

Minutes of the Livingston Parish Council
Livingston, Louisiana
July 27, 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, July 27, 2017, at the hour of six (6:00) o'clock p.m. with the following Livingston Parish Council members present:

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

Also present: Layton Ricks, Parish President

Tardy: 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.

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", having none, the chair called upon John Murray, Director - Audit, LaPorte CPAs and Business Advisors, to present to the Council a report on the completed 2016 Audit as per Section 2-09 of the Livingston Parish Home Rule Charter. Mr. Murray stated that the audit's account and opinion on the Parish Council was ***an unmodified opinion***, which was a clean opinion on its financial statement. Their opinion on the Parish as a whole, was considered ***an adverse opinion***, because the Parish does not include its boards and districts in its financial statements. Councilman Garry "Frog" Talbert commented that "it was a really good audit" and explained the findings that were flood related.

The chair addressed agenda item 8, "Adoption of the Minutes from the July 13, 2017 regular meeting of the Council".

LPR NO. 17-242

MOTION was made by Jeff Ard and duly seconded by Maurice "Scooter" Keen to dispense with the reading of the minutes dated July 13, 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. KEEN, MR. HARRIS, MR. TALBERT, MR. LOBELL, MR. AVERETT,
MR. MACK, MR. ARD, MR. WASCOM, MR. GIRLINGHOUSE

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

The chair addressed agenda item 9, "Discussion of the verbiage and intent of the Livingston Parish noise ordinance, Chapter 5.5, "Environment", Article II, "Noise" - Tab Lobell". Councilman Lobell advised that the gentleman who wished to speak on this matter could not attend the meeting. Therefore, the chair moved on to the next item on the agenda.

The chair addressed agenda item 10, “Parish President’s Report”. Parish President Layton Ricks informed the Councilmembers that roughly sixty-eight million dollars (\$68,000,000.00) had been allocated to the parish of Livingston from FEMA, through the Governor’s office, due to Hurricanes Gustav and Ike and the August 2016 Great Flood. He commented that this would be “months long process, possibly years”, but it was great news for the people of Livingston Parish. He further advised that additional dollars had been received for a project relative to the Tickfaw River, that would be worked from the south, “all the way up”, that would also include the Natalbany River and Middle Colyell. He briefly discussed the upcoming elections for the Gravity Drainage Districts in the parish and the importance of the approval of those tax dollars. The Parish President advised that more updates on projects would be forthcoming as they are approved.

The chair addressed agenda item 11, “Office of Homeland Security and Emergency Preparedness – Mark Harrell”. The chair called upon Mark Harrell, Director of the Office of Homeland Security and Emergency Preparedness. Mr. Harrell reported that the debris pickup program, due to the August 2016 Great Flood, would be ending and could not extend any longer than August 12, 2017. Mr. Harrell answered questions from the Councilmembers.

The chair addressed agenda items 12 and 13:

12. Public Hearing and Adoption of L.P. Ordinance No. 17-26, Rescind L.P. No. 17-21, West Karen Street Right-of-Way Revocation
13. Public Hearing and Adoption of L.P. Ordinance No. 17-27, Servitude Revocation: Adrian Jenkins/Carolyn Road

The chair declared that a public hearing was open for agenda item 12, “Public Hearing and Adoption of L.P. Ordinance No. 17-26, Rescind L.P. No. 17-21, West Karen Street Right-of-Way Revocation” and requested that the Council clerk read the ordinance by title.

The chair requested Public Input from the audience and then from the Councilmembers. Having none, the chair closed the Public Hearing.

LPR NO. 17-243

The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Livingston Parish Council on July 13, 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 July 27, 2017 on Motion of John Wascom and seconded by Maurice “Scooter” Keen:

LIVINGSTON PARISH ORDINANCE NO. 17- 26

AN ORDINANCE RESCINDING ORDINANCE 17-21 OF THE PARISH OF LIVINGSTON AND ADOPTED JUNE 8, 2017 CONCERNING THE REVOCATION OF A 40’ RIGHT OF WAY BETWEEN LOTS 28 AND 38 OF WILDWOOD SUBDIVISION 2ND FILING.

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

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

And the ordinance was declared adopted on the 27th day of July 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 declared that a public hearing was open for agenda item 13, “Public Hearing and Adoption of L.P. Ordinance No. 17-27, Servitude Revocation: Adrian Jenkins/Carolyn Road” and requested that the Council clerk read the ordinance by title.

The chair requested Public Input from the audience and then from the Councilmembers. Having none, the chair closed the Public Hearing.

LPR NO. 17-244

The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Livingston Parish Council on July 13, 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 July 27, 2017 on Motion of Jeff Averett and seconded by Tab Lobell:

LIVINGSTON PARISH ORDINANCE NO. 17- 27

AN ORDINANCE REVOKING A CERTAIN 40’ SERVITUDE OF ACCESS & A CERTAIN 60’ SERVITUDE OF ACCESS, LOCATED IN SECTION 41, T8S-R3E, G.L.D., LIVINGSTON PARISH, LOUISIANA, IN FAVOR OF THE LAND OWNER, BEING MORE PARTICULARLY DESCRIBED HEREIN:

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

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

And the ordinance was declared adopted on the 27th day of July 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).

STATE OF LOUISIANA

PARISH OF LIVINGSTON

LPR NO. 17-245

MOTION was made by R.C. “Bubba” Harris and duly seconded by Tab Lobell to approve the following:

Requests for waiver(s) intended for the allowance of permitting due to the restrictions of L.P. No. 17-22, “Section 13-46.1, Prohibitions and Restrictions of Use” for mobile/manufactured homes to be placed in a named subdivision for the intent of onsite, custom built, single family homes:

Ryan Whittington, District 5- Councilman R.C. “Bubba” Harris

Whittington Lands
24449 Jessie Street
Denham Springs, LA 70726

Dustin Lauraine, District 6- Councilman Jeff Averett

Janmar Place
23041 Christy Lane
Denham Springs, LA 70726

Lillie Pierce, District 6- Councilman Jeff Averett

Janmar Place
23040 Christy Lane
Denham Springs, LA 70726

Amanda McCollister, District 8- Councilman Tab Lobell

Country Estates
19345 Andrea Street
Livingston, LA 70754

James and Pamela Wilson, District 8- Councilman Tab Lobell

Country Estates
19335 Andrea Street
Livingston, LA 70754

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

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

The chair addressed and briefly explained agenda item 15, “Correct the official spelling of “Rue de Fluor Road” to “Rue de Fleur Road” and of “Rue de Vior Road” to “Rue de Voir Road” on the Grant Bankston Road list as registered and recorded upon the adoption of LPR No. 02-478 at a regular meeting of the Livingston Parish Council on September 30, 2002 – Garry “Frog” Talbert”. Councilman Garry “Frog” Talbert concurred with the chair’s explanation.

LPR NO. 17-246

MOTION was offered by Jeff Ard and duly seconded by R.C. “Bubba” Harris to correct the official spelling of “**Rue de Fluor Road**” to “**Rue de Fleur Road**” and of “**Rue de Vior Road**” to “**Rue de Voir Road**” on the Grant Bankston Road list as registered and recorded upon the adoption of LPR No. 02-478 at a regular meeting of the Livingston Parish Council on September 30, 2002.

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

The chair addressed agenda item 16, "District Attorney Report(s)". Councilman Garry "Frog" Talbert advised that Mr. Chris Moody had been detained and probably would not be able to make the meeting.

The chair addressed agenda item 17a, "Ordinance Committee – Shane Mack, Chair" and called upon Councilman Shane Mack.

Councilman Shane Mack advised that the Ordinance committee would be meeting on August 3, 2017 at six o'clock (6:00) p.m. and everyone was invited.

The chair called upon Councilman Garry "Frog" Talbert to address agenda item 17b, "Finance Committee – Garry "Frog" Talbert".

Councilman Garry "Frog" Talbert gave a brief report of the Finance committee that met earlier that evening, before the regular meeting of the Council. He advised that the committee had received the 2016 Audit. In addition, he discussed handouts that were given at the meeting concerning traffic devices and electronic signage for the members to review and then wished to be discussed at the next committee meeting.

The chair addressed agenda item 18, "Councilmen's Comments:" and called upon Councilman Jeff Averett. Councilman Averett explained his frustration in regard to the issuance of waivers for constituents in need of placing mobile homes in named subdivisions. He addressed the problems and excessive time restraints that the new ordinance was creating regarding mobile homes being placed in named subdivisions. He stated that the process was taking too long for constituents to be able to receive their electrical permitting for residency.

Councilman John Wascom reported on the new HAM radio club that met for the first time in the Office of Homeland Security and Emergency Preparedness, headed by Mark Harrell, Director. He discussed the large turnout of participants that were there, and conveyed their excitement for this experience. He also wished to invite the public to future club meetings and described the help received to install tower equipment that would ensure better reception for the radios. The chair allowed a brief open discussion.

The chair addressed the agenda addendum:

A-1: Amend Section 13-56, "Building Lines", to define the term "structure", introduction of ordinance – Councilman Garry "Frog" Talbert

The chair called upon Councilman Garry "Frog" Talbert and acknowledged Mr. Chris Moody, Parish legal advisor, had entered the Council chambers. Councilman Garry "Frog" Talbert explained the needed clarification of the proposed ordinance introduction that would address "setbacks". He continued to explain that the setback was five (5') foot. He indicated that currently, the Building Department was enforcing the five (5') foot setback from the slab to the property line. This practice would allow the eaves and overhangs, depending on the eave width, to possibly make houses only six (6') feet apart from one another, causing safety hazards and other concerns.

He questioned Mr. Moody for an opinion and advised that the proposed introduction would be defining the term "structure", but there may be a better way, by addressing the problem at the Planning Department stage, for setbacks with respect to lot size to create more space. He continued to question if the Council introduced the ordinance with the intent of creating a fixed amount of space between houses, and it was discovered that the ordinance amendment needed to be in a different area, is the amendment to the introduction sufficient, or would the Council need to "kill" the proposed ordinance and start over?

Mr. Moody responded and advised that his position has been, that the Council could “tweak” minor things, as long as it is clear to the public, the matter being taken up or what is being considered. Councilman Talbert explained that the intent was to create a definition for a fixed space between houses. He further explained that since the addendum had been posted, many concerns had been articulated by developers, who conveyed questions regarding developments that had already been through the Planning stage that would be hindered by the proposed ordinance. It would be much better to address this in the planning stage and not after, in the permitting stage of the development. He indicated that he would be meeting with a couple of gentlemen in the coming week to discuss this matter. The amendment would still be relative to create a distance between houses, but that the issue would be handled in the planning stage of the development instead of the permitting stage. Mr. Moody indicated that as long as the changes were very close to what the original that was introduced was, then that it would not be a problem, otherwise, he advised that it would need to be laid over.

The chair allowed a very lengthy open discussion.

Public Input: Toby Easterly, resident of Council District 5 and representing DSLD Homes

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

L.P. ORDINANCE 17- 28

AN ORDINANCE TO AMEND ARTICLE IV OF CHAPTER 13 OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH, “SUBDIVISION REGULATIONS,” AMENDING SECTION 13-56, “BUILDING LINES” BY ADDING PART (D) TO DEFINE THE TERM “STRUCTURE”.

LPR NO. 17-247

MOTION was offered by Garry “Frog” Talbert and duly seconded by Jeff Averett to publish the ordinance by title in the Official Journal in accordance with the legal mandates and set a Public Hearing for Thursday, August 10, 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. KEEN, MR. HARRIS, MR. TALBERT, MR. LOBELL, MR. AVERETT, MR. MACK, MR. ARD, MR. WASCOM, MR. GIRLINGHOUSE

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

The chair acknowledged Mr. Paul Sawyer, Chief of Staff for the office of Congressman Garrett Graves, in the audience and invited him to address the Councilmembers.

Mr. Sawyer wished to give a brief update on behalf of Congressman Graves. He indicated that his office was still very involved in flood recovery and explained the recovery phases. He also offered assistance to the Councilmembers with problems that they were not able to resolve on the Parish level that Congressman Graves may could help with. He also spoke on long term recovery from the August 2016 Great Flood and his work with Mark Harrell. He discussed upcoming drainage projects and their involvement. He continued to explain the Senate’s involvement on health care reform and how tax reform will be affected if health care reform does not pass. Mr. Sawyer also reported on the upcoming agenda in September that affects flood insurance reform and the seriousness of this matter, especially to those residents and property owners in Louisiana. He

offered help and direction to the Councilmembers and encouraged any questions or issues that the Congressman may be able to assist with.

Having no further business, the chair requested a motion to adjourn until the next regular meeting scheduled for Thursday, August 10, 2017, at the hour of six (6:00) o'clock p.m. in Livingston, Louisiana.

LPR NO. 17-248

MOTION was offered by Jeff Ard and duly seconded by Tab Lobell to adjourn the July 27, 2017 regular meeting of the Livingston Parish Council.

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

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