

Minutes of the Livingston Parish Council  
Livingston, Louisiana  
September 8, 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, September 8, 2016, at the hour of 6:00 o'clock p.m. with the following Livingston Parish Council members present:

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

Absent: Tracy Girlinghouse

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

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

The chair announced that Public Input would be accepted from any member of the audience wishing to address an agenda item.  
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The chair addressed agenda item 7a, "Presentations – Recognition of the Shockwave 12U" and called upon Councilman Tab Lobell. Councilman Lobell acknowledged and reported the team's outstanding statistics. He wished to give accolades not only for the team's accomplishments, but also to their coaches and parents. Each member of the team was presented with a certificate of recognition and a Parish lapel pin. The Council members and the Parish President took a moment to have a photo opportunity with the team and their coaches.  
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The chair addressed agenda item 8, "Adoption of Minutes of the August 11, 2016 regular meeting of the Council".

#### **LPR NO. 16-332**

MOTION was made by Tab Lobell and duly seconded by R.C. "Bubba" Harris to dispense with the reading of the minutes dated August 11, 2016 of the regular meeting of the Livingston Parish Council and adopt as written.

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

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

NAYS: NONE

ABSENT: MR. GIRLINGHOUSE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted.  
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The chair addressed agenda item 9a, "Parish President's Report", "Livingston RC & D Council Member Board (re)appointment(s)"

Mr. Ricks advised of the need for the Livingston Parish Council to appoint two (2) members to the Resource Conservation and Development Board from our parish. The Councilmembers deferred this item to the next regular meeting of the Council on September 22, 2016.

The chair addressed Addendum A-2:

RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO ENTER INTO AGREEMENT WITH AN ENGINEER TO PERFORM INFRASTRUCTURE DAMAGE ASSESSMENTS DUE TO THE AUGUST 2016 FLOOD.

Mark Harrell, Director of the Livingston Parish Office of Homeland Security and Emergency Preparedness addressed the members of the Council and explained in great detail the Parish’s need to hire a road engineer to evaluate the Parish’s roads that have been impacted and damaged from the August 2016 Flood event. They would also be able to help the Parish with the project worksheets.

**LPR NO. 16-333**

MOTION was made by Jeff Ard and duly seconded by Jeff Averett to authorize the Parish President to enter into an agreement with an engineer to perform infrastructure damage assessments due to the August 2016 flood; and also approving the recommendation made by the solicitation of Request for Proposals scored by a selection committee from the Livingston Parish Office of Homeland Security and Emergency Preparedness to enter into contract with Alvin Fairburn and Associates for work needed of infrastructure assessments.

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

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

NAYS: NONE

ABSENT: MR. GIRLINGHOUSE

ABSTAIN: NONE

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

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The chair addressed a second Notice of Addendum to the agenda and called upon Councilman Shane Mack to explain why the emergency ordinances were needed. Councilman Mack addressed the Council and the audience and justified the importance of having regulations in place for the temporary use of travel trailers, manufactured homes and motor homes for the rebuilding of our Parish. The Parish President concurred and advised of the collaboration between he and Councilman Mack regarding the proposed guidelines and time line of the proposed ordinance. The chair allowed comments from the Councilmembers. The Parish President further explained the need for permitting and the help being received by the State Fire Marshall’s Office. Councilman Garry “Frog” Talbert requested an opinion from the Parish’s legal advisor, Mr. Christopher Moody on the legality of the proposed emergency ordinances. Mr. Moody advised that the Council was in order and compliance with all mandates to adopt the ordinances in question.

The chair declared a Public Hearing to be opened regarding:

**A-1: Adoption of Emergency Ordinance(s):**

**EMERGENCY ORDINANCE**

AN EMERGENCY ORDINANCE RELATIVE TO THE TEMPORARY USE OF MANUFACTURED HOMES, MOTOR HOMES AND TRAVEL TRAILERS IN CONNECTION WITH THE RECENT HISTORICAL FLOOD THAT STRUCK LIVINGSTON PARISH AND TO PROVIDE FOR RELATED MATTERS.

**EMERGENCY ORDINANCE**

AN EMERGENCY ORDINANCE WAIVING AND SUSPENDING ANY AND ALL PERMIT FEES REQUIRED BY THE LIVINGSTON PARISH PERMIT OFFICE REGARDING THE REMODEL OR REBUILDING OF ANY COMMERCIAL BUILDING OR STRUCTURE, ANY RESIDENTIAL BUILDING OR STRUCTURE, OR ANY PERMIT FEES REQUIRED TO SETUP MANUFACTURED HOMES IN CONNECTION WITH THE

RECENT HISTORICAL FLOOD THAT STRUCK LIVINGSTON PARISH.

**Public Input:** Taryn Creekbaum, Council District 1

*(The statements made by Ms. Creekbaum were submitted in writing to the Council clerk to be included as part of the official record)*

Gordon Courtney, Council District 9

The chair allowed a very lengthy open discussion.

The chair called for a motion to close the Public Hearing.

**LPR NO. 16-334**

MOTION was made by Garry “Frog” Talbert and duly seconded by Maurice “Scooter” Keen to close the Public Hearing for:

EMERGENCY ORDINANCE

AN EMERGENCY ORDINANCE RELATIVE TO THE TEMPORARY USE OF MANUFACTURED HOMES, MOTOR HOMES AND TRAVEL TRAILERS IN CONNECTION WITH THE RECENT HISTORICAL FLOOD THAT STRUCK LIVINGSTON PARISH AND TO PROVIDE FOR RELATED MATTERS.

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

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

NAYS: NONE

ABSENT: MR. GIRLINGHOUSE

ABSTAIN: NONE

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

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

**EMERGENCY ORDINANCE NO. 16-41**

AN EMERGENCY ORDINANCE RELATIVE TO THE TEMPORARY USE OF MANUFACTURED HOMES, MOTOR HOMES AND TRAVEL TRAILERS IN CONNECTION WITH THE RECENT HISTORICAL FLOOD THAT STRUCK LIVINGSTON PARISH AND TO PROVIDE FOR RELATED MATTERS.

**LPR 16-335**

MOTION was offered by Shane Mack and duly seconded by Jeff Averett to adopt the emergency ordinance to be numbered L.P. Emergency Ordinance 16-41 as follows:

**STATE OF LOUISIANA**

**PARISH OF LIVINGSTON**

**EMERGENCY ORDINANCE NO. 16-41**

AN EMERGENCY ORDINANCE RELATIVE TO THE TEMPORARY USE OF MANUFACTURED HOMES, MOTOR HOMES AND TRAVEL TRAILERS IN CONNECTION WITH THE RECENT HISTORICAL FLOOD THAT STRUCK LIVINGSTON PARISH AND TO PROVIDE FOR RELATED MATTERS.

WHEREAS, as a result of the recent historical flood which struck Livingston Parish in August of 2016, thousands of persons have been displaced from their homes, and temporary housing for persons restoring services or providing relief to the affected areas, and other persons

affected by this natural disaster, is urgently needed. This natural disaster constitutes an extraordinary emergency as defined in La. R.S. 42:6.1(A)(5).

THEREFORE, BE IT ORDAINED by the Livingston Parish Council in legal session convened, pursuant to Section 2-14 of the Home Rule Charter for the Parish of Livingston, that this Emergency Ordinance for the Parish of Livingston, Louisiana, is hereby enacted as follows:

ARTICLE 1. During the period of time in which this Emergency Ordinance is in force, and only during such period of time, persons may temporary live in manufactured homes, motor homes and travel trailers within the Parish of Livingston, outside municipal limits, according to the following parameters:

1. Permits must be obtained through the Livingston Parish Permit Office, are non-transferable and shall expire 6 months from the date of issuance of permits. Extensions may be granted not to exceed a cumulative total of 18 months.
2. There shall not be any permit fees collected to setup temporary manufactured homes, motor homes and travel trailers during this period.
3. Such manufactured homes, motor homes or travel trailers parked on residential property shall not be intrusive on any neighboring dwelling or property.
4. Such manufactured homes, motor homes and travel trailers shall not be parked in any street.
5. Sewage must be appropriately discharged into an approved sewer system.

ARTICLE 2. Be it further ordained that this Emergency Ordinance shall become effective on the date on which it is signed by Livingston Parish President Layton Ricks, or, in the case of a veto, immediately upon re-adoption by the favorable vote of at least two-thirds of the authorized membership of the governing authority irrespective of the veto, and shall continue in force for a period of sixty (60) days.

ARTICLE 3. Be it further ordained that during the period of time that this Emergency Ordinance is in force, this Emergency Ordinance shall prevail and control over all Ordinances or parts of Ordinances in conflict with this Emergency Ordinance.

ARTICLE 4. Be it further ordained that if any provision of this Emergency Ordinance 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 application, and to this end the provisions of this Emergency Ordinance are hereby declared severable.

ARTICLE 5. Be it further ordained that the Council Clerk be and she is hereby instructed, authorized and directed to have said Emergency Ordinance published one time in the official journal for the Parish of Livingston.

Said Emergency Ordinance having been introduced and moved for adoption on the 8th day of September, on motion of Shane Mack and duly seconded by Jeff Averett, a record vote was taken and the following result was had:

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

NAYS: NONE

ABSTAIN: NONE

ABSENT: MR. GIRLINGHOUSE

And the emergency ordinance was declared adopted on this, the 8<sup>th</sup> day of September.

John Wascom /s/

John Wascom, Council chairman

ATTEST:

Sandy C. Teal /s/  
Sandy C. Teal, Council clerk

APPROVED BY

Layton Ricks /s/  
Layton Ricks, Parish President

Councilman R.C. “Bubba” Harris requested to address rumors that had been circulating in regard to homeowners that would be mandated to raise their homes if the flood damage was determined to be over fifty-one percent (51%). The chair allowed a very lengthy open discussion.

**Public Input:** Gordon Courtney, Council District 9

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

**EMERGENCY ORDINANCE NO. 16-42**

AN EMERGENCY ORDINANCE RELATIVE TO THE TEMPORARY USE OF MANUFACTURED HOMES, MOTOR HOMES AND TRAVEL TRAILERS IN CONNECTION WITH THE RECENT HISTORICAL FLOOD THAT STRUCK LIVINGSTON PARISH AND TO PROVIDE FOR RELATED MATTERS.

**LPR 16-335a**

MOTION was offered by Shane Mack and duly seconded by Jeff Averett to adopt the emergency ordinance to be numbered L.P. Emergency Ordinance 16-41 as follows:

**STATE OF LOUISIANA**

**PARISH OF LIVINGSTON**

**EMERGENCY ORDINANCE NO. 16-42**

AN EMERGENCY ORDINANCE WAIVING AND SUSPENDING ANY AND ALL PERMIT FEES REQUIRED BY THE LIVINGSTON PARISH PERMIT OFFICE REGARDING THE REMODEL OR REBUILDING OF ANY COMMERCIAL BUILDING OR STRUCTURE, ANY RESIDENTIAL BUILDING OR STRUCTURE, OR ANY PERMIT FEES REQUIRED TO SETUP MANUFACTURED HOMES IN CONNECTION WITH THE RECENT HISTORICAL FLOOD THAT STRUCK LIVINGSTON PARISH.

WHEREAS, as a result of the recent historical flood which struck Livingston Parish in August of 2016, thousands of people have been impacted. Businesses and residential structures have been severely damaged. In response to the Emergency created by the Historical Flooding, and to aid in the recovery and rebuilding of Livingston Parish Businesses and Homes, any and all permit fees required by Livingston Parish regarding the remodel or rebuilding of any commercial building or structure, any residential building or structure, or any permit fees required to setup a manufactured home on residential property shall be waived or suspended for a period of six months for businesses and homes directly impacted by the flood waters. This ordinance shall be reviewed before the expiration of said ordinance and extended by the Livingston Parish Council if necessary. This natural disaster constitutes an extraordinary emergency as defined in La. R.S. 42:6.1(A)(5).

THEREFORE, BE IT ORDAINED by the Livingston Parish Council in legal session convened, pursuant to Section 2-14 of the Home Rule Charter for the Parish of Livingston, that this Emergency Ordinance for the Parish of Livingston, Louisiana, is hereby enacted as follows:

ARTICLE 1. During the period of time in which this Emergency Ordinance is in force, and only during such period of time, all permit fees required by Livingston Parish regarding the remodel or rebuilding of any commercial building or structure, any residential building or structure, or any permit fees required to setup a manufactured home on residential property, shall be waived or suspended according to the following parameters:

1. Permits must be obtained through the Livingston Parish Permit Office, and are non-transferable.
2. Permit fees are waived or suspended for a period of six months for businesses and homes directly impacted by the flood waters.

ARTICLE 2. Be it further ordained that this Emergency Ordinance shall become effective on the date on which it is signed by Livingston Parish President Layton Ricks, or, in the case of a veto, immediately upon re-adoption by the favorable vote of at least two-thirds of the authorized membership of the governing authority irrespective of the veto, and shall continue in force for a period of sixty (60) days.

ARTICLE 3. Be it further ordained that during the period of time that this Emergency Ordinance

is in force, this Emergency Ordinance shall prevail and control over all Ordinances or parts of Ordinances in conflict with this Emergency Ordinance.

ARTICLE 4. Be it further ordained that if any provision of this Emergency Ordinance 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 application, and to this end the provisions of this Emergency Ordinance are hereby declared severable.

ARTICLE 5. Be it further ordained that the Council Clerk be and she is hereby instructed, authorized and directed to have said Emergency Ordinance published one time in the official journal for the Parish of Livingston.

Said Emergency Ordinance having been introduced and moved for adoption on the 8th day of September, on motion of Shane Mack and duly seconded by Jeff Ard, a record vote was taken and the following result was had:

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

NAYS: NONE

ABSTAIN: NONE

ABSENT: MR. GIRLINGHOUSE

And the emergency ordinance was declared adopted on this, the 8<sup>th</sup> day of September.

John Wascom /s/  
John Wascom, Council chairman

ATTEST:

Sandy C. Teal /s/  
Sandy C. Teal, Council clerk

APPROVED BY

Layton Ricks /s/  
Layton Ricks, Parish President

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The chair addressed agenda item 10b, “Discussion of contracts signed by the Parish, bid procedure for those contracts and possible change orders that are already being requested – Garry Talbert”. Councilman Garry “Frog” Talbert questioned the Parish President and Mark Harrell, Director of the Livingston Parish Office of Homeland Security and Emergency Preparedness in regard to parish debt being incurred and contracts executed by the August 2016 flood event. Mr. Harrell and Mr. Ricks explained in detail the expenses encountered as a result of the flood. Reimbursable expenses were discussed as well. Parish fleet vehicles and their projected savings were included in the dialogue. The timeline for the return of parish prisoners to the detention center was addressed. The chair allowed an open discussion concerning loss of revenue because of the impact of the flood event. The chair allowed the open conversation to continue to address flood debris pickup in the Parish and the rules thereof. A “game plan” for pickup could not be determined. The chair addressed the pickup of white goods. Mr. Harrell explained the process for the pickup of debris that included white goods. The chair allowed the open discussion to continue at length.  
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**STATE OF LOUISIANA**

**PARISH OF LIVINGSTON**

MOTION was made by Shane Mack and duly seconded by R.C. “Bubba” Harris:

**LIVINGSTON PARISH GOVERNMENT**  
**LPR NO. 16-336**  
**OF LIVINGSTON PARISH COUNCIL**

**GRANTING GOVERNING AUTHORITIES’ RIGHT OF ENTRY ONTO PRIVATE PROPERTY**  
**WITHOUT OBTAINING PERMISSION OF OWNER AND CONCERNING**

OTHER MATTERS TO FACILITATE RECOVERY FROM THE CATASTROPHIC  
FLOODING OF AUGUST 2016

WHEREAS, catastrophic flooding in August 2016 struck the State of Louisiana, inflicting unprecedented damage throughout the State, causing damage to communities across the State, including the Parish of Livingston, which has threatened the safety and security of the citizens of Livingston Parish, along with private property and public facilities;

WHEREAS, the Governor of the State of Louisiana on August 12, 2016, in Proclamation No. 111 JBE 2016, declared a state of emergency and such is currently still in effect **(a copy of said Executive Order is attached as Attachment A);**

WHEREAS, the President of the United States declared a major disaster for the State of Louisiana, under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 *et seq.* (the “Stafford Act”) which, by subsequent amendments, includes all counties in the State;

WHEREAS, Louisiana Revised Statute 40:508 confers upon the local governing authority the power to remove debris from private property without a court order or the owner’s consent, if conditions constitute a health or safety hazard;

WHEREAS, the Governor pursuant to LA RS 29:766 the Governor of the State of Louisiana on August 22, 2016, issued Proclamation No. 116 JBE 2016 declaring a public health emergency and has issued Executive Order JBE 2016-60, dated August 22, 2016, pursuant to LA RS 29:724 has program to remove contaminated materials and debris from affected property **(a copy of the Executive Order is attached as Attachment B);**

WHEREAS, the Louisiana Governor’s Office of Homeland Protection and Emergency Preparedness has issued an opinion letter stating that under Louisiana law a municipality has the power to authorize the removal of debris from its jurisdiction, without a court order or the owner’s consent, upon due notice, if conditions constitute a health or safety hazard **(a copy of the Letter is attached as Attachment C);**

WHEREAS, the Livingston Parish President-Council is authorized to remove debris from private property following upon due notice once the Livingston Parish President-Council determines that such removal is necessary for the public welfare, or to protect the public from ill health or disease; and

WHEREAS, an emergency exists triggering the local governing authority’s right of entry on private property when the landowner is not available to sign a Right of Entry form in order to remove debris in the public interest to eliminate an immediate threat to public safety, health, and welfare.

NOW THEREFORE, for the reasons recited above and in exercise of powers vested in me as the duly elected Parish President of Livingston Parish, I now hereby specifically find, determine and certify as follow:

1. Removal of August 2016 flood generated debris from private property is necessary and in the public interest to eliminate immediate threats to life, public health and safety as determined by the Governor’s Executive Order No. 2016-60. Commissioner’s Notice.
2. Under LA RS 40:508, the Livingston Parish President-Council has the legal responsibility, duty and authority to remove debris from private property.
3. Based upon “1” and “2” above, we have determined to exercise these authorities to enter onto private property in order to abate the declared public health nuisance and safety emergency by removal of the hurricane-generated debris.
4. We certify that before we initiate removal, when at all practicable, we will satisfy all the legal processes and receive all legal permissions to carry out these actions of

debris removal on private property through the use of rights of entry with indemnity clauses signed by the property owner/those with legal interest in the property or we shall use a legal process for condemnation or nuisance abatement.

- 5. There may be circumstances where, because of the immediate urgency of the situation, the procedures of obtaining a Right of Entry or pursuing a condemnation proceeding, as set out in paragraph “4” above, may be too time consuming. We then will act under the auspices of the attached Letter and the attached Executive Orders which together confirm the legal basis under law for the Livingston Parish Government to proceed to remove the debris on these private properties utilizing its police power. We certify that the governing authority of the Parish of Livingston has a written process to determine which properties will require this extraordinary process to protect the public safety. In these circumstances, a reasonable period of time will be provided for public notification before private property debris removal will commence. During this period a homeowner may inform the Livingston Parish President that entry is denied. This request will be respected unless it is determined that protection of the public interest requires the governing authority of Livingston Parish action in which case the forgoing emergency process will take precedence.
- 6. The Livingston Parish President-Council will recognize and respect all laws and regulations that concern historic preservation and environmental protection.
- 7. As required by section 407(b) of the Stafford Act (42 U.S.C. 5173(b)), the Livingston Parish President-Council hereby agrees that it shall indemnify and hold harmless the Federal Government and its respective employees, agents, contractors, and subcontractors from any claims arising from debris removal. The Livingston Parish President-Council hereby acknowledges that, in accordance with section 305 of the Stafford Act (42 U.S.C. § 5148), the Federal Government shall not be liable for any claim based upon the exercise or performance of or the failure to exercise or perform a discretionary function or duty on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of the Act.
- 8. To avoid duplication of benefits pursuant to section 312 of the Stafford Act (42 U.S.C. § 5155) the Livingston Parish President-Council will obtain from private property owners, who participate in this debris removal program, information and documentation relating to insurance coverage, proceeds and settlements and provide this information and documentation to the Governor’s Office of Homeland Security and Emergency Preparedness and FEMA.
- 12. This resolution shall apply to all private properties in the Livingston Parish area outside incorporated municipalities within areas that require debris removal in the public interest in order to eliminate immediate threats to life, public health, and safety.

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Date

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Parish President Layton Ricks

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

- YEAS: MR. LOBELL, MR. AVERETT, MR. MACK, MR. ARD, MR. WASCOM, MR. HARRIS, MR. TALBERT, MR. KEEN
- NAYS: NONE
- ABSENT: MR. GIRLINGHOUSE
- ABSTAIN: NONE

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

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The chair called upon Mr. Digirolamo to address agenda item 11a. Councilman Garry “Frog” Talbert advised that Mr. Digirolamo was not in attendance at the meeting and had requested that Mr. Talbert handle this agenda item that had been deferred from the last meeting. He also gave a



brief synopsis of the proposed development and educated the Council on matters that had been previously questioned but were now positively accomplished.

Dollar General  
Preliminary Site Plan  
Dunn Road & Arnold Road

Section 9, T6S R3E

Ferris Engineering

Council District 3

**LPR NO. 16-337**

MOTION was made by Garry “Frog” Talbert and duly seconded by Maurice “Scooter” Keen to **approve** the preliminary site plan made upon the recommendation of the Planning Commission for Dollar General, said property being located on Dunn Road and Arnold Road, Section 9, T6S R3E located in Council District 3.

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

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

NAYS: NONE

ABSENT: MR. GIRLINGHOUSE

ABSTAIN: NONE

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

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The chair addressed agenda item 12a, “Board appointment(s): Airport Authority Commission: Fire Protection District No. 4: Fire Chief James Wascom – Jeff Averett” and called upon Councilman Jeff Averett who advised that he wished to appoint Mr. James Wascom to the Airport District.

**LPR NO. 16-338**

MOTION was made by Jeff Averett and duly seconded by Tab Lobell to appoint Fire Chief James Wascom (Fire Chief of Fire District # 4 designated board appointment), to the Board of Commissioners of the Livingston Parish Airport District, term to expire on January 1, 2020 as per LPR NO. 16-292 adopted on July 28, 2016 and Louisiana Revised Statute 2:319.

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

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

NAYS: NONE

ABSENT: MR. GIRLINGHOUSE

ABSTAIN: NONE

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

*The above stated action is hereby leaving one (1) vacancy 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;***

*Term to expire on January 1, 2021*

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The chair opened a public hearing for agenda item 13, “Public Hearing and Adoption of Ordinance: L.P. No. 16-39, “Quitclaim: Carthage Bluff Road - Roy Miller” and requested any input from the audience members and also the Council members. Having none, the chair called for a motion to close the Public Hearing.

**LPR NO. 16-339**

MOTION was made by Garry “Frog” Talbert and duly seconded by Jeff Averett to close the Public Hearing in regard to L.P. Ordinance 16-39, “Quitclaim: Carthage Bluff Road-Roy Miller”.

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

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

NAYS: NONE

ABSENT: MR. GIRLINGHOUSE

ABSTAIN: NONE

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

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**LPR NO. 16-340**

The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Livingston Parish Council on July 14, 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 September 8, 2016 on Motion of Tab Lobell and seconded by Shane Mack to adopt the ordinance:

**LIVINGSTON PARISH ORDINANCE NO. 16-39**

AN ORDINANCE AS FOLLOWS, TO-WIT:

REVOKING THE DEDICATION, ABANDONING, AND QUITCLAIMING IN FAVOR OF THE LAND OWNERS A 40’ ALL PURPOSE SERVITUDE ACROSS A CERTAIN TRACT OF LAND FOR ROY MILLER, LOCATED IN SECTION 26, T8S-R6E, LIVINGSTON PARISH, LOUISIANA, BEING MORE PARTICULARLY DESCRIBED HEREIN.

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

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

NAYS: NONE

ABSENT: MR. GIRLINGHOUSE

ABSTAIN: NONE

And the ordinance was declared adopted on this the 8th day of September 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. 4).

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Councilman Jeff Averett left the Council Chambers and was not present for the following two (2) votes.

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The chair opened a public hearing for agenda item 14, “Public Hearing and Adoption of Ordinance: L.P. No. 16-40, “Quitclaim: Perkins Road – Oscar and Lillian Ballard” and requested any input from the audience members and also the Council members. Having none, the chair called for a motion to close the Public Hearing.

**LPR NO. 16-341**

MOTION was made by Garry “Frog” Talbert and duly seconded by Jeff Ard to close the Public Hearing in regard to L.P. Ordinance 16-40, “Quitclaim: Perkins Road – Oscar and Lillian Ballard”.

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

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

NAYS: NONE

ABSENT: MR. AVERETT, MR. GIRLINGHOUSE

ABSTAIN: NONE

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

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**LPR NO. 16-342**

The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Livingston Parish Council on July 14, 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 September 8, 2016 on Motion of Maurice “Scooter” Keen and seconded by R.C. “Bubba” Harris to adopt the ordinance:

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

**LIVINGSTON PARISH ORDINANCE NO. 16-40**

AN ORDINANCE AS FOLLOWS, TO-WIT:

REVOKING THE DEDICATION, ABANDONING, AND QUITCLAIMING IN FAVOR OF OSCAR LEE BALLARD & LILLIAN BALLARD, A PORTION OF A 30’ ALL PURPOSE SERVITUDE, IDENTIFIED BY THE CROSS-HATCHED PORTION AS SHOWN ON THE MAP SHOWING REVOCATION OF AN ALL PURPOSE SERVITUDE, LOCATED IN SECTION 4, T6S-R3E, GREENSBURG LAND DISTRICT LIVINGSTON PARISH, LOUISIANA, BY BRETT J. MARTIN PROFESSIONAL LAND SURVEYOR, DATED JULY 27, 2016.

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

NAYS: NONE

ABSENT: MR. AVERETT, MR. GIRLINGHOUSE

ABSTAIN: NONE

And the ordinance was declared adopted on this the 8th day of September 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. 4).

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The chair acknowledged Travis Clark, former mayor of the city of Walker, in attendance in the audience and also welcomed Mayor Derral Jones of the Town of Livingston, as well as, Mr. Giovanni Tairov, Director of the Livingston Parish Library system.

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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, advised that the executive session should not last more than ten (10) minutes and no action would need to be taken on this matter.

**LPR NO. 16-343**

MOTION was offered by Garry “Frog” Talbert and duly seconded by Jeff Averett to enter into executive session regarding the matter of 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”.

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

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

NAYS: NONE

ABSENT: MR. GIRLINGHOUSE

ABSTAIN: NONE

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

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**LPR NO. 16-344**

MOTION was offered by Garry “Frog” Talbert and duly seconded by Jeff Ard to go back to the regular agenda after returning from executive session regarding the matter of 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” whereby no action was taken.

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

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

NAYS: NONE

ABSENT: MR. GIRLINGHOUSE

ABSTAIN: NONE

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

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There being no further business, the chair requested a motion to adjourn until the next regular meeting scheduled for Thursday, September 22, 2016, at the hour of 6:00 o’clock p.m. in Livingston, Louisiana.

**LPR NO. 16-345**

MOTION was offered by Tracy Girlinghouse and duly seconded by Jeff Averett to adjourn the September 8, 2016 regular meeting of the Livingston Parish Council.

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

NAYS: NONE

ABSENT: MR. GIRLINGHOUSE

ABSTAIN: NONE

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

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Sandy C. Teal, Council Clerk

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John Wascom, Council chairman