

Minutes of the Livingston Parish Council
Livingston, Louisiana
December 1, 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, December 1, 2016, at the hour of six (6:00) o'clock p.m. with the following Livingston Parish Council members present:

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

Absent: Jeff Ard

Also present: Parish President, Mr. Layton Ricks
Christopher Moody, Parish legal Counsel

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 8, "Adoption of Minutes of the November 10, 2016 regular meeting of the Council".

LPR NO. 16-395

MOTION was made by Tracy Girlinghouse and duly seconded by R.C. "Bubba" Harris to dispense with the reading of the minutes dated November 10, 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. HARRIS, MR. TALBERT, MR. KEEN, MR. MACK, MR. AVERETT,
MR. LOBELL, MR. WASCOM, MR. GIRLINGHOUSE

NAYS: NONE

ABSENT: MR. ARD

ABSTAIN: NONE

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

The chair addressed agenda item 9, "Appointment of interim City of Denham Springs Marshal – John Wascom". The chair expressed his desire for the Council members to ratify the Secretary of State's appointment of Ward 2 Deputy Marshal, Joe Shumate, as the interim Marshal of the City of Denham Springs. He also explained that due to an unfortunate injury, Mr. Shumate would not be able to attend the meeting and wished to defer this agenda item until the next regular meeting of the Council on December 15, 2016.

The chair addressed agenda items 11, "Office of Homeland Security and Emergency Preparedness - Mark Harrell" and called upon Mr. Harrell to come and speak before the Council. The chair also called upon the Parish President and questioned if he had anything to report for agenda item 10, "Parish President's Report". Having nothing to report, the chair turned his attention back to Mr. Harrell.

LPR NO. 16-396

MOTION was made by Garry "Frog" Talbert and duly seconded by Jeff Averett to lift the agenda to address a matter of urgency regarding the need to request for a resolution to authorize the Parish Attorney to join with the State and Attorney General to file a suit on behalf of the Parish to file claims with the Federal Emergency Management Agency (FEMA) on the behalf of the unknown deceased whose graves were compromised by the August 2016 floods in order to cover the costs of their reinterment.

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

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

NAYS: NONE

ABSENT: MR. ARD

ABSTAIN: NONE

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

Mr. Mark Harrell, Director of the Livingston Parish Office of Homeland Security and Emergency Preparedness wished to refer the Parish's Legal Counsel, Mr. Christopher Moody, to explain the legal necessities for reinterment of unknown graves that were compromised from the August 2016 floods. Mr. Moody briefly explained what was needed and answered questions from the Councilmembers.

LPR NO. 16-397

MOTION was made by Garry "Frog" Talbert and duly seconded by Shane Mack to authorize the Parish Attorney, Mr. Christopher Moody, to join with the State and the Attorney General to file a suit on behalf of the Parish and the state seeking court approval pursuant to LA. R.S. 8:659 and to authorize those individuals, nunc pro tunc, to file for Individual Assistance claims with the Federal Emergency Management Agency ("FEMA") on behalf of the unknown or unavailable families of the deceased in order to cover the costs of the reinterment of individuals whose graves were compromised by the August 2016 floods.

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

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

NAYS: NONE

ABSENT: MR. ARD

ABSTAIN: NONE

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

Mr. Harrell also explained that Fire Protection District No. 2 and Fire Protection District No. 4 requested representation from him to seek the Councilmembers' approval for a resolution authorizing submission of applications for the Community Disaster Loan to assist with tax revenue and equipment loss due to the August 2016 flood.

LPR NO. 16-398

MOTION was made by R.C. "Bubba" Harris and duly seconded by Tab Lobell to approve Livingston Parish Fire Protections District(s) No. 2 (Springfield) and No. 4 (Walker) to submit applications for the Community Disaster Loan to assist with the tax revenue and equipment loss due to the August 2016 flood.

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

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

NAYS: NONE

ABSENT: MR. ARD

ABSTAIN: NONE

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

Mr. Mark Harrell requested to report to the Councilmembers the latest information regarding debris pickup as a result of the August 2016 floods. He informed them that the last day to call and request debris pickup in the unincorporated areas of the Parish has been set for December 17, 2016. The chair allowed an open discussion. Mr. Harrell answered all the Councilmembers' questions. He advised that the bill for debris pickup is approaching twenty million dollars (\$20,000,000.00).

The chair addressed agenda item 12:

Planning Commission Recommendations – Sam Digirolamo, Director
The Preserve at Grays Creek (Phase 1) Barry J. Bleichner
Preliminary Plat
Forest Delatte Sections 9&39, T7S R3E

This item was deferred by request of the Planning Department until the second regular meeting of the Council after its review and recommendation made at the Planning Commission's meeting on January 4, 2017.

The chair addressed addendum item A-3, "Public Hearing and Adoption of L.P. Ordinance No. 16-46, "Quitclaim/Servitude Revocation: Sixty Foot (60') Right-of-Way for Harold Davidson".

This item was deferred until the next regular meeting of the Livingston Parish Council on Thursday, December 15, 2016 and the public hearing was post-poned until that date as well.

The chair addressed agenda item 13, "Add for consideration the roads located in Creekside Estates to the Priority Road List – Maurice "Scooter" Keen" and called upon Councilman Keen to explain this item.

STATE OF LOUISIANA

PARISH OF LIVINGSTON

LPR NO. 16-400

MOTION was made by Maurice "Scooter" Keen and duly seconded by Garry "Frog" Talbert to add for consideration the roads located in Creekside Estates (as confirmed by the Livingston Parish Department of Public Works on November 21, 2016) to the Priority Road List as follows located in Council District 3:

- Creek Haven Lane
- Creek Valley Drive
- Creek Hollow Court
- Creek Bend Court
- Clear Creek Drive
- Hollow Creek Court

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

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

NAYS: NONE

ABSENT: MR. ARD

ABSTAIN: NONE

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

**2016-2017 ROAD IMPROVEMENT PROGRAM
ROAD ANALYSIS AND ASSESSMENT**

PRIORITY ROAD LIST

<u>Road Name</u>	<u>Council District</u>	<u>Priority Rank</u>	<u>Priority Score</u>	<u>LP Resolution Number</u>	<u>Date Adopted</u>
Jack Allen Road	8	1	71	LPR NO. 16-109	March 24, 2016
Courtney Road – Phase 2	1	2	n/a	LPR NO. 16-109	March 24, 2016
Chene Blanc	8	3	70	LPR NO. 16-109	March 24, 2016
Buck Perkins	7	4	60	LPR NO. 16-109	March 24, 2016
Maryland Street	4	5	58	LPR NO. 16-109	March 24, 2016
Iowa Street	1	6	50	LPR NO. 16-109	March 24, 2016
Falcon Crest Drive – Phase 2	5	7	49	LPR NO. 16-109	March 24, 2016
Joe May Road (South Section)	5/6	9	44	LPR NO. 16-109	March 24, 2016
Fayard Road	8	44	10	LPR NO. 16-109	March 24, 2016
Laurel Avenue	5	36	13	LPR NO. 16-109	March 24, 2016
Colonial Drive	4	30	16	LPR NO. 16-109	March 24, 2016
Swamp Drive	8	28	18	LPR NO. 16-109	March 24, 2016
White Oak	1	28	19	LPR NO. 16-109	March 24, 2016

<u>Roads that are nominated for consideration to amend the Priority List</u>				
Henry Road	8		LPR No. 15-086	March 17, 2015
North Achord Road	1		LPR No. 15-167	June 11, 2015
Debbie Lane	5		LPR No. 15-305	December 3, 2015
Canyon Road	5		LPR No. 15-305	December 3, 2015
Greystone Drive	5		LPR NO. 15-305	December 3, 2015
Live Oak Village	2		LPR NO. 15-305	December 3, 2015
Hillon Hood Road	5		LPR NO. 16-044	January 28, 2016
Harris Road	5		LPR NO. 16-044	January 28, 2016
Wesley Street	4		LPR NO. 16-044	January 28, 2016
Dixie Street	4		LPR NO. 16-044	January 28, 2016
Bush Lane	2		LPR NO. 16-044	January 28, 2016
Sunset Lane	7		LPR NO. 16-065	February 11, 2016
Ballard Road	7		LPR NO. 16-065	February 11, 2016
Chapel Hill Drive	2		LPR NO. 16-065	February 11, 2016
Norfolk Drive	2		LPR NO. 16-065	February 11, 2016
Destrehan Avenue	2		LPR NO. 16-065	February 11, 2016
Devereaux Drive	2		LPR NO. 16-065	February 11, 2016
Springlake Drive	1		LPR NO. 16-086	February 25, 2016
Nature's Way	1		LPR NO. 16-086	February 25, 2016
Old CC Road	9		LPR NO. 16-086	February 25, 2016
Sidney Woods	9		LPR NO. 16-086	February 25, 2016
Pete Smith	9		LPR NO. 16-086	February 25, 2016
Charles Holden	9		LPR NO. 16-086	February 25, 2016
James Chapel	9		LPR NO. 16-086	February 25, 2016

Henry White	9		LPR NO. 16-086	February 25, 2016
George White Road	9		LPR NO. 16-086	February 25, 2016
John Barber	9		LPR NO. 16-086	February 25, 2016
Pine Street	9		LPR NO. 16-199	May 26, 2016
Poplar Glen Drive	6		LPR NO. 16-236	June 23, 2016
Willow Wood Street	6		LPR NO. 16-236	June 23, 2016
Dixon Jones Boulevard	3		LPR NO. 16-236	June 23, 2016
Pine Bluff Road	4		LPR NO. 16-236	June 23, 2016
Bonnie Bleu	6		LPR NO. 16-266	July 14, 2016
Woodland Street	4		LPR NO. 16-266	July 14, 2016
Creek Haven	3		LPR NO. 16-400	December 1, 2016
Creek Valley	3		LPR NO. 16-400	December 1, 2016
Creek Hollow Court	3		LPR NO. 16-400	December 1, 2016
Creek Bend Drive	3		LPR NO. 16-400	December 1, 2016
Clear Creek Drive	3		LPR NO. 16-400	December 1, 2016
Hollow Creek Court	3		LPR NO. 16-400	December 1, 2016

The chair requested that agenda item 16, “**Public Hearing and Adoption of L.P. Ordinance No. 16-48, “2017 Budget and 2016 Budget Amendments”**” be moved up if there was no objection.

Councilman Garry “Frog” Talbert discussed the proposed 2017 Budget and 2016 Budget Amendments. He advised that the Finance committee had met earlier and made a recommendation to the Livingston Parish Council to adopt the budgets as amended.

LPR NO. 16-401

The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Livingston Parish Council on November 10, 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 December 1, 2016 on Motion of Garry “Frog” Talbert and seconded by Tracy Girlinghouse to adopt the ordinance as amended:

L.P. ORDINANCE 16-48

AN ORDINANCE AMENDING THE 2016 BUDGET AND ADOPTING THE 2017 BUDGET OF THE LIVINGSTON PARISH PRESIDENT-COUNCIL RELATIVE TO THE GENERAL FUND, SPECIAL REVENUE FUNDS, DEBT SERVICE FUNDS AND CAPITAL IMPROVEMENT FUNDS.

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

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

NAYS: NONE

ABSENT: MR. ARD

ABSTAIN: NONE

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

(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).

LPR NO. 16-402

MOTION was made by Tab Lobell and duly seconded by Jeff Averett to accept the letter of resignation dated August 30, 2016 from Jerry Pratt (resident of Council District 8), Board member of the Livingston Parish Fire Protection District No. 9, effective immediately, term was to expire on January 1, 2017.

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

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

NAYS: NONE

ABSENT: MR. ARD

ABSTAIN: NONE

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

LPR NO. 16-403

MOTION was made by Tab Lobell and duly seconded by Jeff Averett to appoint Shawn Bercegeay (resident of Council District 8) to Fire Protection District No. 9 as a Board member to replace the vacancy of Jerry Pratt's resignation, term will expire on January 1, 2019.

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

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

NAYS: NONE

ABSENT: MR. ARD

ABSTAIN: NONE

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

The chair addressed agenda item 15, "Public Hearing and Adoption of L.P. Ordinance No. 16-47, "Smoking Prohibitions" and recommended that the Council adopt a resolution directing the Council clerk and the Parish President to work together to resolve the smoking problem in front of the Governmental Building. A motion was made by Councilman Garry "Frog" Talbert and received a second. However, it was determined that the proposed ordinance should be withdrawn by a vote of the Council and then adopt a resolution for the Council clerk and Administration to establish "NO SMOKING" signs to resolve the smoking problems occurring around the Governmental Building.

LPR NO. 16-404

MOTION was made by Jeff Averett and duly seconded by Shane Mack to withdraw L.P. Ordinance No. 16-47, "Smoking Prohibitions" from consideration at the December 1, 2016 regular meeting of the Livingston Parish Council.

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

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

NAYS: NONE

ABSENT: MR. ARD

ABSTAIN: NONE

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

LPR NO. 16-405

MOTION was made by Tracy Girlinghouse and duly seconded by Garry "Frog" Talbert to direct the Council clerk and Parish President Layton Ricks to establish "No Smoking" signs around the Livingston Parish Governmental Building and place cigarette butt receptacles in a designated "Smoking" area.

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

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

NAYS: NONE

ABSENT: MR. ARD

ABSTAIN: NONE

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

The chair addressed agenda addendum item A-1, “Adopt Resolution for the approval of a gun range for Jay Foster located in Springfield, Council District 8 – Tab Lobell” and A-2, “Introduction of ordinance, Regulation of Firing Ranges – John Wascom”.

Public Input: Trey Sanders, Council District 8 – opposed to Jay Foster’s proposed Firing Range

The chair allowed a very lengthy open discussion.

LPR NO. 16-406

MOTION was made by Jeff Averett and duly seconded by Garry “Frog” Talbert to deny approval of a proposed gun range requested by Jay Foster located in Springfield, Louisiana, Council District 8, by the authority of Louisiana Revised Statute 4:7 and the Livingston Parish Code of Ordinances:

Article III.-Public Amusements, Division 1-Generally, Section 9-32. - Location of shooting ranges:

It shall be unlawful for any person to construct or operate a shooting range within a radius of two (2) miles from a church, school or residential area of Livingston Parish, Louisiana, without first obtaining written approval from the police jury.

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

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

NAYS: NONE

ABSENT: MR. ARD

ABSTAIN: NONE

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

The chair called upon Councilman R.C. “Bubba” Harris to address agenda item 17, “Discussion of ATV and golf cart use that are being driven on parish/public road – R.C. “Bubba” Harris. Councilman Harris advised of the serious problem in the parish of the careless use and operation of these recreational vehicles by all ages. He appealed to the news media to publicize the illegal use of them on roads accessed and utilized by lawfully travelling means of transportation.

The chair allowed an open discussion.

The chair addressed agenda item 16, “District Attorney’s Report”. Mr. Moody advised that he had nothing to report to the Councilmembers at that time.

There being no further business, the chair requested a motion to adjourn until the next regular meeting scheduled for Thursday, December 15, 2016, at the hour of six (6:00) o’clock p.m. in Livingston, Louisiana.

LPR NO. 16-407

MOTION was offered by Jeff Averett and duly seconded by Tab Lobell to adjourn the December 1, 2016 regular meeting of the Livingston Parish Council.

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

NAYS: NONE

ABSENT: MR. ARD

ABSTAIN: NONE

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

Sandy C. Teal, Council Clerk

John Wascom, Council chairman