

Minutes of the Livingston Parish Council
Livingston, Louisiana
May 11, 2023

The Livingston Parish Council met in a special 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, May 11, 2023, at the hour of five o'clock (5:00) p.m. with the following Livingston Parish Council members present:

| | |
|------------------------|--------------------|
| Jeff Ard | Gerald McMorris |
| Garry Talbert | Tracy Girlinghouse |
| Maurice "Scooter" Keen | Randy Delatte |
| Erin Sandefur | Shane Mack |
| John Wascom | |

Absent: Parish President Layton Ricks

Also present: Jennifer Meyers-Brady, Finance Director, representing on behalf of the Parish President in his absence
Christopher Moody, Parish Legal Counsel

The chair called the meeting to order.

The chair addressed agenda item number 5, "To discuss suspending any activity by the Livingston Parish Planning and Zoning Commission, pending an investigation into possible improprieties or conduct in violation of the law, as established in Section 2-08, "Investigations", of the Home Rule Charter."

The chair advised that Councilwoman Erin Sandefur had requested this meeting and called her to discuss this agenda item.

Councilwoman Sandefur explained what had transpired at the Planning and Zoning Commission's meeting held on Thursday, May 4, 2023 in regard to Deer Run Subdivision. She wished to adopt a resolution to suspend any activity by the Livingston Parish Planning and Zoning Commission to conduct an investigation if any wrongdoing had occurred.

She asked the Council clerk to read the proposed resolution aloud as follows:

Resolution

WHEREAS the Livingston Parish Home Rule Charter as amended Nov., 6, 2018 provides in part:

ARTICLE I

Section 1-04. General Powers.

Except as otherwise provided by this charter the parish government shall continue to have all the powers, rights, privileges, immunities, and authority heretofore possessed by Livingston Parish under the laws of the state. The government shall have and exercise such other powers, rights, privileges, immunities, authority and functions not inconsistent with this charter as may be conferred on or granted to a local governmental subdivision by the constitution and general laws of the state, and more specifically, the government shall have and is hereby granted the right and authority to exercise any power and perform any function necessary, requisite or proper for the management of its affairs, not denied by this charter, or by general state law, or inconsistent with the constitution.

AND WHEREAS the Livingston Parish Home Rule Charter further provides in part:

ARTICLE II

Section 2-08. Investigations.

The council may make investigations into the affairs of the parish government and the related conduct of any parish official, officer, employee, department, office, or agency. For this purpose, the council may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Investigations shall be for a specified purpose and may be undertaken only by the affirmative vote of a majority of the authorized membership of the council. Any person who fails or refuses to obey any lawful order of the council may be cited for contempt.

AND WHEREAS the Livingston Parish Home Rule Charter further provides in part:

ARTICLE II

Section 2-18. Powers of Enforcement.

For the purpose of carrying out the powers generally or specially conferred on the parish government, the council shall have the power to grant franchises, to require licenses and permits and fix the fees to be paid therefore, to charge compensation for any privilege or franchise granted or service rendered, and to provide penalties for the violation of any ordinance or regulation, as provided by law.

AND WHEREAS the Livingston Parish Home Rule Charter further provides in part:

ARTICLE VII

Section 7-07. Administrative Boards and Commissions.

A. This section pertains to boards and commissions created by ordinance or in accordance with general state law.

C. No such board or commission shall have legislative authority.

AND WHEREAS it has come to the attention of the Parish Council that the Parish Council Planning and Zoning Commission, established per Section 7-07 of the Home Rule Charter, has approved a preliminary plat in connection with the proposed Deer Run Subdivision located in the 5th District of the Parish, that appears not conform to the requirements set forth in the Livingston Parish Code of Ordinances.

WHEREFORE, BE IT RESOLVED that it is the express will of the Livingston Parish Council, in accordance with the authority granted under the Livingston Parish Home Rule Charter ARTICLE II Section 2-08 as amended Nov., 6, 2018, that an investigation is hereby opened and to be conducted by the Parish Council Ordinance Committee for the specified purpose of determining whether the Parish Council Planning and Zoning Commission, in the performance of its functions in connection with the proposed Deer Run Subdivision, has:

- 1. complied with Parish Ordinances including, but not limited to, Chapter 125 – Subdivision Regulations and Chapter 117-Zoning Sec. 125-2(c),*
- 2. granted any waiver or variance of the Parish Ordinances,*
- 3. exceeded its authority by approval of a preliminary plat that does not comply with the Parish Ordinances including, but not limited to, Chapter 125 – Subdivision Regulations and Chapter 117 – Zoning*
- 4. exercised legislative discretion in violation of ARTICLE VII Section 7-07 of the Livingston Parish Home Rule Charter, and*
- 5. for the purpose of determining whether and to what extent any penalty is warranted.*

BE IT FURTHER RESOLVED that it is the express will of the Livingston Parish Council, in accordance with the authority granted under the Livingston Parish Home Rule Charter ARTICLE II Section 2-II C as amended Nov., 6, 2018, to issue this Resolution which does hereby specifically direct and order the Parish Council Planning and Zoning Commission, the Review Engineer or any other instrument of the Parish, to cease and desist from performing any further activity in connection with the proposed Deer Run Subdivision pending the investigation herein initiated.

LPR NO. 23-200a

MOTION was made by Erin Sandefur and duly seconded by Randy Delatte initiating an investigation of the actions taken by the Planning and Zoning Commission in connection with the proposed Deer Run subdivision and to order the Planning and Zoning Commission to cease and desist all efforts and activities in connection with the proposed Deer Run subdivision.

Councilman Randy Delatte requested that the Council members have Public input and discussion before the Public input. He questioned if Mr. Moody thought that it seemed the intent of the resolution and the way that he thought it should be.

Mr. Chris Moody advised that he did not have time to study the resolution that was presented. He was only given a copy before the meeting began.

He stated that he did have concerns about it. He advised that the Council had broad authority to conduct investigations of any aspect of Parish Government and if it seemed that there was wrongdoing the Council can have hearings and investigate. He explained that his concern was the part of the resolution that says there's a cease and desist order and it should be issued making the Planning Department, the engineer and the Planning Commission take any further action in the Deer Run matter. Mr. Moody's opinion was that would be a mistake and beyond the Council's authority. He continued to explain that it was not on the agenda to do anything to Deer Run, so

the Public Meetings law is not being followed and any action that would be taken could be challenged for that reason. He further stated that if the Council did happen to pass the cease and desist portion of this resolution, the Council may be exposing themselves to greater liability to the lawsuit that they will be discussing at the next meeting. He reiterated that he had grave concerns if the Council moves forward with this.

Councilman Randy Delatte asked for clarification of Mr. Moody's statements about this not being in compliance with the agenda.

Mr. Moody advised that a cease and desist order being taken on Deer Run was not on the agenda, an investigation on the Planning Commission is what he read on the agenda and took that to mean that there was some kind of malfeasance.

Councilman Delatte asked if that was two (2) different issues. Mr. Moody concurred that it was.

Councilman Garry Talbert discussed his many concerns and read throughout the proposed resolution.

Councilman Shane Mack questioned Mr. Moody and the Planning Review Engineer, Morgan Sanchez's statements after reviewing the second preliminary plat for Deer Run, they felt that it did not meet the requirements found within the local government ordinance. He heard others that said they had heard Mr. Moody state that in order for that to be passed a waiver should have been received by the Council and asked if he could speak to that.

Mr. Moody explained that the question that was presented to him was whether the old ordinances or the new ordinances apply to this subdivision. He stated that his opinion was, looking at the Council's ordinances in Chapter 125, it certainly intends to impose the new ordinances, even ones that are passed after the approval of a preliminary plat. He stated that it was a very aggressive position and many parishes do not operate that way. He had researched and found that yes, you can do that for those ordinances that directly connect to health, safety and welfare. He advised that with that guidance the Parish Review Engineer looked at these changes and required the developer to meet the new ordinances. He indicated that from what he had been told, was that the developer met just about all of the them, but under the ordinances they are required to have a fourth entrance and that was not shown on the plat.

Mr. Moody stated that in fairness to the Planning Commission, their interpretation was different, and it should be handled as they have always done and it does not apply to the new rules and ordinances to subdivisions that are already in process. He continued to discuss the Planning Commission's actions and the developer's vested rights.

There was an open discussion and Mr. Moody answered the Council's questions.

Councilwoman Erin Sandefur made a motion and Councilman Randy Delatte duly seconded the following:

To suspend any activity by the Livingston Parish Planning and Zoning Commission pending an investigation into possible improprieties or conduct in violation of the law as established in Section 2-08, Investigations, of the Home Rule Charter.

A vote was not taken.

Councilman Talbert stated that he wished to make a substitute motion to table the current resolution, that the current item that is on the floor right now and adjourn this meeting and then have Mr. Moody work on the wording of what needs to be done so they can move forward with the proper investigation with the proper wording of the resolution and the notice to the public to proceed.

The chair allowed more open discussion from the Council members. Mr. Moody answered their questions.

Councilman Talbert called for the question. It was determined that the public must be allowed to have input before a vote was taken.

Public input: Chad Digirolamo
Stephen Loeb, attorney for the citizens
Sarah Phares
Brian Clemmons
Derek Babcock
Ivan Stephens

LPR NO. 23-200a

MOTION was made by Garry Talbert and duly seconded by Maurice “Scooter” to table the current resolution and adjourn this meeting and then have Mr. Moody work on the wording of what needs to be done so they can move forward with the proper investigation with the proper wording of the resolution and the notice to the public.

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

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

NAYS: MR. MACK, MS. SANDEFUR, MR. WASCOM, MR. DELATTE,
MR. MCMORRIS

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had FAILED and was NOT adopted on May 11, 2023.

Councilman Randy Delatte stated that he wished to amend the motion to read what the advertisement said.

Councilman Talbert read what would be removed from the original motion.

Councilwoman Sandefur read the motion to resolve any questions and provide clarification.

Councilman Shane Mack suggested to have another Special Meeting and gave his reasoning why he felt that way.

LPR NO. 23-200b

MOTION was made by Randy Delatte and duly seconded by Erin Sandefur to suspend any activity by the Livingston Parish Planning and Zoning Commission pending an investigation into possible improprieties or conduct in violation of the law as established in Section 2-08, Investigations, of the Home Rule Charter.

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

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

NAYS: MR. KEEN, MR. TALBERT

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted on May 11, 2023.

The chair asked what were the wishes of the Council to schedule another Special meeting for the following evening.

LPR NO. 23-200c

MOTION was made by Tracy Girlinghouse and duly seconded by Erin Sandefur to schedule a special meeting for Monday, May 15, 2023 at six (6:00) o'clock p.m.

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

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had carried and was adopted on May 11, 2023.

Having no further business, a motion to adjourn was requested until the next regular meeting being scheduled on Thursday, May 11, 2023, at the hour of six o'clock (6:00) p.m. in Livingston, Louisiana.

LPR NO. 23-200d

MOTION was offered by Shane Mack and duly seconded by Tracy Girlinghouse to adjourn the May 11, 2023 special meeting of the Livingston Parish Council.

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

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

Thereupon the chair declared that the Motion had 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=Z-7bm1N0QFQ>

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.