

**Minutes of the Livingston Parish Council
Livingston, Louisiana
October 22, 2020**

The Livingston Parish Council met in a 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, October 22, 2020, at the hour of six o'clock (6:00) p.m. with the following Livingston Parish Council members present:

Jeff Ard
Garry Talbert
Maurice "Scooter" Keen
John Wascom

R.C. "Bubba" Harris
Gerald McMorris
Tracy Girlinghouse
Shane Mack

Absent: Councilman Randy Delatte

Also present: Jennifer Meyers, Finance Director;
Parish Legal Counsel;

The chair 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 and explained the procedure.

The chair addressed agenda item number 7, "Presentations", Councilman Ard announced that the girls Doyle High School Basketball Team never had the opportunity to come before the Council for winning State due to Covid-19 restrictions and that he would be representing the Council at their awards banquet the following day. The Chair then moved to the next agenda item.

The chair addressed agenda item number 8, "Adoption of the Minutes from the October 8, 2020 regular meeting of the Livingston Parish Council".

LPR NO. 20-344

MOTION was made by Tracy Girlinghouse and duly seconded by John Wascom to dispense with the reading of the minutes dated October 8, 2020 for 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. GIRLINGHOUSE, MR. ARD, MR. KEEN, MR. WASCOM,
MR. TALBERT, MR. MACK, MR. MCMORRIS, MR. HARRIS

NAYS: NONE

ABSENT: MR. DELATTE

ABSTAIN: NONE

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

The Chair addressed agenda item number 9:

Parish President's Report:

- a. Off System Bridge Program: Adopt annual certification of compliance with the State of Louisiana Off-System Bridge Replacement Program

Mrs. Meyers, representing in the absence of the Parish President, allowed Councilman Talbert to explain that this is something that is required by the state to do annually so that the Department of Public Works may continue to do their bridge inspections throughout the Parish.

LPR NO. 20-345

MOTION was offered by Garry "Frog" Talbert and duly seconded by Tracy Girlinghouse to adopt the annual certification of compliance with State of Louisiana Off-System Bridge Replacement Program for the period October 1, 2020, through September 30, 2021, and establish the load limits on bridges within the Off-System Bridge Program and post said limits.

WHEREAS, the code of Federal Regulations as enacted by the United States Congress mandates that all structures defined as bridges located on all public roads shall be inspected, rated for safe load capacity and posted in accordance with the National Bridge Inspection Standards and that an inventory of these bridges be maintained by each State; and

WHEREAS, the responsibility to inspect, rate and load post those bridges under the authority of Livingston Parish in accordance with those Standards is delegated by the Louisiana Department of Transportation and Development to Livingston Parish.

THEREFORE, BE IT RESOLVED by the governing authority of Livingston Parish (herein referred to as the Parish) that the Parish in regular meeting assembled does hereby certify to the Louisiana Department of Transportation and Development (herein referred to as the DOTD) that for the period 1 October 2020 through 30 September 2021:

1. The Parish will perform all interim inspections on all Parish owned or maintained bridges in accordance with the National Bridge Inspection Standards. All bridges owned or maintained by the Parish will be structurally analyzed and rated by the Parish as to the safe load capacity in accordance with AASHTO Manual for Maintenance Inspection of Bridges. The load posting information that has been determined above will be critically reviewed by the Parish. Load posting information will be updated by the Parish to reflect all structural changes, any obsolete structural ratings or any missing structural ratings.
2. All Parish owned or maintained bridges which require load posting or closing shall be load posted or closed in accordance with the table in the DOTD Engineering Directives and Standards Manual Directive No. 1.1.1.8. All DOTD supplied load posting information concerning a bridge shall be critically reviewed by an engineer hired by the Parish prior to load posting.
3. All bridges owned or maintained by the Parish are shown on the attached list in the format specified by the DOTD. Corrections to data supplied to the Parish by the LA DOTD are noted.

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

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

NAYS: NONE

ABSENT: MR. DELATTE

ABSTAIN: NONE

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

LPR NO. 20-345

MOTION was offered by Garry “Frog” Talbert and duly seconded by Tracy Girlinghouse to adopt the annual certification of compliance with State of Louisiana Off-System Bridge Replacement Program for the period October 1, 2020, through September 30, 2021 and establish the load limits on bridges within the Off-System Bridge Program and post said limits as marked in Exhibit A.

Exhibit A

RECALL#	BRIDGE NAME:	WEIGHT:	POSTED AS:
101001	SOUTH SATSUMA ROAD	NO LIMIT	NO POSTING
101002	SOUTH SATSUMA ROAD	NO LIMIT	NO POSTING
101006	FORREST DELATTE ROAD	15-25	15-25
101007	FORREST DELATTE ROAD	NO LIMIT	NO POSTING
101009	WAX ROAD	NO LIMIT	OPEN NO POSTING

101013	JOE MAY ROAD	NO LIMIT	NO POSTING
101017	PERKINS ROAD	NO LIMIT	NO POSTING
101018	DUFF ROAD	NO LIMIT	NO POSTING
101019	BURGESS ROAD	25-40	20-35
101020	HOOD ROAD	NO LIMIT	NO POSTING
101021	HOOD ROAD	15-25	10-15
101022	HAMMACK ROAD	NO LIMIT	NO POSTING
101023	MILTON ROAD	15-25	10-15
101025	GAYLORD ROAD	NO LIMIT	NO POSTING
101028	BLACKMUD ROAD	15-25	15-25
101032	COURTNEY ROAD	NO LIMIT	10-15
101034	VARNADO ROAD	NO LIMIT	20-30
101035	STAFFORD ROAD	NO LIMIT	NO POSTING
101036	LOD STAFFORD ROAD	20-35	10-15
101038	WES ARLEDGE ROAD	25-40	25-40
101039	TEXAS STREET	NO LIMIT	NO POSTING
101040	SOUTH RANGE ROAD	20-35	10-15
101042	NORTH SATSUMA ROAD	NO LIMIT	NO POSTING
101043	NORTH DOYLE ROAD	NO LIMIT	NO POSTING
101044	GENE HUGHES ROAD	25-40	10-15
101045	CHARLES HOLDEN ROAD		NO LIMIT NO POSTING
101047	JACK RHODUS ROAD		NO LIMIT NO POSTING
101048	FRANK BALLARD ROAD		10-15 10-15
101049	PERRILLOUX ROAD		NO LIMIT NO POSTING
101052	HOOD ROAD		25-40 10-15
101053	PALMER ROAD		10-15 10-15
101054	PALMER ROAD		NO LIMIT NO POSTING
10155	MILLER ROAD		10-15 10-15
101060	OLD RIVER ROAD		10-15 10-15
101061	CHINQUAPIN STREET		NO LIMIT 10-15
101065	OLD RIVER ROAD		25-40 25-40
101066	RICHARDSON ROAD		NO LIMIT NO POSTING

101071	GEORGE WHITE ROAD	NO LIMIT		NO POSTING
101072	PARDUE ROAD	NO LIMIT		NO POSTING
101076	JAMES CHAPEL ROAD	NO LIMIT		NO POSTING
101078	HENRY WHITE ROAD	25-40		10-15
101079	PEA RIDGE ROAD	NO LIMIT		NO POSTING
101080	OLD CC ROAD	NO LIMIT		NO POSTING
101081	WAGNER ROAD	NO LIMIT		10-15
101082	PEA RIDGE ROAD	10-15		10-15
101083	MARY KINCHEN ROAD	25-35		10-15
101086	W. HUBERT STILLEY ROAD	25-40		25-40
101088	ELBERT STEWART ROAD	NO LIMIT		25-40
101089	HORSESHOE NORTH ROAD	NO LIMIT		NO POSTING
101090	NORTH HORSESHOE ROAD	NO LIMIT		NO POSTING
101093	GEORGE MASHON	NO LIMIT		NO POSTING
101094	SCIVICQUE ROAD	20-35		20-35
620002	WEST BATES ROAD	25-40		10-15
620011	CLEARWATER DRIVE	25-40		15-25
620012	GENE BUCKEL ROAD	25-40		15-25
620017	KINGS DRIVE	15-25		10-15
620018	WHITTINGTON ROAD	CLOSED		CLOSED
620019	JOHN L LANE	20-35		10-15
620024	WHIT HOLDEN ROAD	NO LIMIT		10-15
620036	BUDDY ELLIS	NO LIMIT		NO POSTING
620038	JOHN BARBER ROAD	10-15		10-15
620039	CLINE ROAD	NO LIMIT		NO POSTING
620041	CROSSOVER ROAD	NO LIMIT		NO POSTING
620051	SHADOW SPRINGS BOULEVARD	15-25		15-25
620077	RICHARDSON ROAD	NO LIMIT	M	NO POSTING
620144	A.J. WILLIAMS ROAD	25-40		10-15
620145	ROBBIE LEE ROAD	25-40		10-15
620146	OAK HILLS SUBDIVISON	NO LIMIT		15
620147	BLACK LAKE CLUB ROAD	NO LIMIT		NO POSTING
620190	WILDWOOD DRIVE	15-25		15-25
620191	JR MCLIN ROAD	25-40		20-35
620193	ACADIANA PLACE SUBDIVISON	NO LIMIT		NO POSTING
620237	BUDDY ELLIS ROAD	NO LIMIT		NO POSTING
620264	BANKSTON ROAD SOUTH	25-40		10-15
620016	CARROL AVENUE	20-35		10-15

101024	LINDER ROAD	NO LIMIT	NO POSTING
101069	MCCARROL ROAD	NO LIMIT	10-15
620014	TRAVIS STREET	NO LIMIT	NO POSTING
620291	OAK RIDGE DRIVE	NO LIMIT	20-35
620303	WILLIE WALKER ROAD	10-15	10-15
620305	GINNY LANE	10-15	10-15

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

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

NAYS: NONE

ABSENT: MR. DELATTE

ABSTAIN: NONE

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

The Chair addressed agenda item number 10, “**Public Hearing and Adoption of L.P. Ordinance No. 20-29: Small Wireless Facilities**”

He announced that the Public Hearing was open and asked the Clerk’s to read the Ordinance by title. Councilman Talbert then briefly introduced the audience members from AT&T and stated that if anyone had any questions, they would answer them. The Chair then requested public input. Having none, the Chair closed the Public Hearing and called for the vote.

LPR NO. 19-346

The following ordinance which was previously introduced in written form required for adoption at a regular meeting of the Livingston Parish Council on October 8, 2020, 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 October 22, 2020 on Motion of Maurice “Scooter” Keen and seconded by R.C. “Bubba” Harris:

L.P. ORDINANCE 20-29

AN ORDINANCE TO CREATE AND ENACT CHAPTER 70 “UTILITIES,” ARTICLE VII “SMALL WIRELESS FACILITIES”, SECTIONS 70-400 THROUGH SECTIONS 70-409, OF THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON TO ESTABLISH STANDARDS FOR SMALL WIRELESS FACILITIES IN THE RIGHTS-OF-WAY IN THE PARISH OF LIVINGSTON.

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

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

NAYS: NONE

ABSENT: MR. DELATTE

ABSTAIN: NONE

And the ordinance was declared adopted as amended on the 22nd day of October 2019.

(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. 5).

The chair addressed agenda item 11, “Consideration to adopt a resolution for a waiver of Section 6-30(b) which prohibits the granting of an alcohol permit to a business within five hundred (500) feet of a church, being located off of Lockhart Road in Council District 3” and called upon Councilman Maurice “Scooter” Keen.

Councilman Keen requested that this item be tabled.

Public Input: **Danny Turner**, 12211 Blackwater Rd, Baker, Louisiana, Carwash Owner

Mr. Turner, the current landowner, is requesting an alcohol waiver for the sight not the current business he operates on that corner. The property is under contract and the potential buyer will not close on the property unless the property is given a waiver of the three hundred (300) and/or five hundred (500) foot restriction to sell alcohol next to a church. The church provided a letter to the owner stating they have no objection to a convenience store being built and the sale of alcohol occurring across the road. Councilman Keen stated that he spoke with Dale Mayeaux, the realtor, about tabling this item. He further explained that he only had the authority to waive two hundred (200) of the collective five hundred (500) foot requirement set forth by Parish ordinances. Councilman Keen is concerned with approving a waiver without a building in place and no definitive footage. Mr. Turner stated that he spoke with the Attorney for the Louisiana Alcohol and Tobacco Control. Councilman Keen stated that he spoke with the realtor about there not being a purchase agreement and he would like to see the agreement to waive the Parish’s additional two hundred (200) feet distance requirements. Councilman Talbert stated that typically the state measures from the property line to the front door and according to the drawing provided they will be well within the three hundred (300) feet that the state requires. Mr. Turner said that the State Attorney explained that if the Parish or municipality does not care than the ATC does not enforce the requirement. He goes on to explain that he was told that the State law does not kick-in when there is a local ordinance in place. Councilman Keen read into the record an email shared by Deputy Clerk, Angie Cornett from the State attorney. Councilman Wascom asked Councilman Keen if anyone from his district has reached out to question this action. Councilman Keen stated that there was no notification to let the people around the area know what would be going on that corner because it had not gone to planning. Mr. Moody advises the Council that they could ask that he put notification, in the form of a sign, out before the variance is considered by the Council. Councilman Talbert expressed his beliefs that he feels we would need an Attorney General’s opinion to clarify if we could waive the five hundred (500) feet in its entirety or if the Council could only waive from three hundred (300) to five hundred (500). Mr. Moody agrees that the Council can not grant a waiver on the zero (0) to three hundred (300) feet, but the gentlemen wishes would be satisfied if they only waived their additional two hundred (200) feet requirement. Mr. Moody suggest that Mr. Turner put up a sign and come back in front of the Council at the next meeting. Mr. Turner and Councilman Keen spoke briefly about putting a sign up for notification purposes. Councilman Keen then pointed out that the State attorney is saying that if they waive the two hundred (200) feet that they would not impose the State’s three hundred (300) foot requirement either. Mr. Turner explained once again that when he and the Attorney for the ATC went back and forth that she told him once the variance comes from the governing authorities the state restrictions do not matter. Councilman Keen stated that he did not have an issue with alcohol being sold at that location. Councilman Girlinghouse suggested that Mr. Turner put up a sign that is exactly as it would be stated if he were going through the Planning Department to satisfy public notice requirements for a new development to let the public know that there was a proposed convenience store going up at that location. Councilman Wascom questioned whether not receiving this variance at this time was going to affect the sale of the property and questioned whether or not our laws required a notification of alcohol sales to the general public. Councilman Girlinghouse ask for clarification of the law. Mr. Moody read the Parish Ordinance aloud stating that the measurement should be read from property line to property line. Councilman Keen stated that from property line to property line is less than one hundred (100) feet. Furthering the discussion, Councilman Talbert mentions that he is under the impression the Council cannot supersede state law and until they receive a ruling on that understanding he is against granting a waiver. Councilman Keen asked Mr. Moody once more if he could get a definitive answer on whether or not waiving the two hundred (200) to five hundred (500) requirement would get rid of the other three hundred (300) foot state requirement. Mr. Moody stated that the state allows for two actions, change the way it is measured and to extend the distance but not to take away the state restriction the original three hundred (300) feet. Mr. Moody also stated that once the variance is given from the Parish it is out of their hands as to what the state does or does not enforce.

Councilman Talbert reiterated that a sign needs to be put up. Councilman Keen, once more, stated that he is ok with waiving the three (3) to five (5) hundred-foot requirement and Mr. Turner will have to get with the state on the rest of it. Deputy Clerk, Angie Cornett, clarified that if Mr. Turner would receive a variance from the local governing authority than he would add that to his ATC packet and would not have to come back to the Council. No official action was taken.

The chair announced that this agenda item was being tabled.

LPR NO. 20-347

MOTION was made by Garry “Frog” Talbert and duly seconded by Tracy Girlinghouse to correct the official spelling of “Jerico Drive” or “Jerico Road” to “Jericho Drive” and “Hano Road” to “Hano Lane” 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.

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

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

NAYS: NONE

ABSENT: MR. DELATTE

ABSTAIN: NONE

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

LPR NO. 20-348

MOTION was made by Tracy Girlinghouse and duly seconded by John Wascom to request that the Department of Public Works install “CAUTION: Children at Play” signs and to reduce the speed limit on Jericho Drive located in Council District 9 from 25 mph to 20 mph.

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

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

NAYS: NONE

ABSENT: MR. DELATTE

ABSTAIN: NONE

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

The chair addressed agenda item number 14, “Discuss upcoming Trunk-or-Treat event at South Park”

Councilman Harris discussed the upcoming Trunk-or-Treat event to be held at South Park in Denham Springs.

The chair addressed agenda item 15, “Consideration to adopt a resolution establishing a citizen’s group to discuss a parish wide drainage plan”

The chair announced that this agenda item was being tabled.

The chair addressed agenda item number 16, “Committee Report(s).” He called upon Ordinance Committee Chair Tracy Girlinghouse who had nothing to report.

He called upon Finance Committee Chair Jeff Ard who stated that Finance Director, Jennifer Meyers would present the rough draft budget at the next meeting for Introduction and the sales taxes are still holding strong and looking good.

The chair addressed agenda item 17, "District Attorney's Report" and called upon Mr. Chris Moody. Mr. Moody stated that he is healing from additional surgery and commended the Council for personally being there for him and offering prayers during that time.

The chair addressed agenda item 18, "Councilmen's comments" and Councilman Keen explained and reiterated the importance of the one (1) cent sales tax that is on the current ballot and asked for support and a vote "yes."

LPR NO. 20-349

MOTION was offered by Jeff Ard and duly seconded by R.C. "Bubba" Harris to adjourn the October 22, 2020 regular meeting of the Livingston Parish Council.

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

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

NAYS: NONE

ABSENT: MR. DELATTE

ABSTAIN: NONE

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

/s/ Lauren White
Lauren White, Deputy Clerk

/s/ Shane Mack
Shane Mack, Council Chairman