

Livingston, Louisiana
July 28, 2016

The Livingston Parish Council met in regular session duly called, advertised and convened at its regular meeting place, the Parish Council Chambers, Governmental Building, 20355 Government Boulevard, Livingston, Louisiana, on Thursday, July 28, 2016, at the hour of 6:00 o'clock p.m. with the following Livingston Parish Council members present:

Jeff Ard	John Wascom	Tracy Girlinghouse
Garry "Frog" Talbert	R.C. "Bubba" Harris	Tab Lobell
Maurice "Scooter" Keen	Jeff Averett	Shane Mack

Also present: Christopher Moody, Legal Counsel
Parish President Layton Ricks

The chair called the meeting to order and asked the public to please mute or turn off their cell phones.

PUBLIC INPUT

The chair announced that Public Input would be accepted from any member of the audience wishing to address an agenda item.

The chair addressed agenda item 7a, "Presentations – Audit Presentation".

Upon the request of Councilman Maurice "Scooter" Keen, the chair recognized three (3) young gentlemen from the audience that were members of Scout Troop 283 of Immaculate Conception Catholic Church in Denham Springs. Each stood and stated their name and the school that they attended. The chair expressed his pride for the Scout organization and praised their accomplishments. In addition, Councilman Keen informed the Council of local achievements of the troop.

The chair called upon Mr. John Murray of LaPorte CPAs and Business Advisors to present the 2015 Audit to the Council.

Councilman Garry "Frog" Talbert advised that Mr. Murray was in attendance at the Finance committee and presented the audit at that time. He indicated that the committee made a recommendation to the Council to accept the 2015 Audit.

The chair addressed agenda item 8a and b, "Adoption of Minutes of the June 23, 2016 and July 14, 2016 regular meeting(s) of the Council".

LPR NO. 16-290

MOTION was made by Tracy Girlinghouse and duly seconded by Jeff Averett to dispense with the reading of the minutes dated June 23, 2016 and July 14, 2016 of the regular meeting(s) of the Livingston Parish Council and adopt both as written.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. HARRIS, MR. TALBERT, MR. KEEN,
MR. AVERETT, MR. LOBELL, MR. MACK, MR. WASCOM

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted.

The chair addressed agenda item 9, "Parish President's Report" and called upon Mr. Layton Ricks. Mr. Ricks advised that he had nothing to report at this time to the Council.

The chair addressed agenda item 10, "Home Rule Charter Amendment regarding Term Limits" and called upon Councilman Garry "Frog" Talbert who explained that item 10a "Consideration of hiring special counsel to be retained by written contract for the specific purpose of holding an election to amend the Home Rule Charter regarding term limits and authorize compensation, if any, to be paid for such services" and also conferred with Parish Legal Counsel, Mr. Christopher Moody, that this item had been addressed earlier and did not need a vote of the Council. The chair allowed Mr. Talbert to explain the process of the proposed ordinance to call for an election regarding this item.

The chair allowed an open discussion to determine a date for the proposed election.

MOTION was made by Jeff Averett and duly seconded by Tracy Girlinghouse to defer agenda item 10b, **“Introduction of ordinance:** Amendment of L.P. 16-13, amending the date of election for ordering and calling of an election to authorize the amendment of the Home Rule Charter by limiting the term limits of the Parish President and Livingston Parish Council members and making application to the State Bond Commission - Garry “Frog” Talbert” without a date until such time can be decided to call for an election.

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. HARRIS, MR. TALBERT, MR. KEEN,
MR. AVERETT, MR. LOBELL, MR. MACK, MR. WASCOM

ABSENT: NONE

Thereupon the chair declared that the Motion had carried and was adopted.

The chair addressed agenda item 11, “Board appointment(s): a. Airport Authority Commission” and explained the action needed. The Council’s intent was to add two (2) additional members to the Livingston Parish Airport District. The appointments to be added were identified as the Livingston Parish Sheriff, or their designee; and also, the Livingston Parish Fire Protection District No. 4 Fire Chief, or their designee. Councilman Garry “Frog” Talbert questioned the Parish legal advisor, Mr. Christopher Moody, to guarantee that the proposed amendment to the resolution which established the district, was accurate and unquestionable. Mr. Moody concurred that it was appropriate upon his research.

MOTION was made by Jeff Averett and duly seconded by Tracy Girlinghouse to amend LPR No. 16-172, adopted on May 12, 2016, by adding two (2) subsections to Paragraph (D), to be numbered subsection (v) and (vi); and whereby also amending part (E), subsections (i) and (ii) to be read as follows:

- AND DOING SO, IN THIS MANNER,** appointing The Livingston Parish Airport District Board of Commissioners as follows:

Dana Rushing Term to expire on January 1, 2018

Jerry Lobell Term to expire on January 1, 2018

Jerry Bankston Term to expire on January 1, 2018

Harry Wells Term to expire on January 1, 2019

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. HARRIS, MR. TALBERT, MR. KEEN,
 MR. AVERETT, MR. LOBELL, MR. MACK, MR. WASCOM

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted.

***Note:**
Additional appointees to the Livingston Parish Airport District Board of Commissioners have been made by:

One (1) designee of the Livingston Parish Sheriff:

Mike Erwin Term to expire on January 1, 2019

One (1) designee of the Livingston Parish delegation from the Louisiana State House of Representatives, recommended by Representative Clay Schexnayder:

Barry Wall Term to expire on January 1, 2019

One (1) designee of the Livingston Parish President:

Delia Taylor Term to expire on January 1, 2020

The above stated actions are thereby leaving two (2) vacancies on the Livingston Parish Airport District to be appointed by:

One (1) member of the Livingston Parish delegation from the Louisiana Senate, or their designee; and

The Fire Chief of Fire Protection District No. 4, or their designee

Remaining Board of Commissioners’ terms to be determined by the first appointed:

Term to expire on January 1, 2020

Term to expire on January 1, 2021

The chair acknowledged two (2) young gentlemen from the audience who had just arrived at the meeting. He identified them as additional Scouts observing the actions of the Council. He encouraged them to introduce themselves. They complied and introduced themselves, and advised that they attended school at North Corbin and Westside located in Walker.

The chair called upon Councilman Shane Mack to address agenda item 11b, “Fire Protection District No. 1 – Shane Mack”. Councilman Mack instructed of the need for a board reappointment to Fire Protection District No.1 and indicated the term of expiration would be January 1, 2017.

LPR NO. 16-293

MOTION was made by Shane Mack and duly seconded by Jeff Averett to reappoint Gary Glascock as one (1) of two (2) Parish appointments to Fire Protection District No. 1 as per Louisiana Revised Statute 40:1496 (C)(3), term to expire on January 1, 2017.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. HARRIS, MR. TALBERT, MR. KEEN,
MR. AVERETT, MR. LOBELL, MR. MACK, MR. WASCOM

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted.

The chair advised that agenda items 11c and d, “Board appointments: c. Fire Protection District No. 10 – Shane Mack, d. Fire Protection District No. 11 – Shane Mack”, would be pulled from the agenda.

The chair called upon Councilman Tab Lobell to address agenda item 11e, “Fire Protection District No. 2 – Tab Lobell”. Councilman Lobell advised of the need for a board reappointment to Fire Protection District No. 2 and also indicated the that the board would like to appoint Dwight Hutchinson as the Fire District’s “At-Large” appointment.

LPR NO. 16-294

MOTION was made by Tab Lobell and duly seconded by Tracy Girlinghouse to reappoint Bernie Ross as one (1) of two (2) Parish appointments to Fire Protection District No. 2 as per Louisiana Revised Statute 40:1496 (B)(3)(a), term to expire on January 1, 2017 and also acknowledge the appointment of Fire Protection District No. 2’s board appointment of Dwight Hutchinson as per Louisiana Revised Statute 40:1496(B)(3)(c), term to expire on January 1, 2018.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. HARRIS, MR. TALBERT, MR. KEEN,
MR. AVERETT, MR. LOBELL, MR. MACK, MR. WASCOM

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted.

The chair addressed agenda item 12, “Public Hearing and Adoption of Ordinance: L.P. No. 16-26, “Amend Section 13-67.4, Commercial Development Exemptions”.

The chair directed the Council clerk to read the L.P. Ordinance No. 16-26, “Amend Section 13-67.4, Commercial Development Exemptions” by title.

The chair gave a brief description of the intent of the ordinance and called upon Councilman Shane Mack to give further explanation.

The chair opened the public hearing for any public comment. None being, the chair closed the Public Hearing and called for a motion.

LPR 16-295

MOTION was made by Garry “Frog” Talbert and duly seconded by Maurice “Scooter” Keen to close the Public Hearing for L.P. Ordinance No. 16-26, “Amend Section 13-67.4, Commercial Development Exemptions”.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. HARRIS, MR. TALBERT, MR. KEEN,
MR. AVERETT, MR. LOBELL, MR. MACK, MR. WASCOM

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted.

LPR NO. 16-296

The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Livingston Parish Council on June 23, 2016 a summary thereof having been published in the Official Journal together with a notice of public hearing which was held in accordance with said public notice, was brought up for final passage on July 28, 2016 on Motion of Shane Mack and seconded by Tracy Girlinghouse to adopt the ordinance:

L.P. ORDINANCE NO. 16-26

AN ORDINANCE TO REPEAL CHAPTER 13, “PLANNING AND DEVELOPMENT”, DIVISION 3, “COMMERCIAL DEVELOPMENTS”, SECTION 13-67.4, “COMMERCIAL DEVELOPMENT EXEMPTIONS”, OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH TO REMOVE EXEMPTIONS RELATING TO ANY NEW COMMERCIAL DEVELOPMENTS THAT ALLOW EXEMPTIONS FOR DEVELOPMENTS APPROXIMATELY ONE (1) ACRE OR LESS.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. HARRIS, MR. TALBERT, MR. KEEN,
MR. AVERETT, MR. LOBELL, MR. MACK, MR. WASCOM

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted.

And the ordinance was declared adopted on this the 28th day of July 2016.

(The above and foregoing ordinance, upon final approval by the President, or the Council in case of veto by the President, shall be published in full in the Official Journal by the Clerk of the Council within fifteen (15) days of its adoption and shall be recorded in full in the Livingston Parish Council Ordinance Book No. 3).

The chair addressed agenda item 13, “Discussion of ordinance enforcement of junk cars/trash and debris/high grass – R.C. “Bubba” Harris”. The chair allowed the Council to have an open discussion to which Mr. Chuck Vincent, Building and Permit Director was called to address the Council. Mr. Vincent answered questions and the chair allowed the open discussion to continue. Parish President Layton Ricks also addressed the question at hand and the open discussion continued at length. No action was taken by the Council in this matter.

The chair addressed agenda item 14, “Discussion of illegal activity and trespassing on Carew Harris Road – R.C. “Bubba” Harris”. Councilman Harris explained the excessive criminal activities and problems that are occurring in this area at the public boat launch on Carew Harris Road.

Public input: Henry Harris, Council District 5

The chair allowed a very lengthy open discussion. It was determined that there was a Parish ordinance with rules set for public boat launches and this issue was deemed to be a law enforcement interest and matter. No action was taken by the Council on this agenda item.

The chair addressed agenda item 15a, “Committee Report(s): Finance Committee Recommendation(s) and called upon Councilman Garry “Frog” Talbert, Finance committee chair. Councilman Talbert explained the recommendation made by the committee to accept the audit submitted by LaPorte.

LPR 16-297

MOTION was made by Garry “Frog” Talbert and duly seconded by Tracy Girlinghouse to approve the recommendation of the Finance committee and accept the 2015 Audit received from LaPorte CPAs and Business Advisors.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. HARRIS, MR. TALBERT, MR. KEEN,
MR. AVERETT, MR. LOBELL, MR. MACK, MR. WASCOM

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted.

Councilman Shane Mack explained the need for the proposed amendment of Section 2-4 of the Code of Ordinances.

The following ordinance was introduced in proper written form and read by title, to wit:

L.P. ORDINANCE 16-34

AN ORDINANCE TO AMEND CHAPTER 2 – “ADMINISTRATION”, SECTION 2-4, “FINANCE COMMITTEE”, OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH TO AND REMOVE PART (F), THAT GIVES AUTHORITY TO THE FINANCE COMMITTEE CHAIRMAN TO BE AN OFFICIAL SIGNATORY ON DOCUMENTS THAT REQUIRE A SIGNATURE OR CO-SIGNATURE BY A MEMBER OF THE GOVERNING AUTHORITY.

LPR 16-298

MOTION was offered by Shane Mack and duly seconded by R.C. “Bubba” Harris to publish the ordinance by title in the Official Journal in accordance with the legal mandates and set a Public Hearing for Thursday, August 11, 2016 at the hour of six o'clock (6:00) p.m. at the Parish Council Chambers in the Governmental Building located at 20355 Government Boulevard, Livingston, Louisiana, at which time comments will be received on the proposed ordinance prior to a Council vote.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. HARRIS, MR. TALBERT, MR. KEEN,
MR. AVERETT, MR. LOBELL, MR. MACK, MR. WASCOM

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted.

Councilman Shane Mack, chairman of the Ordinance committee, explained the following proposed amendments to agenda item 15bii, “ii. Introduction of ordinance(s): Amendments recommended from the Ordinance Committee meeting held on July 26, 2016, specifically related to Chapter 13, Planning and Development, Subdivision Regulations: Section 13-45: Definition of Minor Subdivision; Section 13-49.3.: Submittals; Section 13-49.6: Requirements for Minor Subdivisions; Section 13-50: Procedure for Subdivisions with Improvements; Section 13-55: Servitudes; Rights-of-way; Section 13-68.5: Multifamily Development Parking and Drives”.

The following ordinance was introduced in proper written form and read by title, to wit:

L.P. ORDINANCE 16-35

AN ORDINANCE TO AMEND CHAPTER 13, “PLANNING AND DEVELOPMENT,” SECTION 13-45, “DEFINITIONS”, SPECIFICALLY RELATED TO THE DEFINITIONS OF “MINOR SUBDIVISIONS”, “SUBDIVISIONS”, “SUBDIVISIONS WITH IMPROVEMENTS” AND “SUBDIVISIONS WITHOUT IMPROVEMENTS” OF THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON.

LPR 16-299

MOTION was offered by Shane Mack and duly seconded by Garry “Frog” Talbert to publish the ordinance by title in the Official Journal in accordance with the legal mandates and set a Public Hearing for Thursday, August 11, 2016 at the hour of six o'clock (6:00) p.m. at the Parish Council Chambers in the Governmental Building located at 20355 Government Boulevard, Livingston, Louisiana, at which time comments will be received on the proposed ordinance prior to a Council vote.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. HARRIS, MR. TALBERT, MR. KEEN,
MR. AVERETT, MR. LOBELL, MR. MACK, MR. WASCOM

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted.

The following ordinance was introduced in proper written form and read by title, to wit:

L.P. ORDINANCE 16-36

AN ORDINANCE TO AMEND CHAPTER 13, “PLANNING AND DEVELOPMENT,” SECTION 13-49.3, “SUBMITTALS”, SUBSECTION (A), “MINOR SUBDIVISIONS”, OF THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON.

LPR 16-300

MOTION was offered by Shane Mack and duly seconded by Garry “Frog” Talbert to publish the ordinance by title in the Official Journal in accordance with the legal mandates and set a Public Hearing for Thursday, August 11, 2016 at the hour of six o'clock (6:00) p.m. at the Parish Council Chambers in the Governmental Building located at 20355 Government Boulevard, Livingston, Louisiana, at which time comments will be received on the proposed ordinance prior to a Council vote.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. HARRIS, MR. TALBERT, MR. KEEN,
MR. AVERETT, MR. LOBELL, MR. MACK, MR. WASCOM

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted.

The following ordinance was introduced in proper written form and read by title, to wit:

L.P. ORDINANCE 16-37

AN ORDINANCE TO RESCIND AND REENACT CHAPTER 13, “PLANNING AND DEVELOPMENT,” SECTION 13-49.6, “REQUIREMENTS FOR MINOR SUBDIVISIONS,” OF THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON.

LPR 16-301

MOTION was offered by Shane Mack and duly seconded by Garry “Frog” Talbert to publish the ordinance by title in the Official Journal in accordance with the legal mandates and set a Public Hearing for Thursday, August 11, 2016 at the hour of six o'clock (6:00) p.m. at the Parish Council Chambers in the Governmental Building located at 20355 Government

Boulevard, Livingston, Louisiana, at which time comments will be received on the proposed ordinance prior to a Council vote.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. HARRIS, MR. TALBERT, MR. KEEN,
MR. AVERETT, MR. LOBELL, MR. MACK, MR. WASCOM

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted.

The following ordinance was introduced in proper written form and read by title, to wit:

L.P. ORDINANCE 16-38

AN ORDINANCE TO AMEND CHAPTER 13, "PLANNING AND DEVELOPMENT," SECTION 13-50, "PROCEDURE FOR SUBDIVISIONS WITHOUT IMPROVEMENTS", OF THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON RELATING TO WETLAND DETERMINATION.

LPR 16-302

MOTION was offered by Tab Lobell and duly seconded by R.C. "Bubba" Harris to publish the ordinance by title in the Official Journal in accordance with the legal mandates and set a Public Hearing for Thursday, August 11, 2016 at the hour of six o'clock (6:00) p.m. at the Parish Council Chambers in the Governmental Building located at 20355 Government Boulevard, Livingston, Louisiana, at which time comments will be received on the proposed ordinance prior to a Council vote.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. HARRIS, MR. TALBERT, MR. KEEN,
MR. AVERETT, MR. LOBELL, MR. MACK, MR. WASCOM

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted.

The chair addressed agenda item 16a, "District Attorney Report(s): Discussion of: United States District court for the Middle District of Louisiana, Kenneth Donahue v. Dr. Alonzo Wilder and Nurse Courtney Chaney, Civil Action No: 3:15-cv-00499-JWD-RLB". Parish legal advisor, Mr. Christopher Moody, requested that the Council defer this item until the next regular meeting of the Council on August 11, 2016.

The chair addressed agenda item 17, "Discussion of Deputy clerk – Shane Mack" and advised of the need to fill the position of Deputy clerk. Being no objection from the Parish Legal Counsel or any member of the Council members, the chair requested a recommendation from the Council members for an appointment of the position of Deputy clerk. Councilman Garry "Frog" Talbert made a recommendation to the Council to hire Ms. Angie Cornett to fill the position of Deputy clerk.

LPR NO. 16-303

MOTION was offered by Garry "Frog" Talbert and duly seconded by R.C. "Bubba" Harris to appoint Angelia McMorris Cornett as Deputy clerk of the Livingston Parish Council.

Upon being submitted to a vote, the vote thereon was as follows:

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. HARRIS, MR. TALBERT, MR. KEEN,
MR. AVERETT, MR. LOBELL, MR. MACK, MR. WASCOM

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted.

The Council members acknowledged Ms. Cornett and her husband, Shane, in the audience and congratulated her on her appointment as Deputy clerk.

There being no further business, the chair requested a motion to adjourn until the next regular meeting scheduled for Thursday, August 11, 2016, at the hour of 6:00 o'clock p.m. at Livingston, Louisiana.

LPR NO. 16-304

MOTION was offered by Jeff Averett and duly seconded by Tracy Girlinghouse to adjourn the July 28, 2016 regular meeting of the Livingston Parish Council.

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. HARRIS, MR. TALBERT, MR. KEEN,
MR. AVERETT, MR. LOBELL, MR. MACK, MR. WASCOM

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted.

Sandy C. Teal, Council Clerk

John Wascom, Council chairman