

Minutes of the Livingston Parish Council
Livingston, Louisiana
June 22, 2023

The Livingston Parish Council met in a regular session duly called, advertised, and convened at its regular meeting place, at the Governmental Building in the Parish Council Chambers, 20355 Government Boulevard, Livingston, Louisiana, on Thursday, June 22, 2023, at the hour of six o'clock (6:00) p.m. with the following Livingston Parish Council members present:

Jeff Ard	Gerald McMorris
	Tracy Girlinghouse
	Randy Delatte
Erin Sandefur	Shane Mack
John Wascom	

Tardy: Garry Talbert
Maurice "Scooter" Keen
Absent: Parish President Layton Ricks
Also Present: Brad Cascio, Parish Legal Counsel
Mark Harrell, representing on behalf of the Parish President in his absence

The chair called the meeting to order.

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 to be called upon.

The chair addressed agenda item number 7, "Presentations" and advised that items a and b would be pulled from the agenda:

- a. Introduction of Steve Irving: Discussion of plan of action for zoning issues
- b. Introduction of Stephen Villavaso, Providing professional planning assistance in regard to planning and zoning matters, including zoning ordinance, zoning map and land use codes for the Parish of Livingston – Erin Sandefur

The chair addressed agenda addendum item number A-3, "Presentation by Mark Harrell for LWI Funding – John Wascom".

The chair invited Mr. Mark Harrell to come to the podium and tell them about this agenda addendum item.

Mr. Harrell advised that he was requesting that the Council members support him with a resolution between Livingston Parish and six (6) or seven (7) other Parishes. He stated that they would like to file suit against the State of Louisiana, OCD (Office of Community Development) and the Watershed Initiative. He advised that they did not feel that it was going fairly, the ten (10) heaviest impacted parishes should get fifty percent (50%) of the funding and that has not happened. He stated that the scoring process changes and many feel that it is being manipulated. He further stated that he thought that all but one (1) parish is in the Region 9, which is the Amite River Basin, and they wish to file suit. Mr. Harrell stated that he was asking for a resolution to support that.

Councilman Jeff Ard stated that he wished to make the motion and Councilman Shane Mack wished to second it.

The chair asked Mr. Harrell the sum of money that they are speaking of. Mr. Harrell advised that it was over a billion dollars. He further advised that they had just submitted another application for a hundred million to dredge the sediment from Port Vincent to the Lake. There is an argument that it will not be a positive impact, to which he disagreed with.

Councilman Randy Delatte addressed Mr. Harrell and advised that they had met with the people of the Watershed Initiative in the Council chambers about two (2) years ago when they had the Citizens' Drainage Group. He stated that they were specific in saying that without a drainage plan, you did not have a shot. Councilman Delatte asked Mr. Harrell if they had a parish wide drainage plan? Mr. Harrell advised that they did not and it was not required. Councilman Delatte discussed the Governor's new department that distributes the Watershed Initiative, and asked how could they tell them that's not required. He agreed that Mr. Harrell was

correct about the fifty percent (50%) because that was dictated by the federal government. Mr. Harrell concurred.

Councilman Delatte advised that the State is going to say how they are going to distribute that money and if they put up a set of rules and they do not abide by those rules, how does the Parish expect to get that money?

Mr. Harrell explained that they would like to see a drainage plan, most parishes, most municipalities do not have it, some do. He advised that was not a dictating factor in this situation. He did understand that it is a best case scenario, but it is not one hundred percent (100%) necessary.

Councilman Delatte advised that when they spoke for us they said that they wanted a parish-wide drainage plan, they did not want to see twelve (12) drainage plans. He further advised that they said that plan was going to be scored in conjunction with all other plans as being up there and whoever's plan helped the most people, that was how they were going to dictate where that money went. He discussed why a plan would be needed.

The chair stated that they had a motion and a second and asked if there were any other discussion.

Councilman Shane Mack requested to speak. He agreed that Livingston Parish needed a master gravity drainage plan, and it was to his understanding, after speaking with Mr. Harrell, the reason for filing this proposed lawsuit is about Livingston Parish currently not qualifying for the amount of funds that the Parish deserves.

Mr. Harrell advised that it was more than just a parish drainage plan, they must show that it benefits the region. He discussed many projects that have already been awarded throughout the state that technically do not benefit the region. He stated that the ten (10) heaviest impacted parishes that had been dictated that they would receive fifty percent (50%) of the funding, is not happening in any parish. He further stated that Livingston Parish was part of Region 7 and everyone else were in other regions, and then Region 9 was formed which is the Amite River Basin. The Amite River Basin Commission is the steering committee for this region. Each Parish was told to send projects in, one (1) main project per Parish. Everyone submitted their projects that were supported by the Amite River Basin Commission and they were just not getting anywhere.

Councilman Delatte wished to state that the person who dictates that lives in our Parish. She is on the Watershed Initiative.

Mr. Harrell countered that was not how it was set up, he agreed that might be happening, but that was not the action plan that HUD approved.

Councilman Delatte asked if they had a limit on the lawsuit amount, on expenses?

Mr. Christopher Moody, Parish Legal Counsel, requested to speak to that. He advised that they were in discussion with several other parishes about joining together and they've asked our Parish to join with them. Mr. Moody had a conference earlier that day with the Ascension Parish attorney. He advised that they would like to work with our Parish. He stated that the idea is that they would have three (3) or four (4) parishes.

The chair also suggested working with cities and municipalities. Mr. Moody stated perhaps so. Mr. Harrell advised that they had six (6) parishes right now. Mr. Moody stated that there will be a fraction then if we all use the same lawyers and combine our efforts. He indicated that it would not be a long protracted lawsuit, it's a simple question, do they have to follow the federal law, which they haven't so far.

The chair called for the vote.

LPR NO. 23-266

MOTION was made by Jeff Ard and duly seconded by Shane Mack to join with other parishes within Watershed Region 9 to file suit against the State of Louisiana, the Office of Community Development and the Louisiana Watershed Initiative that will result in following federal law for the disbursement of funding for the Watershed Initiative.

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

YEAS: MS. SANDEFUR, MR. MCMORRIS, MR. DELATTE, MR. ARD, MR. GIRLINGHOUSE,
MR. WASCOM, MR. TALBERT, MR. KEEN, MR. MACK

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion carried and was adopted on the 22nd day of June, 2023.

Mr. Mark Harrell requested if he could update and report on the latest status of Lod Stafford Bridge that had been discussed at the last Council meeting.

Mr. Harrell advised that FEMA has agreed to give the Parish the temporary bridge. He has followed their protocol and requested three (3) options.

He stated that upon contacting DOTD, they no longer do temporary bridges, which was option one.

He further stated that they had found one in the northern part of the country, and could get it to Livingston Parish for the costs of approximately 3.7 million. Mr. Harrell advised that the Guard came the previous day and assessed it, and have a bridge in Marrero, and will have a cost to report to him later that evening. He will be meeting with FEMA again the following day and he believes that the Parish will be able to move forward with a temporary fairly quickly.

Councilman Randy Delatte questioned if it was possible to do something temporarily with the material that’s here that we they have on hand and maybe limit the bridge to only cars and “through traffic” so there is no longer a wait.

Mr. Harrell advised that yes, they could, however, the first thing that happens when they say that, is that it must go through the full EHP procedure.

Councilman Gerald McMorris requested to ask Mr. Harrell about the Amite River, Blind River clean out that they would be doing for the erosion project. He stated that it was supposed to start on the 22nd and asked if they’re traveling from Houma?

Mr. Harrell stated that was correct. They were barging everything from Houma and they have had some difficulty, and have reported that next week they should be digging.

Mr. Harrell advised that they had changed the way that they were going to do it by pumping it and then having pipelines all out. They have decided now to do it by track hoe on a barge then it will be loaded on another barge and taken around to pump it onto the Parish property so there will not be all the pipelines hanging around.

Councilman Delatte questioned if the lengths and depths and widths would be changing ? Mr. Harrell advised that it would depend on the survey that is to be done after everything is completed, but everything is the same including permitting.

Councilman Delatte questioned about the problems that fishermen were concerned about the dredging muddying the water. He had advised them that the technology was much better and had improved and it wasn’t going to have the water too muddy without pumping. He questioned if that was going to increase any turbulence? Or was that unknown? Mr. Harrell advised that was unknown.

The chair requested that agenda item 14, “Public Hearing and Adoption of L.P. Ordinance 23-24: to acquire immovable property for the parish of Livingston pursuant to the hazard mitigation grant program project number FEMA-4277-DR-LA-0131- Livingston Parish located at 8995 Cedar Springs Avenue, Denham Springs, LA 70726 – Livingston Parish Grants Department”, be moved up from it’s placement on the agenda and addressed at that time. No one objected to this.

The chair read the proposed ordinance by title as follows:

L.P. ORDINANCE NO. 23-24

AN ORDINANCE TO ACQUIRE IMMOVABLE PROPERTY FOR THE PARISH OF LIVINGSTON PURSUANT TO THE HAZARD MITIGATION GRANT PROGRAM PROJECT NUMBER FEMA-4277-DR-LA-0131- LIVINGSTON PARISH.

- | | | |
|----|--------------------|--|
| 1. | Homeowner: | Dana Charles Painter and Linda Flowers Painter |
| | Address: | 8995 Cedar Springs Ave.
Denham Springs, LA 70726 |
| | Appraised Value: | \$206,000.00 |
| | Amount Offered: | \$206,000.00 |
| | Legal Description: | Lot 238, Shadow Springs Estates, First Filing
Livingston Parish, LA |

The chair opened the Public Hearing as asked if there was anyone in attendance who wished to speak for or against this proposed ordinance.

Having none, the chair closed the Public Hearing.

LPR NO. 23-267

MOTION was made by Tracy Girlinghouse and duly seconded by Erin Sandefur to publish the ordinance by title in the Official Journal in accordance with the legal mandates and set a Public Hearing for Thursday, July 13, 2023 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.

L.P. ORDINANCE NO. 23-24

AN ORDINANCE TO ACQUIRE IMMOVABLE PROPERTY FOR THE PARISH OF LIVINGSTON PURSUANT TO THE HAZARD MITIGATION GRANT PROGRAM PROJECT NUMBER FEMA-4277-DR-LA-0131- LIVINGSTON PARISH.

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| | Amount Offered: | \$206,000.00 |
| | Legal Description: | Lot 238, Shadow Springs Estates, First Filing
Livingston Parish, LA |

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

- | | |
|----------|--|
| YEAS: | MS. SANDEFUR, MR. MCMORRIS, MR. DELATTE, MR. ARD,
MR. GIRLINGHOUSE, MR. WASCOM, MR. TALBERT, MR. KEEN, MR. MACK |
| NAYS: | NONE |
| ABSENT: | NONE |
| ABSTAIN: | NONE |

Thereupon the chair declared that the Motion carried and was adopted on the 22nd day of June, 2023.

The chair addressed agenda item number 7ci, “Master Plan Review Committee Report and Update – Gerald Burns, committee chair: Adopt resolution to update Preliminary Road Priority List for the Economic Corridor”.

Mr. Gerald Burns came to the podium and addressed the Councilmembers. He gave a detailed report of the Master Plan Review Committee’s observations of traffic in the Parish and the white paper that was created. He discussed their meetings with federal and state representatives and projects that were needed in the Parish of Livingston. He requested that the Councilmembers update the “Preliminary Road Priority List for The Economic Corridor” adding three (3) additional items. He also discussed the handout with these projects that were listed on the white paper list and the projected costs.

**STATE OF LOUISIANA
PARISH OF LIVINGSTON
LPR NO. 23-268**

MOTION was made by Maurice “Scooter” Keen and duly seconded by Jeff Ard to adopt the following resolution:

WHEREAS, the chairman of the Livingston Parish Master Plan Review Committee submitted a letter dated November 21, 2019 to the Livingston Parish Council; and

WHEREAS, one of the most important components to the Livingston Parish Comprehensive Master Plan is encouraging growth in the area near and between Interstate 12 and U.S. Highway 190, which is referred to as the "Economic Corridor" in the Comprehensive Master Plan; and with recommendations from the Livingston Parish Master Plan Review Committee of a prioritized road list for the Economic Corridor identified in the Comprehensive Master Plan known as “Envision Livingston”; and

WHEREAS, a key concept of the Master Plan is that development follows infrastructure, including roads.

WHEREAS, the Livingston Parish Master Plan Review Committee believes that prioritizing these road projects would encourage residential, commercial, and industrial growth

within the Economic Corridor, which ultimately should lead to increased tax revenues by growing the tax base without having to raise tax rates; and

WHEREAS, additional advantages to these road projects would include increased access to Interstate 12 and Highway 190 for citizens who travel north and south upon those major roadways, whereby relieving congestion along existing arterial roadways, and ultimately decreasing response times for law enforcement and first responders; and

WHEREAS, the Livingston Parish Master Plan Review Committee chairman did meet with various municipal, parish and political leaders and obtained knowledge and recommendations of furthering the proposed prioritized road list with additional considerations;

WHEREAS, the following road projects listed were compiled after receiving input from committee members, the mayors of Albany, Livingston, Walker, and Denham Springs, and the Livingston Parish President and were given a further prioritized list; and

WHEREAS, this list of recommendations being attached and known as “Exhibit A”, submitted by the Livingston Parish Master Plan Review and the aforementioned elected officials who have identified road projects within the Economic Corridor to prioritize has been evaluated and reviewed by the members of the Livingston Parish Council;

WHEREAS, the Master Plan Review committee now desires to make further recommendations to the members of the Livingston Parish Council to the list of roads known as Preliminary Road Priority List for the Economic Corridor listed in “Exhibit A”.

THEREFORE, BE IT RESOLVED that the Livingston Parish Council wishes to vote in support and favor of this list known as “EXHIBIT A” and does hereby acknowledge that said list should continually be evaluated in relation to any changing circumstances.

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

YEAS: MS. SANDEFUR, MR. MCMORRIS, MR. DELATTE, MR. ARD, MR. GIRLINGHOUSE,
MR. WASCOM, MR. TALBERT, MR. KEEN, MR. MACK

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

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

“EXHIBIT A”

Preliminary Road Priority List for The Economic Corridor

- 1. Juban Road Extension**
Louisiana Highway 190 to Lockhart Road (Louisiana Highway 1026) distance 1.2 miles.
- 2. Florida Boulevard - Four lanes from Louisiana Highway 16 - Hatchell Lane to Juban Road.**
Approximately 1.4 miles.
- 3. Florida Boulevard - Four lanes from Juban Road to Burgess Avenue.**
Approximately .7 miles.
- 4. Florida Boulevard - Four Lanes from Burgess Avenue to Pendarvis Lane.**
Approximately .9 miles.
- 5. Florida Boulevard - Four lanes from Pendarvis Lane to Louisiana Highway 447 in Walker.**
Approximately 1.6 miles.
- 6. Four-lane Florida Boulevard**
From Louisiana Highway 447 to the Woodside Landfill.
Approximately 2.2 Miles
- 7. Four-lane Louisiana Highway 447 in Walker south of I-12 to Buddy Ellis Road.**
Approximately .8 miles.
A. Widen Overpass @ I-12 to four lanes.
B. Add four lane Round-a-Bout at Hwy 447 and Buddy Ellis Road.
- 8. Construct four lane Round-a-bout @ 4-H Club Road and Florida Boulevard.**
- 9. Install Round-a-Bout south of I-12 in Livingston @ LA Highway 63.**

10. **Four-lane Demco Road in Denham Springs from LA Highway 16 at Intersection of Cook Road to Range Avenue.**
Approximately .4 miles.
11. **Four lane Juban Road south of I-12 to Brown Road.**
Approximately 1.3 miles.
12. **New Interstate 12 / 4-H Club Road Interchange.**
13. **Four-lane Louisiana Highway 63 south of I-12 in Livingston to Oliver Wheat Road. (Epic Pipe)**
Approximately .8 miles.
 - A. Four-lane Louisiana Highway 63 north of I-12 to Louisiana Highway 190.
 - B. Add four-lane Round-a-Bout north of I-12 on Louisiana Highway 63.
14. **New I-12 Interchange at LA Highway 449 in Walker**
Four-lane connecting road to Louisiana Highway 190 at Louisiana Highway 449 Intersection.
Approximately 1.6 miles.
 - A. New four lane Round-A-Bout @ LA Highway 190.
15. **New Round-a-Bout @ Louisiana Highway 190 and Woodside Landfill Entrance.**
16. **Four-lane Louisiana Highway 43 from I-12 to Louisiana Highway 190 in Albany.**
Approximately 1.4 miles.
 - A. Four-lane Round-a-Bout north of I-12 in Albany.
17. **Widen 4-H Club Road.**
Four-lane from I-12 to Florida Boulevard. (.9 mile)

The chair addressed agenda item number 8, “Adopt the Minutes from the June 8, 2023 regular meeting of the Livingston Parish Council”, and advised that this would be placed on the next agenda.

The chair addressed agenda item number 9, “Address and explain recent new voter registration card mailouts – Gerald McMorris and Jared Andrews, Registrar of Voters”, and called upon Councilman Gerald McMorris.

Councilman Gerald McMorris stated that he had invited Jared Andrews, Livingston Parish Registrar of Voters. Councilman McMorris advised that voter registration cards had been mailed out to the public earlier that week and there were questions about when communities would be moved to the newly reapportioned Council districts. He called upon Registrar Jared Andrews to advise how the voter registration cards would be issued.

Livingston Parish Registrar of Voters, Jared Andrews explained that their office had many things taking place concerning reapportionment during their canvas. He advised that reapportionment must be done in stages. His office has been in the first stage with the Parish’s Senate and Representatives’ Districts, then moved on to the Parish Council Districts. He indicated that all changes have been made and encouraged everyone to look on the “Geaux Vote” app which has the updated and correct districts. The voter registration cards have not caught up as of that date, and unfortunately, some voters are receiving multiple cards, because there have been multiple changes. He advised the Councilmembers if they received calls from their constituency about their voter registration cards, the latest card that they have is the most current. He further advised that the Council district change was done on June 1st and the cards are generated at an off-site location so they have to print the cards, distribute them, and he projected that by the end of the following week, if their constituency has not received their card, they can call his office and they can order them a new one. He reiterated that all changes have been made, and to the best of his knowledge, they are correct, and he asked that the constituents be patient with his office. They have them where they need to go, and they are trying to get them the information to indicate that the changes have been done. Mr. Andrews stated that the good thing about these reapportionment changes is that none of the polling places have changed. The voting constituency will still go to their same polling location, but they will now be in a different district.

Councilman Maurice “Scooter” Keen wish to ask if voters did not have any changes, is Mr. Andrews’ office sending new cards?

Mr. Andrews advised that if any of the voters did not have any changes, they would not be receiving a new voter registration card. He stated that he thought that the biggest issue was, that

his office had to do this in two (2) different stages, and the cards are automatically generated, even during the first stage, so those individuals would be receiving consecutive cards that would be showing both of those changes.

Councilman Keen thanked Mr. Andrews for bringing answers to the questions that the voters had.

Registrar Andrews encouraged everyone to use their “Geaux Vote” app or the “Geaux Vote” website to be able to see their districts, polling location, sample ballots, which would have all of their complete information concerning all things voting wise.

The chair advised that this agenda item was for informational purposes only and moved to the next agenda item that did require a vote of the Council. He explained that in 2016, because of the Great Flood, many precinct locations had to be moved. He advised that Denham Springs Elementary had been destroyed, but had since been rebuilt, and the precinct locations needed to be moved from their temporary locations, back to their original polling places.

The chair addressed agenda item number 10, “Adopt resolution to move Precincts 26, 26A, 26B, and 26C from Denham Springs Freshman High School Cafeteria to its former location(s), Denham Springs Elementary Gymnasium – Jason Harris, Livingston Parish Clerk of Court”.

**STATE OF LOUISIANA
PARISH OF LIVINGSTON**

**A RESOLUTION OF THE LIVINGSTON PARISH COUNCIL
LPR NO. 23-269**

The following resolution was offered by Tracy Girlinghouse and duly seconded by Maurice “Scooter” Keen:

WHEREAS, the Parish of Livingston was devastated by a catastrophic weather event known as the August 2016 Flood that destroyed homes, businesses, schools, churches, and countless properties leaving these places uninhabitable; and

WHEREAS, several of the Parish of Livingston’s voting precinct locations were affected by this devastation and were forced to temporarily relocate to other locations; and

WHEREAS, the polling location for Precincts 26, 26A, 26B, and 26C are currently located at Denham Springs Freshman High School Cafeteria, being addressed at 940 North Range Avenue in Denham Springs, LA 70726, and has been a temporary location necessitated by the devastation of the August 2016 Flood; and

WHEREAS, the Livingston Parish Clerk of Court’s office has notified the Livingston Parish Council that it wishes to move Precincts 26, 26A, 26B, and 26C back to the Denham Springs Elementary School Gymnasium, located at 306 North Range Avenue, Denham Springs, LA 70726 and has been deemed ready and available for use as the polling location for said precincts, allowing them to move back into their original location.

BE IT THEREFORE RESOLVED by the Livingston Parish Council under the authority granted by Louisiana R.S. 18:534, and pursuant to the request and recommendation by the Livingston Parish Clerk of Court’s office that voting Precincts 26, 26A, 26B, and 26C are hereby relocated to its original location at Denham Springs Elementary School Gymnasium, located at 306 North Range Avenue, Denham Springs, LA 70726, and

BE IT FURTHER RESOLVED by the Livingston Parish Council that the Council Clerk is hereby directed to carry out the mandates of R.S. 18:535 et. seq. by giving such notice and taking such steps as required to adequately notify candidates and voters of said change.

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

YEAS: MS. SANDEFUR, MR. MCMORRIS, MR. DELATTE, MR. ARD, MR. GIRLINGHOUSE,
MR. WASCOM, MR. TALBERT, MR. KEEN, MR. MACK
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

Thereupon the Chair declared that the Resolution had carried and was adopted on June 22, 2023.

The chair thanked Mr. Andrews for his attendance, who wished to make everyone aware that the voters who inhabited the polling places just voted upon, would be receiving new voter registration cards with these updates. The chair stated that the precincts would be remaining the same, and it would only be affecting the polling location.

Mr. Andrews advised that after the Flood, it was not thought that this polling location would ever be moved back to its original location. During this year, there were some problems with the Freshman School location when there were parades. Roads were blocked off for the parade which created issues with access, and the original polling place was better suited for the needs of constituents to have admittance to their polling location.

The chair addressed agenda item number 11, “Parish President’s Report” and advised that he had spoken to Parish President Layton Ricks. President Ricks did not have anything to report at that time, however, the Department of Public Works did have an agenda item.

The chair addressed agenda item number 12a, “ Department of Public Works - Sam Digirolamo: Adopt a resolution for the authorization and approval of Livingston Gas and Utility to locate the proposed gas main along the slope of the existing ditch farthest from the edge of road within the Parish of Livingston’s right-of-way on Taylor Road for continued upgrades to their utility systems”.

Councilman Randy Delatte advised that he had spoken with Mr. Digirolamo and he had requested that Councilman Delatte handle this agenda item on his behalf.

The chair called upon Councilman Delatte who explained that this is a normal action of the Parish, however, Mr. Digirolamo requested that it be stated in the resolution that the Livingston Gas and Utility be responsible for all costs associated with any damages or any movement. He stated that he wished to make the motion for this resolution.

LPR NO. 23-270

MOTION was made by Randy Delatte and duly seconded by Maurice “Scooter” Keen to authorize and approve the Livingston Gas and Utility to locate the proposed gas main along the slope of the existing ditch farthest from the edge of road within the Parish of Livingston’s right-of-way on Taylor Road for continued upgrades to their utility systems, with the acknowledgement that Livingston Gas and Utility will be responsible for all costs associated with any incurred damages or any movement.

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

YEAS: MS. SANDEFUR, MR. MCMORRIS, MR. DELATTE, MR. ARD, MR. GIRLINGHOUSE, MR. WASCOM, MR. TALBERT, MR. KEEN, MR. MACK

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted on the 22nd day of June, 2023.

The chair addressed agenda item number 13, “Public Hearing and Adoption of L.P. Ordinance 23-20: Rescind and Re-enact Chapter 117, “Zoning”, establishes and defines the divisions of zoning – Shane Mack”.

The chair called upon the Council clerk to read the proposed ordinance by title as follows:

L.P. ORDINANCE 23-20

AN ORDINANCE TO RESCIND AND REENACT CHAPTER 117, “ZONING” OF THE CODE OF ORDINANCES IN AND FOR THE PARISH OF LIVINGSTON TO AMEND THE CHAPTER IN ITS ENTIRETY.

The chair opened the Public Hearing and asked if there was anyone who wished to speak for or against the proposed ordinance.

The chair called upon Councilman Shane Mack, Ordinance committee chairman.

Councilman Shane Mack explained that this was more about the classifications and the uses within those classifications. He further explained that when the Council originally adopted this ordinance, they knew that there were things that needed to be clarified, and some modifications were essential and the ordinance needed to be more consistent. He reported the work of the Ordinance committee to make the needed modifications. The Ordinance committee did not think that the proposed ordinance was perfect, but they thought that it was a lot better than it was.

The chair asked if there were anyone who wished to speak for or against this ordinance. Having none, the chair closed the Public Hearing.

Councilman Tracy Girlinghouse wished to have clarity on what was being rescinded and re-enacted.

Councilman Garry Talbert advised that because there was so many multiple changes, so instead of having to identify every multiple to change, they would rescind the whole ordinance and then adopt it with all of the changes.

The chair allowed an open discussion.

Councilman Shane Mack stated that he was reading through the section of the proposed ordinance regarding the home occupation definition, and it was a little more restrictive than he originally intended it to be when it comes to people operating businesses operated out of their home. He suggested that the Council adopt the proposed ordinance that evening, but they could introduce more changes in the future to make it less restrictive.

Councilman Garry Talbert asked Councilman Mack if he wished to just wait and fix it first, so they are not restricting people right now? Councilman Mack advised that he did not mind waiting to get it right. Councilman Talbert stated that he could not vote for it with the home occupation set up the way that it is, and he suggested that they loosen it up by deferring it, he would be more subjective.

Councilman Mack concurred and stated that ninety (90%) percent of the ordinance amendments were drastically needed, but he agreed with Councilman Talbert that the Council should wait to adopt this proposed ordinance.

Upon discussion, it was determined that the needed amendments should be made and then the ordinance should be re-introduced.

The chair addressed agenda item number 15, "Introduction of Ordinance: Allocation of revenue to the Parish by DNR on monies generated on state CCS leases – Garry Talbert (*deferred from the June 8, 2023 meeting*) and called upon Councilman Talbert.

Councilman Garry Talbert advised that this proposed ordinance was not ready and they needed to seek outside counsel to help them out of how it should be worded for the election.

The chair addressed agenda item number 16, "Introduction of Ordinance: Amend Section 125-37(4), "Requirements for Minor Subdivisions", amending the width required for servitudes when there is a re-sub of property – Jeff Ard".

Councilman Shane Mack asked if he could address this item. He explained that when the Council rescinded and reenacted the development ordinance, one of the changes that were made were to minor resubs. In the past, the ordinance allowed a forty (40') foot servitude if there were four (4) lots are less on the servitude. The Council changed that to make it required that there had to be a sixty (60') foot servitude on everything unless a waiver was authorized. He acknowledged that since that time, the Council has granted many waivers to this ordinance for the forty (40') foot servitude. He stated that Councilman Jeff Ard had brought this matter to the attention of the Council. The proposed ordinance will allow a forty (40') foot servitude on four (4) lots or less.

The chair questioned if this proposed ordinance had a recommendation from the Ordinance committee. He wished to quantify his reason for his nay vote to amend this ordinance. He felt that the sixty (60') foot servitude was a good amount for future growth, and if there is justification to authorize a waiver, then it should be allowed to do so.

Councilman Mack stated that he was not against granting waivers, but he felt as though this ordinance did not make sense and it should be amended. Councilman Jeff Ard stated that the proposed ordinance is bringing the verbiage back to what it was before it had been amended. Councilman Mack concurred.

Councilman Garry Talbert wished to remind everyone that the reason that it was changed from forty (40) to sixty (60) is because a lot of times these things end up in a situation where a group of people want to try and do something with it and get their road straight and they can't because it's too narrow. He further stated that the reason why they did it, was because we wanted the citizens that live on these minor servitudes or these servitudes in minor resubs, if they want to get their road in such a manner that the Parish can take it over, they could do it. He continued to explain this reasoning in great detail.

Councilman Mack stated that he agreed with his statement to some extent, that was the thought at that time. However, this does not prevent people from getting their property resurveyed, signing off that they are okay with a sixty (60') foot servitude, and then making a sixty (60') foot servitude in the future to allow it to be turned into a Parish maintained road. He reiterated that this does not prevent them from being able to do this, there is a process that they can follow. Councilman Mack offered that if someone is wanting to subdivide a couple of lots, they do not have to give up such a large portion of their property.

Councilwoman Erin Sandefur stated that in an attempt to understand as many parts of this as she could, she asked Councilman Jeff Ard why did he bring this up?

Councilman Jeff Ard stated that he was having to request for a waiver at almost every Council meeting and his intent was really to be four (4) lots or less to be forty (40') feet, and more than four (4) lots could still maintain at sixty (60') feet. Councilman Mack concurred and stated that was the way the proposed ordinance amendment was written. Councilman Ard further advised that most of the time when four (4) lots is being divided, it is family splitting up property and they do not intend for it to be a Parish road. They may be giving each one of their children a piece of land and then they are required to give up this sixty (60') foot servitude and it is making them give up too much of their land. Councilman Ard continued to advise that he suggested that if you make the servitude stop at the beginning of the last lot, and do not allow it to go all the way through the lot so that it cannot feed the back property, that would also be a reason to give them forty (40') foot versus sixty (60). He further stated that if you let it go all of the way through the property, now it could feed that two thousand (2,000) acres in the back, and if that is what is requested to be done, then a sixty (60') foot servitude would need to be required.

The Council clerk read the ordinance by title for introduction as follows:

L. P. ORDINANCE NO. 23-25

AN ORDINANCE TO AMEND CHAPTER 125, "SUBDIVISION REGULATIONS", ARTICLE III – "MINOR SUBDIVISIONS", SECTION 125-37 (4), AMENDING THE WIDTH REQUIRED FOR SERVITUDES UPON THE RE-SUBDIVISION OF PROPERTY, OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH.

Councilwoman Erin Sandefur wished to clarify that the vote being taken was to introduce the ordinance.

Councilman Garry Talbert stated that he would be voting yes to introduce the ordinance, but he would be voting no on the ordinance.

LPR NO. 23-271

MOTION was made by Jeff Ard and duly seconded by Randy Delatte to publish the ordinance by title in the Official Journal in accordance with the legal mandates and set a Public Hearing for Thursday, July 13, 2023 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.

L. P. ORDINANCE NO. 23-25

AN ORDINANCE TO AMEND CHAPTER 125, "SUBDIVISION REGULATIONS", ARTICLE III – "MINOR SUBDIVISIONS", SECTION 125-37 (4), AMENDING THE WIDTH REQUIRED FOR SERVITUDES UPON THE RE-SUBDIVISION OF PROPERTY, OF THE CODE OF ORDINANCES OF LIVINGSTON PARISH.

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

YEAS: MS. SANDEFUR, MR. MCMORRIS, MR. DELATTE, MR. ARD, MR. GIRLINGHOUSE, MR. TALBERT, MR. KEEN, MR. MACK

NAYS: MR. WASCOM

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted on the 22nd day of June, 2023.

The chair addressed agenda item 17, "Adopt resolution to authorize a waiver of the setback requirements for a pond located at Point of Isle subdivision for Head of Island Properties, LLC in Council District 8", and called upon Councilman Randy Delatte.

Councilman Delatte explained that the pond bank has encroached on the setback requirement. He advised that letters of no objection have been received from the neighboring property owners for the Council to grant this waiver.

Councilman Garry Talbert questioned if this was a set back on a pond that was existing already and had questions about what the letter advised.

Councilman Delatte requested that Mr. Jay Labarre come to address Councilman Talbert's questions.

Mr. Jay Labarre advised that he was one of the developers and owners of the property. He addressed Councilman Talbert and advised that it was a detention pond that is required for the drainage impact study. He stated that it was his understanding that the codes and ordinances require a thirty (30') foot setback off of the property line. He explained that the property is abutting a subdivision, and their road abuts their property line, and what they were trying to achieve is not get a thirty (30') foot no man's land that cannot be maintained. The adjacent property owners have acknowledged that they do not have any problems with the development doing retention up to their road bed and have also given permission for the developers to perform maintenance as well giving them the right-of-way. Mr. Labarre wished to reiterate that this was for a dry retention pond.

Councilman Talbert asked Mr. Labarre: This is a dry retention pond, and you're going to use their road, which is a private road, as your access for maintenance in lieu of the thirty (30') foot buffer?

Mr. Labarre stated that was correct.

LPR NO. 23-272

MOTION was made by Randy Delatte and duly seconded by Shane Mack to authorize a waiver of the thirty (30') foot setback requirement for a dry retention pond located at Point of Isle subdivision for Head of Island Properties, LLC in Council District 8.

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

YEAS: MS. SANDEFUR, MR. MCMORRIS, MR. DELATTE, MR. ARD, MR. GIRLINGHOUSE,
MR. WASCOM, MR. TALBERT, MR. KEEN, MR. MACK

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted on the 22nd day of June, 2023.

The chair addressed agenda item number 18, "Adopt resolution to authorize a waiver for a third address for Malcolm Howze, located at 13200 Terry Howze Lane, Denham Springs, LA 70726 (17 acres- -Not a subdivision) in Council District 6 – Gerald McMorris".

LPR NO. 23-273

MOTION was made by Gerald McMorris and duly seconded by Maurice "Scooter" Keen to authorize a waiver for a third address for Malcolm Howze, located at 13200 Terry Howze Lane, Denham Springs, LA 70726 (17 acres- -Not a subdivision) in Council District 6.

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

YEAS: MS. SANDEFUR, MR. MCMORRIS, MR. DELATTE, MR. ARD, MR. GIRLINGHOUSE,
MR. WASCOM, MR. TALBERT, MR. KEEN, MR. MACK

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted on the 22nd day of June, 2023.

The chair addressed agenda item number 19, "Adopt resolution to authorize a waiver of the subdivision of a one (1) acre lot located in a named subdivision, "Julius Blount Subdivision", at 14036 Stacie Lane, Walker, LA 70785 located off of Gaylord Road in Council District 7 for Lenny and Lisa Landry – Tracy Girlinghouse".

LPR NO. 23-274

MOTION was made by Tracy Girlinghouse and duly seconded by Maurice "Scooter" Keen to authorize a waiver of the subdivision of a one (1) acre lot located in a named

subdivision, “Julius Blount Subdivision”, at 14036 Stacie Lane, Walker, LA 70785 located off of Gaylord Road in Council District 7 for Lenny and Lisa Landry.

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

- YEAS: MS. SANDEFUR, MR. MCMORRIS, MR. DELATTE, MR. ARD, MR. GIRLINGHOUSE, MR. WASCOM, MR. TALBERT, MR. KEEN, MR. MACK
- NAYS: NONE
- ABSENT: NONE
- ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted on the 22nd day of June, 2023.

The chair addressed agenda item number 20, “Adopt resolution to authorize a waiver on the servitude located at 26690 Highway 441 in Council District No. 9 – Shane Mack”.

Councilman Shane Mack explained that he was contacted by one of the residents in his district south of the interstate on Highway 441 in Holden, Louisiana. Her name is Miss Arlene Bankston. He further explained that she owns a house on the property and it is currently not subdivided and she lives in the house. The daughter lives in a mobile home on the property and they wish to sell the house to the daughter, and the daughter wants to buy the house, but the bank will not make the loan with two (2) residential structures on one (1) parcel of land, so they want to subdivide so that the daughter can buy the house and then her sister will live in the mobile home that is already there. He stated that he felt that this was a justified waiver and wished to make the motion.

LPR NO. 23-275

MOTION was made by Shane Mack and duly seconded by Jeff Ard to authorize a waiver on the servitude for the division of property located at 26690 Highway 441, Holden, Louisiana in Council District No. 9 for Arlene Bankston.

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

- YEAS: MS. SANDEFUR, MR. MCMORRIS, MR. DELATTE, MR. ARD, MR. GIRLINGHOUSE, MR. WASCOM, MR. TALBERT, MR. KEEN, MR. MACK
- NAYS: NONE
- ABSENT: NONE
- ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted on the 22nd day of June, 2023.

The chair addressed agenda item number 21, “ Adopt a resolution to authorize a waiver on the size of the lot located on Thistle Road, Lot 1141-A to be divided into Lots 1141-B and 1142-B, in Magnolia Estates, Council District 3”, and called upon Councilman Maurice “Scooter” Keen.

Councilman Keen stated that they were making major improvements in Magnolia Estates. He advised that a developer has started buying lots that began as half acre lots or so, and they made them into one (1) acre. The developer wished to re-subdivide these things back to the way that they were.

LPR NO. 23-276

MOTION was made by Maurice “Scooter” Keen and duly seconded by Tracy Girlinghouse to authorize a waiver on the size of the lot located on Thistle Road, Lot 1141-A to be divided into Lots 1141-B and 1142-B, in Magnolia Estates, Council District 3.

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

- YEAS: MS. SANDEFUR, MR. MCMORRIS, MR. DELATTE, MR. ARD, MR. GIRLINGHOUSE, MR. WASCOM, MR. TALBERT, MR. KEEN, MR. MACK
- NAYS: NONE
- ABSENT: NONE
- ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted on the 22nd day of June, 2023.

The chair addressed agenda addendum item number A – 4:

“Request(s) for authorization of waiver(s) for property belonging to Ramona James located in Section 46 of T5S-R2E East of St. Helena Meridian Greensburg Land District – Parish of Livingston, on Bend Road in Council District 2: Section 125-37(6), “Requirements for Minor Subdivisions”, Section 125-37(9), “Requirements for Minor Subdivisions”, and Section 125-126, “Wetland regulations; Prohibited and Permitted Uses: - Garry Talbert”.

Councilman Garry Talbert explained that this is currently the old Addison family tract. There are currently three (3) ten (10) acre lots and there are two (2) sisters and in an effort to resolve the estate they had Mr. Kinchen’s group coming and do a survey and draw up this map and as you notice there are now those three (3) lots have become thirteen (13), and they are all pretty substantial in size all of them over two acres, but they need a waiver of their too many lots on a servitude, one on each side, and because it is a family situation resolving a deal, Councilman Talbert was asking if the waiver for the sign that is supposed to be posted and the EPA wetlands.

The chair questioned if Councilman Talbert stated that these were three (3) ten (10) acres lots?

Councilman Talbert stated that it was three (3) ten (10) acre lots that are going to become two (2) three and a half acres lots, a three (3) acre lot and then everything else will be an acre and a half above that. The three (3) ten (10) acre lots are becoming fifteen (15) lots.

The chair questioned why the sign waiver was important?

Councilman Talbert stated that typically it’s a family estate resolving issue and we haven’t, we’ve waived those in the past.

The chair advised that the sign was to inform the people, and he could understand the wetlands waiver and the servitude, but was questioning the signage waiver.

Councilman Talbert explained in great detail the reasons for the needed waivers.

LPR NO. 23-277

MOTION was made by Gary Talbert and duly seconded by Maurice “Scooter” Keen authorization of waiver(s) for property belonging to Ramona James located in Section 46 of T5S-R2E East of St. Helena Meridian Greensburg Land District – Parish of Livingston, on Bend Road in Council District 2: Section 125-37(6), “Requirements for Minor Subdivisions”, Section 125-37(9), “Requirements for Minor Subdivisions”, and Section 125-126, “Wetland regulations; Prohibited and Permitted Uses.

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

YEAS: MR. MCMORRIS, MR. DELATTE, MR. ARD, MR. GIRLINGHOUSE, MR. TALBERT, MR. KEEN, MR. MACK

NAYS: MS. SANDEFUR, MR. WASCOM

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted on the 22nd day of June, 2023.

The chair addressed agenda item number 22, “Update and discussion of P&Z Commission procedure(s): Erin Sandefur”.

Councilwoman Erin Sandefur advised that recently a joint stipulation and order came down from the 21st Judicial District Court from Judge Jeff Johnson and she requested that the Council clerk read the statement for public record as follows:

JOINT STPULATION AND ORDER

NOW INTO COURT, through undersigned counsel,. jointly comes Plaintiff, 5th District Livingston Concerned Citizens Association, LLC, and Defendants, Layton Ricks, the President of Livingston Parish, Louisiana, in his capacity as the President and Chief Executive Officer of the Parish of Livingston, Sam Digirolamo, Livingston Parish Planning Director, in his capacity as the Director of the Livingston Parish Council Planning and Zoning Commission, and DeeDee Delatte, Livingston Parish Building & Permit Director, in her capacity as the Director of the Livingston Parish Building & Permit Department, who respectfully submit this Joint Stipulation as

recited and agreed to in open court on May 23, 2023, and for the purpose of committing this joint stipulation into an Order from the Court, to wit:

Whereas on May 23, 2023, Plaintiff and Defendants appeared in Court for hearing on Exceptions filed by Defendants and hearing on Plaintiff's mandamus action.

Appearing in Court were:

Steven Loeb attorney for Plaintiff, and

Christopher Moody, attorney for Defendants

Upon advising the Court that a stipulation could render this litigation moot, the following stipulation was agreed to in open Court:

Neither the Parish President, in his capacity as the Livingston Parish President and with authority to bind same, nor the Livingston Parish Planning Director, in his capacity as the Director of the Livingston Parish Council Planning and Zoning Commission and with authority to bind same, nor the Director of the Livingston Parish Building & Permit Department in her capacity as the Director of the Livingston Parish Building & Permit Department and with authority to bind same, will approve the construction plans or in any manner give consent for construction to start for the Deer Run Subdivision development until a fourth entrance into the subdivision has been added and those construction drawings are in compliance with Parish Ordinances in effect at the time the approval is granted.

The Parties hereby accept the above as their solemn and joint stipulation, and Defendants and those under their charge, shall abide by this stipulation by taking no action that may be considered as an approval, consent or permission of any kind which may enable construction of any aspect of the Deer Run Subdivision to proceed, unless a plat and construction drawings are submitted to and approved by the Parish President, in his capacity as the Livingston Parish President and with authority to bind same, or the Livingston Parish Planning Director, in his capacity as the Director of the Livingston Parish Council Planning and Zoning Commission and with authority to bind same, which comply with the Livingston Parish Ordinances in existence at the time approval is granted by the Parish President, in his capacity as the Livingston Parish President and with authority to bind same, or the Livingston Parish Planning Director, in his capacity as the Director of the Livingston Parish Council Planning and Zoning Commission and with authority to bind same.

The Parties further agree that by the execution of this stipulation and entry of this stipulation as an order of the Court, this litigation shall be dismissed without prejudice as moot.

IT IS HEREBY ORDERED that the above recited and agreed upon Joint Stipulation be and the same hereby is accepted and adopted by the Court and shall be binding upon the parties to the fullest extent permitted by law.

IT IS FURTHER ORDERED that the above entitled and numbered cause be and the same hereby is Dismissed, without prejudice as moot, with each party to pay its owns costs, expenses, and fees,

Thus, done and signed in Livingston, Louisiana on the 14th of June 2023.

Councilwoman Sandefur stated that was a pretty important ruling that came out and she wished to talk about a case, Bogan v Scott Harris that happened in the US Supreme Court that was over legislative immunity. She advised that Janet Scott Harris filed a lawsuit against Fall Rivers Massachusetts and in her lawsuit Scott Harris alleged that the elimination of her position was motivated by racial animus and her exercising her first amendment rights. Councilwoman Sandefur stated that Scott Harris was accused of firing someone and was accused of racism and that's not what it was. She discussed an opinion written by US Supreme Justice Clarence Thomas that whether an act is legislative is determined by the nature of the act itself rather than on the motive or intent of the official performing it. She wished to point out the legislative immunity for our Council and no local legislators are entitled to the same absolute immunity from civil liability

as our federal state and regional legislators. She continued to state that on April 26th, our Parish President Layton Ricks told the Advocate that Council members can be sued individually.

Upon this statement, she wished to ask Mr. Moody:

- Have you advised him on the Bogan Scott Harris case and on absolute legislative immunity for us?

Mr. Moody advised that yes, he had and also sent the same memo sent to you and he has sent the motions that his office had filed to get everyone dismissed from the case in our personal capacity.

Councilwoman Sandefur stated that this was on April 26th, and they were not told of legislative by Mr. Moody initially.

Mr. Moody advised that was not total and absolute. He further advised that he had made that clear too. He explained that there are instances where you can be exposed for personal liability, you step outside your authority as the legislative and you start pursuing personal interests and or you are found to be arbitrary and capricious.

Councilwoman Sandefur wished to ask Mr. Moody another question:

- Does the Planning and Zoning Commission have legislative immunity?

Mr. Moody replied in the affirmative that they did.

Councilwoman Erin Sandefur wished to segue way into the Capital Region Planning Commission that puts on a training session for commission members and others that are involved in this area of planning within a parish and they are having a workshop on Saturday, June 24th. She advised that she had information on this if anyone needed it and with that, this course is required by Louisiana Act 859, Revised Statute Title 33:103.1 mandating four (4) hours of approved training for planning commissioners, advisory board members, historic district commissioners and boards of zoning adjustment before or during their first year of public service in this role. She stated that they do ask that this is kept up every couple of years and there is a part two for this training in September. She felt that it was important to mention that to our people so that everyone can take this course. She has taken the course and has invited the Council, the Master Plan Review committee, as well as the Planning Commission.

With this she concluded her statements on agenda item number 22, "Update and discussion of P&Z Commission procedure(s): Erin Sandefur".

The chair addressed agenda item number 23a, "Zoning Re-classification(s):

- a. Request for rezoning of Lots 12-A & 13-A, located in Riverscape at Clio, Phase I, from current classification of "Unclassified" to "R-2" to allow for consolidation of two (2) lots into one (1) (No new lots are being created) in Council District 8 – Randy Delatte".

Councilman Randy Delatte advised that this property was currently zoned as unclassified and he was requesting that it be zoned as R-2 because they are wanting to combine two (2) lots together and Planning is advising that the Council needs to classify it combine two (2) lots together.

LPR NO. 23-278

MOTION was made by Randy Delatte and duly seconded by Maurice "Scooter" Keen to authorize the rezoning of Lots 12-A & 13-A, located in Riverscape at Clio, Phase I, from current classification of "Unclassified" to "R-2" to allow for consolidation of two (2) lots into one (1) (No new lots are being created) in Council District 8.

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

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: MS. SANDEFUR

Thereupon the chair declared that the Motion had carried and was adopted on the 22nd day of June, 2023.

The chair addressed agenda item number 24:

"Livingston Parish Council staff appointment(s):

- a. Deputy clerk
- b. Part-time Employee"

The chair advised that he had been working with the Council clerk on a couple of issues, first being item 24a as they were looking for hiring someone to fill the vacancy having multiple interviews

and the Council should be hearing back at the next Council meeting on a recommendation of an employee. There will also be a recommendation for a temporary employee as the Deputy clerk will be taking a leave of absence in October.

The chair advised that secondly, he wished to take up agenda addendum A-2, “ARPA funded temporary employee(s): Adopt resolution to assign current Deputy clerk’s position from temporary to permanent full-time employee which shall be funded through the General Fund - John Wascom”.

The chair advised that this was a request from Administration’s Human Resources Department that notified the Council office that ARPA Council employees, which is how the Council initially hired the Deputy clerk, those funds will be terminated and the Council will need to transfer the Deputy clerk, Ms. Caroline Lockhart, from ARPA funding to the Parish’s General Fund.

The chair requested that a resolution be adopted to assign the current Deputy clerk position from the temporary position.

LPR NO. 23-279

MOTION was made by Jeff Ard and duly seconded by Shane Mack to assign the current Deputy clerk’s position (being Caroline Harris Lockhart) from temporary (funded through ARPA) to permanent full-time employee which shall be funded through the General Fund being retroactive from the date of June 15, 2023.

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

YEAS: MS. SANDEFUR, MR. MCMORRIS, MR. DELATTE, MR. ARD, MR. GIRLINGHOUSE,
MR. WASCOM, MR. TALBERT, MR. KEEN, MR. MACK

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted on the 22nd day of June, 2023.

The chair called upon Councilman Garry Talbert who stated that he had concerns about item 24 being’s that we are converting the employee that was paid through ARPA funds to now be paid with budgeted funds, he stated that he wasn’t sure that they had money in the budget for another employee.

The chair stated that he appreciated that but he would like the Council to make that determination. He advised that those funds have always been available and they have always had employees there and if the budget needs to be amended they can do so at the middle of the year.

Councilman Talbert questioned the appointment of a Personnel Board by the chair at some point and time and then it was disbanded. The chair advised that was correct. Councilman Talbert questioned the purpose of the board.

Councilwoman Erin Sandefur declared point of order.

The chair advised that had been a recommendation by the Parish attorney to do that, and advised that his comments were out of order.

A heated debate ensued as Councilman Talbert was repeatedly told that he was out of order.

The chair addressed agenda item number(s) 25a and b, “Committee Report(s):”.

Councilman Randy Delatte advised that the Finance committee did not have anything to report at that time.

The chair called upon Councilman Shane Mack to report on the Ordinance committee. Councilman Mack stated that the committee met and discussed school impact fees and the servitude width on minor resubs for four (4) lots or less on a servitude.

Councilman Mack wished to give an update on the school impact fee ordinance. He advised that the justification of the dollar amount for the school impact fee needed to be looked at per the advice of the Parish’s legal counsel. He stated that this proposed ordinance was turned over to Mr. Villavaso to review and give the committee and the Council members some advice on how to proceed with that.

The Chair addressed the next item 26, “District Attorney’s Report” and acknowledged that Councilman Delatte had placed these three (3) specific items on the agenda:

a. Legality of:

- i. Adoption of LP Ordinance 23-21: Pink Tax Exemption for Livingston Parish – Randy Delatte
- ii. Adoption of LP Ordinance 23-22: Prohibiting Biological Males from Competing in Female Sports in Livingston Parish – Randy Delatte
- iii. Adoption of a resolution authorizing the Parish President to enter a contract agreement with Thompson Consulting Services, to perform Standby Disaster Debris Monitoring & Management Services for FY 2023. – LOHSEP

The chair called upon Councilman Delatte to address these items.

Councilman Randy Delatte stated that he wished to question item one (1) and three (3). He felt that item two (2) was okay.

Councilman Delatte stated that Mr. Moody had given the Councilmembers an opinion and read it into the record:

“The pink tax exemption was authorized by state law and you have the right to waive those items for that tax that you impose.”

Councilman Delatte stated that is true, however, he thought that it goes a little bit further if the tax was a user tax voted in an election. He questioned if Mr. Moody had researched any of those cases.

Mr. Moody advised that the state allows you to grant an exemption for the particular pink tax, for any tax or sales tax that the Council has already imposed.

Councilman Delatte contended that it was not after the people have voted. He stated that the Council as the governing authority imposed the tax, but the people had voted on this and it’s called a used tax referendum. He questioned if Mr. Moody had any knowledge of any case in the United States? Mr. Moody stated yes, very often. Councilman Delatte requested that Mr. Moody quote one.

Mr. Moody stated that every tax is like that and voted on by the people. Councilman Delatte advised that not all taxes are voted on by the people. Mr. Moody concurred. He advised that the Parish’s sales tax was voted on by the people. Councilman Delatte stated that was why he was asking him if he could show him a case where it was vote on by the people.

Mr. Moody stated that dozens of exemptions have been passed by the legislature and others that exempt collection of sales tax.

Councilman Delatte stated that was correct, the Police Jury attorney does not know of any situation and he suggested that the Council contact the Legislative Auditor, but if Mr. Moody had an opinion showing that happened somewhere in Louisiana then he was okay with that.

Councilman Garry Talbert stated that EBR approved the tax exemption and he advocated that there’s been multiple pink tax exemptions allowed throughout the Parish in different areas of taxes voted on by people.

Councilman Delatte stated that he just needed to be provided with one (1). He felt that they were confusing when the people had a referendum and they call it a user tax with a regular tax and that is not the same. He further stated that those people had a choice precisely put in the proposition what’s excluded. He advised that women and feminine products were already exempted in some cases and that is not in our original tax. He submitted that they came back after the people voted on it, and they said that they were going to give a four dollar and five cents (\$4.05) tax break to seventy five thousand (75,000) women and they were going to take thirteen million dollars (\$13,000,000.00) out of the road fund. He reiterated that the people of Livingston Parish did not vote on that, they voted on the exemptions that was in the proposition. He stated that he was going to hold his position until they get that or they either contact the Legislative Auditor or someone else who can show them that exemption that happened.

Councilman Delatte stated that the third and final one that was on the agenda:

“Adoption of a resolution authorizing the Parish President to enter a contract agreement with Thompson Consulting Services, to perform Standby Disaster Debris Monitoring & Management Services for FY 2023. – LOHSEP”, he was okay with Mr. Moody’s answer.

He stated that Mr. Moody had advised that the contract was just going up until November, so that means that if that contract is only going to November the 1st of this year, and it doesn’t go past the

current sitting Councilmembers' terms, he felt that was great and asked if that was indicated in the contract.

Mr. Moody responded to Councilman Delatte and advised that was not exactly what he had said. He explained that he had stated that it goes by the storm year, so most likely use of that contract would end in November because it's not likely to be a storm after November. He further stated that he could guess that there may be a flood or some other event that would trigger a cleanup, but he advised that they were exempt from this contract because it went through a bid process. Mr. Moody instructed that the Livingston Parish Charter does say that doesn't apply if it is a contract that is let out under the state public bid law.

Councilman Delatte agreed with Mr. Moody and asked if he could tell him that difference between the state public bid and a service contract.

Mr. Moody read what the law and the Parish of Livingston's Charter is trying to prevent, outgoing Council and Parish President giving a fat lucrative contract to some buddy that the next Council would be stuck with.

Mr. Moody further stated that if it is an arm's length transaction where there are many multiple bidders or requests for proposals, then it's considered arm's length and so it passes that scrutiny and then you can then make it for even into the next term.

Councilman Delatte questioned why didn't they just do a six (6) month contract versus a year?

Mr. Moody responded and stated that was what was given to him and it was because you get a much better price.

Councilman Delatte questioned, so when January comes around, and the new Council wants to use someone else? Mr. Moody advised that he suggests that they can negotiate and go out for RFPs for a contract that would start in June or whenever this one started.

Councilman Delatte questioned Mr. Moody if they were tied to this contract for a year regardless? They could not break this contract come January of next year.

Mr. Moody advised that they could put another one in place to piggyback it, which would be smart for them to do and they should start that progress pretty close.

Councilman Delatte stated that his intent is not to give a contract past your term if this is what you call an arm's length contract. He advised that he just did not understand why it has to go past our term. Mr. Moody replied that the stated reason was that it would save the Parish a lot of money, if you had to bid it for only six (6) months, you would pay a higher rate.

Councilman Delatte asked again if what Mr. Moody was saying was that the Council would use them all the ways until June regardless? Mr. Moody answered in the affirmative. He also responded that he had pointed out that the likelihood is you wouldn't use them at all past November.

Councilman Delatte stated that he had one more question for Mr. Moody. He asked Mr. Moody to explain the difference between a service contract and this contract?

Mr. Moody advised that a service contract is one that personal services can be entered into by the Parish President without a need for going out for bid. Councilman Delatte countered and stated that is a discretion, but why wouldn't this be one?

Mr. Moody stated that was because it was using federal funds and they require a process and they require bidding and that is why Mr. Moody thinks that it falls under that exemption.

Mr. Delatte stated okay, and thanked Mr. Moody.

The chair moved to the next agenda item and proposed to pick up agenda addendum item A-1, "Discussion of a moratorium on new developments until zoning is corrected – Maurice "Scooter" Keen".

The chair called upon Councilman Keen who stated that he did not think that they were going to need it.

The chair stated that led him to the item that Mr. Moody had placed on the agenda, item number 26b, "Executive Session".

Mr. Moody advised that they did not need that agenda item either and the chair advised that this agenda item was being pulled.

Having no further business, a motion to adjourn was requested until the next regular meeting being scheduled on Thursday, July 13, 2023, at the hour of six o'clock (6:00) p.m. in Livingston, Louisiana.

LPR NO. 23-280

MOTION was offered by Tracy Girlinghouse and duly seconded by Jeff Ard to adjourn the June 22, 2023 regular meeting of the Livingston Parish Council.

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

YEAS: MS. SANDEFUR, MR. MCMORRIS, MR. DELATTE, MR. ARD, MR. GIRLINGHOUSE,
MR. WASCOM, MR. TALBERT, MR. KEEN, MR. MACK
NAYS: NONE
ABSENT: NONE
ABSTAIN: NONE

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

\s\ Sandy C. Teal

Sandy C. Teal, Council clerk

\s\ John Wascom

John Wascom, Council chairman

The audio and video for this meeting may be found in its entirety on the Livingston Parish Council's YouTube page at:

<https://www.youtube.com/watch?v=wxazXSdaBc>

It may also be found on the Livingston Parish Council's website at:

<https://www.livingstonparishcouncil.com/>

If you have any questions please contact the Livingston Parish Council office at (225)686-3027.