

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, April 23, 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 Keith Hinkley
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: None

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

The Pledge of Allegiance was led by Mr. Jerry Ragas.

ORDINANCE NO.

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

An Ordinance to amend and, as amended, reenact Sec. 18-1 of Art. I, Chapter 18, of the Code of Ordinance; to provide for the amount of the required performance bond in favor of the Plaquemines Parish Government guaranteeing the back filling of a borrow pit; to provide for a surety bond for personal injury and property damage; and otherwise to provide with respect thereto.

WHEREAS, due to the increase in the cost of material necessary to the back filling of borrow pits in the Parish since the last amendment to the borrow pit ordinance in 1995, it is the sense of the Parish Council and the Administration that the amount of the bond now set at a maximum of one dollar and fifty cents (\$1.50) per cubic yard of material excavated should be increased to an amount per cubic yard of material excavated to be set bi-annually by the Parish Council from recommendations by the Permits Department that reflects the prevailing market costs; and

WHEREAS, due to the increased number of complaints registered by landowners adjoining approved borrow pits regarding alleged damage to buildings and other permanent improvements, the Parish Council believes that a surety bond should be provided by the applicant for a borrow pit permit and that a great buffer zone is necessary;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

Section 18-1, Art. I, Chapter 18 of the Code of Ordinances is hereby amended and, as amended reenacted to read as follows:

“(1) Anyone wanting to dig or operate a borrow pit within the Parish must apply to the Parish Government’s Permit Department and receive an authorized permit upon compliance with this section before beginning work.

(2) For the purposes of this Section “borrow pit” means any hole cavity in the ground from which earth, soil or other material is taken and moved to another site.

(3) All borrow pit must be dug so that they have a maximum slope on the walls of the pit of three (3) feet horizontal to one (1) foot vertical, and no excavation is allowed

within one hundred (100) feet of any inhabited dwelling, house, apartment, business or other structure used in whole or in part as a home, business or place of abode, but in any event not less than one hundred (100) feet from any property line.

(4) All borrow pits within a distance of one hundred (100) feet from any inhabited dwelling, house, apartment, business or other structure used in whole or in part as a home, business, or place of abode by a person must be surrounded by a fence that is not less than eight (8) feet high and that provides controlled access. Signs in letters not less than three and one-half (3½) inches high in a distinctive color on a contrasting background listing the names and telephone numbers of persons to call for access must be posted at all controlled access points and at other points on the fence line that are not more than two hundred (200) feet apart.

(5) All borrow pits that collect and hold water must be graded such that the water flows in a direction that coincides with the drainage pattern established by the Parish Engineer and the superintendent of the appropriate drainage district.

(6) All borrow pits must be backfilled within one hundred eighty (180) days of their last use with nontoxic, nonhazardous, nonflammable, noncombustible soils in such a fashion that they do not collect water or to permit it to become stagnant. To minimize erosion due to rainfall, the peaks and depressions of the pit area shall be reduced to a surface of gently rolling topography similar to and consistent with that of the immediately surrounding land area and to a depth of not less than the depth of the topsoil on the surrounding land.

(7) Except as otherwise provided in paragraph 3 above, the maximum depth of the pit and buffer zones between the borrow pit and property lines, levees, drainage canals, roads and highways and drainage ditches shall be established by the Department of Engineering, the Department of Levees and the Department of Drainage.

(8) Any person who constructs, operates, uses or owns a borrow pit site shall provide a performance bond in favor of the Parish Government, guaranteeing the back filling of the pit. This bond may be a commercial surety bond duly licensed in the State of Louisiana, or it may be a property bond by a resident of Plaquemines Parish. The amount of such bond shall be set bi-annually by the Parish Council from recommendations by the Permits Department on a per cubic yard of material excavated basis in an amount that reflects the prevailing market cost of back filling. In addition, such person shall provide a surety bond in favor of the Parish Government indemnifying and defending the Parish Government from any and all claims and causes of action for injury to or death of a person or property damage filed in any regulatory proceeding, arbitration, or court of competent jurisdiction against the Parish Government, its elected officials, officers and employees, arising out of or in any manner connected to acts or omissions of such person, its officers, agents, employees and representatives, with such surety meeting the requirements of LSA - R.S. 38:2219, as amended. The amount of such bond shall be set annually by the Parish Council from recommendations by the Parish Attorney's Office based on prevailing rates then in effect for similar construction activities.

(9) All other pits or the extraction of dirt, soil, clay, sand, gravel, or earth not specifically addressed in this section must be approved by the Council before issuance of a permit".

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 Cooper seconded the motion to adopt the Ordinance.

Council Member Banta withdrew the proposed Ordinance.

Council Member Banta moved to advance to Agenda Item 6a-5, “An Ordinance to amend and, as amended, reenact Sec. 18-1 of Art. I, Chapter 18, of the Code of Ordinance; to provide for the amount of the required performance bond in favor of the Plaquemines Parish Government guaranteeing the back filling of a borrow pit; to provide for a surety bond for personal injury and property damage; and otherwise to provide with respect thereto”. Without objections, so ordered

ORDINANCE NO.

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

An Ordinance to amend and, as amended, reenact Sec. 18-1 of Art. I, Chapter 18, of the Code of Ordinance; to provide for the amount of the required performance bond in favor of the Plaquemines Parish Government guaranteeing the back filling of a borrow pit; to provide for a surety bond for personal injury and property damage; and otherwise to provide with respect thereto.

WHEREAS, due to the increase in the cost of material necessary to the back filling of borrow pits in the Parish since the last amendment to the borrow pit ordinance in 1995, it is the sense of the Parish Council and the Administration that the amount of the bond now set at a maximum of one dollar and fifty cents (\$1.50) per cubic yard of material excavated should be increased to an amount per cubic yard of material excavated to be set bi-annually by the Parish Council from recommendations by the Permits Department that reflects the prevailing market costs; and

WHEREAS, due to the increased number of complaints registered by landowners adjoining approved borrow pits regarding alleged damage to buildings and other permanent improvements, the Parish Council believes that a surety bond should be provided by the applicant for a borrow pit permit and that a great buffer zone is necessary;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

Section 18-1, Art. I, Chapter 18 of the Code of Ordinances is hereby amended and, as amended reenacted to read as follows:

“Section 18-1. Permitting of borrow pits.

The Council hereby establishes the following requirements of the Parish Government for the permitting of **all** borrow pits in **Plaquemines Parish**:

1. Anyone wanting to dig or operate a borrow pit within the Parish must apply to the Parish Government’s Permit Department and receive an authorized permit upon compliance with this section before beginning work.
2. For the purposes of this Section “borrow pit” means any hole or cavity in the ground from which earth, soil or other material is taken and moved to another site.
3. All borrow pit must be dug so that they have a maximum slope on the walls of the pit of three (3) feet **horizontal** to one (1) foot **vertical**, **and no excavation is allowed within one hundred (100) feet of any inhabited dwelling, house, apartment, business or other structure used in whole or in part as a home, business or place of abode, but in any event not less than fifty (50) feet from any property line.**
4. All borrow pits within a distance of one hundred (100) feet from any inhabited dwelling, house, apartment, business or other structure used in whole or in part as a home, business, or place of abode by a person must be surrounded by a fence that is not less than eight (8) feet high and that provides controlled access. Signs in letters not less than three and one-half (3½) inches high in a distinctive color on a contrasting background listing the names and telephone numbers of persons to call for access must be posted at all controlled access points and at other points on the fence line that are not more than two hundred (200) feet apart.

5. All borrow pits that collect and hold water must be graded such that the water flows in a direction that coincides with the drainage pattern established by the Parish Engineer and the superintendent of the appropriate drainage district.
6. All borrow pits must be backfilled within one hundred eighty (180) days of their last use with nontoxic, nonhazardous, nonflammable, noncombustible soils in such a fashion that they do not collect water or to permit it to become stagnant. To minimize erosion due to rainfall, the peaks and depressions of the pit area shall be reduced to a surface of gently rolling topography similar to and consistent with that of the immediately surrounding land area and to a depth of not less than the depth of the topsoil on the surrounding land.
7. **Except as otherwise provided in paragraph 3 above, the maximum depth of the pit and buffer zones between the borrow pit and property lines, levees, drainage canals, roads and highways and drainage ditches shall be established by the Department of Engineering, the Department of Levees and the Department of Drainage.**
8. Any person who constructs, operates, uses or owns a borrow pit site shall provide a performance bond in favor of the Parish Government, guaranteeing the back filling of the pit. This bond may be a commercial surety bond duly licensed in the State of Louisiana, or it may be a property bond by a resident of Plaquemines Parish. **The amount of such bond shall be set bi-annually by the Parish Council from recommendations by the Permits Department on a per cubic yard of material excavated basis in an amount that reflects the prevailing market cost of back filling. In addition, such person shall provide a surety bond in favor of the Parish Government indemnifying and defending the Parish Government from any and all claims and causes of action for injury to or death of a person or property damage filed in any regulatory proceeding, arbitration, or court of competent jurisdiction against the Parish Government, its elected officials, officers and employees, arising out of or in any manner connected to acts or omissions of such person, its officers, agents, employees and representatives, with such surety meeting the requirements of LSA - R.S. 38:2219, as amended. The amount of such bond shall be set annually by the Parish Council from recommendations by the Parish Attorney's Office based on prevailing rates then in effect for similar construction activities.**
9. All other pits or the extraction of dirt, soil, clay, sand, gravel, or earth not specifically addressed in this section must be approved by the Council before issuance of a permit”.

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.

A M E N D M E N T

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

BE IT RESOLVED by the Plaquemines Parish Council that the following Amendment to the “Proposed Ordinance” to amend and, as amended, reenact Sec. 18-1 of Art. I, Chapter 18, of the Code of Ordinance; to provide for the amount of the required performance bond in favor of the Plaquemines Parish Government guaranteeing the back filling of a borrow pit; to provide for a surety bond for personal injury and property damage is hereby adopted:

Between lines 71 and 72 insert the following:

- “10. The provisions of this section as amended shall only apply to borrow pits that are located between the Mississippi River and Tributaries Levee System and the Hurricane Protection (Back) Levee System within the parish”.

Council Member Buras seconded the motion to adopt the Amendment.
The Amendment having been submitted to a vote, the vote resulted as follows:

YEAS: Council Members Keith Hinkley, Stuart J. Guey, and Anthony L. Buras

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

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Amendment Failed on this the 23rd day of April, 2009.

A M E N D M E N T

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

BE IT RESOLVED by the Plaquemines Parish Council that the following Amendment to the “Proposed Ordinance” to amend and, as amended, reenact Sec. 18-1 of Art. I, Chapter 18, of the Code of Ordinance; to provide for the amount of the required performance bond in favor of the Plaquemines Parish Government guaranteeing the back filling of a borrow pit; to provide for a surety bond for personal injury and property damage is hereby adopted:

On line 25 after the word Department add the following words “, and Coastal Zone Management when required,”.

Council Member Turner seconded the motion to adopt the Amendment.

The Amendment 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: Council Member Keith Hinkley

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Amendment was adopted on this the 23rd day of April, 2009.

ORDINANCE NO. 09-87

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

An Ordinance to amend and, as amended, reenact Sec. 18-1 of Art. I, Chapter 18, of the Code of Ordinance; to provide for the amount of the required performance bond in favor of the Plaquemines Parish Government guaranteeing the back filling of a borrow pit; to provide for a surety bond for personal injury and property damage; and otherwise to provide with respect thereto.

WHEREAS, due to the increase in the cost of material necessary to the back filling of borrow pits in the Parish since the last amendment to the borrow pit ordinance in 1995, it is the sense of the Parish Council and the Administration that the amount of the bond now set at a maximum of one dollar and fifty cents (\$1.50) per cubic yard of material excavated should be increased to an amount per cubic yard of material excavated to be set bi-annually by the Parish Council from recommendations by the Permits Department that reflects the prevailing market costs; and

WHEREAS, due to the increased number of complaints registered by landowners adjoining approved borrow pits regarding alleged damage to buildings and other permanent improvements, the Parish Council believes that a surety bond should be provided by the applicant for a borrow pit permit and that a great buffer zone is necessary;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

Section 18-1, Art. I, Chapter 18 of the Code of Ordinances is hereby amended and, as amended reenacted to read as follows:

“Section 18-1. Permitting of borrow pits.

The Council hereby establishes the following requirements of the Parish Government for the permitting of **all** borrow pits in **Plaquemines Parish**:

2. Anyone wanting to dig or operate a borrow pit within the Parish must apply to the Parish Government’s Permit Department, and Coastal Zone Management when required, and receive an authorized permit upon compliance with this section before beginning work.
3. For the purposes of this Section “borrow pit” means any hole or cavity in the ground from which earth, soil or other material is taken and moved to another site.
4. All borrow pit must be dug so that they have a maximum slope on the walls of the pit of three (3) feet **horizontal** to one (1) foot **vertical, and no excavation is allowed within one hundred (100) feet of any inhabited dwelling, house, apartment, business or other structure used in whole or in part as a home, business or place of abode, but in any event not less than fifty (50) feet from any property line.**
5. All borrow pits within a distance of one hundred (100) feet from any inhabited dwelling, house, apartment, business or other structure used in whole or in part as a home, business, or place of abode by a person must be surrounded by a fence that is not less than eight (8) feet high and that provides controlled access. Signs in letters not less than three and one-half (3½) inches high in a distinctive color on a contrasting background listing the names and telephone numbers of persons to call for access must be posted at all controlled access points and at other points on the fence line that are not more than two hundred (200) feet apart.
6. All borrow pits that collect and hold water must be graded such that the water flows in a direction that coincides with the drainage pattern established by the Parish Engineer and the superintendent of the appropriate drainage district.
7. All borrow pits must be backfilled within one hundred eighty (180) days of their last use with nontoxic, nonhazardous, nonflammable, noncombustible soils in such a fashion that they do not collect water or to permit it to become stagnant. To minimize erosion due to rainfall, the peaks and depressions of the pit area shall be reduced to a surface of gently rolling topography similar to and consistent with that of the immediately surrounding land area and to a depth of not less than the depth of the topsoil on the surrounding land.
8. Except as otherwise provided in paragraph 3 above, the maximum depth of the pit and buffer zones between the borrow pit and property lines, levees, drainage canals, roads and highways and drainage ditches shall be established by the Department of Engineering, the Department of Levees and the Department of Drainage.
9. Any person who constructs, operates, uses or owns a borrow pit site shall provide a performance bond in favor of the Parish Government, guaranteeing the back filling of the pit. This bond may be a commercial surety bond duly licensed in the State of Louisiana, or it may be a property bond by a resident of Plaquemines Parish. **The amount of such bond shall be set bi-annually by the Parish Council from recommendations by the Permits Department on a per cubic yard of material excavated basis in an amount that reflects the prevailing market cost of back filling. In addition, such person shall provide a surety bond in favor of the Parish Government indemnifying and defending**

the Parish Government from any and all claims and causes of action for injury to or death of a person or property damage filed in any regulatory proceeding, arbitration, or court of competent jurisdiction against the Parish Government, its elected officials, officers and employees, arising out of or in any manner connected to acts or omissions of such person, its officers, agents, employees and representatives, with such surety meeting the requirements of LSA - R.S. 38:2219, as amended. The amount of such bond shall be set annually by the Parish Council from recommendations by the Parish Attorney's Office based on prevailing rates then in effect for similar construction activities.

10. All other pits or the extraction of dirt, soil, clay, sand, gravel, or earth not specifically addressed in this section must be approved by the Council before issuance of a permit”.

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, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: Council Members Keith Hinkley, Stuart J. Guey, and Anthony L. Buras

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 23rd day of April, 2009.

Council Member Banta moved a recess at 3:15 p.m.

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, April 23, 2009, at 3:40 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 Keith Hinkley
Council Member Jerry Hodnett
Council Member Stuart J. Guey
Council Member Anthony L. Buras
Council Member Burghart Turner
Council Member John J. Friedman
Council Member Marla Cooper

Melissa P. LeBlanc, Secretary

ABSENT: None

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

The Pledge of Allegiance was dispensed with.

Council Member Banta moved to advance to Agenda Item 7-b, "Presentation by Trident Holdings regarding their Port Master Plan Proposal". Without objections, so ordered.

SUSPENSION OF RULES

Council Member Hodnett moved to suspend any and all rules necessary to add to the Agenda and to consider at today's meeting under Item 4, New Business, "Will Administration discontinue treating the Plaquemines Port, Harbor and Terminal District as a component unit of the Plaquemines Parish Government for State accounting and audit requirements as has been done for decades"?

Council Member Banta 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, Keith Hinkley, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Motion was adopted on this the 23rd day of April, 2009.

SUSPENSION OF RULES

Council Member Hodnett 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 Administration to continue treating the Plaquemines Port, Harbor and Terminal District as a component unit of the Plaquemines Parish Government for State accounting and audit requirements as has been done for decades".

Council Member Friedman 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, Keith Hinkley, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Motion was adopted on this the 23rd day of April, 2009.

RESOLUTION NO. 09-137

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

A Resolution authorizing and directing the Administration to continue treating the Plaquemines Port, Harbor and Terminal District as a component unit of the Plaquemines Parish Government for State accounting and audit requirements as has been done for decades.

WHEREAS, it has been brought to the attention of the Plaquemines Parish Council that the Finance Department under the direction of the Parish President has discontinued performing accounting and audit requirements for the Plaquemines Parish Council;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes and directs Administration to continue treating the Plaquemines Port, Harbor and Terminal District as a component unit of the Plaquemines Parish Government for State accounting and audit requirements as has been done for decades.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby directs Administration to respond to this Resolution by April 29, 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.

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

A Resolution authorizing and directing the Parish President, Billy Nungesser, to obtain a credit card solely for the use of the Plaquemines Parish Council, as the sole governing authority of the Plaquemines Port, Harbor & Terminal District; and otherwise to provide with respect thereto.

WHEREAS, in the past, a Parish credit card was used by both the Plaquemines Parish Council and the Plaquemines Parish Administration through the Finance Department to reserve plane reservations, convention registrations, etc., for Port related functions; and

WHEREAS, at the present time, the Plaquemines Parish Council does not have access to a Parish credit card; and

WHEREAS, a Plaquemines Parish Council credit card is essential for many reasons, one of which is to obtain convention and meeting reservations, etc.;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes and directs the Parish President to obtain a credit card through the Plaquemines Parish Government, solely for use by the Plaquemines Parish Council, as the governing authority of the Plaquemines Port, Harbor & Terminal District.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that each Council Member shall have access to said credit card.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes the Parish Finance Department to issue checks in payment of credit card bills after submission of receipts and upon approval of the Council Member.

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 Friedman moved to defer the proposed Resolution.

ORDINANCE NO. 09-88

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

An Ordinance appropriating the total sum of \$72,000.00, \$6,000.00 per month beginning April 1, 2009, from the Port, Harbor & Terminal District Fund to enter into a contract with Mr. Randy Haynie, Lobbyist, to represent the Plaquemines Parish Port, Harbor and Terminal District in the current session of the Louisiana State Legislature to protect its interests in all matters; authorizing and directing the Plaquemines Parish Council Chairman, to execute said contract with Mr. Randy Haynie; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Parish Council deems it necessary to hire a Lobbyist to protect the interests of the Plaquemines Parish Port, Harbor and Terminal District and keep the Plaquemines Parish Council informed, so they can make responsible decisions pertaining to the Port;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby appropriates the total sum of \$72,000.00, \$6,000.00 per month beginning April 1, 2009, from the Port, Harbor & Terminal District Fund to enter into a contract with Mr. Randy Haynie, Lobbyist, to represent the Plaquemines Parish Port, Harbor and Terminal District in the current session of the Louisiana State Legislature to protect its interests in all matters.

SECTION 2

It hereby authorizes the Plaquemines Parish Council Chairman, Lynda G. Banta, execute said contract with Mr. Randy Haynie, Lobbyist.

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.

All Council Members 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: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 23rd day of April, 2009.

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

- a. A Resolution authorizing and directing the Port Committee to negotiate a contract with Trident Holdings to develop a Port Master Plan; and otherwise to provide with respect thereto. COUNCIL MEMBER GUEY
- b. An Ordinance to transfer the sum of \$_____ from the Port, Harbor and Terminal District Fund, line item Land Acquisition, to line item Professional Services, to enter into a contractual agreement with _____ to develop a Port Master Plan for Plaquemines Parish; authorizing the Plaquemines Parish Council Chairman, as governing authority of the Plaquemines Parish Port, Harbor & Terminal District, to execute said contract; and otherwise to provide with respect thereto. COUNCIL MEMBER GUEY

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 Hodnett, seconded by Council Member Hinkley, and on roll call all members present and voting "Yes", the meeting adjourned at 5:00 p.m.

Chairman

Secretary

The Regular Meeting of the Plaquemines Parish Council came back to order at 5:01 p.m., with all members present.

Council Member Banta moved to advance to Agenda Item 4-d, "A Resolution approving the issuance of a special permit to Greater Macedonia Baptist Church for the construction of a new church building on property located in an A-2 (Rural or Agricultural) Zoning District at 27796 Hwy. 23, Port Sulphur, Louisiana, all in accordance with Application No. B-2008-930, dated August 19, 2008". Without objections, so ordered.

RESOLUTION NO. 09-138

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

A Resolution approving the issuance of a special permit to Greater Macedonia Baptist Church for the construction of a new church building on property located in an A-2 (Rural or Agricultural) Zoning District at 27796 Hwy. 23, Port Sulphur, Louisiana, all in accordance with Application No. B-2008-930, dated August 19, 2008.

WHEREAS, Greater Macedonia Baptist Church applied to the Plaquemines Parish Department of Permits, planning and Zoning (Application No. B-2008-930, dated August 19, 2008) for a permit to construct a new church building on property located at 27796 Hwy. 23, Port Sulphur, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Greater Macedonia Baptist Church for the construction of a new church building on property located in an A-2 (Rural or Agricultural) Zoning District at 27796 Hwy. 23, Port Sulphur, Louisiana, all in accordance with Application No. B-2008-930, dated August 19, 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.

Council Member Banta moved to advance to Agenda Item 6-bb, "A Resolution authorizing and directing the Parish President, Billy Nungesser, to employ services of _____ to advise the Plaquemines Parish Council on the proposed changes made by the Charter Commission to the Plaquemines Parish Charter for Local Self-Government; authorizing and directing the Parish President, Billy Nungesser, to execute any and all documents necessary to employ _____; and otherwise to provide with respect thereto". Without objections, so ordered.

RESOLUTION NO.

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

A Resolution authorizing and directing the Parish President, Billy Nungesser, to employ services of _____ to advise the Plaquemines Parish Council on the proposed changes made by the Charter Commission to the Plaquemines Parish Charter for Local Self-Government; authorizing and directing the Parish President, Billy Nungesser, to execute any and all documents necessary to employ _____; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Parish Council adopted Resolution No. 07-463, on December 13, 2007, creating a Charter Commission consisting of 10 members for the purpose of addressing inconsistencies in the Charter for Local Self-Government, Plaquemines Parish, Louisiana; and

WHEREAS, the Plaquemines Parish Council deems it necessary to employ the services of _____ to advise the Council on the proposed changes to the Charter presented by the Charter Commission so they can make responsible decisions pertaining the Parish Government;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes and directs the Parish President, Billy Nungesser, to employ the services of _____ to advise the Plaquemines Parish Council on the proposed changes made by the Charter Commission to the Plaquemines Parish Charter for Local Self-Government.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes the Parish President, Billy Nungesser, to execute any and all documents necessary to employ _____.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes its Finance Department to charge the Plaquemines Parish Council General Fund, line item Professional Services for said employment.

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 Hodnett offered a substitute to the proposed Resolution.

RESOLUTION NO. 09-139

On motion of Council Member Hodnett, seconded by Council Member Friedman, and on roll call all members present voting "Yes", except Council Members Guey, Buras, and Cooper, voting "No", the following Resolution was adopted:

A Resolution authorizing and directing the Parish President, Billy Nungesser, to retain the Law Firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, L.L.P., to represent Plaquemines Parish Council by reviewing the Charter Amendments proposed by the Charter Commission; authorizing the Parish President, Billy Nungesser, to execute any and all documents necessary to retain said firm; and otherwise to provide with respect thereto.

WHEREAS, in accordance with Section 5.02(C) of the Plaquemines Parish Charter, the Plaquemines Parish Council has decided to retain the firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, L.L.P., to represent Plaquemines Parish Council for such advice it deems necessary, including but not limited to review of Charter Amendments;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes the Parish President, Billy Nungesser, to retain the Law Firm of Guste, Barnett, Schlesinger, Henderson & Alpaugh, L.L.P., to represent Plaquemines Parish Council to provide such legal advice as necessary including review of Charter Amendments, and to execute any and all documents necessary and proper to carry out the intents and purposes of this resolution, including seeking approval of said engagement from the Louisiana Attorney General.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes Billy Nungesser, Parish President, to execute any and all documents necessary and proper to carry out the intents and purposes of this resolution, including seeking approval of said engagement from the Louisiana Attorney General.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby approves the hourly rate of \$175.00 per hour for attorneys with experience of more than 10 years as per Louisiana Department of Justice authorized rates effective January, 2008; said invoices to be paid from the Parish Council - General Fund, line item Professional Services.

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 advance to Agenda Item 6-jj, "An Ordinance to amend the General Fund, Manpower Structure, Engineering Department; and otherwise to provide with respect thereto". Without objections, so ordered.

ORDINANCE NO. 09-89

The following Ordinance was offered by Council Member Friedman 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 effective 30 days from the date of this Ordinance.

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, Keith Hinkley, Jerry Hodnett, Anthony L. Buras, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

NAYS: Council Member Stuart J. Guey

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 23rd day of April, 2009.

Council Member Banta moved to advance to Agenda Item 6-g, "An Ordinance to amend the 2009 Operating Budget for the amended contract for Water & Wastewater Operations". Without objections, so ordered.

ORDINANCE NO. 09-90

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

An Ordinance to amend the 2009 Operating Budget for the amended contract for Water & Wastewater Operations.

WHEREAS, the Plaquemines Parish Government has entered into a "labor only" contract with Severn Trent in regards to water and wastewater operations; and

WHEREAS, amendments to the 2009 Operating Budget are necessary to reflect the terms of the amended contract;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The 2009 Operating Budget is amended by a net decrease in expenses of \$366,300 from the General Fund Unreserved/Undesignated Fund Balance as follows:

FUND Waterworks & Sewerage 41

DEPARTMENT/DIVISION Water & Sewerage Operation 690-5507

<u>OBJECT</u> <u>TOTAL</u>	<u>DESCRIPTION</u>	<u>AMENDMENT</u>	<u>NEW</u>
53227	SUPPLIES-CHEMICALS	INCREASE BY \$383,000.00	\$383,000.00
53200	SUPPLIES-OPERATING	INCREASE BY 53,500.00	53,500.00
52837	PROFESSIONAL SVCS-SEWERAGE	INCREASE BY 30,000.00	30,000.00
52600	MAINT-PROPERTY & EQUIP	INCREASE BY 6,650.00	681,700.00
53610	GASOLINE	INCREASE BY 100,000.00	100,000.00
52640	MAINT-LIGHT VEHICLES	INCREASE BY 54,000.00	54,000.00
52891	PROF SVCS-CONTRACTS	DECREASE BY (993,450.00)	4,578,700.00

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 Stuart J. Guey, and Anthony L. Buras

NAYS: Council Members Don Beshel, Keith Hinkley, Jerry Hodnett, Burghart Turner, John J. Friedman, Lynda G. Banta and Marla Cooper

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance Failed on this the 23rd day of April, 2009.

Council Member Banta moved to advance to Agenda Item 6-f, "An Ordinance to fund the services of a monitoring service company to perform water and wastewater contract operations oversight and technical assistance; and otherwise to provide with respect thereto". Without objections, so ordered.

ORDINANCE NO.

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

An Ordinance to fund the services of a monitoring service company to perform water and wastewater contract operations oversight and technical assistance; and otherwise to provide with respect thereto.

WHEREAS, Plaquemines Parish Government desires to enter into a professional services contract relative to monitoring, reviewing and reporting services with the water and sewerage operation, maintenance and repair contract; and

WHEREAS, amending the Waterworks & Sewerage Fund, 2009 Operating Expenditure Budget, Waterworks & Sewerage-Operations Department, by appropriating \$50,000 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 2009 Operating Expenditure Budget, Waterworks & Sewerage-Operations Department is amended by appropriating \$50,000 from the General Fund Unreserved/Undesignated Fund Balance as follows:

FUND Water & Sewerage Fund 41

DEPARTMENT/DIVISION Water & Sewerage-Operations 690-5507

<u>OBJECT</u>	<u>DESCRIPTION</u>	<u>AMENDMENT</u>	<u>NEW TOTAL</u>
52800	PROFESSIONAL SERVICES	INCREASE BY \$50,000.00	\$150,000.00

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.

A M E N D M E N T

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

BE IT RESOLVED by the Plaquemines Parish Council that the following Amendment to the "Proposed Ordinance" to fund the services of a monitoring service company to perform water and wastewater contract operations oversight and technical assistance is hereby adopted:

Between lines 6 and 7 insert the following:

"WHEREAS, the Administration should abide by the policy set forth in the Code of Ordinances, Chapter 2: Section 2-7 (1)(2) and (3), which refers to the Policy for solicitation and receipt of professional services; and "

Council Member Hinkley seconded the motion to adopt the Amendment.

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

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

NAYS: Council Members Anthony L. Buras and John J. Friedman

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Amendment was adopted on this the 23rd day of April, 2009.

ORDINANCE NO. 09-91

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

An Ordinance to fund the services of a monitoring service company to perform water and wastewater contract operations oversight and technical assistance; and otherwise to provide with respect thereto.

WHEREAS, Plaquemines Parish Government desires to enter into a professional services contract relative to monitoring, reviewing and reporting services with the water and sewerage operation, maintenance and repair contract; and

WHEREAS, amending the Waterworks & Sewerage Fund, 2009 Operating Expenditure Budget, Waterworks & Sewerage-Operations Department, by appropriating \$50,000 to line item Professional Services from the General Fund Unreserved/Undesignated Fund Balance is requested; and

WHEREAS, the Administration should abide by the policy set forth in the Code of Ordinances, Chapter 2: Section 2-7 (1)(2) and (3), which refers to the Policy for solicitation and receipt of professional services; and

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The 2009 Operating Expenditure Budget, Waterworks & Sewerage-Operations Department is amended by appropriating \$50,000 from the General Fund Unreserved/Undesignated Fund Balance as follows:

FUND	<u>Water & Sewerage Fund</u>	<u>41</u>		
DEPARTMENT/DIVISION	<u>Water & Sewerage-Operations</u>	<u>690-5507</u>		
<u>OBJECT</u>	<u>DESCRIPTION</u>	<u>AMENDMENT</u>	<u>NEW TOTAL</u>	
52800	PROFESSIONAL SERVICES	INCREASE BY \$50,000.00	\$150,000.00	

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 Keith Hinkley, Stuart J. Guey, and Anthony L. Buras

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

ABSENT: None

PRESENT BUT NOT VOTING: None

And the Ordinance Failed on this the 23rd day of April, 2009.

Council Member Banta moved to advance to Agenda Item 6-1, "A Resolution conditionally approving a plan of resubdivision of Portion of Tract 3-D-1 of Belle Chasse Plantation, as shown on The Parks of Plaquemines, Phase I, being a Subdivision of a part of Section B, Belle Chasse Plantation, Belle Chasse, Louisiana, by Hugh McCurdy III, P.L.S., dated May 31, 2008, amended March 16, 2009, without cost to the Plaquemines Parish Government or the Parish of Plaquemines". Without objections, so ordered.

RESOLUTION NO. 09-140

The following Resolution was offered by Council Member Hinkley who moved its adoption:

A Resolution conditionally approving a plan of resubdivision of Portion of Tract 3-D-1 of Belle Chasse Plantation, as shown on The Parks of Plaquemines, Phase I, being a Subdivision of a part of Section B, Belle Chasse Plantation, Belle Chasse, Louisiana, by Hugh McCurdy III, P.L.S., dated May 31, 2008,

amended March 16, 2009, without cost to the Plaquemines Parish Government or the Parish of Plaquemines.

WHEREAS, Parks of Plaquemines, LLC, is the owner of property herein described:

A CERTAIN PARCEL OF GROUND, together with all improvements thereon, and all rights, ways, privileges, servitudes, appurtenances, and advantages thereunto belonging and appertaining, situated in Township 14 South, Range 24 East, Section 2 and Township 14 South, Range 25 East, Section 9, Plaquemines Parish, Louisiana, on the west bank of the Mississippi River, being a portion of Tract 3-D-1 of Belle Chasse Plantation, and more fully described as follows:

BEGINNING the point of intersection of the easterly or riverside line of the Cutoff-Belle Chasse (Woodland) Highway with the southerly right of way line of the Planters Canal said intersection having a 1983 Louisiana South Zone Coordinate of X=3,705,119.58 feet and Y=506,453.77 feet; Thence North 58 degrees 55 minutes 17 seconds East, along the southerly line of the Planters Canal right of way, for a distance of 2896.50 feet to the point of intersection with the southwesterly line of Old Cutoff Road; Thence South 57 degrees 34 minutes 17 seconds East, along the southwesterly line of Old Cutoff Road, for a distance of 736.24 feet to the point of intersection with the westerly line of the property of Paula Ewing, of assigns; Thence South 25 degrees 35 minutes 58 seconds West, along the westerly line of the Paula Ewing, or assigns property, for a distance of 1512.15 feet to a point; Thence South 86 degrees 21 minutes 00 seconds West for a distance of 1183.66 feet to a point; Thence South 79 degrees 05 minutes 17 seconds West for a distance of 1314.03 feet to the point of intersection with the riverside right of way line of the Cutoff-Belle Chasse (Woodland) Highway; Thence North 2 degrees 04 minutes 47 seconds East, along the riverside right of way line of the Cutoff-Belle Chasse (Woodland) Highway, for a distance of 559.91 feet to a point; Thence North 4 degrees 56 minutes 52 seconds East, along the riverside line of the Cutoff-Belle Chasse (Woodland) Highway, for a distance of 27.97 feet and the **POINT OF BEGINNING**.

WHEREAS, Parks of Plaquemines, LLC, as owner of the above described property, plans to subdivide said property into 150 lots as shown on plans by Hugh McCurdy III, PLS, dated May 31, 2008, amended March 16, 2009; made part hereof by reference; and

WHEREAS, the design of all public utilities, services and facilities to be provided in the subdivision according to said plans have been approved by all Department Superintendents or Boards charged with the responsibility of maintaining and inspecting said public utilities, services and facilities; and

WHEREAS, an agreement is required by Plaquemines Parish Council Ordinance No. 96-41 between the Plaquemines parish Government and the owner of said subdivision, which shall require the owner to comply with the modifications as the Plaquemines Parish Government shall approve or require;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that the aforesaid plan of The Parks of Plaquemines, Phase I, being a Subdivision of a part of Section B, Belle Chasse Plantation, Belle Chasse, Louisiana, into Lots 1 through 150 inclusive be conditionally approved.

BE IT FURTHER RESOLVED that President of the Plaquemines Parish Government be and is hereby authorized to execute any and all instruments or documents with the owner for said conditional approval and the agreement of subdivision.

BE IT FURTHER RESOLVED that the conditional approval of the plans and the said agreement shall be authority for the owner of the subdivision only to proceed with the construction and installation of the improvements and work in order to comply with the requirements of Ordinance No. 96-41, and shall not authorize said owner to sell any lot, building site or building in the proposed subdivision.

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

Council Member Guey seconded the motion to adopt the Resolution.

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

YEAS: Council Members Keith Hinkley, Stuart J. Guey, Anthony L. Buras, and Marla Cooper

NAYS: Council Members Jerry Hodnett, and Lynda G. Banta

ABSENT: Council Member John J. Friedman

ABSTAINED: Council Members Don Beshel and Burghart Turner

And the Resolution Failed on this the 23rd day of April, 2009.

Council Member Banta moved to advance to Agenda Item 7-e, "Presentation by Mr. David Warren and Ms. Beth Bingham, representing the Library Consultant Firm of Providence Associates, regarding a Library Needs Assessment Study for Plaquemines Parish". Without objections, so ordered.

RESOLUTION NO.

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

A Resolution authorizing the rejection of all bids received March 3, 2009, for furnishing portable restrooms.

WHEREAS, bids were received on March 3, 2009, for furnishing portable restrooms for a period of two years as follows: Pot of Gold Rentals, P. O. Box 1627, Hammond, Louisiana, 70404, and United Site Services, P. O. Box 10259, Gulfport, Mississippi, 39505; all bids on file in the Parish Purchasing Agent's Office and made a part hereof by reference; and

WHEREAS, Mr. Mike Mullin, Assistant Parish Attorney, recommends the rejection of all bids due to "just cause"; and

WHEREAS, all bidders were advised by representatives of the Plaquemines Parish Government that pursuant to RS 38:2212, the Plaquemines Parish Council would consider the rejection of all bids at its meeting of April 9, 2009, at which time the bidder whose bid may not be accepted will be afforded the opportunity to refute the reasons for his disqualification of the bid; and

WHEREAS, representatives of United Site Services did appear and it is the sense of this Council that all bids be rejected;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes the rejection of all bids for furnishing portable restrooms, all in accordance with bid specifications on file in the Parish Purchasing Agent's Office.

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 Buras withdrew the proposed Resolution.

RESOLUTION NO. 09-141

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

A Resolution authorizing the acceptance of bids for furnishing portable restrooms for a period of two years, for use Parish wide.

WHEREAS, after due advertisement bids were received on March 3, 2009, for furnishing portable restrooms for a period of two years as follows: Pot Of Gold Rentals, P. O. Box 1627, Hammond, LA 70404, and United Site Services, P. O. Box 10259, Gulfport, MS 39505; all bids on file in the Parish Purchasing Agent's Office and made a part hereof by reference; and

WHEREAS, Ms. Brenda Stanifer, Parish Purchasing Agent, recommends the acceptance of the low bid of United Site Services, 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, to United Site Services, P. O. Box 10259, Gulfport, MS 39505, for furnishing portable restrooms for a period of two years, all in accordance with bid submitted by said company on March 3, 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 United Site Services for furnishing portable restrooms, on an as needed basis, for a period of two years beginning with the adoption of this resolution and ending March 11, 2011.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby authorizes its Parish Fiscal Officers to issue check in payment of services and 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.

Council Member Banta moved to advance to Agenda Item 6-t, "An Ordinance to amend the Five-Year Plan for the Stage Zero Feasibility Study; and otherwise to provide with respect thereto". Without objections, so ordered.

ORDINANCE NO. 09-92

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

An Ordinance to amend the Five-Year Plan for the Stage Zero Feasibility Study; and otherwise to provide with respect thereto.

WHEREAS, amending the Five-Year Plan by appropriating \$140,000 from the Fund Balance designated for Insurance Premiums is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Five-Year Plan is amended by appropriating \$140,000 for the Stage Zero Feasibility Study Project from the Fund Balance designated for Insurance Premiums; funding year, 2009.

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, Lynda G. Banta and Marla Cooper

NAYS: Council Member Burghart Turner

ABSENT: Council Member John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 23rd day of April, 2009.

RESOLUTION NO. 09-142

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

BE IT RESOLVED by the Plaquemines Parish Council that the following application for permit to engage in the sale of liquor and/or beer only in the Parish of Plaquemines for the year 2009 is hereby approved: Guileau, Inc., P. O. Box 66, Port Sulphur, Louisiana, 70083, “Guilbeau’s”, 28564 Highway 23, Port Sulphur, Louisiana, 70083, package house-liquor; Guilbeau’s Deli, L.L.C., P.O. Box 66, Port Sulphur, Louisiana, 70083, “Guilbeau’s Deli”, 28564 A Highway 23, Port Sulphur, Louisiana, 70083, retail saloon-liquor; Robinson and Cross, L.L.C., “Harbor Seafood & Oyster Bat at Cypress Cove”, 226 Cypress Cove Road, Venice, Louisiana, 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 4-b, “J.A. Chorens Investments, Application No. O-2009-48, dated March 3, 2009, to excavate pit, 8421 Highway 39, Braithwaite”. Without objections, so ordered.

RESOLUTION NO. 09-143

On motion of Council Member Beshel, seconded by Council Member Friedman, and on roll call all members present and voting “Yes”, except Council Member Friedman, 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: J.A. Chorens Investments, Application No. O-2009-48, dated March 3, 2009, to excavate pit, 8421 Highway 39, Braithwaite.

Council Member Banta moved to advance to Agenda Item 4-h, “A Resolution approving the issuance of a special permit to American Towers for the placement of an emergency diesel power generator on a raised platform on property located in a FP (Flood Plain) Zoning District at 22034 Hwy. 23, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-234, dated March 31, 2009”. Without objections, so ordered.

RESOLUTION NO. 09-144

On motion of Council Member Turner, seconded by Council Member Banta, and on roll call all members present and voting “Yes”, except Council Member Friedman, absent, the following Resolution was adopted:

A Resolution approving the issuance of a special permit to American Towers for the placement of an emergency diesel power generator on a raised platform on property located in a FP (Flood Plain) Zoning District at 22034 Hwy. 23, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-234, dated March 31, 2009.

WHEREAS, American Towers applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-234, dated March 31, 2009) for a permit to place an emergency diesel power generator on a raised platform on property located at 22034 Hwy. 23, Port Sulphur, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit for American Towers for the placement of an emergency diesel power generator on a raised platform on property located in a FP (Flood Plain) Zoning District at 22034 Hwy. 23, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-234, dated March 31, 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.

Council Member Banta moved to revert to Agenda Item 1b, "Status Report by the Parish President". Without objections, so ordered.

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 selecting Option 2: keep the current Advisory Base Flood Elevations (ABFEs) in place as per Ordinance No. 07-8 adopted by the Council on January 25, 2007, and also Option 1: continue with the current effective Flood Insurance Rate Maps (FIRM) for all other areas of the Parish that are not part of the Option 2 area of the Parish as minimum construction elevations, until the Hurricane Storm Damage Risk Reduction System is completed and new preliminary Digital Flood Insurance Rate Maps have been released for Plaquemines Parish".

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, Keith Hinkley, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member John J. Friedman

PRESENT BUT NOT VOTING: None

And the Motion was adopted on this the 23rd day of April, 2009.

RESOLUTION NO. 09-145

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

A Resolution selecting Option 2: keep the current Advisory Base Flood Elevations (ABFEs) in place as per Ordinance No. 07-8 adopted by the Council on January 25, 2007, and also Option 1: continue with the current effective Flood Insurance Rate Maps (FIRM) for all other areas of the Parish that are not part of the Option 2 area of the Parish as minimum construction elevations, until the Hurricane Storm Damage Risk Reduction System is completed and new preliminary Digital Flood Insurance Rate Maps have been released for Plaquemines Parish.

WHEREAS, the Federal Emergency Management Agency (FEMA) has provided preliminary Digital Flood Insurance Rate Maps for the Parish of Plaquemines; and

WHEREAS, FEMA has provided the Parish of Plaquemines with four options regarding the use of the preliminary Digital Flood Insurance Rate Maps for floodplain management; and

WHEREAS, FEMA and the Louisiana Recovery Authority (LRA) have no objection to the Parish of Plaquemines choosing any one of the four options, which would ensure that the citizens of Plaquemines Parish maintain their eligibility for the National Flood Insurance Program; and

WHEREAS, the Parish of Plaquemines understands the necessity and recognizes the benefits of adopting higher elevation standards to protect its citizens and their properties from the risks of flooding, especially in the flood-prone areas of the Parish; and

WHEREAS, there are outstanding questions as to the accuracy of the data and methodology used to create the preliminary Digital Flood Insurance Rate Maps; and

WHEREAS, the completion of the Hurricane Storm Damage Risk Reduction System in 2011 will provide an unprecedented level of protection for Plaquemines Parish, requiring a significant revision to the preliminary Digital Flood Insurance Rate Maps; and

WHEREAS, the Parish of Plaquemines wishes to protect its citizens from any undue hardships or confusion that would be caused by consecutive and dramatic changes in elevation required by the Digital Flood Insurance Rate Maps as they struggle to rebuild their homes, their businesses, and their lives from the disaster of 2005; and

WHEREAS, the Parish has been successful using the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for the Parish of Plaquemines, dated November 1, 1984, with accompanying Flood Insurance Rate Maps (FIRM) dated September 30, 1993, and any subsequent revisions thereto and, where applicable, the "Louisiana Hurricane Katrina Surge Inundation and Advisory Base Flood Elevations (ABFE) Maps, dated June, 2006", provided by FEMA and adopted by the Council in January, 2007 for floodplain management;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that this Council does hereby select Option 2: keep the current Advisory Base Flood Elevations (ABFEs) in place as per Ordinance No. 07-8 adopted by the Council on January 25, 2007, and also Option 1: continue with the current effective Flood Insurance Rate Maps (FIRM) for all other areas of the Parish that are not part of the Option 2 area of the Parish as minimum construction elevations, until the Hurricane Storm Damage Risk Reduction System is completed and new preliminary Digital Flood Insurance Rate Maps have been released for Plaquemines Parish.

BE IT FURTHER RESOLVED that the Secretary of the Council shall forward copies of this motion to FEMA and all affected departments.

RESOLUTION NO. 09-146

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

BE IT RESOLVED by the Plaquemines Parish Council that the following applications for construction permits in the Parish of Plaquemines are hereby approved: Ronald K. Parks, Application No. O-2009-34, dated February 16, 2009, to install pilings and boat house, 558 Martin Lane, Happy Jack; Edmond Tassin, Application No. O-2009-35, dated February 16, 2009, to install boat house, 564 Martin Lane, Happy Jack; Texas Eastern Transmission, Application No. O-2009-45, dated February 26, 2009, to repair offshore natural gas pipeline signs, Barataria Area; Helis Oil & Gas Company, L.L.C., Application No. O-2009-52, dated March 16, 2009, to install pile clusters, drill the S.L. 195 QQ Well No. 105, and install well head protector, North Black Bay Field; Helis Oil & Gas Company, L.L.C., Application No. O-2009-53, dated March 16, 2009, to install pile clusters, drill the S.L. 195 QQ Well No. 106, and install well head protector, North Black Bay Field; Helis Oil & Gas Company, L.L.C., Application No. O-2009-59,

dated March 17, 2009, for the installation of 2" gas lift line and 4" flowline, West Black Bay Field; Helis Oil & Gas Company, L.L.C., Application No. O-2009-67, dated March 26, 2009, to install pile clusters, drill the S.L. 195 QQ Well No. 41 and install well head protector, Southeast Black Bay Field; Helis Oil & Gas Company, L.L.C., Application No. O-2009-68, dated March 16, 2009, to install pile clusters, drill the S.L. 195 QQ Well No. 39, and install well head protector, Southeast Black Bay Field; HNTB Corporation, Application No. O-2009-69, dated April 2, 2009, to drill soil borings and perform cone penetrometer tests, vane shear testing and other in-situ testing, Oakville; Helis Oil & Gas Company, L.L.C., Application No. O-2009-70, dated April 30, 2009, for the installation of 2" gas lift line and 4" flowline, Southeast Black Bay Field; Helis Oil & Gas Company, L.L.C., Application No. O-2009-74, dated April 8, 2009, remove 2" pipeline, Black Bay Field; Century Exploration N.O., Inc., Application No. O-2009-79, dated April 13, 2009, to install breaker barge, Breton Sound Area, Block 45; Texas Petroleum Investment, Co., Application No. O-2009-78, dated April 9, 2009, for prop-wash and workover the Romere Pass Well No. 67, Romere Pass Field.

RESOLUTION NO. 09-147

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

A Resolution approving the issuance of a special permit to Charles LeNormand, Jr. for the installation of a fireworks stand on property located in an A-2 (Rural or Agricultural) Zoning District at 27290 Hwy. 23, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-204, dated March 24, 2009.

WHEREAS, Charles LeNormand, Jr. applied to the Plaquemines Parish Department of Permits, planning and Zoning (Application No. B-2009-204, dated March 24, 2009) for a permit to install a fireworks stand on property located at 27290 Hwy. 23, Port Sulphur, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Charles LeNormand, Jr. for the installation of a fireworks stand on property located in an A-2 (Rural or Agricultural) Zoning District at 27290 Hwy. 23, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-204, dated March 24, 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. 09-148

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

A Resolution approving the issuance of a special permit to Asset Group, Inc. for the placement of an office trailer on property located in an A-2 (Rural or Agricultural) Zoning District at 11189 Hwy. 23, Belle Chasse, Louisiana, all in accordance with Application No. T-2009-125, dated March 20, 2009.

WHEREAS, Asset Group, Inc. applied to the Plaquemines Parish Department of Permits, planning and Zoning (Application No. T-2009-125, dated March 20, 2009) for a permit to place an office trailer on property located at 11189 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 Asset Group, Inc. for the placement of an office trailer on property located in an A-2 (Rural or Agricultural) Zoning District at 11189 Hwy. 23, Belle Chasse, Louisiana, all in accordance with Application No. T-2009-125, dated March 20, 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. 09-149

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

A Resolution approving the issuance of a special permit to Asset Group, Inc. for the placement of an office trailer on property located in an A-2 (Rural or Agricultural) Zoning District at 11191 Hwy. 23, Belle Chasse, Louisiana, all in accordance with Application No. T-2009-126, dated March 20, 2009.

WHEREAS, Asset Group, Inc. applied to the Plaquemines Parish Department of Permits, planning and Zoning (Application No. T-2009-126, dated March 20, 2009) for a permit to place an office trailer on property located at 11191 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 Asset Group, Inc. for the placement of an office trailer on property located in an A-2 (Rural or Agricultural) Zoning District at 11191 Hwy. 23, Belle Chasse, Louisiana, all in accordance with Application No. T-2009-126, dated March 20, 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. 09-150

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

A Resolution approving the issuance of a special permit to Asset Group, Inc. for the placement of a camper trailer on property located in an A-2 (Rural or Agricultural) Zoning District at 11197 Hwy. 23, Belle Chasse, Louisiana, all in accordance with Application No. T-2009-129, dated March 20, 2009.

WHEREAS, Asset Group, Inc. applied to the Plaquemines Parish Department of Permits, planning and Zoning (Application No. T-2009-129, dated March 20, 2009) for a permit to place a camper trailer on property located at 11197 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 Asset Group, Inc. for the placement of a camper trailer on property located in an A-2 (Rural or Agricultural) Zoning District at 11197 Hwy. 23, Belle Chasse, Louisiana, all in accordance with Application No. T-2009-129, dated March 20, 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. 09-151

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

A Resolution approving the issuance of a special six-month only permit to Aimee Hodges to install a temporary camper trailer on property located in a FP (Flood Plain) Zoning District at 2765 Hermitage Road, Port Sulphur, Louisiana, all in accordance with Application No. T-2009-150, dated April 8, 2009.

WHEREAS, Aimee Hodges applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. T-2009-150, dated April 8, 2009) for a permit to install a temporary camper trailer on property located at 2765 Hermitage Road, Port Sulphur, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special six-month only permit to Aimee Hodges to install a temporary camper trailer on property located in a FP (Flood Plain) Zoning District at 2765 Hermitage Road, Port Sulphur, Louisiana, all in accordance with Application No. T-2009-150, dated April 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. 09-152

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

A Resolution approving the issuance of a special permit to Ann Jeanfreau for the raising of an existing residence on property located in a FP (Flood Plain) Zoning District at 107 Shirley Drive, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-252, dated April 14, 2009.

WHEREAS, Ann Jeanfreau applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-252, dated April 14, 2009) for a permit to raise an existing residence on property located at 107 Shirley Drive, Port Sulphur, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Ann Jeanfreau for the raising of an existing residence on property located in a FP (Flood Plain) Zoning District at 107 Shirley Drive, Port Sulphur, Louisiana, all in accordance with Application No. B-2009-252, dated April 14, 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. 09-153

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

A Resolution approving the issuance of a special permit to Phillip M. Star for the construction of a camp on property located in a FP (Flood Plain) Zoning District at 140 Camp Road, Empire, Louisiana, all in accordance with Application No. B-2009-255, dated April 16, 2009.

WHEREAS, Phillip M. Star applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. B-2009-255, dated April 16, 2009) for a permit to construct a camp on property located at 140 Camp Road, Empire, Louisiana;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the issuance of a special permit to Phillip M. Star for the construction of a camp on property located in a FP (Flood Plain) Zoning District at 140 Camp Road, Empire, Louisiana, all in accordance with Application No. B-2009-255, dated April 16, 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.

PROCLAMATION

On motion of Council Member Banta, seconded by All Council Members, and on roll call all members present voting “Yes”, except Council Member Friedman, absent, the following Proclamation was adopted:

A Proclamation proclaiming the month of May 2009, as “**AIR QUALITY AWARENESS MONTH**” in Plaquemines Parish.

WHEREAS, poor outdoor air quality can threaten the health of our citizens; and

WHEREAS, it is estimated that one out of every three people in the United States is at higher risk of experiencing problems from ground-level ozone, a contributor to poor air quality; and

WHEREAS, children, people with lung disease, older adults, and people with heart disease tend to be more vulnerable to outdoor pollution, and it would be beneficial for people to learn more about the effects air quality may have on their health if they fall into one of these sensitive groups; and

WHEREAS, utilizing the Air Quality Index is simple and free of cost; and

WHEREAS, knowledge of the Air Quality can help protect our community’s health; and

WHEREAS, the Louisiana Department of Environmental Quality, the U.S. Environmental Protection Agency and the Plaquemines Parish Government are supporting efforts to encourage citizens to utilize the Air Quality Index, understand what causes poor air quality, and make strides to improve the overall outdoor air quality;

NOW, THEREFORE:

BE IT PROCLAIMED by the Plaquemines Parish Council, by authority vested and represented by its duly authorized Chairman, Lynda G. Banta and by concurrence of the Parish President, William Nungesser, representing the Plaquemines Parish Government, that it hereby proclaims May 2009, as

An Ordinance to amend the General Fund, 2009 Operating Expenditure Budget, Road Maintenance Department line item Tractors and Mowers; and otherwise to provide with respect thereto.

WHEREAS, \$100,000 additional funding is needed to purchase tractors for the Public Right of Way Division; and

WHEREAS, amending the 2009 Operating Expenditure Budget, Road Maintenance Department line item Tractors and Mowers, by appropriating \$100,000 from the Fund Balance Designated for Insurance Premiums is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The 2009 Operating Expenditure Budget, Road Maintenance Department, Public Right of Way Division line item Tractors and Mowers is amended by appropriating \$100,000 from the Fund Balance Designated for Insurance Premiums as follows:

FUND	<u>Road Maintenance Fund</u>		<u>03</u>
DEPARTMENT/DIVISION	<u>Road Maintenance-Public Right of Way</u>		<u>780-8720</u>
<u>OBJECT</u>	<u>DESCRIPTION</u>	<u>AMENDMENT</u>	<u>NEW TOTAL</u>
56430	TRACTORS AND MOWERS	INCREASE BY\$100,000.00	\$200,000.00

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, Keith Hinkley, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 23rd day of April, 2009.

Council Member Banta moved to advance to Agenda Item 6-r, "An Ordinance to appropriate the sum of \$100,000.00 from the Fund Balance Designated for Insurance Premiums to renew the contract with Dr. Joseph Suhayda for the Plaquemines Parish Flood Protection Plan Project; and otherwise to provide with respect thereto". Without objections, so ordered.

ORDINANCE NO. 09-94

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

An Ordinance to appropriate the sum of \$100,000.00 from the Fund Balance Designated for Insurance Premiums to renew the contract with Dr. Joseph Suhayda for the Plaquemines Parish Flood Protection Plan Project; and otherwise to provide with respect thereto.

WHEREAS, it is the recommendation of Administration that the contract with Dr. Joseph Suhayda for the Plaquemines Parish Flood Protection Plan Project be renewed in the sum of \$100,000.00; and

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby appropriates the sum of \$100,000.00 from the Fund Balance Designated for Insurance Premiums to renew the contract with Dr. Joseph Suhayda for the Plaquemines Parish Flood Protection Plan Project;

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, Keith Hinkley, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 23rd day of April, 2009.

ORDINANCE NO. 09-95

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

An Ordinance temporarily suspending the rental fees at the Pointe-a-la-Hache Boat Harbor; and otherwise to provide with respect thereto.

WHEREAS, repairs are currently being done on the dock area of the Pointe-a-la-Hache Boat Harbor and utility services such as water and electricity are not available to the tenants; and

WHEREAS, the Plaquemines Parish Council seeks to temporarily suspend the rental fees at the Pointe-a-la-Hache Boat Harbor until all repairs have been completed and the utilities have been restored;

NOW, THEREFORE

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The rental fees at the Pointe-a-la-Hache Boat Harbor are suspended until all repairs to the dock are completed and utilities are restored and made available for use by the tenants from May 1, 2009 to January 1, 2010.

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 Hinkley 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, Anthony L. Buras, Burghart Turner, and Marla Cooper

NAYS: Council Members Stuart J. Guey and Lynda G. Banta

ABSENT: Council Member John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 23rd day of April, 2009.

ORDINANCE NO. 09-96

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

An Ordinance approving a plan of resubdivision of Tract A, Ollie, Plaquemines Parish, Louisiana, into Lots A1, A2, A3, A4, and A5, Ollie, Plaquemines Parish, Louisiana, as shown on the plans and plat of survey by Dufrene Surveying & Engineering, Inc., dated November 17, 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, Cedar Grove Investments, 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 November 17, 2008, a print whereof is annexed hereto and made part hereof; and

WHEREAS, Cedar Grove Investments, is the owner of said property, has proposed the resubdivision of Tract A, Ollie, Plaquemines Parish, Louisiana, into Lots A1, A2, A3, A4, and A5, Ollie, Plaquemines Parish, Louisiana, as more fully shown on said plan; and

WHEREAS, all streets, utilities, drainage structures and other improvements shown on the aforementioned plan and plat of survey are in place;

NOW, THEREFORE:

BE IT ORDAINED by the Plaquemines Parish Council for the Parish of Plaquemines, Louisiana, that the aforesaid plan of resubdivision of Tract A, Ollie, Plaquemines Parish, Louisiana, into Lots A1, A2, A3, A4, and A5, Ollie, Plaquemines Parish, Louisiana, as shown on the plat and plan of survey by Dufrene Surveying & Engineering, Inc., dated November 17, 2008, a print whereof is annexed hereto and made a part hereof, be approved, 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., November 17, 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, Keith Hinkley, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 23rd day of April, 2009.

ORDINANCE NO.

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

An Ordinance authorizing and directing the Parish President, Billy Nungesser, to enter into a lease agreement with Harold H. White, III, and Lynn Perkins Perez through J.P. Layrisson, Attorney at Law, for the piece of property known as the Judge Perez Park to establish a park and/or recreational facility in District 5; and otherwise to provide with respect thereto.

WHEREAS, it is the desire of this Council to establish a park and/or recreation facility in District 5; and

WHEREAS, said park would promote culture and recreation for the residents within District 5; and

WHEREAS, Harold H. White, III, and Lynn Perkins Perez through J.P. Layrisson, Attorney at Law, agrees to enter into said lease agreement with the Plaquemines Parish Government;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby authorizes and directs the Parish President, Billy Nungesser, to enter into a lease agreement with Harold H. White, III, and Lynn Perkins Perez through J.P. Layrison, Attorney at Law, for the piece of property known as the Judge Perez Park to establish a park and/or recreational facility in District 5.

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 Hinkley seconded the motion to adopt the Ordinance.

Council Member Buras moved to defer the proposed Ordinance.

ORDINANCE NO. 09-97

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

An Ordinance of the Plaquemines Parish Council appointing and naming Mr. Gerald Ragas, Mr. Randy Fortmeyer and Kurt Dufrene to serve the Plaquemines Parish Government as “Nuisance Alligator Control Agents”; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Parish President has requested the appointment of two “Nuisance Alligator Control Agents” for Plaquemines Parish;

WHEREAS, Mr. Gerald Ragas will be designated as the PRIMARY “Nuisance Alligator Control Agent” to serve the Plaquemines Parish Government as needed; and

WHEREAS, Mr. Randy Fortmeyer and Mr. Kurt Dufrene shall be designated as the SECONDARY (Backup) “Nuisance Alligator Control Agents” to serve the Plaquemines Parish Government when the primary agent is not available;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

Mr. Gerald Ragas, Mr. Randy Fortmeyer and Kurt Dufrene are hereby appointed and named to serve the Plaquemines Parish Government as “Nuisance Alligator Control Agents”.

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 Member Turner

NAYS: Council Members Keith Hinkley, Stuart J. Guey, Lynda G. Banta and Marla Cooper

ABSENT: Council Members Don Beshel, Anthony L. Buras, and John J. Friedman

ABSTAINED: Council Member Jerry Hodnett

And the Ordinance Failed on this the 23rd day of April, 2009.

ORDINANCE NO.

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

An Ordinance to amend the Five-Year Capital Improvements Plan for the Overlay-North Concord Project; and otherwise to provide with respect thereto.

WHEREAS, an additional appropriation of \$500,000 is needed for the Overlay-North Concord Project for a total project appropriation of \$950,000; and

WHEREAS, amending the Five-Year Capital Improvements Plan by appropriating \$500,000 to the Overlay-North Concord Project from the Fund Balance Designated for Sewer 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 appropriating \$500,000 for the Overlay-North Concord Project; funding source, Fund Balance Designated for Sewer Project; funding year, 2009.

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.

Council Member Hinkley offered a substitute to the proposed Ordinance.

ORDINANCE NO. 09-98

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

An Ordinance to amend the Five-Year Capital Improvements Plan for the Overlay-North Concord Road Project; and otherwise to provide with respect thereto.

WHEREAS, a transfer of \$500,000 from the Belle Chasse Drainage Project to the Overlay North Concord Road 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 \$500,000 from the Belle Chasse Drainage Project to the Overlay North Concord Road Project.

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, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 23rd day of April, 2009.

RESOLUTION NO.

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

A Resolution authorizing and directing the Parish President, Billy Nungesser, to request the Louisiana Recovery Authority to add a project to the Parish's Master Plan Priority List for the Long-term Community Recovery Program, to also submit an alternate PW for the project to secure funding; and otherwise to provide with respect thereto.

WHEREAS, by Council Resolution No. 07-287, adopted August 15, 2007, the Council established a priority list of projects under the LRA's Long-Term Community Recovery Program and requested release of funds for such projects; and

WHEREAS, Council Resolution No. 09-108, adopted March 26, 2009, added 21 additional projects to the Parish's Master Plan Priority List; and

WHEREAS, a Meeting Room for the Plaquemines Parish Council to be located in Pointe a la Hache was inadvertently eliminated from said list;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby authorizes and directs the Parish President to request the Louisiana Recovery Authority to add a Council Meeting Building located in Pointe a la Hache to the Parish's Master Plan Priority List for the Long-term Community Recovery Program, to also submit an alternate PW for the project to secure funding.

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.

ORDINANCE NO. 09-99

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

An Ordinance to amend and as amended to readopt Ordinance No. 08-236, adopted October 23, 2008; and otherwise to provide with respect thereto.

WHEREAS, the Council would like to clarify the order in which the funding will be reimbursed;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Plaquemines Parish Government 2008 budget is amended by appropriating \$10,500,000 to the "Fund Balance Designated for FEMA Projects-Unreimbursed Expenditures" to insure that Plaquemines Parish Government has full funding available for the unreimbursed portion of all contracts executed after the "emergency declaration" expired on August 29, 2008 for FEMA projects related to Hurricane Katrina.

SECTION 2

The \$10,500,000 is appropriated by: the transfer of \$2,516,961 from the Fund Balance Designated for Bond Indebtedness; \$772,403 from the Fund Balance Designated for Sewer Projects; \$250,000 from the Fund Balance Designated for Hurricane Preparation/Poor and Needy; \$3,219,000 from the Fund Balance Designated for Disaster Recovery; the transfer of \$2,991,950 from the General Fund Utility Relocation Happy Jack to North Port Sulphur Project; and the appropriation of \$749,686 from the General Fund Designated for Capital Improvements Fund Balance; all funds are to be reimbursed in the same order as stated above.

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, Keith Hinkley, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 23rd day of April, 2009.

ORDINANCE NO.

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

An Ordinance to amend the Sewer System Improvements Parishwide Fund Capital Improvements Budget; and otherwise to provide with respect thereto.

WHEREAS, a transfer of \$2,257,830 from the Rehabilitation-Boothville/Buras Waste Water Treatment Plant Project to the Rehabilitation-Belle Chasse Waste Water Treatment Plant Project is requested; and

WHEREAS, the Federal Emergency Management Agency (FEMA) is the funding source for these Hurricane Katrina related projects; and

WHEREAS, the Federal Emergency Management Agency will reimburse expenditures related to the Rehabilitation of the Boothville/Buras Waste Water Treatment Plant;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Sewer System Improvements Parishwide Fund 2009 Budget is amended by transferring \$2,257,830 from the Rehabilitation-Boothville/Buras Waste Water Treatment Plant Project to the Rehabilitation-Belle Chasse Waste Water Treatment Plant Project.

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 Hodnett moved to defer the proposed Ordinance.

RESOLUTION NO. 09-154

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

A Resolution requesting the State of Louisiana Department of Transportation and Development to conduct a traffic and safety study of Highway 23 from Avenue A to East Third Street for the purpose of improving traffic safety; and otherwise to provide with respect thereto.

WHEREAS, the population of the community of Belle Chasse has grown over the past few years adding more vehicles to Highway 23; and

WHEREAS, Alvin Callendar Air Base is presently constructing new residences and barracks on base to accommodate its expanding growth thereby adding additional traffic to Highway 23; and

WHEREAS, it is extremely difficult and dangerous for vehicles, as well as school busses, to get on or across Highway 23 in this area without being put in harms way; and

WHEREAS, traffic and safety improvements in this area would benefit school traffic, as well as help with ferry traffic;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that it hereby requests the State of Louisiana Department of Transportation and Development to conduct a traffic and safety study of Highway 23 from Avenue A to East Third Street for the purpose of improving traffic safety.

BE IT FURTHER RESOLVED by the Plaquemines Parish Council that it hereby requests Senator A.G. Crowe, Senator David Heitmeier and Representative Ernest Wooton to provide any and all assistance necessary in order to get this traffic project completed.

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. 09-100

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

An Ordinance to amend the Five-Year Capital Improvements Plan for the Ollie Levee Repairs Project; and otherwise to provide with respect thereto.

WHEREAS, \$125,000 is needed for making repairs to the Ollie Levee; and

WHEREAS, amending the Five-Year Capital Improvements Plan by transferring \$125,000 to the Ollie Levee Repairs Project from the LaReussite Levee 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 \$125,000 to the Ollie Levee Repairs Project from the LaReussite Levee Project; funding year, 2009.

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, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 23rd day of April, 2009.

ORDINANCE NO. 09-101

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

An Ordinance to amend the Five-Year Capital Improvements Plan for the Peters Road Extension Bypass Project; and otherwise to provide with respect thereto.

WHEREAS, the Parish has entered into a Cooperative Endeavor Agreement with the State of Louisiana for funding the planning phase of the Peters Road Extension Bypass Project; and

WHEREAS, the project cost sharing for the Peters Road Extension Bypass Project is \$1,500,000 of parish funds and \$2,200,000 of state funds; and

WHEREAS, the Five-Year Capital Improvements Plan needs to be amended to include the state share for this project; and

WHEREAS, amending the Five-Year Capital Improvements Plan by appropriating \$2,200,000 to the Peters Road Extension Bypass Project from the State of Louisiana;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Five-Year Capital Improvements Plan is amended by appropriating \$2,200,000 to the Peters Road Extension Bypass Project; funding source, State of Louisiana; funding year, 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 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 John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 23rd day of April, 2009.

RESOLUTION NO.

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

A Resolution to amend and, as amended, readopt Resolution No. 07-304; to provide for meals reimbursement in exceptional travel circumstances; and otherwise to provide with respect thereto.

WHEREAS, in the adoption of Resolution No. 07-304 providing revised travel regulations for Parish Officials and employees, the provisions regarding "high cost" destinations and exceptional circumstances on travel days were inadvertently omitted; and

WHEREAS, state travel regulations allow reimbursements for travel expenses in "high cost" business destinations over and above the customary limits and also allow reimbursements for meals a full day of travel;

NOW, THEREFORE:

BE IT RESOLVED by the Plaquemines Parish Council that the provisions of Part II(A) of the Parish Government Expense Account Regulations is hereby amended and reenacted to read as follows:

“Meals (including Tips)

- A. (i) Employees are allowed the following amounts for meals per day per diem, with no receipts required:
Travel day to Destination - Lunch and Dinner \$30.00 per day per diem with no receipts required for meals;
Full day(s) at Destination - Breakfast, Lunch and Dinner \$40.00 per day per diem with no receipts required for meals;
Travel day Home - Breakfast and Lunch \$22.00 per day per diem with no receipts required for meals.
- (ii) In exceptional circumstances where the travel itinerary involves a full day of travel to and/or from the business destination, the Parish Official or employee may submit a copy of the travel schedule together with itemized meal receipts for the travel day for reimbursement, subject to the approval of the Parish President, a Director, or the Council Chair, and the Internal Auditor, by signatures on the expense report.
- (iii) In “high cost” destinations where meal costs exceed the amounts provided for above, the Parish Official or employee may submit itemized meal receipts for reimbursement, subject to the approval of the Parish President, a Director or the Council Chair, and the Internal Auditor by signatures on the expense report”.

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 Buras moved to defer the proposed Resolution.

ORDINANCE NO. 09-102

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

An Ordinance to amend the Five-Year Capital Improvements Plan for the Myrtle Grove Levee Project; and otherwise to provide with respect thereto.

WHEREAS, approximately \$176,000 is needed for the purchase of 11.28 acres of forested wetlands in order for Plaquemines Parish Government to gain access to and begin levee improvements in the Myrtle Grove area; and

WHEREAS, \$71,800 for the purchase of 7.18 acres of forested wetlands based on restoration credits by the Paradis Mitigation Bank for the purchase of Bottomland Hardwoods and \$104,200 for the restoration of 4.1 acres of Brackish Marsh Habitat to be purchased through the Louisiana Coastal Restoration Fund is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Five-Year Capital Improvements Plan is amended by appropriating \$176,000 for the Myrtle Grove Levee Project; funding source, Fund Balance Designated for Insurance Premiums; funding year, 2009.

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, Keith Hinkley, Jerry Hodnett, Stuart J. Guey, Anthony L. Buras, Burghart Turner, Lynda G. Banta and Marla Cooper

NAYS: None

ABSENT: Council Member John J. Friedman

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 23rd day of April, 2009.

RESOLUTION NO. 09-155

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

BE IT RESOLVED by the Plaquemines Parish Council that it hereby approves the minutes of the January 22, 2009, and February 12, 2009, Council Meetings, of the Plaquemines Parish Council as recorded by the Secretary of this Council.

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

- a. An Ordinance to appropriate the sum of \$1,500,000.00 from the _____ Fund for the Braithwaite to White Ditch Levee Lift Project located on the East Bank of Plaquemines Parish; and otherwise to provide with respect thereto. COUNCIL MEMBER BESHEL
- b. An Ordinance to appropriate the sum of \$400,000.00 from the _____ Fund to enter into a contract with Fenster Maker Engineering to provide engineering for a levee lift on the non-federal Parish owned levee from Braithwaite to White Ditch located on the East Bank of Plaquemines Parish; authorizing the Parish President, Billy Nungesser to execute said contract with Fenster Maker Engineering for said project; and otherwise to provide with respect thereto. COUNCIL MEMBER BESHEL
- c. An Ordinance authorizing the Parish President to enter into a Cooperative Endeavor Agreement with the Plaquemines Parish School Board to purchase the immovable property and the Woodlawn Building for the sum of \$200,000.00; and otherwise to provide with respect thereto. COUNCIL MEMBER BESHEL
- d. A Resolution authorizing the Parish President, Billy Nungesser to enter into a contract with the State of Louisiana, Division of Administration, Office of Community Development, through the Local Government Assistance Program 2008-2009 (LGAP), to purchase an 18-wheeler truck. COUNCIL MEMBER HODNETT
- e. An Ordinance allowing for and regulating the use of Golf Carts on public property in the Parish of Plaquemines; and otherwise to provide with respect thereto. COUNCIL MEMBER HODNETT

- f. An Ordinance to amend the Five-Year Capital Improvement Plan for the Road Maintenance District 3 Project; and otherwise to provide with respect thereto. COUNCIL MEMBER HODNETT
- g. A Resolution to rescind, annul and set aside Resolution No. 07-463, adopted December 13, 2007 which created a Charter Commission consisting of 10 members for the purpose of addressing inconsistencies in the Charter for Local Self-Government, Plaquemines Parish, Louisiana; and otherwise to provide with respect thereto. COUNCIL MEMBER HODNETT
- h. An Ordinance creating a Charter Committee consisting of 10 members for the purpose of addressing inconsistencies in the Charter for Local Self-Government, Plaquemines Parish, Louisiana; and otherwise to provide with respect thereto. COUNCIL MEMBER HODNETT
- i. A Resolution to implement a Study of Wind Turbine Power, at no cost to the Plaquemines Parish Government, to be conducted by Rice University in conjunction with Wind Energy Systems Technology; and otherwise to provide with respect thereto. COUNCIL MEMBER BURAS
- j. An Ordinance to appropriate the sum of \$_____ from the _____ Fund for the rental of 12" pumps to be used during the repair of an existing pump at the Ollie Pump Station; and otherwise to provide with respect thereto. COUNCIL MEMBER BURAS
- k. A Resolution to approve the use of the Diamond Community Center property by Grace Harbo Christian Ministries Community Technology and Economic Center in cooperation with Federal Emergency Management Agency Mobile Home Donation Program for location of mobile homes for Parish citizens and their families qualifying under such programs; and otherwise to provide with respect thereto. COUNCIL MEMBER TURNER
- l. A Resolution authorizing the Parish President to execute those documents and agreements required in the submission of the application for the construction of a Shipyard in Venice, Louisiana, as provided under the Community Development Block Grant - Disaster Recovery Fisheries Infrastructure Program and certifying that the "Urgent Need" National Policy Objection is being met. COUNCIL MEMBER COOPER

There being no further business to come before this Council, on motion of Council Member Beshel, seconded by Council Member Banta, and on roll call all members present voting "Yes", except Council Member Friedman, absent, the meeting adjourned at 8:50 p.m.

Chairman

Secretary