

Minutes of a meeting of the Plaquemines Parish Council held in the Plaquemines Parish Temporary Courthouse, 450 F. Edward Hebert Blvd., Belle Chasse, Louisiana, on Thursday, January 22, 2009, at 1:30 p.m. pursuant to notice to all members with a quorum present as follows:

PRESENT: Council Member Lynda G. Banta, Chairman  
Council Member Don Beshel, Vice-Chairman  
Council Member Jerry Hodnett  
Council Member Stuart J. Guey  
Council Member Anthony L. Buras, Jr.  
Council Member Burghart Turner  
Council Member John J. Friedman  
Council Member Marla Cooper

Melissa P. LeBlanc, Secretary

ABSENT: Council Member Keith Hinkley

Mr. Billy Nungesser, Parish President, is present representing Administration.

The Pledge of Allegiance was led by Council Member Stuart J. Guey.

#### SUSPENSION OF RULES

Council Member Banta moved to suspend any and all rules necessary to add to the Agenda and to consider at today's meeting under Agenda Item 7, New Business, "Presentation by GCR Consulting on Plaquemines Parish Coastal Restoration".

Council Member Guey seconded the motion to suspend the rules.

The Motion having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper  
NAYS: None  
ABSENT: Council Member Keith Hinkley  
PRESENT BUT NOT VOTING: None

And the Motion was adopted on this the 22<sup>nd</sup> day of January, 2009.

Council Member Banta moved to advance to Agenda Item 6-m, "An Ordinance appropriating the sum of \$250,000 from the General Fund Unreserved/ Undesignated Fund Balance to support additional work authorized under previously approved Ordinance 08-186; and otherwise to provide with respect thereto". Without objections, so ordered.

#### ORDINANCE NO. 09-19

The following Ordinance was offered by Council Member Friedman who moved its adoption:

An Ordinance appropriating the sum of \$250,000 from the General Fund Unreserved/ Undesignated Fund Balance to support additional work authorized under previously approved Ordinance 08-186; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Parish Council approved Ordinance No. 08-186 on July 24, 2008, authorizing funding to employ a consultant team to assist the Parish's Coastal Department with the initial tasks associated with the advancement of the Parish's coastal barrier, storm surge, and flood protection program; and

WHEREAS, significant progress has been made on that project including the development of initial project concepts; evaluation of those concepts via computer modeling with the U.S. Army Corps of Engineers; reviews of the project proposals with the State Coastal Protection and Restoration Authority, Corps of Engineers, the Louisiana Dept. of Natural Resources, and

other agencies; completion of initial field surveys to determine water depths and bottom conditions to support the project alternatives; and the development of engineering cost estimates for project implementation; and

WHEREAS, it is critical that progress on this work continue uninterrupted in order to meet the FEMA-mandated project milestone date in 2011 for project implementation; and

WHEREAS, the Parish's Coastal Department has determined that additional tasks beyond those already completed will be needed to continue progress on meeting the ultimate goals of this work including the development of more refined plans and estimates, initiation of the permit process, and advancement of land ownership identification; and

WHEREAS, the Parish's Coastal Department has determined that these additional tasks will require funding above that originally approved by the Parish Council via Ordinance No. 08-186;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

#### SECTION 1

It hereby appropriates \$250,000 from the General Fund Unreserved/Undesignated Fund Balance to support additional work authorized under previously approved Ordinance 08-186, including the development of more refined plans and estimates, the initiation of the permit process, and the advancement of land ownership identification.

#### SECTION 2

It hereby authorizes and directs Parish President, Billy Nungesser, to utilize these additional funds to issue task orders only under the existing contracts originally authorized via Ordinance 08-186 of July 24, 2008; those contracts are with Griffin Consulting Services, LLC and GCR & Associates for Program Management, and Burk Kleinpeter, Inc. for Engineering and Environmental Services.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Cooper seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

#### RESOLUTION NO. 09-21

On motion of Council Member Banta, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Member Hinkley, absent, the following Resolution was adopted:

A Resolution authorizing the acceptance of bids for furnishing pipe, saddles, curb stops, fire hydrants, tees, etc., for use Parish wide for a period of one year.

WHEREAS, after due advertisement bids were received on January 6, 2009, for furnishing pipe, saddles, curb stops, fire hydrants, tees, etc., for use Parish wide for a period of one year as follows: Coburn Supply, 1849 Commercial Dr., Harvey Louisiana, 70058; Louisiana Utilities Supply Co., 901 Labarre Road, Suite 206, Metairie, Louisiana, 70001; and Cimsco Inc., 221 Canal Street, Metairie, Louisiana, 70005; which are on file in the Parish Purchasing Agent's Office and made a part hereof by reference; and

WHEREAS, Mr. Gene Fox, Area Manager-Maintenance of Severn Trent Services and Mr. Byron Williams, Director of Public Services, recommends the acceptance of the low bid of Coburn's Supply for Item Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 28, 29, 30, 31, 32, 33, 34, 35, 64, 94, 95, 96, 97, 225, 260, 262, 263, 272, 335, 343, 402, 454, and 462; the low bid of Cimsco, Inc. for Item Nos. 17, 18, 19, 52, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 180, 246, 247, 248, 273, 274, 275, 276, 277, 278, 280, 325, 326, 327, 328, 331, 332, 333, 334, 403, 404, 405, 413, 414, 415, 416, 417, 418, 419, 443, 453, 455, 456, 457, 458, 459, 460, 461, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, and 512; and the low bid of Louisiana Utilities Supply for Item Nos. 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 66, 67, 68, 69, 70, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 261, 264, 265, 266, 267, 268, 269, 270, 271, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 329, 330, 336, 337, 338, 339, 340, 341, 342, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 406, 407, 408, 409, 410, 411, 412, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 444, 445, 446, 447, 448, 449, 450, 451, 452, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, and 513; and the Council concurred in said recommendation;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes its Parish Purchasing Agent to issue purchase orders, on an as needed basis, for a period of one year, to Coburn Supply, 1849 Commercial Dr., Harvey Louisiana, 70058, for furnishing pipe, saddles, curb stops, fire hydrants, tees, etc., Item Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 28, 29, 30, 31, 32, 33, 34, 35, 64, 94, 95, 96, 97, 225, 260, 262, 263, 272, 335, 343, 402, 454, and 462; issue purchase orders, on an as needed basis, for a period of one year, to Cimsco Inc., 221 Canal Street, Metairie, Louisiana, 70005, for furnishing pipe, saddles, curb stops, fire hydrants, tees, etc., Item Nos. 17, 18, 19, 52, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 180, 246, 247, 248, 273, 274, 275, 276, 277, 278, 280, 325, 326, 327, 328, 331, 332, 333, 334, 403, 404, 405, 413, 414, 415, 416, 417, 418, 419, 443, 453, 455, 456, 457, 458, 459, 460, 461, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, and 512; and issue purchase orders, on an as needed basis, for a period of one year, to Louisiana Utilities Supply Co., 901 Labarre Road, Suite 206, Metairie, Louisiana, 70001, for furnishing pipe, saddles, curb stops, fire hydrants, tees, etc., Item Nos. 12, 13, 14, 15, 16, 20, 21, 22, 23, 24, 25, 26, 27, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 65, 66, 67, 68, 69, 70, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 261, 264, 265, 266, 267, 268, 269, 270, 271, 279, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 329, 330, 336, 337, 338, 339, 340, 341, 342, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 406, 407, 408, 409, 410, 411, 412, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441,

442, 444, 445, 446, 447, 448, 449, 450, 451, 452, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, and 513; all in accordance with bids submitted by said companies on January 6, 2009, on file in the Parish Purchasing Agent's Office.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that William Nungesser, Parish President, be and he is hereby authorized for and on behalf of the Plaquemines Parish Government, to enter into a contractual agreement with Coburn Supply, Cimsco Inc., and Louisiana Utilities Supply Co., for furnishing pipe, saddles, curb stops, fire hydrants, tees, etc., for use Parish wide for a period of one year, beginning January 22, 2009, with the adoption of this resolution and ending January 21, 2010.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes its Parish Fiscal Officers to issue check in payment of materials upon approval of invoices by Brenda L. Stanifer, Parish Purchasing Agent.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

#### RESOLUTION NO. 09-22

On motion of Council Member Guey, seconded by Council Member Banta, and on roll call all members present voting "Yes", except Council Member Hinkley, absent, the following Resolution was adopted:

A Resolution authorizing the acceptance of bids for furnishing a Honey Monster Septage Receiving System with Electric Grinder and Data Collection System **or Equal** for use at Plaquemines Parish Sewer Plants for a period of one year.

WHEREAS, after due advertisement bids were received on January 6, 2009, for furnishing a Honey Monster Septage Receiving System with Electric Grinder and Data Collection System **or Equal** for use at Plaquemines Parish Sewer Plants for a period of one year as follows: IPEC Consultants, 2889 Norland Avenue, Burnaby, BC Canada V5B 3A9; Lakeside Equipment Corp., 1022 E. Devon Avenue, Bartlett, IL 60103; Parsons & Sanderson, Inc., P.O. Box 958, Metairie, LA 70004; and Franklin Miller, Inc., 60 Okner Parkway, Livingston, NJ 07039; which are on file in the Parish Purchasing Agent's Office and made a part hereof by reference; and

WHEREAS, Mr. Gene Fox, Area Manager-Maintenance of Severn Trent Services and Mr. Byron Williams, Director of Public Services, recommends the acceptance of the low bid of IPEC Consultants; and the Council concurred in said recommendation;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes its Parish Purchasing Agent to issue purchase orders, on an as needed basis, for a period of one year, to IPEC Consultants, 2889 Norland Avenue, Burnaby, BC Canada V5B 3A9, for furnishing a Honey Monster Septage Receiving System with Electric Grinder and Data Collection System **or Equal** for use at Plaquemines Parish Sewer Plants; all in accordance with bids submitted by said companies on January 6, 2009, on file in the Parish Purchasing Agent's Office.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that William Nungesser, Parish President, be and he is hereby authorized for and on behalf of the Plaquemines Parish Government, to enter into a contractual agreement with IPEC Consultants, 2889 Norland Avenue, Burnaby, BC Canada V5B 3A9, for furnishing a Honey Monster Septage Receiving System with Electric Grinder and Data Collection System **or Equal** for use at Plaquemines Parish Sewer Plants for a period of one year, beginning January 22, 2009, with the adoption of this resolution and ending January 21, 2010.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes its Parish Fiscal Officers to issue check in payment of materials upon approval of invoices by Brenda L. Stanifer, Parish Purchasing Agent.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 09-23

On motion of Council Member Banta, seconded by Council Member Beshel, and on roll call all members present voting "Yes", except Council Member Hinkley, absent, the following Resolution was adopted:

A Resolution authorizing the acceptance of bids for furnishing Material and Labor to Install an Onboard Flight Guidance Recording System on a Piper Airplane Model # PA23-250 for use by the Mosquito Control Department.

WHEREAS, after due advertisement bids were received on January 20, 2009, for furnishing material and labor to Install an Onboard Flight Guidance Recording System on a Piper Airplane Model # PA23-250 for use by the Mosquito Control Department as follows: Adapco, 550 Aero Lane, Sanford, FL 32771 only; all bids on file in the Parish Purchasing Agent's Office and made a part hereof by reference; and

WHEREAS, Mr. Gary Ragas, Director of Administration, recommends the acceptance of the low bid of Adapco, and the Council concurred in said recommendation;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes its Parish Purchasing Agent to issue purchase order to Adapco, 550 Aero Lane, Sanford, FL 32771, for furnishing material and labor to Install an Onboard Flight Guidance Recording System on a Piper Airplane Model # PA23-250 for use by the Mosquito Control Department, all in accordance with bid submitted by said vendor on January 20, 2009, on file in the Parish Purchasing Agent's Office.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that William Nungesser, Parish President, be and he is hereby authorized for and on behalf of the Plaquemines Parish Government to enter into a contractual agreement with Adapco, for furnishing material and labor to Install an Onboard Flight Guidance Recording System on a Piper Airplane Model # PA23-250 for use by the Mosquito Control Department, beginning with the adoption of this Resolution.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes its Parish Fiscal Officers to issue check in payment of material and labor, upon approval of invoices by Brenda L. Stanifer, Parish Purchasing Agent.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 09-24

On motion of Council Member Banta, seconded by Council Member Hodnett, and on roll call all members present voting "Yes", except Council Member Hinkley, absent, the following Resolution was adopted:

BE IT RESOLVED by the Plaquemines Parish Council that the following applications for permit to engage in the sale of liquor and/or beer only in the Parish of Plaquemines for the year 2009 are hereby approved: Tuohy Inc., 207 E 3<sup>rd</sup> St., Belle Chasse, LA., 70037, "Charlie's Restaurant", 612 Engineers Road, Belle Chasse, LA., 70037, retail saloon-beer; State Oil Fuel Center, Inc., P.O. Box 220 Belle Chasse, LA., 70037, "State Oil Fuel Center", 7124 Hwy. 23, Belle Chasse, LA., 70037, retail saloon-liquor; State Oil Fuel Center, Inc., P.O. Box 220 Belle Chasse, LA., 70037, "State Oil Fuel Center", 7124 Hwy. 23, Belle Chasse, LA., 70037, package house-liquor; Barriere Lands LLC, "Bayou Barriere Golf Club", 7427 Hwy. 23, Belle Chasse, LA., 70037, retail saloon-liquor; T and R, LLC, "Zydeco's Cajun Kitchen", 7010 Hwy. 23, Belle Chasse, LA., 70037, retail saloon-liquor; Big Drink, L.L.C., "Sudz Tavern", 106 E Barriere Road, Belle Chasse, LA., 70037, retail saloon-liquor; Stars & Stripes Grill, LLC, 106 Morning Glory Ct., Belle Chasse, LA., 70037, "Stars & Stripes Grill", 7670 Hwy. 23, Suite A, Belle Chasse, LA., 70037, retail saloon-liquor; Salvadore St. Phillip, 110 Royal

Crescent Dr., Belle Chasse, LA., 70037, "Salvo's Seafood", 7742 Hwy. 23, Belle Chasse, LA., 70037, retail saloon-beer; Briggs of Belle Chasse Inc., 641 Papworth Ave., Metairie, LA., 70005, "New Orleans Original Daiquiris", 8102 Hwy. 23, Belle Chasse, LA., 70037, retail saloon-liquor; Circle K Stores, Inc., 25 W Cedar St., Suite 100, Pensacola, FL., 32505, "Circle K Store #562", 9144 Highway 23, Belle Chasse, LA., 70037, package house-liquor; La Caffè Casa, Inc., P.O. Box 493, Port Sulphur, LA., 70083, "La Caffè Casa", 26145 Hwy. 23, Port Sulphur, LA., 70083, retail saloon-liquor; Roseina Copeland, P.O. Box 488, Port Sulphur, LA., 70083, "Watutsi Ale", 33115 Hwy. 11, Empire, LA., 70050, retail saloon-liquor; Iguana's Daiquiri Express, Inc., 312 Myrtle Grove Rd., Port Sulphur, LA., 70083, "Iguana's Daiquiri Express", 123 Eldorado Street, Buras, LA., 70041, retail saloon-liquor; Deep Delta Houseboats LLC, P.O. Box 11, Belle Chasse, LA., 70037, "Venice Sports Marina", 237 Sports Marina Road, Venice, LA., 70091, retail saloon-liquor.

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Sheriff I. F. "Jiff" Hingle and the Plaquemines Parish Health Department as notice of approval of applications for permit.

Council Member Banta moved to advance to Agenda Item 6a-4, "An Ordinance granting a Surface and Subsurface Agreement to Hilcorp Energy I, L.P., for the purpose of drilling, operating and producing a directional well on, over, under and across Parish-owned property located in Sections 2 and 3, Township 23 South, Range 30 East, West Bay Field, Buras Levee District, Plaquemines Parish, Louisiana; to authorize the President of the Plaquemines Parish Government to execute the Surface and Subsurface Agreement; and otherwise to provide with respect thereto". Without objections, so ordered.

#### ORDINANCE NO. 09-20

The following Ordinance was offered by Council Member Guey who moved its adoption:

An Ordinance granting a Surface and Subsurface Agreement to Hilcorp Energy I, L.P., for the purpose of drilling, operating and producing a directional well on, over, under and across Parish-owned property located in Sections 2 and 3, Township 23 South, Range 30 East, West Bay Field, Buras Levee District, Plaquemines Parish, Louisiana; to authorize the President of the Plaquemines Parish Government to execute the Surface and Subsurface Agreement; and otherwise to provide with respect thereto.

WHEREAS, Mr. Will Williams, representing Hilcorp Energy I, L.P., as Grantee, has requested from Plaquemines Parish Government, as Grantor, a Surface and Subsurface Agreement on, over, under and across Parish-owned properties located in the NE 1/4 of Section 3, and the NW 1/4 of Section 2 Township 23 South, Range 30 East, West Bay Field, Buras Levee District, Plaquemines Parish, Louisiana, for the purpose of directionally drilling, operating and producing the State Lease 192 PP, No. 173 Well in search of oil and gas from a surface location in the NE 1/4 of Section 3, to a subsurface bottom-hole location situated in the NW 1/4 of Section 2, Township 22 South, Range 30 East, West Bay Field, Buras Levee District, Plaquemines Parish, Louisiana; and

WHEREAS, Grantee desires to continue to possess the right to utilize the property consistent with the terms and conditions set forth in the Surface and Subsurface Agreement; and

WHEREAS, the location of the property is more fully described and identified on a Louisiana Department of Conservation Permit Plat dated June 9, 2008, for the State Lease 192 PP, No. 173 Well, provided by C & C Technologies, Survey Services, attached hereto and made a part hereof for all purposes; and

WHEREAS, the Mineral Department recommends that Plaquemines Parish Government issue a Surface and Subsurface Agreement to Hilcorp Energy I, L.P., pursuant to the terms and conditions noted in the Surface and Subsurface Agreement, as amended;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

#### SECTION 1

It hereby grants a Surface and Subsurface Agreement to Hilcorp Energy I, L.P., over, under and through Parish-owned property from a surface location situated in the NE 1/4 of Section 3, to a subsurface bottom-hole located situated in the NW 1/4 of Section 2, Township 23 South,

Range 30 East, West Bay Field, Buras Levee District, Plaquemines Parish, Louisiana; for the express purpose of drilling, operating and producing the State Lease 192 PP, No. 173 Well, in accordance with terms and conditions set out in the Surface and Subsurface Agreement, as amended.

## SECTION 2

The Parish President be and he is hereby authorized and directed to execute and deliver a Surface and Subsurface Agreement to Hilcorp Energy I, L.P., pursuant to the Agreement and on the terms and conditions outlined herein, including an annual rental of \$1500 and a per well servitude fee of \$1000 plus \$25 per rod for additional wells based on surface distance from surface location to subsurface location.

## SECTION 3

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Guey seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

Council Member Banta moved to advance to Agenda Item 6-n, "An Ordinance to amend the 2008 Revenue and Expenditure Budgets; and otherwise to provide with respect thereto". Without objections, so ordered.

## ORDINANCE NO.

The following Ordinance was offered by Council Member Banta who moved its adoption:

An Ordinance to amend the 2008 Revenue and Expenditure Budgets; and otherwise to provide with respect thereto.

WHEREAS, an Administrative review of the 2008 Revenue and Expenditure Budgets was performed resulting in various requested amendments;  
NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

## SECTION 1

The 2008 Operating Expenditure Budget, is amended by transferring funds as follows:

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Guey seconded the motion to adopt the Ordinance.

Council Member Banta offered a substitute to the proposed Ordinance.

ORDINANCE NO. 09-21

The following Ordinance was offered by Council Member Banta who moved its adoption:

An Ordinance to amend the 2008 Revenue and Expenditure Budgets; and otherwise to provide with respect thereto.

WHEREAS, an Administrative review of the 2008 Revenue and Expenditure Budgets was performed resulting in various requested amendments;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The 2008 Operating Expenditure Budget, is amended by appropriating \$192,780 to Various Funds, Financial Administration Department, line items professional services for survey and appraisal recommendations for oil and gas production and pipe line properties, and for oil and gas consultant and legal services provided through the Plaquemines Parish Assessor's Office; \$180,030 transferred from the Mosquito Control Department line item Professional Services and \$12,750 transferred from the Library Department line item Public Library Books.

SECTION 2

The 2008 Operating Expenditure Budget, is amended by transferring \$210,000 to the Street Lighting Department line item Electrical Light and Power, \$180,000 from the Public Right of Way Department line item Machinery and Equipment and \$30,000 from the Public Right of Way Department line item Vehicle Accessories.

SECTION 3

The 2008 Operating Expenditure Budget, is amended by appropriating \$1,160,000 to various revenue line items for Hurricane Reimbursements and to Various Funds, Various Departments line item Hurricane Overtime.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Guey seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

Council Member Banta moved to advance to Agenda Item 6-1, "An Ordinance to amend the Public Health Fund, 2009 Operating Expenditure Budget, Health Department, line item Professional Services; and otherwise to provide with respect thereto". Without objections, so ordered.

ORDINANCE NO. 09-22

The following Ordinance was offered by Council Member Buras who moved its adoption:

An Ordinance to amend the Public Health Fund, 2009 Operating Expenditure Budget, Health Department, line item Professional Services; and otherwise to provide with respect thereto.

WHEREAS, the citrus industry is vital to the economy of Plaquemines Parish; and

WHEREAS, funding is necessary to assist the Plaquemines Parish citrus industry in the prevention of citrus diseases; and

WHEREAS, amending the Public Health Fund, 2009 Operating Expenditure Budget, Health Department, by appropriating \$80,000 to line item Professional Services from the General Fund Unreserved/Undesignated Fund Balance is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Public Health Fund, 2009 Operating Expenditure Budget, Health Department is amended by appropriating \$80,000 from the General Fund Unreserved/Undesignated Fund Balance as follows:

FUND	<u>PUBLIC HEALTH FUND</u>	<u>04</u>		
DEPARTMENT/DIVISION	<u>HEALTH</u>	<u>540-0001</u>		
<u>OBJECT</u>	<u>DESCRIPTION</u>	<u>AMENDMENT</u>	<u>NEW</u>	
<u>TOTAL</u>				
52800	PROFESSIONAL SERVICES	INCREASE BY \$80,000.00		\$81,000.00

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Banta seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper  
NAYS: None

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

Council Member Banta moved to advance to Agenda Item 6-v, "An Ordinance to approve the amended Pay Plan and Classification Schedule adopted by the Civil Service Commission on December 9, 2008 to create a new classification of Sales Tax Manager; and otherwise to provide with respect thereto.". Without objections, so ordered.

ORDINANCE NO. 09-23

The following Ordinance was offered by Council Member Beshel who moved its adoption:

An Ordinance to approve the amended Pay Plan and Classification Schedule adopted by the Civil Service Commission on December 9, 2008 to create a new classification of Sales Tax Manager; and otherwise to provide with respect thereto.

WHEREAS, the Civil Service Commission held an appeal hearing on August 26, 2008 concerning the reallocation and reclassification of the Sales Taxes Supervisor in the Finance Department; and

WHEREAS, during the appeal hearing it was determined that the title of Sales Tax Supervisor is not representative of the duties and responsibilities of the position; and

WHEREAS, the Commission recognizes that the rate of pay and the title of the classification is not in line with the surrounding parishes; and

WHEREAS, after careful consideration and discussion the Civil Service Commission on December 9, 2008 amended their Pay Plan and Classification Schedule to add the Classification of Sales tax Manager on Pay Grade 22;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby approves the amended Pay Plan and Classification Schedule adopted by the Civil Service Commission on December 9, 2008 which adds the new classification of Sales Tax Manager on Pay Grade 22.

SECTION 2

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Banta seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Stuart J. Guey, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: Council Members Jerry Hodnett and Anthony L. Buras

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

Council Member Banta moved to advance to Agenda Item 6-w, "An Ordinance to approve the amended Pay Plan and Classification Schedule adopted by the Civil Service Commission on October 21, 2008 to create a new classification of Business Manager; and otherwise to provide with respect thereto". Without objections, so ordered.

ORDINANCE NO. 09-24

The following Ordinance was offered by Council Member Beshel who moved its adoption:

An Ordinance to approve the amended Pay Plan and Classification Schedule adopted by the Civil Service Commission on October 21, 2008 to create a new classification of Business Manager; and otherwise to provide with respect thereto.

WHEREAS, the Civil Service Commission held an appeal hearing on August 19, 2008 concerning the reallocation and reclassification of the Senior Clerk in the Library Department; and

WHEREAS, during the appeal hearing it was discovered that the employee was performing duties that were at a higher level than the Senior Clerk; and

WHEREAS, the Commission recognizes the intent of the Library Director and the Public Service Director to have a new classification of "Business Manager" created during The Archer Company Study; and

WHEREAS, after careful consideration and discussion the Civil Service Commission on October 21, 2008 amended their Pay Plan and Classification Schedule to add the Classification of Business Manager on Pay Grade 14; (Minimum Salary \$28,558)

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby approves the amended Pay Plan and Classification Schedule adopted by the Civil Service Commission on October 21, 2008 which adds the new classification of Business Manager on Pay Grade 14.

SECTION 2

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Guey seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Stuart J. Guey, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: Council Members Jerry Hodnett and Anthony L. Buras

ABSENT: Council Member Keith Hinkley

ABSTAINED: Council Member Burghart Turner

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

Council Member Banta moved to advance to Agenda Item 7-d, "Discussion of special entry rate for Marine Welder". Without objections, so ordered.

Council Member Banta moved to advance to Agenda Item 6-u, "A Resolution authorizing the Parish President, William H. Nungesser, to enter into the Modified Agreement with Severn Trent Environmental Services, Inc.; and otherwise to provide with respect thereto". Without objections, so ordered.

RESOLUTION NO.

On motion of Council Member Beshel, seconded by Council Member Guey, the following Resolution was offered for adoption:

A Resolution authorizing the Parish President, William H. Nungesser, to enter into the Modified Agreement with Severn Trent Environmental Services, Inc.; and otherwise to provide with respect thereto.

WHEREAS, the original agreement with Severn Trent Environmental Services, Inc., for contract management, operation, maintenance and repair of the Parish's water and Sewerage facilities and systems was extended to December 31, 2008, to allow completion of an assessment of the contract provisions and of the performance of Severn Trent; and

WHEREAS, the assessment has been completed and the Parish President has recommended to the Parish Council the approval of the renewal of the Agreement with Severn Trent modified to a labor-only contract;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes William H. Nungesser, Parish President, to enter into a renewal of the Agreement with Severn Trent Environmental Services, Inc., for operation, maintenance and repair of the Parish's water and sewerage facilities and systems as modified to a labor-only contract and sign any and all documents in connection with the renewal of the service on a labor-only basis.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

Council Member Banta moved a recess at 4:05 p.m.

The Meeting came back to order at 4:25 p.m., with all members present.

#### RESOLUTION NO.

On motion of Council Member Beshel, seconded by Council Member Guey, the following Resolution was offered for adoption:

A Resolution authorizing the Parish President, William H. Nungesser, to enter into the Modified Agreement with Severn Trent Environmental Services, Inc.; and otherwise to provide with respect thereto.

WHEREAS, the original agreement with Severn Trent Environmental Services, Inc., for contract management, operation, maintenance and repair of the Parish's water and Sewerage facilities and systems was extended to December 31, 2008, to allow completion of an assessment of the contract provisions and of the performance of Severn Trent; and

WHEREAS, the assessment has been completed and the Parish President has recommended to the Parish Council the approval of the renewal of the Agreement with Severn Trent modified to a labor-only contract;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes William H. Nungesser, Parish President, to enter into a renewal of the Agreement with Severn Trent Environmental Services, Inc., for operation, maintenance and repair of the Parish's water and sewerage facilities and systems as modified to a labor-only contract and sign any and all documents in connection with the renewal of the service on a labor-only basis.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

Council Member Beshel moved to defer the proposed Resolution.

Council Member Banta moved to advance to Agenda Item 6a-7, “An Ordinance approving a plan of resubdivision of a portion of former John J. Vogt Property, Pilgrim Rest Division, Homeplace, Plaquemines Parish, Louisiana, into Lots 1 through 10, Pilgrim Rest Division, Homeplace, Plaquemines Parish, Louisiana, as shown on the plans and plat of survey by Dufrene Surveying & Engineering, Inc., dated March 10, 2008, the owner having fulfilled all of the requirements of the Subdivision and Resubdivision Ordinance of the Parish of Plaquemines, without cost to the Plaquemines Parish Government or the Parish of Plaquemines”. Without objections, so ordered.

ORDINANCE NO. 09-25

The following Ordinance was offered by Council Member Friedman who moved its adoption:

An Ordinance approving a plan of resubdivision of a portion of former John J. Vogt Property, Pilgrim Rest Division, Homeplace, Plaquemines Parish, Louisiana, into Lots 1 through 10, Pilgrim Rest Division, Homeplace, Plaquemines Parish, Louisiana, as shown on the plans and plat of survey by Dufrene Surveying & Engineering, Inc., dated March 10, 2008, the owner having fulfilled all of the requirements of the Subdivision and Resubdivision Ordinance of the Parish of Plaquemines, without cost to the Plaquemines Parish Government or the Parish of Plaquemines.

WHEREAS, Pilgrim Rest Community Development Agency, is the owner of property, situated in the Parish of Plaquemines, State of Louisiana, as more fully shown on the plan and plat of resubdivision by Dufrene Surveying & Engineering, Inc., dated March 10, 2008, a print whereof is annexed hereto and made part hereof.

WHEREAS, Pilgrim Rest Community Development Agency, is the owner of said property, has proposed the resubdivision of a portion of former John J. Vogt Property, Pilgrim Rest Division, Homeplace, Plaquemines Parish, Louisiana, as more fully shown on said plan.

WHEREAS, all streets, utilities, drainage structures and other improvements shown on the aforementioned plan and plat of survey are in place, with the appropriate water lines and fire fighting protection upgrades installed on Stephen Ballay Lane, as per Plaquemines Parish Government specifications, to service the resubdivision, at Plaquemines Parish Government’s expense, in accordance with Parish President Billy Nungesser’s agreement dated December 12, 2008, and with the appropriate sewer lines and sewer service connection stub outs installed at the applicant’s expense, as per Plaquemines Parish Government specifications;

NOW, THEREFORE:

BE IT ORDAINED by the Plaquemines Parish Council for the Parish of Plaquemines, Louisiana, that the aforesaid plan of resubdivision a portion of former John J. Vogt Property, Pilgrim Rest Division, Homeplace, Plaquemines Parish, Louisiana, into 1 through 10, Pilgrim Rest Division, Homeplace, Plaquemines Parish, Louisiana, as shown on the plat and plan of survey by Dufrene Surveying & Engineering, Inc., dated March 10, 2008, a pint whereof is annexed hereto and made a part hereof, be approved, with the appropriate water lines and fire fighting protection upgrades installed on Stephen Ballay Lane, as per Plaquemines Parish Government specifications, to service the resubdivision, at Plaquemines Parish Government’s expense, in accordance with Parish President Billy Nungesser’s agreement dated December 12, 2008, and with the appropriate sewer lines and sewer service connection stub outs installed at the applicant’s expense, as per Plaquemines Parish Government specifications, and that the approval of the Parish President, Directors and all appropriate Parish department heads of the aforesaid plan and plat of survey be ratified.

BE IT FURTHER ORDAINED by the Plaquemines Parish Council of the Parish of Plaquemines, Louisiana that the Parish President be and he is hereby authorized to appear before a Notary Public, and to approve the aforesaid plan or resubdivision of owner as depicted on plan and plat of survey by Dufrene Surveying & Engineering, Inc., March 10, 2008, for the Parish of Plaquemines and the Plaquemines Parish Government, and to execute any and all acts and documents necessary and proper in the premises to give full force and effect to the aforesaid Ordinance.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Banta seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

Council Member Banta moved to advance to Agenda Item 6a-11, "An Ordinance approving a plan of resubdivision of Lots 1, 2, and 3, St. Clair Plantation and Lots 8 through 22 and Part of Lot 7, Mon Plaisir Plantation, Braithwaite, Plaquemines Parish, Louisiana, into Parcels 1B, 1C and 1D Braithwaite, Plaquemines Parish, Louisiana, sh shown on the plans and plat of survey by Dufrene Surveying & Engineering, Inc., dated October 20, 2008, the owner having fulfilled all of the requirements of the Subdivision and Resubdivision Ordinance of the Parish of Plaquemines, without cost to the Plaquemines Parish Government or the Parish of Plaquemines". Without objections, so ordered.

#### ORDINANCE NO. 09-26

The following Ordinance was offered by Council Member Beshel who moved its adoption:

An Ordinance approving a plan of resubdivision of Lots 1, 2, and 3, St. Clair Plantation and Lots 8 through 22 and Part of Lot 7, Mon Plaisir Plantation, Braithwaite, Plaquemines Parish, Louisiana, into Parcels 1B, 1C and 1D Braithwaite, Plaquemines Parish, Louisiana, sh shown on the plans and plat of survey by Dufrene Surveying & Engineering, Inc., dated October 20, 2008, the owner having fulfilled all of the requirements of the Subdivision and Resubdivision Ordinance of the Parish of Plaquemines, without cost to the Plaquemines Parish Government or the Parish of Plaquemines.

WHEREAS, Amax Metals Recovery, is the owner of property, situated in the Parish of Plaquemines, State of Louisiana, as more fully shown on the plan and plat of resubdivision by Dufrene Surveying & Engineering, Inc., dated October 20, 2008, a print whereof is annexed hereto and made part hereof; and

WHEREAS, Amax Metals Recovery, is the owner of said property, has proposed the resubdivision of Lots 1, 2, and 3, St. Clair Platation and Lots 8 through 22 and Part of Lot 7, Mon Plaisir Plantation, Braithwaite, Plaquemines Parish, Louisiana, into Parcels 1B, 1C and 1D Braithwaite, Plaquemines Parish, Louisiana, as more fully shown on said plan.

WHEREAS, all streets, utilities, drainage structures and other improvements shown on the aforementioned plan and plat of survey are in place, with the appropriate privately owned/operated sewer treatment system installed at the applicant's expense, as per Plaquemines Parish Government specifications;

NOW, THEREFORE:

BE IT ORDAINED by the Plaquemines Parish Council for the Parish of Plaquemines, Louisiana, that the aforesaid plan of resubdivision Lots 1, 2, and 3, St. Clair Plantation and Lots 8 through 22 and Part of Lot 7, Mon Plaisir Plantation, Braithwaite, Plaquemines Parish, Louisiana, into Parcels 1B, 1C, and 1D Braithwaite, Plaquemines Parish, Louisiana, as shown on the plat and plan of survey by Dufrene Surveying & Engineering, Inc., dated October 20, 2008, a print whereof is annexed hereto and made a part hereof, be approved, with the appropriate privately owned/operated sewer treatment system installed at the applicant's

expense, as per Plaquemines Parish Government specifications, and that the approval of the Parish President, Directors and all appropriate Parish department heads of the aforesaid plan and plat of survey be ratified.

BE IT FURTHER ORDAINED by the Plaquemines Parish Council of the Parish of Plaquemines, Louisiana that the Parish President be and he is hereby authorized to appear before a Notary Public, and to approve the aforesaid plan or resubdivision of owner as depicted on plan and plat of survey by Dufrene Surveying & Engineering, Inc., October 20, 2008, for the Parish of Plaquemines and the Plaquemines Parish Government, and to execute any and all acts and documents necessary and proper in the premises to give full force and effect to the aforesaid Ordinance.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Hodnett seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Keith Hinkley, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

#### RESOLUTION NO. 09-25

On motion of Council Member Hodnett, seconded by Council Member Beshel, and on roll call all members present voting "Yes", except Council Member Hinkley, absent, the following Resolution was adopted:

BE IT RESOLVED by the Plaquemines Parish Council that the following application for construction permits in the Parish of Plaquemines is hereby approved: James Frischhertz, Application No. O-2008-84, dated March 24, 2008, to install bulkhead, 233 Harlem Lane, Harlem; Hilcorp Energy Company, Application No. O-2008-345, dated October 14, 2008, for the installation of 2", 4" and 6" pipelines, Burrwood Field; Century Exploration N.O., Inc., Application No. O-2008-347, dated October 15, 2008, for emergency installation of pile clusters, breaker barge and two pile walls, Breton Sound Area, Block 45; Daybrook Fisheries, Inc., Application No. O-2008-367, dated November 18, 2008, to repair existing levee ramp replacing 8" timber boards with 12" boards, Empire Area; Martin-Marks Operating Co., LLC, Application No. O-2008-381, dated December 12, 2008, to dredge, install pile clusters and shell pad, drill the SL 19677 well no. 1 and install well protection structure, Southeast Pass area; Shell Pipeline Company, Application No. O-2008-386, dated December 22, 2008, to anomaly repair delta 16" pipeline, Bucks Bay area; Shell Pipeline Company, Application No. O-2008-387, dated December 22, 2008, to lower a portion of existing Delta 20" loop pipeline, Breton Sound Block 49; Harvest Oil & Gas, LLC, Application No. O-2008-388, dated December 23, 2008, to install 4" pipeline, Grand Bay Field; Eustis Engineering Services, LLC, Application No. O-2008-390, dated December 23, 2008, to drill two soil borings, 26892 Highway 23, Port Sulphur; Martin-Marks Operating Co., LLC, Application No. O-2009-5, dated January 8, 2009, to install board road and drill Haspel & Davis well no. 2, Pointe-la-Hache Field; Shell Pipeline Co., Application No. O-2009-8, dated January 8, 2009, to repair anomaly on 20" Delta pipeline, Bayou Eau Duce Area; Crawford Energy Operating Co., Application No. 2009-9, dated January 8, 2009, to dredge, install pile clusters, drill the Porter well no. 1 and install well protector platform, Bayou Gentilly Field; Dune Operating Company, Application No. O-2008-382, dated December 12, 2008, for hydraulic dredging, install pile clusters and shell pad, drill the S.L. 214 Nu Prospect A-2, install 6" pipelines, walkway, deck and well head protector, Garden Island Bay Field; Dune Operating Company, Application No. O-2008-385, dated December 22, 2008, to drill the S.L. 214 Nu Prospect A-1 and install 6" flowlines, Garden Island Bay Field.

#### RESOLUTION NO. 09-26

On motion of Council Member Buras, seconded by Council Member Banta, and on roll call all members present voting "Yes", except Council Members Hinkley, absent, and Hodnett, Present not Voting, the following Resolution was adopted:

BE IT RESOLVED by the Plaquemines Parish Council that the following application for construction permits in the Parish of Plaquemines is hereby approved: Swift Energy Operating, LLC, Application No. O-2008-383, dated December 16, 2008, for the installation of 4" and 6" flowlines, Lake Washington Field; Swift Energy Operating, LLC, Application No. O-2008-389, dated December 23, 2008, to install pile clusters and shell pad, drill the CM well SS, install keyway and well head protector, Lake Washington Field; Swift Energy Operating, LLC, Application No. O-2009-1, dated January 8, 2009, to install pile clusters and shell pad, drill the CM well UU, install keyway and well head protector, Lake Washington Field; Swift Energy Operating, LLC, Application No. O-2009-7, dated January 8, 2009, to install pile clusters and shell pad, drill the CM well TT, install keyway and well head protector, Lake Washington Field.

#### RESOLUTION NO. 09-27

On motion of Council Member Cooper, seconded by Council Member Friedman, and on roll call all members present voting "Yes", except Council Members Hinkley and Hodnett, absent, the following Resolution was adopted:

A Resolution approving the issuance of a special permit to Thomas & Darolyn Thompson for the renovation of an existing residence on property located in a FP (Flood Plain) Zoning District at 197 Hoist Road, Venice, Louisiana, all in accordance with Application No. B-2009-1, dated December 31, 2008.

WHEREAS, Thomas & Darolyn Thompson applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-1, dated December 31, 2008) for a permit to renovate an existing residence on property located at 197 Hoist Road, Venice, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Thomas & Darolyn Thompson for the renovation of an existing residence on property located in a FP (Flood Plain) Zoning District at 197 Hoist Road, Venice, Louisiana, all in accordance with Application No. B-2009-1, dated December 31, 2008.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

#### RESOLUTION NO. 09-28

On motion of Council Member Beshel, seconded by Council Member Guey, and on roll call all members present voting "Yes", except Council Members Hinkley and Hodnett, absent, the following Resolution was adopted:

A Resolution approving the issuance of a special permit to Donald Durr for the installation of a fireworks stand on property located in a FP (Flood Plain) Zoning District at 1044 Hwy. 39, Braithwaite, Louisiana, all in accordance with Application No. B-2009-7, dated January 5, 2009.

WHEREAS, Donald Durr applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-7, dated January 5, 2009) for a permit for the installation of a fireworks stand on property located at 1044 Hwy. 39, Braithwaite, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Donald Durr for the installation of a fireworks stand on property located in a FP (Flood Plain) Zoning District at 1044 Hwy. 39, Braithwaite, Louisiana, all in accordance with Application No. B-2009-7, dated January 5, 2009.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 09-29

On motion of Council Member Beshel, seconded by Council Member Guey, and on roll call all members present voting "Yes", except Council Members Hinkley and Hodnett, absent, the following Resolution was adopted:

A Resolution approving the issuance of a special permit to Donald Durr for the installation of a fireworks stand on property located in an A-2 (Rural or Agricultural) Zoning District at 4167 English Turn Road, Braithwaite, Louisiana, all in accordance with Application No. B-2009-6, dated January 5, 2009.

WHEREAS, Donald Durr applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-6, dated January 5, 2009) for a permit for the installation of a fireworks stand on property located at 4167 English Turn Road, Braithwaite, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Donald Durr for the installation of a fireworks stand on property located in an A-2 (Rural or Agricultural) Zoning District at 4167 English Turn Road, Braithwaite, Louisiana, all in accordance with Application No. B-2009-6, dated January 5, 2009.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 09-30

On motion of Council Member Guey, seconded by Council Member Beshel, and on roll call all members present voting "Yes", except Council Member Hinkley, absent, the following Resolution was adopted:

A Resolution approving the issuance of a special permit to Donald Durr for the installation of a fireworks stand on property located in a C-2 (General Commercial) Zoning District at 9590 Hwy. 23, Belle Chasse, Louisiana, all in accordance with Application No. B-2009-4, dated January 5, 2009.

WHEREAS, Donald Durr applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-4, dated January 5, 2009) for a permit for the installation of a fireworks stand on property located at 9590 Hwy. 23, Belle Chasse, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Donald Durr for the installation of a fireworks stand on property located in a C-2 (General Commercial) Zoning District at 9590 Hwy. 23, Belle Chasse, Louisiana, all in accordance with Application No. B-2009-4, dated January 5, 2009.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 09-31

On motion of Council Member Buras, seconded by Council Member Guey, and on roll call all members present voting "Yes", except Council Member Hinkley, absent, the following Resolution was adopted:

A Resolution approving the issuance of a special permit to Donald Durr for the installation of a fireworks stand on property located in an I-2 (Light Industrial) Zoning District at 7020 Hwy. 23, Belle Chasse, Louisiana, all in accordance with Application No. B-2009-41, dated January 5, 2009.

WHEREAS, Donald Durr applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-41, dated January 5, 2009) for a permit for the installation of a fireworks stand on property located at 7020 Hwy. 23, Belle Chasse, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Donald Durr for the installation of a fireworks stand on property located in an I-2 (Light Industrial) Zoning District at 7020 Hwy. 23, Belle Chasse, Louisiana, all in accordance with Application No. B-2009-41, dated January 5, 2009.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

#### RESOLUTION NO. 09-32

On motion of Council Member Cooper, seconded by Council Member Friedman, and on roll call all members present voting "Yes", except Council Member Hinkley, absent, the following Resolution was adopted:

A Resolution approving the issuance of a special permit to Rick Adams for the construction of a camp on property located in a FP (Flood Plain) Zoning District at 179 Sports Marina Road, Venice, Louisiana, all in accordance with Application No. B-2009-23, dated January 8, 2009.

WHEREAS, Rick Adams applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-23, dated January 8, 2009) for a permit to construct a camp on property located at 179 Sports Marina Road, Venice, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Rick Adams for the construction of a camp on property located in a FP (Flood Plain) Zoning District at 179 Sports Marina Road, Venice, Louisiana, all in accordance with Application No. B-2009-23, dated January 8, 2009.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

#### RESOLUTION NO. 09-33

On motion of Council Member Buras, seconded by Council Member Beshel, and on roll call all members present voting "Yes", except Council Member Hinkley, absent, the following Resolution was adopted:

A Resolution approving the issuance of a special permit to Affordable Fireworks for the installation of a fireworks stand on property located in an I-3 (Heavy Industrial) Zoning District at 2611 Concord Road, Belle Chasse, Louisiana, all in accordance with Application No. B-2009-20, dated January 9, 2009.

WHEREAS, Affordable Fireworks applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-20, dated January 9, 2009) for a permit for the installation of a fireworks stand on property located at 2611 Concord Road, Belle Chasse, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Affordable Fireworks for the installation of a fireworks stand on property located in an I-3 (Heavy Industrial) Zoning District at 2611 Concord Road, Belle Chasse, Louisiana, all in accordance with Application No. B-2009-20, dated January 9, 2009.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

#### ORDINANCE NO. 09-27

The following Ordinance was offered by Council Member Friedman who moved its adoption:

An Ordinance amending the lease agreements between the Plaquemines Parish Government and Dominick Ditcharo, Jr., d/b/a D. Ditcharo, Jr. Seafoods, LLC, for Lot A in the Buras Boat Harbor, dated December 19, 2000, registered in C.O.B. 985, folio 719, Parish of Plaquemines and the lease unto D. Dominick Ditcharo, Jr., d/b/a D. Ditcharo Seafoods, LLC, for Lot B of the Buras Boat Harbor, dated January 28, 1998, registered in C.O.B. 923, folio 615, Parish of Plaquemines. Mr. Ditcharo notified the Parish of his intention to exercise his options on the leases of Lot A and Lot B of the Buras Boat Harbor. As a result of Hurricanes Katrina and Rita all of the improvements on said leased properties were destroyed and Dominick Ditcharo, III, requests an extension of said lease agreements, having fulfilled all of the requirements of LA R.S. 41:1217, without any cost to the Plaquemines Parish Government, and with warranty of title by the Plaquemines Parish Government for a period of 30 years on each lease agreement.

WHEREAS, on August 13, 2003, Mr. Dominick Ditcharo, Jr. was killed in an automobile accident and his son Dominick Ditcharo, III, has continued the operation of his business on said leased property under the name of D. Ditcharo, Jr., Seafoods, LLC, and has agreed that he personally, and as sole operator of D. Ditcharo, Jr. Seafoods, LLC, shall remain liable under the terms and conditions outlined in said lease agreements dated December 19, 2000 for Lot A and January 28, 1998 for Lot B in the Buras Boat Harbor; and

WHEREAS, D. Ditcharo, Jr. Seafoods, LLC, has expended in excess of Three Hundred Thousand Dollars (\$300,000.00) on construction and improvements on and to the leased property in Lots A and B of the Buras Boat Harbor and he anticipates he will expend additional monies on the improvements on said leased properties; and

WHEREAS, LA R.S. 41:1217(A)(2)(b) provides that a lease of public lands may be extended an additional 30 years beyond the 10 year term prescribed by LA R.S. 41:1217(A) provides that the value of improvements constructed or to be constructed upon said premises exceeds one Hundred Fifty Thousand Dollars (\$150,000.00); and

WHEREAS, D. Ditcharo, Jr. Seafoods, LLC, is eligible under LA R.S. 41:1217 to extend the lease of Lot A for 30 years until September 2040, and extend the lease of Lot B for 30 years until January 31, 2038; and

WHEREAS, D. Ditcharo, Jr. Seafoods, LLC, has consented that the annual rental shall be increased commencing January 1, 2009, by the percentage in the United States Consumer Price Index for All Urban Consumers, or similar index promulgated by the U.S. Department of Labor or Federal Agency whichever is greater and D. Ditcharo, Jr. Seafoods, LLC, shall verify with the Plaquemines Parish Government prior to payment of the annual rental the increase due for the succeeding year; and

WHEREAS, it is the sense of the Council that the approval of the lease on Lot A and Lot B of the Buras Boat Harbor from Dominick Ditcharo, Jr., d/b/a D. Ditcharo, Jr. Seafoods, LLC, be transferred to D. Ditcharo, Jr. Seafoods, LLC;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Plaquemines Parish Council hereby approves the assignment of the lease of Lot A of the Buras Boat Harbor dated December 19, 2000, registered in C.O.B. 985, folio 719, Plaquemines Parish, and the lease of Lot B of the Buras Boat Harbor dated January 28, 1998 registered in C.O.B. 923, folio 615, Plaquemines Parish, from Dominick Ditcharo, Jr., d/b/a D. Ditcharo, Jr. Seafoods, LLC, to Dominick Ditcharo, III, d/b/a D. Ditcharo, Jr. Seafoods, LLC, without warranty to title by the Plaquemines Parish Government.

SECTION 2

BE IT FURTHER ORDAINED by the Plaquemines Parish Council that the term of the lease of Lot A be extended until September 2040 and the terms of the lease of Lot B be extended until January 31, 2038.

SECTION 3

D. Ditcharo, Jr. Seafoods, LLC, has agreed to be responsible for the terms and conditions outlined in the above referenced lease agreements.

SECTION 4

BE IT FURTHER ORDAINED that the annual rental for the leased premises shall be increased to Ten Thousand Dollars (\$10,000.00) beginning January 1, 2009, and the annual rental shall be increased by the percentage increase in the United States Consumer Price Index of All Urban Consumers, or similar index, promulgated by the U.S. Department of Labor, or similar Federal Agency, or five (5%) per-cent, whichever is greater and Dominick Ditcharo, III, d/b/a D. Ditcharo, Jr. Seafoods, LLC, shall verify with the Plaquemines Parish Government prior to the payment of the annual rental, the increase due for the succeeding year.

SECTION 5

BE IT FURTHER ORDAINED that the Parish President is hereby authorized and directed to execute amendments to the Leases and to execute any additional documentation and take any action that may be necessary to carry out and implement the above ordinance.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Banta seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: Council Member Burghart Turner

ABSENT: Council Member Keith Hinkley

ABSTAINED: Council Member Anthony L. Buras

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

Council Member Banta moved to advance to Agenda Item 7-a, "Discussion of privatization of Solid Waste". Without objections, so ordered.

ORDINANCE NO. 09-28

The following Ordinance was offered by Council Member Turner who moved its adoption:

An Ordinance to amend and re-adopt Ordinance No. 90-101, adopted June 14, 1990, and Ordinance No. 90-209, adopted December 13, 1990, and in compliance with La. Revised Statutes 18:552, which states no precinct shall contain less than 300 registered voters, District 6, Precinct 1, 3, and 4 fall within the provision of said statute, therefore, they are merged into one district which shall be designated District 6, Precinct 1, or Plaquemines Parish Council District 6, Precinct 1 and the Plaquemines Parish School Board District 6, Precinct 1, and the designated boundaries and polling place of District 6, Precinct 1; and otherwise to provide with respect thereto.

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

Section 1 of Ordinance 90-209, adopted December 13, 1990 and Section 1 of Ordinance No. 90-101, adopted June 14, 1990, is amended and as amended to re-enact Ordinance No. 90-101 and Ordinance No. 90-209 in the following particulars:

"In accordance with the provisions of the Louisiana Election Code, and in particular those sections amended by Act 670 of the 1985 Regular Session and Act 286 of the 1986 Regular Session of the Louisiana Legislature. The Plaquemines Parish Council does hereby establish and define the territorial limits of precincts within the Parish of Plaquemines, State of Louisiana, all boundaries being clearly observable and coinciding with visible features readily distinguishable on the ground are as follows:

District 6, Precinct 1:

Beginning at the centerline of the Mississippi River at a point aligned with the shelled roadway running from La. State Hwy. 23 to the Mississippi River Levee at Point Celeste, thence along said alignment to La. State Hwy. 23, thence northwest along centerline of La. State Hwy. 23. Approximately 450' to its junction with shelled roadway on marsh side of said highway's right of way, thence south-southwest along shelled roadway to Pumping Station, thence southerly and southwest along unnamed bayou to the northerly edge of Lake Hermitage, thence southeast and southerly along northern and eastern shorelines of Lake Hermitage, thence southeast along said bayou to its junction with the Jefferson Lake Sulphur Canal to Wilkinson Bayou, thence southerly along Wilkinson Bayou and into the northern end of Barataria Bay to the southeast tip of St. Mary's Point, thence due west approximately 4,200' to indefinite boundary between Plaquemines Parish and Jefferson Parish, thence south-southeast along said Boundary Line to projected shoreline of the Gulf of Mexico at the centerline of Pass Abel, thence easterly along said shoreline to Quatre Bayou Pass, thence northwest through said pass, thence northeast through Bay Ronquille, thence continuing northeast through Lake Grande Ecaille, thence easterly through Rattlesnake Bayou to Freeport Sulphur Company Canal, thence northeast along centerline of Freeport Sulphur Company Canal to its junction with Grand Bayou, thence in an easterly

direction along the north side of the Freeport Sulphur Company Canal to its junction with the Freeport Sulphur Company Street (driveway), thence in an easterly direction along the Freeport Sulphur Company Street (driveway) to its junction with La. State Hwy. 23, thence to the centerline of the Mississippi River, thence upriver along its centerline to the point of beginning.”

#### SECTION 2

The balance of said Ordinance No. 90-101 adopted June 14, 1990, and Ordinance No. 90-209, adopted December 13, 1990 are to remain the same.

#### SECTION 3

Ordinance No. 06-63, adopted June 22, 2006, amending Section 1 as to the location for Plaquemines Parish Council District 6, Precinct 1 and Plaquemines Parish School Board District 6, Precinct 1 will be amended and readopted to read as follow:

“A Double Wide Trailer located behind the Plaquemines Parish Government Building, 28028 Hwy. 23, Port Sulphur, Louisiana, 70083, shall be the polling place for Plaquemines Parish Council District 6, Precinct 1, and Plaquemines Parish School Board District 6, Precinct 1.”

The balance of said Ordinance No. 06-63, adopted on June 22, 2006, is to remain the same.

#### SECTION 4

If any section, clause, paragraph, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other sections, clauses, paragraphs, provisions, or portions of this Ordinance, which shall be given effect without the invalid sections, clauses, paragraphs, provisions or portions, and to this end the provisions of this Ordinance are hereby declared severable.

#### SECTION 5

All Ordinance or parts of Ordinances in conflict with any of the provisions of the Ordinance are hereby repealed.

#### SECTION 6

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Buras seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

Council Member Banta moved to advance to Agenda Item 7-b, "Discussion regarding the Parish Seal and Print All". Without objections, so ordered.

ORDINANCE NO. 09-29

The following Ordinance was offered by Council Member Friedman who moved its adoption:

An Ordinance to amend and re-adopt Ordinance No. 90-101, adopted June 14, 1990, and Ordinance No. 90-209, adopted December 13, 1990, and in compliance with La. Revised Statutes 18:552, which states no precinct shall contain less than 300 registered voters, District 7, Precinct 3 falls within the provision of said statute, therefore, it is merged with District 7, Precinct 1 and shall be designated as District 7, Precinct 1, for Plaquemines Parish Council District 7, Precinct 1 and the Plaquemines Parish School Board District 7, Precinct 1, and the designated boundaries and polling place of District 7, Precinct 1; and otherwise to provide with respect thereto.

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

Section 1 of Ordinance 90-209, adopted December 13, 1990 and Section 1 of Ordinance No. 90-101, adopted June 14, 1990, is amended and as amended to re-enact Ordinance No. 90-101 and Ordinance No. 90-209 in the following particulars:

"In accordance with the provisions of the Louisiana Election Code, and in particular those sections amended by Act 670 of the 1985 Regular Session and Act 286 of the 1986 Regular Session of the Louisiana Legislature. The Plaquemines Parish Council does hereby establish and define the territorial limits of precincts within the Parish of Plaquemines, State of Louisiana, all boundaries being clearly observable and coinciding with visible features readily distinguishable on the ground are as follows:

District 7, Precinct 1:

Beginning at the centerline of the Mississippi River at a point aligned with the Freeport Sulphur Company Street (driveway), thence in a southwesterly direction to its junction with the Freeport Sulphur Company Street (driveway), thence in a southwesterly direction along the Freeport Sulphur Company Street (driveway) to its junction with the Freeport Sulphur Company Canal, thence westerly along the north side of the Freeport Sulphur Company Canal to its junction with Rattlesnake Bayou to its junction with the northeast edge of Lake Grande Ecaille, thence southwest southerly through centerline of Lake Grande Ecaille to the southerly edge of Lake Grande Ecaille, thence southerly and southwest along centerline of unnamed bayou connecting Lake Grand Ecaille and Bay Ronquille, thence southwest along are through centerline of Bay Ronquille to its junction with Quatre Bayou Pass (Four Bayou Pass) to the Gulf of Mexico, thence east-southeast along said shoreline to the centerline of the Empire-Gulf Waterway, thence northerly along centerline of the Empire-Gulf Waterway (Bayou Fontanelle and Bayou Long) to its junction with the entrance canal to the Empire-Buras Navigation Canal, thence northeast along said canal approximately 5,800' to a point where said canal turns east-southeast along the Empire-Buras Navigation Canal

(unnamed on map) to its junction with discharge canal from the Sunrise Pumping Station, thence north-northeast along said discharge canal to the Sunrise Pumping Station, thence west-northwest along Parish Drainage Canal to a point which is aligned with drainage ditch on the upriver side of the Sunrise School property, thence along said ditch to la. State Hwy. 23, thence west-northwest along la. State Hwy. 23 to its junction with West Dazet Lane, thence northeast along extension of West Dazet Lane to its junction with the centerline of Parish Hwy. 11, thence in an easterly direction to its junction with the Cal-Ky shelled roadway to the Cal-Ky Boat dock on the Mississippi River, thence upriver along its centerline to the point of beginning.”

#### SECTION 2

The balance of said Ordinance No. 90-101 adopted June 14, 1990, and Ordinance No. 90-209, adopted December 13, 1990 are to remain the same.

#### SECTION 3

Ordinance No. 06-84, adopted July 13, 2006, amending Section 1 as to the location for Plaquemines Parish Council District 7, Precinct 1 and Plaquemines Parish School Board District 7, Precinct 1 will be amended and readopted to read as follow:

“A Double Wide Trailer located behind the Plaquemines Parish Government Building, 28028 Hwy. 23, Port Sulphur, Louisiana, 70083, shall be the polling place for Plaquemines Parish Council District 7, Precinct 1, and Plaquemines Parish School Board District 7, Precinct 1.”

The balance of said Ordinance No. 06-84, adopted on July 13, 2006, is to remain the same.

#### SECTION 4

If any section, clause, paragraph, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other sections, clauses, paragraphs, provisions, or portions of this Ordinance, which shall be given effect without the invalid sections, clauses, paragraphs, provisions or portions, and to this end the provisions of this Ordinance are hereby declared severable.

#### SECTION 5

All Ordinances or parts of Ordinances in conflict with any of the provisions of the Ordinance are hereby repealed.

#### SECTION 6

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Banta seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Members Keith Hinkley and Anthony L. Buras

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

ORDINANCE NO. 09-30

The following Ordinance was offered by Council Member Cooper who moved its adoption:

An Ordinance to amend and re-adopt Ordinance No. 90-101, adopted June 14, 1990, and Ordinance No. 90-209, adopted December 13, 1990, and in compliance with La. Revised Statutes 18:552, which states no precinct shall contain less than 300 registered voters, District 9, Precinct 3 falls under this statute and it will be merged with District 9, Precinct 1 and shall be designated as District 9, Precinct 1, or Plaquemines Parish Council District 9, Precinct 1 and the Plaquemines Parish School Board District 9 Precinct 1, and the designated boundaries of District 9, Precinct 1; and otherwise to provide with respect thereto.

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

Section 1 of Ordinance 90-209, adopted December 13, 1990 and Section 1 of Ordinance No. 90-101, adopted June 14, 1990, be amended and as amended to re-enact Ordinance No. 90-101 and Ordinance No. 90-209 in the following particulars:

“In accordance with the provisions of the Louisiana Election Code, and in particular those sections amended by Act 670 of the 1985 Regular Session and Act 286 of the 1986 Regular Session of the Louisiana Legislature. The Plaquemines Parish Council does hereby establish and define the territorial limits of precincts within the Parish of Plaquemines, State of Louisiana, all boundaries being clearly observable and coinciding with visible features readily distinguishable on the ground are as follows:

District 9, Precinct 1:

Beginning at the centerline of the Mississippi River at a point aligned with the centerline of East Gulf Drive, thence southwest along the centerline of East Gulf Drive to its junction with Parish Hwy. 11, thence northeast along centerline of said highway to its junction with Orangewood Drive, thence southwest along centerline of Orangewood Drive to its junction with La. State Hwy. 23, thence southwest along centerline of said highway to its junction with West Gulf Drive, thence southwest along centerline of West Gulf Drive to its junction with the unnamed levee, thence southwest along centerline of said levee to its junction with the Empire-Buras Navigation Canal, thence southwest-northwest along said Navigation Canal to its junction with the Buras Boat Harbor Road, thence southwest along said Harbor Road approximately 2,000' to a point where said road turns west-northwest and continuing along road across rear of the Buras Boat Harbor to its end, thence along same alignment out to the centerline of Fasterling Canal (Main Harbor Channel), thence south-southwest through Fasterling Canal (unnamed on map) to northern end of Bay Pomme D' or, thence across center of Bay Pomme D' or to Bayou August (unnamed on map), thence

along western shoreline of Cyprien Bay, through Bay Jacquin, Bayou Crapaud, Bay Crapaud, Scofield Bay and Scofield Bayou to the Gulf of Mexice, thence southeast along meandering shoreline of the Gulf of Mexico to the centerline of the mouth of Southwest Pass, thence northeast along centerline of Southwest Pass to the mouth of the Mississippi River (Head of Passes), thence northwest along centerline of the Mississippi River to the point of beginning.”

#### SECTION 2

The balance of said Ordinance No. 90-101 adopted June 14, 1990, and Ordinance No. 90-209, adopted December 13, 1990 are to remain the same.

#### SECTION 3

Ordinance No. 02-104, adopted June 13, 2002, amending Section 1(W) as to the location for Plaquemines Parish council District 9, Precinct 1 and Plaquemines Parish School Board District 9, Precinct 1 and Ordinance No. 08-65 will be amended and readopted to read as follows:

“A Double Wide Trailer located at 112 Gille Lane, Boothville, Louisiana, shall be the polling place for Plaquemines Parish Council District 9, Precinct 1, and Plaquemines Parish School Board District 9, Precinct1.”

The balance of said Section 1 (W) of Ordinance No. 02-104, adopted on June 13, 2002, and Ordinance No. 08-65 are to remain the same.

#### SECTION 4

If any section, clause, paragraph, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other sections, clauses, paragraphs, provisions, or portions of this Ordinance, which shall be given effect without the invalid sections, clauses, paragraphs, provisions or portions, and to this end the provisions of this Ordinance are hereby declared severable.

#### SECTION 5

All Ordinance or parts of Ordinances in conflict with any of the provisions of the Ordinance are hereby repealed.

#### SECTION 6

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Friedman seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

ORDINANCE NO. 09-31

The following Ordinance was offered by Council Member Beshel who moved its adoption:

An Ordinance to amend and re-adopt Ordinance No. 90-101, adopted June 14, 1990, and Ordinance No. 90-209, adopted December 13, 1990, and in compliance with La. Revised Statutes 18:552, which states no precinct shall contain less than 300 registered voters, District 1, Precinct 1, and District 1, Precinct 2 fall within the provision of said statute, therefore, they are merged into one district which shall be designated District 1, Precinct 1, or Plaquemines Parish Council District 1, Precinct 1 and the Plaquemines Parish School Board District 1, Precinct 1, and the designated boundaries and polling place of District 1, Precinct 1; and otherwise to provide with respect thereto.

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

Section 1 of Ordinance 90-209, adopted December 13, 1990 and Section 1 of Ordinance No. 90-101, adopted June 14, 1990, is amended and as amended to re-enact Ordinance No. 90-101 and Ordinance No. 90-209 in the following particulars:

“In accordance with the provisions of the Louisiana Election Code, and in particular those sections amended by Act 670 of the 1985 Regular Session and Act 286 of the 1986 Regular Session of the Louisiana Legislature. The Plaquemines Parish Council does hereby establish and define the territorial limits of precincts within the Parish of Plaquemines, State of Louisiana, all boundaries being clearly observable and coinciding with visible features readily distinguishable on the ground are as follows:

District 1, Precinct 1:

Beginning at the centerline of the Mississippi River at a point aligned with the Plaquemines-St. Bernard Parish line, thence southeast from said point along Parish Boundary Line approximately 2.75 miles to a point where Parish Line takes a more southeast direction, thence along said line approximately 1.00 miles to the intersection of a pipeline canal, thence northeast along said pipeline canal to its junction with Bayou Mandeville (Plaquemines-St. Bernard Boundary Line), thence southeast along Bayou Mandeville to Lake Lery and across center of Lake Lery to Bayou Lery, thence through Bayou Lery to Bayou Terre Aux Beaufs, thence southerly along Bayou Terre Aux Beoufs (Plaquemines-St. Bernard Boundary Line) to Bayou Gentilly, thence southerly along Bayou Gentilly to northerly shoreline of Petit Lake, thence southwest across Petit Lake to and through Alligator Pass to Grand Lake, thence across center of Grand Lake to and through Orange Bayou to River Aux Chenes, thence westerly along River Aux Chenes to its junction with Schayouts Canal, thence southwest along Schayouts Canal to its end, thence across levee to the back drainage canal, thence southeast along back drainage canal to its junction with Lopez Canal, thence southwest along Lopez Canal to its end, thence to centerline of the Mississippi River and upriver along its centerline to point of beginning.”

## SECTION 2

The balance of said Ordinance No. 90-101 adopted June 14, 1990, and Ordinance No. 90-209, adopted December 13, 1990 are to remain the same.

## SECTION 3

The polling place for Plaquemines Parish Council District 1, Precinct 1 and Plaquemines Parish School Board District 1, Precinct 1 shall be as follows:

“That building commonly known as the “Assumption of Our Lady Catholic Church” situated on that certain tract or portion of land together with all of the improvements thereon, and all the rights, ways, privileges, servitudes and advantages thereunto belonging or in anywise appertaining, being and lying in the Parish of Plaquemines, State of Louisiana in the community of Braithwaite at 6951 Hwy. 39.”

## SECTION 4

If any section, clause, paragraph, provision or portion of this Ordinance shall be held invalid or unconstitutional by any Court of competent jurisdiction, such holding shall not affect any other sections, clauses, paragraphs, provisions, or portions of this Ordinance, which shall be given effect without the invalid sections, clauses, paragraphs, provisions or portions, and to this end the provisions of this Ordinance are hereby declared severable.

## SECTION 5

All Ordinance or parts of Ordinances in conflict with any of the provisions of the Ordinance are hereby repealed.

## SECTION 6

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Banta seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

## ORDINANCE NO. 09-32

The following Ordinance was offered by Council Member Hodnett who moved its adoption:

An Ordinance to prohibit the parking of vehicles on both sides of the street, from the corner of Good News Avenue to Cazalard Street, Belle Chasse, Louisiana; to establish a penalty for the violation thereof; to authorize the Parish President to have “No Parking” signs installed; and otherwise to provide with respect thereto.

WHEREAS, residents expressed concern regarding the abundance of vehicles parked on the street which makes it extremely difficult to obtain access to their homes and property and could possibly hamper the efforts of emergency services;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby prohibits the parking of vehicles on both sides of the street, from the corner Good News Avenue to Cazalard Street, Belle Chasse, Louisiana, excluding emergency vehicles.

SECTION 2

Any person who violates any of the provisions of this Ordinance shall be responsible for the expense of having the vehicle towed and fined an amount not to exceed One Hundred (\$100.00) and No/100 Dollars or imprisoned for not more than fifteen (15) days in the Parish Jail or both fined and imprisoned at the discretion of the Court.

SECTION 3

It hereby authorizes the Parish President to have the appropriate "No Parking" signs installed on said street.

SECTION 4

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Guey seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, and Lynda G. Banta

NAYS: Council Member Marla Cooper

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

ORDINANCE NO.

The following Ordinance was offered by Council Member Turner who moved its adoption:

An Ordinance authorizing and directing the Parish President, Billy Nungesser, to remove the PW monies dedicated for the Association of Special Needs Citizens' building that was destroyed during Hurricane Katrina from the Port Sulphur Government Building in order that said building can be rebuilt exactly where it was previously located at the Delta Day Center, Nairn, Louisiana; and otherwise to provide with respect thereto.

WHEREAS, the Association of Special Needs Citizens' building was destroyed during Hurricane Katrina; and

WHEREAS, PW monies was designated by FEMA; and

WHEREAS, the Administration, along with some Council Members have decided that the Association of Special Needs Citizens should be combined and relocated into the Port Sulphur Government Building; and

WHEREAS, the Association of Special Needs Citizens should not be relocated and should be rebuilt with the designated PW monies from FEMA in the exact same location;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby authorizes and directs the Parish President, Billy Nungesser, to remove the PW monies dedicated for the Association of Special Needs Citizens' building that was destroyed during Hurricane Katrina from the Port Sulphur Government Building in order that said building can be rebuilt where it was previously located at the Delta Day Center, Nairn, Louisiana;

SECTION 2

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Friedman seconded the motion to adopt the Ordinance.

Council Member Turner moved to defer the proposed Ordinance.

ORDINANCE NO. 09-33

The following Ordinance was offered by Council Member Banta who moved its adoption:

An Ordinance authorizing the Parish President to enter into the required Cooperative Endeavor Agreement with the LA Division of Administration, Office of Community Development-Disaster Recovery Unit to secure Community Development Block Grant (CDBG) Disaster Recovery Funds to implement the Oyster Processing-Ameripure Fisheries Infrastructure Recovery Project; and, to authorize the Parish President to sign any and all documents required in the submission of the required application and subsequent administration of the program.

WHEREAS, the Plaquemines Parish Government has submitted a successful proposal for building/repairing/improving fisheries infrastructure that will contribute to the rebuilding and recovery of the fisheries industry in Plaquemines Parish; and

WHEREAS, the Oyster Processing-Ameripure Fisheries Infrastructure Recovery Project has been provisionally approved for funding in the amount of \$1,180,000.00 by the Office of Community Development-Disaster Recovery Unit;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby authorizes the Parish President, on behalf of the Plaquemines Parish Government, to enter into the required Cooperative Endeavor Agreement the LA Division of Administration, Office of Community Development-Disaster Recovery Unit to secure funding in the amount of \$1,180,000.00 under the Community Development Block Grant (CDBG) Disaster Recovery/Fisheries Infrastructure Program to implement the Oyster Processing-Ameripure Fisheries Infrastructure Recovery Project.

SECTION 2

It hereby authorizes the Parish President to sign any and all documents required in the submission of the required application and subsequent administration of the program.

### SECTION 3

The Five-Year Capital Improvements Plan is amended by appropriating \$1,180,000.00 for the Oyster Processing-Ameripure Fisheries Infrastructure Recovery Project; funding source, Community Development Block Grant (CDBG) Disaster Recovery Funds, funding, 2009.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Guey seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: Council Member Don Beshel

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

### RESOLUTION NO.

On motion of Council Member Guey, seconded by Council Member Buras, the following Resolution was offered for adoption:

A Resolution authorizing and directing the Parish President, Billy Nungesser, to enter into a rental agreement with A Storage Inn #9, for the rental of storage space for the Plaquemines Parish Government Office of Emergency Preparedness; and for the Plaquemines Parish Government Finance Department to issue the necessary rental payments; and otherwise to provide with respect thereto.

WHEREAS, Plaquemines Parish Government Office of Emergency Preparedness is in need of storage space to store disaster supplies; and

WHEREAS, A Storage Inn #9 is capable of providing said storage space at a reasonable rate;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes the Parish President, Billy Nungesser, to enter into a Rental Agreement with A Storage Inn #9 for rental of storage space for the Plaquemines Parish Government Office of Emergency Preparedness on the terms and conditions contained in the rental agreement, a copy of which is on file with the Plaquemines Parish Council and to execute any and all documents necessary and proper to carry out the intents and purposes of this Resolution.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that Plaquemines Parish Government Finance Department to issue the necessary rental payments.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

Council Member Guey moved to defer the proposed Resolution.

### RESOLUTION NO. 09-34

On motion of Council Member Guey, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Member Hinkley, absent, the following Resolution was adopted.

A Resolution requesting Parish President, Billy Nungesser, to solicit proposals for a feasibility traffic study off of Highway 23, including the area bounded by Highway 23, East Third Street, Avenue H, Main Street, Avenue G, the road leading to Red Star yeast plant, and the Mississippi River; and otherwise to provide with respect thereto.

WHEREAS, it has come to the attention of the Plaquemines Parish Council that there has been an increase in ferry traffic along Avenue G and Main Street causing this area to be very congested; and

WHEREAS, the increase in vehicles parking on both sides of Main Street to access the ferry line on Avenue G has become a serious safety hazard and a problem for traffic flow; and

WHEREAS, the Plaquemines Parish Council agrees that a study should be conducted to determine what issues need to be addressed such as: adding crosswalks, stop signs, traffic lights, Water Plant security, and the possibility of closing and widening streets;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby requests Parish President, Billy Nungesser, to solicit proposals for a feasibility traffic study off of Highway 23, including the area bounded by Highway 23, East Third Street, Avenue H, Main Street, Avenue G, the road leading to Red Star yeast plant, and the Mississippi River.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

#### ORDINANCE NO. 09-34

The following Ordinance was offered by Council Member Banta who moved its adoption:

An Ordinance to amend the General Fund, 2009 Operating Revenue & Expenditure Budgets, Emergency Preparedness Department, revenue line item Fed Reimb-Coop Endv/Hmlnd Sec and expenditure line items Rentals/Buildings and Travel and Other Employee Expenses; and otherwise to provide with respect thereto.

WHEREAS, Plaquemines Parish Government has been awarded a Federal grant through the State Department of Homeland Security and Emergency Preparedness; and

WHEREAS, the purpose of this grant is to allow Parish Government, as a first responder in matters of Homeland Security, to allocate funds towards safety training for employees and storage of supplies such as water and MRE's; and

WHEREAS, amending the General Fund, 2009 Operating Revenue & Expenditure Budgets by appropriating \$46,870 to revenue line item Fed Reimb-Coop Endv/Hmlnd Sec, and by appropriating \$9,000 to expenditure line item Rental/Buildings and \$37,870 to expenditure line item Travel and Other Employee Expenses is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

#### SECTION 1

The General Fund, 2009 Operating Revenue and Expenditure Budgets are amended by appropriating \$46,870 for the State Department of Homeland Security and Emergency Preparedness Grant as follows:

FUND	DEPARTMENT	DIVISION	OBJECT	AMENDMENT	NEW TOTAL
01GENERAL			43452 Fed Reimb-Coop Endv/Hmlnd Sec	INCREASE BY \$46,870.00	\$46,870.00
01GENERAL	468Emerg Prep	0001 GENERAL	52510 Rental/Bldgs	INCREASE BY \$9,000.00	9,000.00
01GENERAL	468 Emerg Prep	0001 GENERAL	54100 Travel & Other Emp Exp	INCREASE BY \$37,870.00	42,170.00

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Buras seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

ORDINANCE NO.

The following Ordinance was offered by Council Member Cooper who moved its adoption:

An Ordinance to amend the Five-Year Capital Improvements Plan for the Venice Marina Phase I Improvement Project; and otherwise to provide with respect thereto.

WHEREAS, an additional \$200,000 is needed to complete the Venice Marina Phase I Improvement Project; and

WHEREAS, funds are available to transfer from the Overlay Venice Marina Road Project; and

WHEREAS, amending the Five-Year Capital Improvements Plan by transferring \$200,000 from the Overlay Venice Marina Road Project to the Venice Marina Phase I Improvement Project is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Five-Year Capital Improvements Plan is amended by transferring \$200,000 from the Overlay Venice Marina Road Project to the Venice Marina Phase I Improvement Project, funding year, 2009.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Banta seconded the motion to adopt the Ordinance.

Council Member Cooper moved to defer the proposed Ordinance.

ORDINANCE NO.

The following Ordinance was offered by Council Member Beshel who moved its adoption:

An Ordinance to amend the General Fund, Manpower Structure, Engineering Department; and otherwise to provide with respect thereto.

WHEREAS, removing the funding from the Levee/Flood Control Manager Position in the Engineering Department has been requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The General Fund, 2009 Manpower Structure, Engineering Department, is amended by unfunding the Levee/Flood Control Manager Position.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Buras seconded the motion to adopt the Ordinance.

Council Member Beshel moved to defer the proposed Ordinance.

SUSPENSION OF RULES

Council Member Banta moved to suspend any and all rules necessary to add to the Agenda and to consider at today's meeting a Resolution entitled "A Resolution authorizing and directing the Parish President, Billy Nungesser, to enter into a Cooperative Endeavor Agreement with the State of Louisiana through its Department of Wildlife and Fisheries; and otherwise to provide with respect thereto".

Council Member Cooper seconded the motion to suspend the rules.

The Motion having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Motion was adopted on this the 22<sup>nd</sup> day of January, 2009.

RESOLUTION NO. 09-35

On motion of Council Member Banta, seconded by Council Member Beshel, and on roll call all members present voting "Yes", except Council Member Hinkley, absent, the following Resolution was adopted:

A Resolution authorizing and directing the Parish President, Billy Nungesser, to enter into a Cooperative Endeavor Agreement with the State of Louisiana through its Department of Wildlife and Fisheries; and otherwise to provide with respect thereto.

WHEREAS, Plaquemines Parish Government and the State of Louisiana through its Department of Wildlife and Fisheries are aware of the need to improve boating access to Delta Marina boating facilities; and

WHEREAS, the State of Louisiana through its Department of Wildlife and Fisheries has obtained federal monies to be used for the planning, construction and/or renovation of the Delta Marina parking;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes the Parish President, Billy Nungesser, to enter into a Cooperative Endeavor Agreement with the State of Louisiana through its Department of Wildlife and Fisheries, on the terms and conditions contained in the agreement, a copy of which is on file with the Plaquemines Parish President and a copy sent to the Plaquemines Parish Council Secretary's office and to execute any and all documents necessary and proper to carry out the intents and purposes of this resolution at no cost to Plaquemines Parish Government.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

Council Member Banta moved to revert to Agenda Item 5, Introduction of Ordinances and Resolutions. Without objections, so ordered.

- a. An Ordinance appropriating the sum of \$\_\_\_\_\_ from the \_\_\_\_\_ to support additional improvements under the project titled, "Scarsdale Drainage Pump Station Engine Replacements", as described under previously approved Ordinance No. 08-163; and otherwise to provide with respect thereto. COUNCIL MEMBER BESHEL
- b. An Ordinance to amend the Five-Year Capital Improvements Plan for the Building-Sheriff's Office Belle Chasse Project; and otherwise to provide with respect thereto. COUNCIL MEMBER HODNETT
- c. An Ordinance to amend and as amended readopt the "PREAMBLE" and "SECTION 1" of Ordinance No. 08-150, adopted June 26<sup>th</sup>, 2008, which dedicated a portion of land owned by the Plaquemines Parish Government more particularly described in the attached map and property description, informally known as the piece of land identified as "the swimming pool" located on F. Edward Hebert Blvd. and Planters Canal for the specific use of an animal shelter; and otherwise to provide with respect thereto. COUNCIL MEMBER BURAS
- d. A Resolution creating a Committee to explore the creation of paid firefighters throughout Plaquemines Parish; and otherwise to provide with respect thereto. COUNCIL MEMBER BURAS
- e. An Ordinance to amend the 2008 Operating Revenue and Expenditure Budget; and otherwise to provide with respect thereto. COUNCIL MEMBER BURAS
- f. An Ordinance to amend and re-adopt Ordinance No. 444, Section 3 (A) adopted June 29, 1983, dividing election District 2 into Precincts 1 and 2, defining the territorial limits of Precincts 1 and 2 for the Plaquemines Parish Council and the Plaquemines Parish School Board and designating the polling places for election District 2, Precincts 1 and 2. COUNCIL MEMBER BURAS
- g. An Ordinance to amend the General Fund, 2009 Operating Expenditure Budget, Legal Services Department, line item Professional Services Legal; and otherwise to provide with respect thereto. COUNCIL MEMBER FRIEDMAN
- h. An Ordinance to amend the General Fund, 2009 Operating Expenditure Budget, Council Attorney Department, line item Office Supplies; and otherwise to provide with respect thereto. COUNCIL MEMBER BANTA
- i. A Resolution to authorize the Parish President, Billy Nungesser, to establish a checking account at the Regions Bank for the CDBG-Oyster Conveyors/Boat Harbor Upgrades Fisheries Infrastructure Recovery Project; and otherwise to provide with respect thereto. COUNCIL MEMBER BANTA
- j. An Ordinance to amend the General Fund, 2009 Operating Expenditure Budget, Flood Control Department, line items Fences and Vehicle Accessories; and otherwise to provide with respect thereto. COUNCIL MEMBER BANTA

- k. A Resolution to authorize the Parish President, Billy Nungesser, to establish a checking account at the Regions Bank for the CDBG-Venice Shipyard Fisheries Infrastructure Recovery Project; and otherwise to provide with respect thereto. COUNCIL MEMBER BANTA
- l. A Resolution to authorize the Parish President, Billy Nungesser, to establish a checking account at the Regions Bank for the CDBG-Oyster Processing Ameripure Fisheries Infrastructure Recovery Project; and otherwise to provide with respect thereto. COUNCIL MEMBER BANTA
- m. An Ordinance to approve the amended Rule IV, Section 3.3, Promotion and Section 3.5 Demotion of the Plaquemines Parish Civil Service Commission Rules; and otherwise to provide with respect thereto. COUNCIL MEMBER BANTA
- n. An Ordinance to amend the General Fund, 2009 Operating Expenditure Budget, Legal-Judgments Department, line item Judgments & Damages-Gilbert F. Ragas, Jr.; and otherwise to provide with respect thereto. COUNCIL MEMBER BANTA
- o. A Resolution authorizing Plaquemines Parish Government to settle the matter entitled, Progressive Casualty Insurance Company as Subrogee of Gilbert F. Ragas, Jr. v. Robert D. Carlisle and Plaquemines Parish, 25<sup>th</sup> JDC, No. 54-174, Division "B"; and otherwise to provide with respect thereto. COUNCIL MEMBER BANTA

SUSPENSION OF RULES

Council Member Banta moved to suspend any and all rules necessary to add to the Agenda and to consider at today's meeting a Resolution entitled "A Resolution appointing Ms. Kim Toups, as the Paralegal in the Council Attorney's Department; and otherwise to provide with respect thereto".

Council Member Buras seconded the motion to suspend the rules.

The Motion having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Motion was adopted on this the 22<sup>nd</sup> day of January, 2009.

RESOLUTION NO. 09-36

On motion of Council Member Banta, seconded by Council Member Beshel, and on roll call all members present voting "Yes", except Council Member Hinkley, absent, the following Resolution was adopted:

A Resolution appointing Ms. Kim Toups, as the Paralegal in the Council Attorney's Department; and otherwise to provide with respect thereto.

BE IT RESOLVED by the Plaquemines Parish Council that it hereby appoints Ms. Kim Toups as the Paralegal in the Council Attorney's Department effective January 30, 2009, to serve until a successor is appointed.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution

and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

RESOLUTION NO. 09-37

On motion of Council Member Banta, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Member Hinkley, absent, the following Resolution was adopted:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the minutes of the October 23, 2008 Meeting of the Plaquemines Parish Council as recorded by the Secretary of this Council.

There being no further business to come before this Council, on motion of Council Member Beshel, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Member Hinkley, absent, the meeting adjourned at 7:25 p.m.

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Chairman

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Secretary

Minutes of a meeting of the Plaquemines Parish Council, as the sole governing authority of the Plaquemines Parish Port, Harbor and Terminal District, held in the Plaquemines Parish Temporary Courthouse, 450 F. Edward Hebert Blvd., Belle Chasse, Louisiana, on Thursday, January 22, 2009, at 7:26 p.m. pursuant to notice to all members with a quorum present as follows:

PRESENT: Council Member Lynda G. Banta, Chairman  
Council Member Don Beshel, Vice-Chairman  
Council Member Jerry Hodnett  
Council Member Irvin Juneau  
Council Member Anthony L. Buras  
Council Member Burghart Turner  
Council Member John J. Friedman  
Council Member Marla Cooper

Melissa P. LeBlanc, Secretary

ABSENT: Council Member Keith Hinkley

Mr. Billy Nungesser, Parish President is absent.

Mr. Byron Williams, Director of Public Services, is present representing Administration.

The Pledge of Allegiance was dispensed with.

Introduction of Ordinances and Resolutions.

- a. An Ordinance to rescind, annul and set aside Ordinance No. 08-39, adopted February 28, 2008, establishing the policy of requiring the signatures of the Chairman of the Plaquemines Port, Harbor and Terminal District and the Port Director, along with the Parish President, William H. Nungesser, on all contracts for the Plaquemines Parish Port, Harbor and Terminal District; and otherwise to provide with respect thereto. COUNCIL MEMBER FRIEDMAN
- b. An Ordinance establishing the policy of requiring the signatures of the Chairman of the Plaquemines Parish Port, Harbor & Terminal District, along with the Port Director, if and when employed, on all contracts for the Plaquemines Parish Port, Harbor & Terminal District; and otherwise to provide with respect thereto. COUNCIL MEMBER FRIEDMAN

#### SUSPENSION OF RULES

Council Member Banta moved to suspend any and all rules necessary to add to the Agenda and to consider at today's meeting a Resolution entitled "A Resolution by the Plaquemines Parish Council as the governing authority of the Plaquemines Port Harbor & Terminal District to create and appoint the members of the Port Harbor & Terminal District Committee of the Plaquemines Parish Council for 2009; and otherwise to provide with respect thereto".

Council Member Turner seconded the motion to suspend the rules.

The Motion having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper  
NAYS: None  
ABSENT: Council Member Keith Hinkley  
PRESENT BUT NOT VOTING: None

And the Motion was adopted on this the 22<sup>nd</sup> day of January, 2009.

RESOLUTION NO. 09-38

On motion of Council Member Banta, seconded by Council Member Beshel, and on roll call all members present voting "Yes", except Council Members Hinkley, absent, and Friedman, abstained, the following Resolution was adopted:

A Resolution by the Plaquemines Parish Council as the governing authority of the Plaquemines Port Harbor & Terminal District to create and appoint the members of the Port Harbor & Terminal District Committee of the Plaquemines Parish Council for 2009; and otherwise to provide with respect thereto.

BE IT RESOLVED by the Plaquemines Parish Council as the governing authority of the Plaquemines Port Harbor & Terminal District that it hereby creates and names the following Council Members as Members of the Plaquemines Port Harbor & Terminal District Committee of the Plaquemines Parish Council for 2009, effective immediately, with their terms of office to expire December 31, 2009, or until such times as a majority of the Parish Council may deem it necessary to select new members of the Committee:

Council Member Don Beshel  
Council Member Stuart J. Guey  
Council Member Burghart Turner  
Council Member John J. Friedman

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Parish employees and officials are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

ORDINANCE NO. 09-35

The following Ordinance was offered by Council Member Turner who moved its adoption:

An Ordinance to create the position of a Port Director in the Port, Harbor & Terminal District; whose job responsibilities will include keeping the Plaquemines Parish Council abreast of all matters relating to the Port, including the daily operation of the Port, Harbor & Terminal District, in accordance with Section 4.01 (A) (25) of the Plaquemines Parish Charter for Local Self-Government which allows the Parish Council to provide for the employment of any employees and personnel which, in its judgment, may be necessary and proper to perform the work and carry out the duties and functions of the Parish Government and the conduct and operation of the other political subdivisions and districts situated within the Parish; the salary to be paid from the Port, Harbor & Terminal Fund Balance for said position; and otherwise to provide with respect thereto.

WHEREAS, at the present time, the Plaquemines Parish Council has not created a position of Port Director in the Port, Harbor & Terminal District; and

WHEREAS, Section 4.01 (A) (25) of the Plaquemines Parish Charter for Local Self-Government allows the Parish Council to provide for the employment of any employees and personnel which, in its judgment, may be necessary and proper to perform the work and carry out the duties and functions of the Parish Government and the conduct and operation of the other political subdivisions and districts situated within the Parish; and

WHEREAS, due to the increase in port activities and future projects, the Plaquemines Parish Council feels it necessary at the present time to employ a Port Director who will be employed by the Plaquemines Parish Government and will keep the Plaquemines Parish Council abreast of all matters relating to the Port, including, but not limited to, the daily operations of the Port, Harbor & Terminal District; and

WHEREAS, the Port Director will work along with the present staff of the Port, Harbor & Terminal District;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

In accordance with Section 4.01 (A) (25) of the Plaquemines Parish Charter that it hereby creates a Port Director position, whose job responsibilities will include, but not be limited to, keeping the Plaquemines Parish Council abreast of all matters relating to the Port, including the daily operations of the Port, Harbor & Terminal District.

SECTION 2

The salary to be funded from the Port, Harbor & Terminal Fund Balance for said position.

SECTION 3

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Beshel seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

ORDINANCE NO. 09-36

The following Ordinance was offered by Council Member Friedman who moved its adoption:

An Ordinance authorizing and directing Parish President, William Nungesser, to exercise general oversight of the activities of the Plaquemines Parish Port, Harbor and Terminal District, specifically, to sign all requisitions which are required to perform all day to day activities and operations, as per the Parish Charter Article 3, Section 3.10(A) and (B); and otherwise to provide with respect thereto.

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby authorizes and directs Parish President, William Nungesser, to exercise general oversight of the activities of the Plaquemines Parish Port, Harbor and Terminal District, specifically, to sign all requisitions which are required to perform all day to day activities and operations, as per the Parish Charter Article 3, Section 3.10 (A) and (B).

SECTION 2

The Secretary of this Council is hereby authorized and directed to immediately certify and release this Ordinance and that Parish employees and officials are authorized to carry out the purposes of this Ordinance, both without further reading and approval by the Plaquemines Parish Council.

WHEREUPON, in open session the above Ordinance was read and considered section by section and as a whole.

Council Member Beshel seconded the motion to adopt the Ordinance.

The foregoing Ordinance having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Don Beshel, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member Keith Hinkley

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 22<sup>nd</sup> day of January, 2009.

There being no further business to come before this Council, sitting as the sole governing authority of the Plaquemines Port, Harbor and Terminal District, on motion of Council Member Beshel, seconded by Council Member Buras, and on roll call all members present voting "Yes", except Council Member Hinkley, absent, the meeting adjourned at 7:55 p.m.

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Chairman

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Secretary