

Minutes of the Livingston Parish Council
Livingston, Louisiana
May 25, 2017

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, May 25, 2017, at the hour of six (6:00) o'clock p.m. with the following Livingston Parish Council members present:

Jeff Ard
Garry "Frog" Talbert
Maurice "Scooter" Keen

John Wascom
R.C. "Bubba" Harris
Jeff Averett

Tracy Girlinghouse
Tab Lobell
Shane Mack

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

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

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 7, "Presentations: Recognition of the Holden High Girls' Softball State Championship Team- Shane Mack". The chair called upon Councilman Shane Mack to address this agenda item. Councilman Mack requested that Councilman Tab Lobell accompany him to the front of the Council Chambers to recognize the achievements of the Holden High School Girls' Softball team. The team was presented with certificates of achievement for their accomplishment of winning the Class B Girls' Softball State Championship. The Councilmembers paused and took a group picture with the team and their coach.

The chair addressed agenda item 8, "Adoption of the Minutes from the: May 11, 2017 regular meeting of the Council".

LPR NO. 17-165

MOTION was made by John Wascom and duly seconded by Jeff Averett to dispense with the reading of the minutes dated May 11, 2017 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. ARD, MR. WASCOM, MR. GIRLINGHOUSE, MR. KEEN, MR. HARRIS,
MR. TALBERT, MR. LOBELL, MR. AVERETT, MR. MACK

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

The chair addressed agenda item 9, "Recreation District No. 2 authorization of \$2,000,000.00 Revenue Bonds, Introduction of ordinance – Jim Ryan" and called upon Councilman Garry "Frog" Talbert. Councilman Talbert briefly explained the proposed ordinance introduction.

The chair called upon the Council clerk to read the ordinance by title.

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

L. P. ORDINANCE NO. 17-20

AN ORDINANCE AUTHORIZING THE PARISH OF LIVINGSTON, STATE OF LOUISIANA TO PROCEED WITH A NOT TO EXCEED \$2,000,000 FINANCING THROUGH THE LOUISIANA LOCAL GOVERNMENT ENVIRONMENTAL FACILITIES AND COMMUNITY DEVELOPMENT AUTHORITY; AUTHORIZING AND RATIFYING THE PARISH OF LIVINGSTON'S

REQUEST OF THE LOUISIANA LOCAL GOVERNMENT ENVIROMENTAL FACILITIES AND COMMUNITY DEVELOPMENT AUTHORITY TO ISSUE ITS REVENUE BONDS; AUTHORIZING THE BORROWING BY THE PARISH OF LIVINGSTON OF THE PROCEEDS FROM THE SALE THEREOF; APPROVING AND RATIFYING WITHIN CERTAIN PARAMETERS THE TERMS OF THE SALE OF THE BONDS; AUTHORIZING THE FORM AND EXECUTION OF THE LOAN AGREEMENT; AUTHORIZING THE FORM OF AND EXECUTION OF AN AGREEMENT FOR THE PURCHASE OF THE BONDS AND ANCILLARY FINANCING DOCUMENTS; AND OTHERWISE PROVIDING WITH RESPECT THERETO.

LPR NO. 17-166

MOTION was offered by Garry “Frog” Talbert and duly seconded by Maurice “Scooter” Keen to publish the ordinance by title in the Official Journal in accordance with the legal mandates and set a Public Hearing for Thursday, June 8, 2017 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. WASCOM, MR. GIRLINGHOUSE, MR. KEEN, MR. HARRIS, MR. TALBERT, MR. LOBELL, MR. AVERETT, MR. MACK

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

The chair addressed agenda item 10, “Parish President’s Report” and advised that there was no report at this time.

The chair indicated that at this point in the meeting, he would like to bring up the addendum item, “A-1: Adopt resolution(s) to reduce the speed limit on Cuba Wheat Road from 20 mph to 15 mph located in Council District 6 – Jeff Averett” and called up Councilman Jeff Averett. Councilman Averett explained the clerical error and the need to set the speed limit at 15 mph instead of 20 mph on Cuba Wheat Road.

LPR NO. 17-167

MOTION was offered by Jeff Averett and duly seconded by R.C. “Bubba” Harris to reduce the speed limit on Cuba Wheat Road, located in Council District 6, from 20 mph to 15 mph.

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

The chair addressed agenda item 11, “Office of Homeland Security and Emergency Preparedness – Mark Harrell”. Mr. Harrell was not in the audience to give a report on this standing agenda item. The chair moved to the next agenda item.

The chair called upon Sam Digirolamo to address agenda item 12, “Planning Commission Recommendations”.

Mr. Digirolamo addressed agenda items 12a through 12e:

Mr. Digirolamo advised that the agenda item 12a did not have a favorable recommendation from the Planning Commission:

- | | |
|---|--|
| a. Thomas & Tammy Beeson
Lots on a servitude
King George Bay Road Section 48&51 T8S R4E | McLin Taylor

Council District 8 |
|---|--|

He further explained that a member of the Planning Commission had a motion offered to approve the waiver, but it failed due to lack of a second. The Planning Commission then yielded this item without a recommendation to be sent to the Livingston Parish Council for their ultimate decision to approve the waiver.

The chair allowed an open discussion. Councilman Lobell was questioned as to what his wishes were, as this was located in his Council District.

Councilman Lobell explained the intent of the property owner who was requesting the waiver and advised that he would like to see the resolution pass in the favor of the property owner.

LPR NO. 17-168

MOTION was offered by Tab Lobell and duly seconded by Garry “Frog” Talbert **to approve a waiver for lots on a servitude** for Thomas and Tammy Beeson, property being located on King George Bay Road, Sections 48&51 T8S R4E, in Council District 8.

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

The chair addressed agenda item 12b:

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|---|---|
| b. Livingston Parish
Servitude Revocation
West Karen Street | Alvin Fairburn & Associates

Section 47, T6S R3E Council District 7 |
|---|---|

Mr. Digirolamo wished to address that this item on the agenda is listed as a “Servitude Revocation”, when in fact, it is acutally a “Right-of-Way”. It was the recommendation of the Planning Commission to approve the Right of Way Revocation on West Karen Street and the dedication of the fifteen (15’) feet servitude.

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

LIVINGSTON PARISH ORDINANCE NO. 17- 21

AN ORDINANCE REVOKING 40’ RIGHT-OF-WAY BETWEEN LOTS 28 AND 38 WILDWOOD SUBDIVISION, 2ND FILING, LOCATED IN SECTION 47, T6S-R3E, LIVINGSTON PARISH, LOUISIANA, IN FAVOR OF THE LAND OWNER, BEING MORE PARTICULARLY DESCRIBED ON THE ATTACHED PLAT.

LPR NO. 17-169

MOTION was offered by Jeff Ard and duly seconded by Tab Lobell to publish the ordinance by title in the Official Journal in accordance with the legal mandates and set a Public Hearing for Thursday, June 8, 2017 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. WASCOM, MR. GIRLINGHOUSE, MR. KEEN, MR. HARRIS,
MR. TALBERT, MR. LOBELL, MR. AVERETT, MR. MACK

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

Mr. Digirolamo addressed agenda item 12c:

c. Smoothie King	La. Land Engineering
Preliminary Site Plan	
Lakefront Drive	Section 4, T7S R3E
	Council District 7

Mr. Digirolamo called upon the engineer of Louisiana Land Engineering in the audience to address the Council. The engineer used a map of the project and explained the development hardship and the need for the waiver to go into the rear building line.

the audience member/engineer from Louisiana Land Engineering was not identified by name, and therefore cannot be included in the record

LPR NO. 17-170

MOTION was offered by Garry “Frog” Talbert and duly seconded by Jeff Averett to accept the recommendation of the Livingston Parish Planning Commission and **approve the preliminary site plan for Smoothie King**, located on Lakefront Drive, Section 4, T7S R3E, in Council District 7, **with a waiver that would allow going into the rear building line of the development.**

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

Mr. Digirolamo addressed agenda item 12d:

d. River City Pest Control	La. Land Engineering
Preliminary Site Plan	
George White Road	Section 5, T7S R6E
	Council District 9

LPR NO. 17-171

MOTION was offered by Shane Mack and duly seconded by Jeff Ard to accept the recommendation of the Livingston Parish Planning Commission and **approve the preliminary site plan for River City Pest Control**, located in Section 5, T7S R6E, Council District 9.

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

Mr. Digirolamo addressed his last agenda item number 12e:

e. Old Zion Hill Baptist Church	Frank Stagg
Preliminary Site Plan	
La. Hwy. 442	Section 35, T5S R6E
	Council District 9

Councilman R.C. “Bubba” Harris advised that he was in attendance at the Planning Commission meeting and he understood that this was being requested by the church because it was a money issue, and upon a later date, parking would be asphalted or paved in concrete, whichever was more

cost effective. The chair allowed a brief open discussion.

LPR NO. 17-172

MOTION was offered by Shane Mack and duly seconded by John Wascom to accept the recommendation of the Livingston Parish Planning Commission **and approve the preliminary site plan for Old Zion Hill Baptist Church**, located in Section 35, T5S R6E, Council District 9, **with a waiver to do limestone parking**.

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

The chair addressed agenda item(s):

13. Public Hearing and Adoption of L.P. Ordinance No. 17-17 to declare certain movable property (equipment) no longer needed for public purposes

14. Public Hearing and Adoption of L.P. Ordinance No. 17-18, Amend Section 13-67.1 (c) Commercial Development Buffer Zones (type of fence mandate)

15. Public Hearing and Adoption of L.P. Ordinance No. 17-19, Add Penalty for Violations to Chapter 13, Planning and Development

The chair opened the Public Hearing and advised that these three (3) items would be taken together and requested that the Council clerk read each proposed ordinance by title as follows:

L.P. ORDINANCE NO. 17-17

AN ORDINANCE TO DECLARE CERTAIN MOVABLE PROPERTY (EQUIPMENT) NO LONGER NEEDED FOR PUBLIC PURPOSES; PROVIDE FOR ITS SALE BY INTERNET SALES AND/OR PUBLIC AUCTION, AND PROVIDE FOR TERMS OF SALE.

L.P. ORDINANCE 17-18

AN ORDINANCE TO AMEND CHAPTER 13, "PLANNING AND DEVELOPMENT," SECTION 13-67.1, "COMMERCIAL DEVELOPMENT BUFFER ZONES", PART (c), OF THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON.

L.P. ORDINANCE 17-19

AN ORDINANCE TO AMEND AND REENACT CHAPTER THIRTEEN, ARTICLE I, OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH, BY ADDING A SECTION, SECTION 13-3, TO BE TITLED, "GENERAL PENALTY FOR VIOLATION OF THIS CHAPTER," AS MORE FULLY SET OUT HEREIN; AND

REMOVING SECTION 13-69, "VIOLATION AND PENALTY," OF ARTICLE IV, DIVISION 4, OF CHAPTER 13.

The chair requested for any input from the audience members, having none, the chair then questioned if the Councilmembers would like to speak on the proposed ordinances.

Having no comment, the public hearing was over and the chair called for the vote(s).

LPR NO. 17-173

The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Livingston Parish Council on May11, 2017, 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 May 25, 2017 on Motion of Garry “Frog” Talbert and seconded by Maurice “Scooter” Keen:

L.P. ORDINANCE NO. 17-17

AN ORDINANCE TO DECLARE CERTAIN MOVABLE PROPERTY (EQUIPMENT) NO LONGER NEEDED FOR PUBLIC PURPOSES; PROVIDE FOR ITS SALE BY INTERNET SALES AND/OR PUBLIC AUCTION, AND PROVIDE FOR TERMS OF SALE.

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

And the ordinance was declared adopted on the 25th day of May 2017.

(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. 17-174

The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Livingston Parish Council on May 11, 2017, 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 May 25, 2017 on Motion of Jeff Ard and seconded by Tab Lobell:

L.P. ORDINANCE 17-18

AN ORDINANCE TO AMEND CHAPTER 13, “PLANNING AND DEVELOPMENT,” SECTION 13-67.1, “COMMERCIAL DEVELOPMENT BUFFER ZONES”, PART (c), OF THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON.

This ordinance having been submitted to a vote, the vote thereon was as follows:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

And the ordinance was declared adopted on the 25th day of May 2017.

(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. 17-175

The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Livingston Parish Council on May 11, 2017, 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 May 25, 2017 on Motion of Garry “Frog” Talbert and seconded by Shane Mack:

L.P. ORDINANCE 17-19

AN ORDINANCE TO AMEND AND REENACT CHAPTER THIRTEEN, ARTICLE I, OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH, BY ADDING A SECTION, SECTION 13-3, TO BE TITLED, “GENERAL

PENALTY FOR VIOLATION OF THIS CHAPTER,” AS MORE FULLY SET OUT HEREIN; AND

REMOVING SECTION 13-69, “VIOLATION AND PENALTY,” OF ARTICLE IV, DIVISION 4, OF CHAPTER 13.

This ordinance having been submitted to a vote, the vote thereon was as follows:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

And the ordinance was declared adopted on the 25th day of May 2017.

(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).

The chair addressed agenda item 16, “Board (re)appointment(s): a. Livingston Parish Library Board (re)appointment(s) – John Wascom, Garry “Frog” Talbert, R.C. “Bubba” Harris” and “b. Recreation District 5 Board (re)appointment – Jeff Ard” and called upon Councilman John Wascom. Councilman Wascom briefly explained the many qualifications of the proposed reappointment of Ms. Kathy De Generes to the Livingston Parish Library Board.

LPR NO. 17-176

MOTION was made by John Wascom and duly seconded by Maurice “Scooter” Keen to reappoint Ms. Kathy DeGeneres to the Livingston Parish Library Board, who resides in Council District 4, and whose five (5) year term will expire on June 30, 2022 as mandated by Louisiana Revised Statute 25:214(b).

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

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

Councilmen Garry “Frog” Talbert and R.C. “Bubba” Harris wished to defer their prospective (re)appointments until they have spoken to Library Board members Debbie Henson (who resides in Council District 2) and Ivy Graham (who resides in Council District 5).

LPR NO. 17-177

MOTION was made by Jeff Ard and duly seconded by Shane Mack to appoint Derral Jones to the Livingston Parish Recreation District No. 5, (taking the place of expired board member JoJo Welda) who resides in Council District 1, and whose five (5) year term will expire on May 23, 2022 as mandated by Louisiana Revised Statute 33:4564.

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

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

The chair addressed agenda item 17, “Amend Section 9-223 Identification of caskets; Interment; promulgation of rules, Introduction of Ordinance – Jeff Averett” and called upon Councilman Jeff Averett for discussion. Councilman Averett explained that certain parts of the parish are very low lying, which creates water problems and issues. He continued to explain that there some populaces that do not want to be buried underground. He requested that the Councilmembers send this ordinance to Mark Harrell, Director of the Livingston Parish Office of Homeland Security and Emergency Preparedness for his review and his offered recommendations for proposed amendments to be presented to the Council in two (2) weeks. Councilman Tab Lobell advised that there were audience members who wished to speak on this agenda item. The chair called upon those in the audience who wished to speak on this matter.

Public Input: Alfred David, constituent in Council District 8 – opposed to current ordinance
Unaudible speaker, resident of Killian, Council District 8 – also in opposition
Irbin Fontenot, opposed to current ordinance

The chair gave a statement regarding his employment in the funeral industry, his education and experience in this profession, his research and his support of the current ordinance.

The chair allowed the members of the Council to have a very lengthy, open discussion.

The chair addressed agenda item 18, “Amend Chapter 13, “Planning and Development,” by adding section 46.1, “Prohibitions and Restrictions of use”, Introduction of Ordinance – John Wascom” and called upon Councilman John Wascom. Councilman Wascom explained the intent of the ordinance introduction and discussed Mr. Chris Moody’s (Parish legal counsel) involvement in some of the wording. Councilman Shane Mack also offered his explanation of the intent of the ordinance.

Public input: David Fruge, resident and property owner in Merryland Subdivision,
Council District 4 – in favor of the ordinance introduction

Councilman Garry “Frog” Talbert questioned if the mobile home complaint located in Merryland Subdivision was placed there in an emergency situation, or was its placement for permanent residency. It was determined to be permanent and not an emergency event. His concern was based on the Council’s previous emergency ordinance that waived certain rules for the temporary occupancy of mobile homes. The chair allowed an open discussion regarding permitting, the time frame of the proposed ordinance’s adoption and grandfathering mobile homes that were already in place and permitted.

Councilman Talbert requested a legal opinion from Mr. Moody that would allow the Council to put in place an order to prohibit the Parish Permitting office from issuing permits for two (2) weeks on a specific piece of property until the ordinance was in place. Mr. Moody advised that the Permit office would only do that if it was in the Parish ordinance book. The chair allowed the very, very, lengthy open discussion to continue.

Mr. Moody suggested that the Councilmembers adopt a resolution calling for a moratorium that would not allow any mobile homes to be permitted in any named subdivisions. Councilman Talbert questioned if the agenda would need to be lifted for this resolution. Mr. Moody advised that he felt that they would not need to lift the agenda, because the moratorium went hand-in-hand with the proposed ordinance introduction that was on the agenda.

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

L.P. ORDINANCE 17-22

AN ORDINANCE TO AMEND CHAPTER 13, “PLANNING AND DEVELOPMENT,” BY ADDING A SECTION, SECTION 13-46.1, “PROHIBITIONS AND RESTRICTIONS OF USE”, OF THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON.

LPR NO. 17-178

MOTION was offered by John Wascom 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, June 8, 2017 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. WASCOM, MR. GIRLINGHOUSE, MR. KEEN, MR. HARRIS, MR. TALBERT, MR. LOBELL, MR. AVERETT, MR. MACK
- NAYS: NONE
- ABSENT: NONE
- ABSTAIN: NONE

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

The chair requested that the Council consider lifting the agenda. Mr. Moody advised that he felt that they were safe not lifting the agenda, but it certainly would not hurt to do so.

LPR NO. 17-179

MOTION was offered by Garry “Frog” Talbert and duly seconded by Jeff Averett to lift the agenda to consider adopting a resolution to set a moratorium on the issuance of permits for trailers (mobile homes) in named subdivisions that would fall in conjunction with proposed ordinance L.P. No. 17-22, “Amendment of Chapter 13, “Planning and Development,” that will add Section 46.1, “Prohibitions and Restrictions of use” to the Livingston Parish Code of Ordinances.

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

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

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

LPR NO. 17-180

MOTION was offered by Garry “Frog” Talbert and duly seconded by Jeff Ard to set and call for a moratorium on the issuance of permits for trailers (mobile homes) in named subdivisions that would fall in conjunction with proposed ordinance L.P. No. 17-22, “Amendment of Chapter 13, “Planning and Development,” that will add Section 46.1, “Prohibitions and Restrictions of use” to the Livingston Parish Code of Ordinances, thereby setting the moratorium for three (3) weeks.

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

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

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

LPR NO. 17-181

MOTION was offered by Jeff Ard and duly seconded by Tab Lobell to go back and return to the regular agenda.

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

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

ABSENT: NONE

ABSTAIN: NONE

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

LPR NO. 17-182

MOTION was offered by Shane Mack and duly seconded by Jeff Ard to name an unnamed road, “Rue Orleans Road”, located off of Louisiana Highway 190 (Florida Boulevard), in Council District 9, as approved in writing on May 16, 2017 by Wendy Bouilly, Livingston Parish Address Coordinator.

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

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

The chair addressed agenda item 20, “Establishment of Rules and Prosecution of property owners of rental properties in non-compliance of Grass, Weeds, Brush, Debris and Trash Abatement, Introduction of Ordinance – R.C. “Bubba” Harris” and called upon Councilman Harris who explained that he, and probably in other districts as well, were having numerous problems with rental properties that were not maintaining their residences as required. The chair indicated that there was an ordinance already in place for these violations. Mr. Moody advised that he had examined the current ordinances referencing these offenses. He stated that the violations apply to both renters and the property owners of the rental spaces, holding the owner responsible. He further explained that the entire ordinance is triggered by the complaint process and a lien could be placed on the property owner. He continued to explain that there were so many properties in violation, that enforcement and resources are not available to handle them. Councilman Harris questioned if the Council could appoint someone to enforce the ordinances. Mr. Moody indicated that the Livingston Parish Sheriff’s office and the Department of Public Works were currently the enforcement agencies in place. The ordinance could be amended to give someone else the authority. Mr. Moody was willing to help with this amendment. The chair allowed an open discussion. Councilman Talbert questioned how the property owners could be forced to pay for the costs of the cleanup. Mr. Moody advised of the process that was in place. The open discussion continued. Mr. Moody concurred that he would help to work on language to amend and add an enforcement agency. He also encouraged the Council to review the budget and set an allowance aside for the cleanup of properties. He also inspired them to for the follow-up on liens that are put on these properties in violation of the ordinances and to continue to focus on the collection of their fee repayment.

The chair called upon Councilman Shane Mack to address agenda item 21, “Discuss and adopt an ordinance to establish Livingston Parish governmental buildings as “Firearm Free Zone” and prohibit firearms from being carried in the building – Shane Mack”. Councilman Mack advised that the proposed ordinance would be establishing a clear understanding that firearms are not allowed in the Parish courthouse, with the exception of police officers. Mr. Moody instructed that the proposed ordinance only applied to the Livingston Parish Courthouse, further adding their physical address, but the ordinance was written to allow anyone else who wish to designate their buildings to be added as an amendment to the ordinance. The chair allowed an open discussion.

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

L.P. ORDINANCE 17-23

AN ORDINANCE TO AMEND CHAPTER 11, “OFFENSES - MISCELLANEOUS”, ARTICLE I, “GENERAL”, OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH, BY ADDING SECTION 11-3.1, “PROHIBITION OF FIREARMS—DESIGNATION OF FIREARM FREE ZONES.”

LPR NO. 17-183

MOTION was offered by Shane Mack and duly seconded by Jeff Ard to publish the ordinance by title in the Official Journal in accordance with the legal mandates and set a Public Hearing for Thursday, June 8, 2017 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. WASCOM, MR. GIRLINGHOUSE, MR. KEEN, MR. HARRIS, MR. TALBERT, MR. LOBELL, MR. AVERETT, MR. MACK

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

The chair wished to address both agenda item 22, “Discussion of LPR No. 17-098, accepting Tiger Lane into the Parish Maintenance System and LPR No. 17-140, accepting Connelly Court into the Parish Maintenance System – Maurice “Scooter” Keen” and agenda item 23, “Adopt resolution(s) to rescind LPR No. 17-098, accepting Tiger Lane into the Parish Maintenance System and LPR No. 140, accepting Connelly Court into the Parish Maintenance System – Garry “Frog” Talbert” as both items were similar in meaning. Councilman Maurice “Scooter” Keen gave a detailed and passionate explanation on his reconsideration of his previous vote(s) in favor of accepting the two (2) above mentioned roads into the Parish maintenance system. He also indicated that he aspired to try in some way to help constituents in this regard. He suggested that the previously adopted resolutions accepting Tiger Lane and Connelly Court be rescinded by the Council. He continued his opinions and recommendations. Councilman Garry “Frog” Talbert questioned Mr. Moody on the matter of adopting a resolution to waive an ordinance. He continued to question if an adopted resolution could waive part(s) of an ordinance or the entire ordinance. He proposed and advocated a process to be followed, by submitting each purported road to the Department of Public Works for inspection and evaluation with respect to the current ordinance. Thereby creating a report of the road’s deficiencies for the Councilmembers to evaluate. He also assented to rescind the above cited resolutions and allow a process to be put in effect for future roads to be considered and allowed to be accepted into the Parish maintenance system. The chair allowed open discussion.

Councilman Shane Mack requested to speak and addressed the Councilmembers that were in opposition. He commended them for their compassion and called upon them for the allowance of an explanation of his intent to help a requested need and further wished to speak on the previously adopted resolution of the ordinance waiver to accept Tiger Lane into the Parish maintenance system. He passionately dissected the current ordinance in place for roads to be accepted into the Parish maintenance system and the impossibilities to meet the ordinance requirements. He was allowed to give a very lengthy oration and suggested that the Council reconsider rescinding the above-mentioned resolutions and consider suspending the Parish’s funding of these two (2) roads until the current ordinance can be amended. He further persisted in his explanation and made suggestions to solve the opposition and resistance to his plea.

The chair allowed opposing Councilmembers to interject and have an open discussion.

Councilman Garry “Frog” Talbert made a motion to remove Tiger Lane and Connelly Court from the Parish maintenance system. Councilman Maurice “Scooter” Keen made the second to his motion. The chair allowed the vigorous, lengthy, open discussion to continue.

Councilman Jeff Averett called for the vote. Mr. Moody instructed that there was a motion for previous question and the Councilmembers could either vote to end the debate, or continue with the discussion. He further advised that once there was a motion to call the question, and there is not an agreement to call the question, then a vote is needed to extend the debate. He clarified that the motion would be to end the debate. He then asked if there was any opposition to the question. Councilman Shane Mack wished to speak again. Mr. Moody advised that the motion would be to vote and call for the previous question. If the vote outcome is in favor, then the debate would be called to end. Councilman Shane Mack made a motion for the debate to continue. Councilman

John Wascom wished to second the motion. The chair instructed the Council clerk to call for the vote.

LPR NO. 17-184

MOTION was made by Shane Mack and duly seconded by John Wascom to vote and call for the previous question and continue the debate.

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

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

Councilman Shane Mack wished to continue by explaining that he failed to mention that Councilman R.C. “Bubba” Harris made a suggestion that the property owners put a tax on themselves and use those funds to bring their prospective roads up to standard for the allowance to be brought into the Parish maintenance system. He felt that in his opinion, the property owners would need to request for a waiver from the Councilmembers to achieve this. Councilmember R.C. “Bubba” Harris discussed Clear Lake subdivision in his district and their desire to have the Parish accept their road into the Parish maintenance system.

Mr. Moody wished to point out to the Councilmembers that when they grant a waiver to suspend an ordinance, then that waiver has to be good across the board. He continued to advise that if there are other roads that do not meet the ordinance’s standards, then the Council would have no other choice other than to accept those roads as well. Councilman Shane Mack requested a legal opinion from Mr. Moody regarding the suspension of funding to the roads in question until the ordinance can be revised. Mr. Moody affirmed that Councilman Mack’s suggestion was certainly a possibility. The chair allowed open argument again and clarified Mr. Moody’s legal opinion to Councilman Mack’s previous question. The discussion continued. Mr. Moody addressed the Councilmembers and responded to the open discussion. He advised that waivers should be granted rarely, and for very minor things. He strongly advised that equality was to be considered and met and that waivers should be contemplated very seriously.

The chair further clarified and concurred with Mr. Moody’s legal opinion. Councilman Shane Mack requested to make a counter motion.

Public input: Joe Kocrwoski, resident of Council District 5 and Planning Commission chairman

LPR NO. 17-185

MOTION was made by Shane Mack and duly seconded by Tab Lobell to suspend any funding or work that is considered for Tiger Lane and Connelly Court until the Ordinance committee can meet and revise the current ordinance for accepting roads into the Parish maintenance system, also conceding to agree that after these events, and if it was the Council’s wish, then Tiger Lane and Connelly Court could then be voted on by resolution and be removed from the Parish maintenance system.

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

YEAS: MR. WASCOM, MR. LOBELL, MR. AVERETT, MR. MACK

NAYS: MR. ARD, MR. GIRLINGHOUSE, MR. KEEN, MR. HARRIS, MR. TALBERT

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had **FAILED** and **was NOT adopted**.

The original motion was then considered after another passionate, open discussion:

LPR NO. 17-186

MOTION was made by Garry “Frog” Talbert and duly seconded by Maurice “Scooter” Keen to remove and rescind Tiger Lane and Connelly Court from the Parish maintenance system.

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

YEAS: MR. ARD, MR. GIRLINGHOUSE, MR. KEEN, MR. HARRIS, MR. TALBERT

NAYS: MR. WASCOM, MR. LOBELL, MR. AVERETT, MR. MACK

ABSENT: NONE

ABSTAIN: NONE

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

The chair addressed agenda item 24, “Accept Cypress Point into the Parish Maintenance System – Jeff Averett”.

Councilman John Wascom made a motion to accept Cypress Point into the Parish Maintenance System. Councilman Jeff Averett made a second to this motion.

Councilman Jeff Averett was called upon to address the Councilmembers and explain this agenda item. He indicated that this road was considered and maintained in the Parish maintenance system since January 12, 2011 by the previous Administration. However, the previous Administration did not bring their consideration before the Livingston Parish Council to vote by resolution to formally be adopted into the Parish maintenance system. Councilman Averett advised of the prestigious current condition of the road. A debate was held concerning if the road met the current ordinance to accept it into the Parish maintenance system.

Public Input: Lynn McMorris, resident and property owner on Cypress Point Lane located in Council District 6

Ms. McMorris told the Councilmembers of the meeting that was conducted and recorded by Ms. McMorris on January 10, 2011 between herself, former Parish President Mike Grimmer, and former Councilmember Don Wheat. She explained that there were two (2) conditions to be met by the property owners for the road to be accepted. The first, to have the road evaluated by Wayne Martin, former Department of Public Works Director, who praised the condition of the road and stated that there were no problems to report at that time. The second condition was that the big iron, ornate gate that was located at the beginning of the road, would necessitate removal, to which they obliged to insure public access to the road. The road was maintained by the Parish of Livingston beginning on the next day, January 12, 2011.

The chair allowed a very animated and lengthy open discussion.

Public input: Linda Harvison, Cypress Point Lane resident and property owner located in Council District 6

The open discussion continued. Councilman R.C. “Bubba” Harris directly addressed Councilman Averett and requested if he would withdraw his motion to allow time for the Department of Public Works to review, evaluate the road, and report back to the Council on the condition of Cypress Point Lane and what his recommendations are to consider if there are deficiencies in the road.

Councilman Shane Mack requested of Mr. Moody to give the Councilmembers a legal opinion regarding state law for roads that have been maintained for three (3) years or more, and how are they accepted into the Parish maintenance system when this occurs.

Mr. Moody advised that his question was a complicated one. He agreed that it would be considered a public road, meaning everyone has the right to use the road. He cited examples of neighbors filing suits against one another. He addressed the Parish’s obligations when this occurs.

Historically, the Parish has accepted roads after three (3) years maintenance, and are justified by the mentioned state law, because the road is then considered a public road. He discussed the Parish's right to abandon a public road, as long as it does not affect anyone negatively.

Councilman Averett withdrew his previous motion to honor the request made by Councilman Harris.

Ms. McMorris asked for clarification of the very long open discussion that was taking place regarding Cypress Point Lane.

Clarification of the discussion is as follows:

Cypress Point Lane would be evaluated by the Livingston Parish Department of Public Works and this agenda item would be brought back before the Council in two (2) weeks at the next regular meeting of the Livingston Parish Council on June 8, 2017.

The Council clerk advised that Councilman John Wascom had made the original previous motion to accept Cypress Point Lane into the Parish maintenance system, therefore Councilman Wascom would need to withdraw his motion and request that Councilman Jeff Averett agree to withdraw his second to the motion as well.

Councilman Wascom withdrew his motion to accept Cypress Point Lane into the Parish maintenance system and Councilman Averett concurred and withdrew his second to Councilman Wascom's previous motion.

The chair addressed agenda item 26, "Committee Report(s): Finance Committee – Garry Talbert, Chair." Councilman Talbert advised that during the earlier conducted Finance committee, Jennifer Meyers, Finance Director, presented an amendment to the Personnel Policy, Section 213, "Work Performed on Parish Holidays and Declared State of Emergencies" that would conform with federal regulations with respect to the accrual of compensatory time on declared emergencies. The Parish President had signed the proposed amendment to the Personnel Policy on May 18, 2017, but is requesting that the Councilmembers adopt a resolution to amend the policy to make certain that the Parish of Livingston is in compliance with all mandates. Councilman Talbert gave a brief explanation on the amendment to the policy.

LPR NO. 17-187

MOTION was offered by Garry "Frog" Talbert and duly seconded by Maurice "Scooter" Keen to approve the recommendation from Finance committee and adopt a resolution to amend Section 213, Work Performed on Parish Holidays and Declared State Emergencies of the Livingston Parish Personnel Policy handbook that was amended by Administration, and signed by the Parish President on May 18, 2017 as follows:

213 Work Performed on Parish Holidays and Declared State of Emergencies

Full time employees who work on a Parish holiday or during a state of emergency declared by the Parish President for which offices have been closed will be deemed to have worked overtime on the day and will accrue an overtime rate calculated at one and a half (1 ½) time the regular pay rate or shall receive compensatory time at one and a half (1 ½) hours for each hour worked. Any hours worked greater than forty (40) during a declared emergency will accrue an overtime rate calculated at two (2) times the regular pay rate or shall receive compensatory time at two (2) hours for each hour worked.

During a state of emergency declared by the Parish President, all salaried employees shall convert to hourly employees for the purposes of compensation, tracking and reimbursement.

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

LPR NO. 17-188

MOTION was offered by Garry “Frog” Talbert and duly seconded by Jeff Averett to approve the recommendation from Finance committee and adopt a resolution to accept the Compliance Questionnaire as filled out in regard to the 2016 Audit.

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

The chair addressed agenda item 27, “Councilmen’s Comments:”

Councilman Shane Mack was happy to report the bill presented to the State Legislature to allow the Livingston Parish Planning Commission members to receive compensation of one hundred dollars (\$100.00) per meeting, successfully passed in the Louisiana Senate and the Louisiana House of Representatives. He advised that the Council would be required to adopt an ordinance fulfilling this, upon which it will then become effective on January 1, 2018.

The chair read an announcement regarding adjudicated properties that were available in the Parish of Livingston through CivicSource.com.

Having no further business, the chair requested a motion to adjourn until the next regular meeting scheduled for Thursday, June 8, 2017, at the hour of six (6:00) o’clock p.m. in Livingston, Louisiana.

LPR NO. 17-189

MOTION was offered by Jeff Ard and duly seconded by Shane Mack to adjourn the May 25, 2017 regular meeting of the Livingston Parish Council.

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

Sandy C. Teal, Council Clerk

Tracy Girlinghouse, Council Chairman