may also be used for parking, underground utilities, drainage, green areas (landscaping and planting) and access.

The building lines/setbacks shall apply to duplexes, row houses, townhomes, garden homes, mobile home parks, all commercial developments, unclassified residential and commercial developments, mixed use residential and commercial properties, planned downtown developments, small neighborhood businesses and small businesses, agricultural and industrial properties, all multi-family developments, subdivisions with improvements, subdivisions without improvements, minor subdivisions and all single family residences, any and all other commercial and non-commercial projects, such as: sewer lift stations, electrical substations, water wells and tanks, etc.

The chair invited anyone who had any interest, to let them know and they would be able to obtain a copy of the proposed ordinance. He indicated that the Ordinance committee had decided that it was a very good ordinance. He also stated that it would be on that evening's Council meeting agenda. He encouraged the audience members to speak for or against the ordinance at that time.

Mr. Gerald Burns explained how the ordinance came about. He advised of the many meetings that he and some of the members of the committee had shared at different times rallying with various members of state government to discuss their suggestions and input for the proposed ordinance.

The chair stated that they did not have a quorum, so the committee could not make a recommendation to the Parish Council.

Councilman Shane Mack commended Mr. Gerald Burns on his and the committee's work on this problem with setbacks on state and federal highways. The chair allowed an open discussion and the intent of the ordinance was clarified. There was also discussion on the second section to be added of the proposed ordinance that would regulate the safety requirements constructing turnaround aprons on state and federal roads and highways where it is unsafe for vehicles to back out across up to two (2) lanes of traffic onto a busy state or federal highway where other vehicles are traveling up to sixty (60) miles per hour (mph) in the rain, fog, or darkness.

The chair addressed agenda item number 3aai:

- 3aai. Amend Chapter 125, amend various sections of Chapter 125, "Subdivision Regulations" by including FONSI to ensure that any alterations to project designs are up to date with the current standards to reduce drainage issues and prevent flooding

The chair explained that at a previous Ordinance committee, Mr. Talbert had brought up an ordinance. The chair acknowledged that Mr. Talbert was not present that evening at this committee meeting to speak for it or against it, but felt that he would be in attendance later at the Parish Council meeting.

The chair called upon Ms. Morgan Sanchez, Parish Review Engineer from Forte and Tablada to determine her thoughts on the proposed ordinance. Ms. Sanchez had no comment from the audience.

Councilman Shane Mack suggested everyone should talk through this, and give their opinion if this is good government or bad government.

The chair called upon Mr. Billy Taylor who was speaking from the audience. His comments were inaudible from the audience.

The chair stated that Mr. Talbert had brought to the Ordinance committee meeting the whole ordinance, but he had some things that were scratched out and then added in, and the two (2) things that he took away from it, was that Mr. Talbert wished to do away with twenty-five (25) and fifty (50) year flood plan and make everything one hundred (100). The chair called upon Ms. Sanchez in the audience and asked her if that was correct? He added that Mr. Talbert had spoken with Ms. Sanchez on that. Ms. Sanchez's response could not be heard from the audience. The chair asked if her answer meant that every subdivision would be a hundred (100) year plan drainage storm water plan and no more fifties (50's) and twenty-fives (25's)? Her answer was inaudible from the audience. The chair stated that the next thing that he understood was that Mr. Talbert was requesting that every subdivision would have to get a FONZI, and asked Ms. Sanchez if that was correct? Ms. Morgan concurred. The chair addressed Mr. Sam Digirolamo, Parish Planning Director in the audience, and asked if he was the FONZI expert. He asked if Mr. Digirolamo wished to talk about? Mr. Digirolamo countered and advised that they were kind of confused on maybe the intent of the ordinance. He explained that FONZI was a big broad area and he thought

in Garry's mind that he's more concerned in off-road drainage, with this environmental, and he was going to try and tie the FONZI into the environmental. Mr. Digirolamo wished to articulate that he was by no means speaking on behalf, because he had not really set out to talk to him other than a small amount. The chair asked if Mr. Digirolamo could come and speak at the podium. Mr. Digirolamo reiterated and he thought that Garry's intent is the off-road drainage and he wasn't sure if he was trying to tie in this FONZI because they do have our drainage impact studies. Mr. Digirolamo continued and did not know if they go far enough with the drainage work when they develop these subdivisions and could not answer that question. He indicated that it would have to be an engineering question. He asked if they go far enough out to maybe suffice this neighbor right here five (5) miles down.

The chair questioned if eliminating the twenty-five (25) and the fifty (50) year plan and doing everything one hundred (100)... Mr. Digirolamo stated that was going to be a considerable change for the best... The chair asked if that would be strictly dealing with drainage? And that would fix the drainage problem?

Mr. Digirolamo stated that others like Morgan would be able to tell you a little bit more about that, and offered that they had dealt with a little of that on the Cook Road Extension because it was... federal money, it was required. He stated that they had been working with Cook Road since he came aboard in 2006. He stated that it was not an easy challenge and explained why.

The chair advised that he was not familiar with what a FONZI was until the last meeting, and he had did a little bit of research, and agreed with Mr. Digirolamo that it meant when HUD or federal funds or money is available, they require when building airports, coastal restoration projects, major infrastructure used from federal funding that they require a FONZI. The chair spoke about the many requirements that went with this, such as a clean air evaluation, coastal management, contain and check if there is toxic substances, check for endangered so you'd have to call for wildlife and fisheries and check for turtles and frogs, any kind of explosive, flood plain management, historic preservations, because there might be an Indian burial ground somewhere, and you would have to get the historical preservation committee to sign off on that...

Mr. Digirolamo stated that he felt that it just needed to be defined a little bit, especially for his department. The chair asked if anyone else had any information on FONZI, the chair was actively asking for them to give him that information. Mr. Digirolamo stated that his office gets phone calls asking for interpretations on re-subs, as there are different personalities, different questions, and he admitted to the chair that he just did not know that much about it. The chair expressed his appreciation for Mr. Digirolamo sharing and helping to answer his questions.

Councilman Shane Mack requested to ask a question of Mr. Digirolamo that he may or may not be able to answer, and he indicated that he surmised that he would need to get with Councilman Talbert and get some clarification. Councilman Mack asked Mr. Digirolamo that when it defines FONZI, stating that it is a federal document and so on, and then in the ordinance it says it accompanied by FONZI, so what does that mean exactly?

The chair stated that it may mean that all applications would have to have a FONZI before they can be approved to be subdivided? Councilman Mack again questioned what does accompanied by FONZI mean? The chair called upon Morgan Sanchez in the audience, who came to the lectern to speak. Ms. Sanchez stated that when he defines the FONZI, because she was looking at it... The chair questioned for Ms. Sanchez to identify who "he" was when she spoke. Ms. Sanchez advised that she was speaking about Councilman Garry Talbert, meaning when they wrote this.

She stated that when they defined this FONZI, she did not think that they meant all the documents that are in what we consider a FONZI when they think about these federal projects, it's a lot, so she interpreted that when he says, "accompanied by FONZI", she thought that he's saying that with each of these, the final plat will not be able to signed until they give you a FONZI. She further explained that what she knew of FONZI was that it would go at the preliminary stage though, so it would have been done way before you get to final plat stage. She stated that what he was saying and meant was that he wants them to present a FONZI at that stage, which she believed that he had put in the ordinance that was written at the final plat stages.

Councilman Mack referred to in the ordinance where it talked about a minor subdivision, and in all types of subdivisions, it being called "being accompanied". He stated that he was trying to envision how that process would work. He felt that they needed to talk to someone... and Ms. Sanchez concurred that they needed some more information on it. She felt that he, even looking at their definition of a FONZI, he was thinking this would be like one document stating that there was no significant impact and she supposed that would need to come from an engineer. She stated that why the agency has concluded there's no significant environmental impacts, that would be different than what you would look up and see as a FONZI and that is different from they interpret. She stated that the document that they had, was a FONZI, and was typically what you get when your receive federal funds. She did not believe that is what he meant when he put FONZI in that document. Both the chair and Councilman Mack stated "Okay".

The chair called upon an audience member to come and speak at the lectern, identifying himself.

Public input: Mike Juneau, developer for twenty-five (25) years and had never heard the term FONZI
Billy Taylor, McLin Taylor

Councilman Mack responded to Mr. Taylor's comments. He also wished to question when it comes to an open ditch in subdivision, is the plan to totally delete that allowed drainage plan? Mr. Taylor stated that he could not answer if that was the plan, by just him reading it, that was a question that he had written down to ask for clarification.

The chair stated the importance of making it very clear what the intent was when you are instituting these laws and clarification was needed before the Council adopts anything.

Public input: Jim Kinchen, resident of Walker

Public input: Lee Foster, developer

The chair acknowledged that Mr. Garry Talbert had just entered the room and requested that they were hoping he could enlighten them and give them some information that may answer their many, many questions.

Councilman Talbert came and sat down at his place and asked what are some of the concerns?

Lee Foster stated that others had concerns on FONZI. He indicated that his question was more about drainage. He was in agreeance that to improve the studies to a hundred (100) year, that's improving the drainage and overall ordinance, but the fifty percent (50%) reduction is significantly higher than all the surrounding areas...

Councilman Talbert questioned, wasn't St. Tammany's seventy-five (75)? Mr. Foster advised that theirs was twenty-five (25). Councilman Talbert then questioned if Iberia's five hundred (500) retained and release at ten (10)? Mr. Foster answered that was only in certain areas of the Parish, not the whole Parish. Councilman Talbert then started to state what Tangi's was, and Mr. Foster

advised that it was ten (10). Mr. Foster continued and stated that Ascension's was ten (10). He stated that to him, there was a reduction that the community could do at one hundred (100) year and retain more and improve what we currently have on the books, but he also thought that they needed to take one (1) step forward at the methodology of how we discharge it and retain in these ponds longer and discharge it after the rain event. He stated that he was not an engineer, he relied on Mr. Taylor for that, but effectively there was ways that they could improve the drainage and work towards the same effort. He reiterated that a fifty (50) reduction is a little bit out of line with what the goals would be, because it keeps the same outfall structures and the same components in place, and it was his opinion that you would not get as big of improvement as retaining it longer on site.

Councilman Mack thanked Mr. Foster for his insight and wished to ask the engineers who deal with this on a daily basis, how do you go about proceeding for moving forward with this type of requirement? Is this possible? Councilman Mack stated that it sounded like it would be logical and would probably be a better option?

Public input: Billy Taylor: advised that Councilman Mack's question was difficult to explain and wished to explain in laymen's terms

Mr. Taylor advised that he had been speaking with other developers and they looked back some ten (10) years ago, and investigated their outfall pipes on all of their ponds. He described the calculations that had to be determined throughout the years.

Councilman Talbert directed Mr. Taylor that they were going to talk about the FONZI thing. Councilman Talbert stated that there were a bunch of different FONZI's and there were tons of different definitions. He also advised that he had spoken to Chad the day before and they had a conversation because he wanted to know what the intent of the deal was. Councilman Talbert stated that he just told him that we divide you know, engineers will design a subdivision based on what the ordinance says and he asked Mr. Taylor to concur that statement. He continued to state and then when the subdivision design is done according to the ordinance, but what they don't look at is how it works. He advised that there was a particular development in Watson, that butts up against another piece of property, one (1) corner of it she did the other direction, everything else on the property she did to the neighbor and there's probably nine hundred (900) linear feet between the neighbor and all that water she did across and then the development was done at a one hundred (100) year storm in an effort to not have to look downstream and they build this retention pond, they got a thirty-six (36) inch outfall into this ditch. The ditch that it drains into is not capable of having a thirty-six (36) culvert placed in it, and the first culvert that you reach in that ditch is twelve (12). So it's like a twelve (12) a twelve (12) and eighteen (18). So he told the engineer that this isn't going to work and then the engineer said that they designed it according to the ordinance, so the purpose of the FONZI was to say, have somebody look at it and say, okay you've designed this development according to the ordinance, however, it doesn't work, it's going to negatively impact the neighbor because there is no way that a thirty-six (36) inch culvert can drain into a ditch, that is not even capable of holding a thirty-six (36) inch culvert. Councilman Talbert stated that Chad assured him that there were other ways to combat that we probably maybe need to look at if we want to put a FONZI to define what we are expecting out of it. So, initially we are just going to pull that part out. Councilman Wascom asked him to verify which part he wanted to pull out. Councilman Talbert stated the FONZI, pull it completely out of the ordinance. Anywhere that refers to a FONZI, we're going to remove in this particular ordinance. Councilman Mack wished to interject and stated (an ordinance) that they will be planning to introduce later.

Councilman Talbert concurred and stated, “that they are planning to introduce”.

Mr. Billy Taylor stated that a few people had spoken before he arrived and he spoke out and made the comment that I was at the last meeting, and he thought that was what Councilman Talbert’s intent was, it was more about drainage. He also stated that some of the concerns have been passed on to him from other people was the term “FONZI”.

Councilman Talbert interjected and stated that if you look at what FEMA requires, and they have different requirements on what it is and depending on what organization is funding it, there’s different responsibilities. He continued and stated that FONZI is a broad term that can be defined by what the Council says that they are interested in how the impact of the drainage is on the neighbor, and verify that the information put forth, if that stays accurate, and they could define three (3) or four (4) things they are not prepared to do that evening, so they were going to remove that part of it and they will address that later.

Councilman Talbert instructed that he had one (1) question for Mr. Taylor: If Councilman Talbert lives in Mr. Morris’s district, as an example, and he took a little water in back in 2016, which is an unusual rain event, but on a typical rain event that happens now, I get water in my yard, the ditches in the street fill up, and there is a proposed thousand (1,000) lot development next to me. It’s three hundred fifty (350) acres. He questioned Mr. Ard if it were better for him to serve living next to that development? He asked that under the current ordinance that they have, or this new ordinance? He asked Mr. Taylor where was he most protected? Mr. Taylor stated that it was definitely under the new proposed ordinance. Councilman Talbert stated that ultimately there is a lot of discussion about the new and old ordinance and what can and what cannot be done. He stated that the citizens of our parish are better served under this new ordinance.

Mr. Taylor stated that he wanted to bring up just one (1) more thing and was trying to look down the road, the Council works on a lot things and try to make a lot of improvements, but sometimes when you write an ordinance, we’ve seen in the past that may have an unintended consequence, so he was just trying to look at those. He wished to mention to the committee and to just consider it, is maybe looking at an acreage size on this.

Councilman Talbert addressed Mr. Taylor and asked him to remember the last time that they modified this ordinance, there was discussion of how they defined what study was utilized, there was concern that small acreage lots might be impacted and they talked about that and talked about the possibility of revisiting it depending upon what happened. He stated that was four (4) years ago.

Councilman Mack questioned if the ordinance called for a fifty (50) reduction for a twenty-five (25) one hundred (100) year storm and he stated that the gentlemen who spoke before said it was impossible to get a fifty (50) reduction and asked if that was true?

Mr. Taylor stated that the word impossible should be used, he continued and offered that your ponds would be a lot bigger. He further stated that the word feasible might have actually been actually better wording.

Public input: Lee Foster: stated that he was in favor of going to one hundred (100) and was in favor of decreasing

Councilman Talbert addressed Ms. Sanchez and stated that they were basically designing for a hundred (100) year storm the way this ordinance is written, they were designing it to retain for one hundred (100) years and they were looking for a fifty percent (50%) reduction on the current

numbers. Ms. Sanchez concurred with that statement but clarified that it was the hundred (100) year that had been presented to them.

The chairman interjected on their conversation for restraint of time, and surmised that they had covered a lot of things and he wished to bring the discussion to a head. He derived that it sounded like there was still some changes that Councilman Talbert wanted to do. He requested that Councilman Talbert go back in and redo this same ordinance, pulling the word FONZI out, clarifying the drainage issues that he thinks that Councilman Talbert thinks are going to improve and make drainage better for this Parish, and kind of re-word it and put it in the section that it goes and pick this up at another Council meeting, so the Council can have more of a finalized draft instead of just trying to come to something now.

The chair recognized Councilman Jeff Ard in the audience and asked if there would be clarification at that evening's regular meeting of the Council where Mr. Talbert would officially be appointed to the Ordinance committee. The Council chairman advised that Mr. Scooter Keen was still on the committee at that moment.

The Ordinance committee chairman invited Councilman Keen from the audience to come and participate as a member of the committee. He further requested if Councilman Keen could make a recommendation to ask Mr. Talbert to redraw this ordinance and bring it back to the Ordinance Review Committee.

Councilman Keen stated that he wished to make a motion to defer a recommendation to the Livingston Parish Council until the Ordinance committee meets again and the committee can review the changes made.

MOTION was made by Councilman Maurice "Scooter" Keen and duly seconded by Councilman Shane Mack to defer a recommendation to the Livingston Parish Council until the committee meets again and comes back with a recommendation with regards to the FONSI drainage ordinance introduction proposed by Councilman Garry Talbert.

YEAS: MR. MACK, MR. KEEN, MR. WASCOM

NAYS: NONE

ABSENT: MR. GIRLINGHOUSE

ABSTAIN: NONE

Thereupon, the Ordinance chairman declared that the recommendation of deferment had carried and was adopted.

The chair thanked everyone for their participation and input.

The chair addressed the next two (2) agenda items:

4. New Business: Review, Discussion and Recommendation(s) of Ordinance(s):
 - a. Address clarification that roads are connected, not necessarily subdivisions
5. Other Business

The chair requested clarification from the Council clerk on these agenda items. It was determined that they wished to defer this item until Councilman Tracy Girlinghouse is in attendance.

MOTION was made by Councilman Maurice "Scooter" Keen and duly seconded by Councilman Shane Mack to defer a recommendation to the Livingston Parish Council until the committee meets again and comes back with a recommendation.

YEAS: MR. MACK, MR. KEEN, MR. WASCOM

NAYS: NONE

ABSENT: MR. GIRLINGHOUSE

ABSTAIN: NONE

Thereupon, the Ordinance chairman declared that the recommendation to adjourn had carried and was adopted.

Having no other business to discuss, the Ordinance committee adjourned the March 8, 2022 Ordinance committee meeting until such time as needed to meet again.

\s\ Sandy C. Teal

Sandy C. Teal, Council Clerk

\s\ John Wascom

John Wascom, Ordinance committee chairman