

Minutes of a meeting of the Plaquemines Parish Council, held in the Pointe-a-la-Hache Council Chambers, 18055 Highway 15, Pointe-a-la-Hache, Louisiana on Thursday, November 12, 2020, at 3:49 p.m., pursuant to notice to all members with a quorum present as follows:

PRESENT: Council Member Carlton M. LaFrance, Sr., Chairman  
Council Member John L. Barthelemy, Jr.  
Council Member Stuart J. Guey  
Council Member Benedict Rousselle  
Council Member Trudy Newberry  
Council Member Richie Blink  
Council Member Mark Cognevich

Kim M. Toups Secretary

ABSENT: Council Member W. Beau Black  
Council Member Corey Arbourgh

The Prayer and Pledge of Allegiance were dispensed with.

The President and Directors Todd Eppley, Crystal Taylor and Scott Rousselle were present representing the Administration.

The following items were deferred:

- Council Member Cognevich' s "Update by Civil Service open jobs" under the President's Status Report";
- 5b, "A Resolution authorizing the acceptance of bids for furnishing recreation equipment and uniforms for one year for use by the Recreation Department; and
- 9a(6), "An Ordinance to amend and amended to readopt Section IV of Ordinance No. 142, the Comprehensive Zoning Ordinance of Plaquemines Parish, Louisiana, as amended, and the "Comprehensive Zoning District Map" therein adopted by reference and which is paraphed thereto, with reference to Application No. 2020-442, dated June 30, 2020";
- 9a(7), "An Ordinance to amend and, as amended, readopt Subsection 12 of Section VIII Exceptions and Modifications of Ordinance No. 142, The Comprehensive Zoning Ordinance of Plaquemines Parish, Louisiana; and otherwise to provide with respect thereto";
- 9b, "An Ordinance to amend, and as amended readopt Plaquemines Parish Code of Ordinances, Section 2-17 ARules for Transaction of Business Before Council@, Chapter II, Rule 19(a); and otherwise to provide with respect thereto";
- 9f, "An Ordinance to amend the 2020 Operating Revenue Budget; and otherwise to provide with respect thereto;
- 9i, "A Resolution approving the issuance of a second two year extension commencing upon the expiration of the current two year extension period to Woodland Borrow Pits, LLC for the existing sand pit on property located in a FP (Flood Plan) Zoning District at 22441 Highway 23, Port Sulphur, Louisiana, all in accordance with Application No. 2014-4771, dated January 7, 2013";
- 9j, "An Ordinance to amend the 2020 Five Year Capital Improvements Plan various projects; and otherwise to provide with respect thereto. COUNCIL MEMBER LAFRANCE
- 9k, "An Ordinance to amend the 2020 Operating Revenue and Expenditure Budgets, various funds, various departments, various line items; and otherwise to provide with respect thereto";
- 9l, "An Ordinance establishing a policy of budgetary control for the Operating Budget of Expenditures for the Plaquemines Parish Government for the fiscal year beginning January 1, 2021, and ending December 31, 2021; and otherwise to provide with respect thereto";
- 9m, "An Ordinance adopting the Original Capital Improvement Budget for the Plaquemines Parish Government for the five-year period beginning January 1, 2021, and ending December 31, 2025; and otherwise to provide with respect thereto";
- 9n "An Ordinance adopting the Original Operating Budget of Revenues and Expenditures for the Plaquemines Parish Government for the fiscal year beginning January 1, 2021, and ending December 31, 2021; and otherwise to provide with respect thereto; and
- 9o, "A Resolution conditionally approving the plan of Resubdivision of a portion of Tract 5-E, Section B of Belle Chasse Plantation into Cypress Park Subdivision, Phase 2, the subdivision

to be constructed in two Phases; Phase 2A containing Lots 121 through 169 and Lots 185 through 210 and Phase 2B containing Lots 170 through 184 and Lots 211 through 240, all without cost to the Plaquemines Parish Government or the Parish of Plaquemines; and otherwise to provide with respect thereto”.

9a(5), “An Ordinance to amend and amended to readopt Section IV of Ordinance No. 142, the Comprehensive Zoning Ordinance of Plaquemines Parish, Louisiana, as amended, and the “Comprehensive Zoning District Map” therein adopted by reference and which is paraphed thereto, with reference to Application No. 2020-447, dated September 8, 2020” was withdrawn.

There being no items for Agenda Item 2, “Executive Session” or under item 3, “Proclamations”, Council Member LaFrance moved to Agenda Item 4, “Status Report by the Parish President”. Without objection, so ordered. President Lepine reported the following:

- Covid update: As of today 12,000 Covid tests have been done in Plaquemines Parish, 924 residents have tested positive and there has been 17 deaths. Phase 3 will be in effect until at least December 4, 2020 and President Lepine thanked the State for providing Covid kits and supplies to be distributed to residents;
- Discussions regarding Hurricane Zeta were had. President Lepine thanked the parish workers, the Council, especially Council Members Blink and Cognevich, and especially the linemen from Entergy and its contractors for the work and assistance provided during Hurricane Zeta and the recovery phases. He reported 4,000 tarps were distributed parish-wide and water, MREs and ice were distributed in Davant. Hot meals were served by Second Harvest and Southern Gateway. Second Harvest held food drives in Buras, Braithwaite and Davant and will hold more on November 16<sup>th</sup> at the Braithwaite Auditorium, November 18<sup>th</sup> at Ironton Park and on November 19<sup>th</sup> at the Belle Chasse Government Complex;
- Discussions relative to the debris pick up were held between the President and the Council. DOTD has hired a contractor to pick up debris on State Highways 23, 39, 3137, 3017 and 406 and to date they have picked up 15,823 cubic yards. The Parish hired a contractor to pick up the rest of the debris along with Solid Waste;
- President Lepine explained that there may be no individual assistance from the Federal Government because, as of now, there were not enough damages reported to qualify;
- Early voting begins November 20<sup>th</sup>;
- There will be Christmas Tree lighting ceremonies held at the Port Sulphur Government Building on December 8<sup>th</sup>, the Belle Chasse Library on December 9<sup>th</sup> and the Courthouse on December 10<sup>th</sup>;
- Discussions were held regarding fully damaged mobile homes wherein the homeowners needed help with clean-up and that the Administration cannot go on private property, however, the Parish Attorney will check on this matter;

There was nothing to report under Agenda Item 4a, “Update by Charter Directors”; therefore, Council Member LaFrance moved to Agenda Item 5, “Bids and Advertisements”. Without objection, so ordered.

#### RESOLUTION NO. 20-279

On motion of Council Member Guey, seconded by Council Member Arbourgh, and on roll call all members present and voting “YES”, except Council Member Black and Blink who were “ABSENT”, following Resolution was adopted:

A Resolution authorizing the Purchasing Agent to advertise for and dispose of surplus vehicles and equipment on an as is basis through public auction conducted by Henderson Auctions.

WHEREAS, periodically the Plaquemines Parish Government has numerous pieces and types of equipment and vehicles which are surplus or are no longer in working condition and need to be disposed of; and

WHEREAS, it is the recommendation of the Purchasing Agent that the Parish Government dispose of the surplus equipment and vehicles through public auction; and

WHEREAS, Henderson Auctions will pick up and dispose of surplus and junked equipment, as directed by the Purchasing Department; and

WHEREAS, Auction will be advertised in the Plaquemines Parish Gazette as per Louisiana state law requirements and the list of equipment will be on file in the Council Secretary's office;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby authorizes its Purchasing Agent to dispose of surplus equipment and vehicles, through public auction, on an as is basis and further authorizes Henderson Auctions, to pick up and sell this equipment at public auction for a period beginning with the adoption of this resolution and ending December 30, 2020.

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

Council Member LaFrance moved to Agenda Item 6, "Beer and Liquor Licenses". Without objection, so ordered.

#### RESOLUTION NO. 20-280

On motion of Council Member LaFrance, seconded by Council Member Rousselle, and on roll all members present and voting "YES", except Council Member Black who was "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 2020 is hereby approved: N & L, L.L.C, "Belle Chasse Exxon", 10830 Hwy. 23, Belle Chasse, Table 2, Class B-Package Liquor; Cooper Ventures, LLC, "Zydeco's Restaurant", 7010 Hwy. 23, Belle Chasse, Table 2, Class A-Retail Liquor; Salvo's, LLC, "Salvo's Seafood", 7742 Hwy. 23, Belle Chasse, Table 2, Class A-Retail Liquor; ASVG & Associates, Inc., "Dave's Beverage", 7690 Hwy. 23, Belle Chasse, Table 2, Class B-Package Liquor; State Oil Fuel Center, Inc., "State Oil Fuel Center", 7124 Hwy. 23, Belle Chasse, Table 2, Class A-Retail Liquor; State Oil Fuel Center, Inc., "State Oil Fuel Center", 7124 Hwy. 23, Belle Chasse, Table 2, Class B-Package Liquor; Villanueva, LLC, "Jalapenos", 7670 Hwy. 23, Suite A, Belle Chasse, Table 2, Class A-Retail Liquor; Dad's Bar & Grill, LLC, "Dad's Bar & Grill", 32381-A, Hwy. 23, Empire, Table 2, Class A-Retail Liquor; YAZ Station, LLC, "Express Food & Fuel", 14715 Hwy. 23, Belle Chasse, Table 2, Class B-Package Liquor; Rosenia Copeland, "Watutsi Ale", 33115 Hwy.11, Empire, Table 2, Class A-Retail Liquor; Cypress Cove Marina, Inc., "Cypress Cove Marina", 235 Cypress Cove Road, Venice, Table 2, Class A-Retail Liquor; Cypress Grill, LLC, "Cypress Grill", 226 Cypress Cove Road, Venice, Table 2, Class A-Retail Liquor; Ellzey Marine & Hardware, Inc., "Ellzey Food Mart", 42991 Hwy. 23 South, Venice, Table 2, Class A-Retail Liquor; Fill-A-Sack of Jesuit Bend, Inc., "Fill-A-Sack of Jesuit Bend", 113 Lion's Club Lane, Boothville, Table 2, Class B-Package Liquor; The Den Lounge, LLC, "The Den Lounge", 42805 Hwy. 23, Venice, Table 2, Class A-Package Liquor; Gerilyn M. Dinette, "The G-Spot Daiquiris", 113 Adema Lane, Port Sulphur, Table 2, Class A-Retail Liquor; Woodland Plantation, LLC, "Woodland Plantation", 21997 Hwy. 23, West Pointe-a-la-Hache, Table 2, Class A-Retail Liquor; Toast Event Room, "Toast Event Room", 7427 Hwy. 23, Belle Chasse, Table 2, Class A-Retail Liquor; Clubhouse Bar & Grill, Inc., "The Clubhouse Bar", 8133 Hwy. 23, Belle Chasse, Table 2, Class A-Retail Liquor; S & T Sales, Inc., "Town View Café", 7918 Hwy. 23, Belle Chasse, Table 2, Class A-Retail Liquor; Balestra's Food Center, Inc., "Balestra's Food Center", 7902 Hwy. 23, Belle Chasse, Table 2, Class B-Package Liquor; Briggs of Belle Chasse, Inc., N.O. Original Daiquiris, 8102 Hwy. 23, Belle Chasse, Table 2, Class A-Retail Liquor; Maria's Restaurant, LLC, "Maria's Restaurant", 8475 Hwy. 23, Belle Chasse, Table 2, Class A-Retail Liquor; and Belle Chasse Tobacco Discount, LLC, "Belle Chasse Tobacco Discount, 8625 Hwy. 23, Belle Chasse, Table 2, Class B-Package Liquor.

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

RESOLUTION NO. 20-281

On motion of Council Member Barthelemy, seconded by Council Member Rousselle, and on roll all members present and voting “YES”, except Council Member Black who was “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 2021 is hereby denied: Byron V. Williams, Sr., “B & V Blue Room”, 12945 Hwy. 15, Phoenix, Table 2, Class A-Retail Liquor.

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

Council Member LaFrance moved to Agenda item 7, “Building Permits”. Without objection, so ordered.

There were no permit applications under 7a, “Construction Permits”.

RESOLUTION NO. 20-282

On motion of Council Member Blink, seconded by Council Member Cognevich, and on roll call all members present and voting “YES”, except Council Member Black who was “ABSENT”, the following Resolution was adopted:

A Resolution approving the issuance of a Business Occupancy only permit to Precision Motors, LLC to open a used auto sales located in an A-2 (Rural or Agricultural) Zoning District at 29891 Highway 23, Homeplace (Port Sulphur), Louisiana all in accordance with Application No. 2020-449, dated October 21, 2020.

WHEREAS, Precision Motors, LLC applied to the Plaquemines Parish Department of Permits, Planning and Zoning (Application No. 2020-449, dated October 21, 2020) for a Business Occupancy permit to open a used auto sale located at 29891 Highway 23, Homeplace (Port Sulphur), Louisiana.

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby approves the issuance of a special Business Occupancy only permit to Precision Motors, LLC to open a used auto sales located at 29891 Highway 23, Homeplace (Port Sulphur), Louisiana, all in accordance with Application No. 2020-449, dated October 21, 2020.

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

Council Member LaFrance moved to Agenda Item 8, “Introduction of Ordinances and Resolutions”. Without objection, so ordered. The following legislation was offered.

1. A Resolution authorizing and directing the Parish President or his designee, to do all things necessary and proper to negotiate, execute, perfect, and enforce any and all documents

required to apply for a Local Government Assistance Program Grant (LGAP) from the Office of Community Services in the amount of \$58,800.00 to purchase electronic survey equipment for use by parish survey personnel, along with (1) one zero turn mower. COUNCIL MEMBER GUEY

2. A Resolution authorizing and directing the Parish President or his designee, to do all things necessary and proper to negotiate, execute, perfect, and enforce any and all documents required to apply for a Community Water Enrichment Grant (CWEF) of \$64,500.00 to replace the existing above ground 12” PVC waterline canal crossing at Engineers Road with 12” PVC line bored under the canal. COUNCIL MEMBER ROUSSELLE
3. A Resolution adopting the COSO Risk Assessment Framework; and otherwise to provide with respect thereto. COUNCIL MEMBER ROUSSELLE
4. An Ordinance authorizing the acceptance of a donation for the Parish President Department and to amend the General Fund, 2020 Operating Revenue and Expenditure Budgets, Parish President Department; and otherwise to provide with respect thereto. COUNCIL MEMBER LAFRANCE
5. An Ordinance to amend the 2020 Five-Year Capital Improvements Plan for preparation and recovery efforts due to Tropical Storm Cristobal; and otherwise to provide with respect thereto. COUNCIL MEMBER LAFRANCE
6. An Ordinance to amend the 2020 Five-Year Capital Improvements Plan for preparation and recovery efforts due to Hurricane Delta; and otherwise to provide with respect thereto. COUNCIL MEMBER LAFRANCE
7. An Ordinance to amend the 2020 Five-Year Capital Improvements Plan for preparation and recovery efforts due to Hurricane Laura; and otherwise to provide with respect thereto. COUNCIL MEMBER LAFRANCE
8. An Ordinance to amend the 2020 Five-Year Capital Improvements Plan for preparation and recovery efforts due to Hurricane Sally; and otherwise to provide with respect thereto. COUNCIL MEMBER LAFRANCE
9. An Ordinance to amend the 2020 Five-Year Capital Improvements Plan for preparation and recovery efforts due to Hurricane Zeta; and otherwise to provide with respect thereto. COUNCIL MEMBER LAFRANCE
10. An Ordinance to amend the 2020 Boat Harbors & Shipyards Fund, Operating Expenditure Budget, Boat Harbors Venice Department; and otherwise to provide with respect thereto. COUNCIL MEMBER COGNEVICH
11. An Ordinance to amend Sec. 12.5-9, Chapter 12.5, of the Plaquemines Parish Code of Ordinances with regard to the Grant-in-Aid Program; and otherwise to provide with respect thereto. COUNCIL MEMBER BARTHELEMY

Council Member LaFrance moved to Agenda Item 8, “Ordinances and Resolutions on Second Reading and Final Passage”. Without objection, so ordered.

Council Member Blink filled in the blank and offered 9a(1) with changes.

ORDINANCE NO. 20-106

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

An Ordinance to rescind, annul and set aside Ordinance No. 403, adopted December 8, 1982; rescind, annul and set aside Section 6 and Section 7 of Ordinance No. 40, adopted April 9, 1964; establish Article IX to be titled “Mosquito Control” of Chapter 13 of the Parish Code of Ordinances; establish a user fee for Mosquito Control in order to continue to abate, control, eradicate, and study mosquitoes and other arthropods of public health importance and all activities incidental thereto; and otherwise to provide with respect thereto.

WHEREAS, pursuant to Section 2.03 of the Charter For Local Self-Government of Plaquemines Parish, Plaquemines Parish Government is the lawful successor to the jurisdiction, powers, rights, privileges, and authority to the Plaquemines Parish Police Jury, the Plaquemines Parish Commission Council, and the governing bodies of the other political subdivisions and districts in Plaquemines Parish; and

WHEREAS, pursuant to Ordinance No. 40, adopted on May 14, 1964, the Plaquemines Parish Commission Council established the “Mosquito Abatement District” and established the Plaquemines Parish Commission Council as the governing body of said district; and

WHEREAS, Ordinance No. 42 changed the name of the “Mosquito Abatement District” to the “Mosquito Control District”; and

WHEREAS, pursuant to the authority of the Charter For Local Self-Government Sections 2.02 (A) (6) and 4.01(A)(15), Plaquemines Parish Government desires to continue its operations to abate, control, eradicate and study mosquitoes and other arthropods of public health importance and all activities incidental thereto; and

WHEREAS, all parish residents and businesses benefit from mosquito control operations; and

WHEREAS, it has become necessary for Plaquemines Parish Government to establish a user fee to finance mosquito control operations;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

It hereby rescinds, annuls, and sets aside Ordinance No. 403, adopted December 8, 1982.

SECTION 2

It hereby rescinds, annuls, and sets aside Section 6 and Section 7 of Ordinance No. 40, adopted May 14, 1964.

SECTION 3

It hereby amends Chapter 13 of the Parish Code of Ordinances by enacting Article IX titled “Mosquito Control” which shall have the full force and effect of law and shall read as follows:

“Article IX. – Mosquito Control

Sec. 13-119. – Mosquito Control Purposes

That under and by virtue of the authority conferred by the Charter For Local Self-Government, Sections 2.02 (A)(6) and 4.01(A)(15), Plaquemines Parish Government, acting as the governing body of the Mosquito Control District, desires to continue to abate, control, eradicate and study mosquitoes and other arthropods of public health importance and all activities incidental thereto, and it has become necessary to adopt a Mosquito Control user fee to fund Mosquito Control operations.

Sec. 13-120. – Mosquito Control Fee established

That under and by virtue of the authority conferred by the Charter For Local Self Government, Section 4.01(A)(7)(a), Plaquemines Parish Government, acting as the governing body of the Mosquito Control District, hereby establishes a Mosquito Control user fee per month per water connection based on the fee schedule attached for the purposes of abatement, control, eradication, and study of mosquitoes and other arthropods of public health importance, and all activities incidental thereto. Mosquito Control user fees shall be incorporated in and become a part of the monthly water bills of Plaquemines Parish Government’s Water Department and its five (5) waterworks districts.

The fee schedule is as follows:

<u>Meter Size</u>	<u>Cost</u>
3 / 4“	\$ 7.00
1”	\$ 8.00
1.	\$ 9.00
2”	\$10.00
3”	\$15.00
4”	\$25.00
6”	\$35.00
8”	\$45.00
10”	\$55.00

Sec. 13-121 – Civil Penalties and Remedies

Plaquemines Parish Government may enforce any and all civil penalties and remedies established under law to collect delinquent Mosquito Control user fees, including but not limited to the disconnection of water services as provided for in Chapter 22 – Water, Sewer and Refuse, of the Parish Code of Ordinances.”

SECTION 4

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

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

Council Member Cognevich seconded the motion to adopt the Ordinance.

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

YEAS: Council Members Corey Arbourgh, Stuart J. Guey, Trudy Newberry, Richie Blink and Mark Cognevich

NAYS: Council Members Benedict Rousselle and Carlton M. LaFrance

ABSENT: Council Member W. Beau Black

PRESENT BUT NOT VOTING: Council Member John L. Barthelemy, Jr.(ABSTAINED)

And the Ordinance was adopted on this the 12<sup>th</sup> day of November 2020.

ORDINANCE NO. 20-107

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

An Ordinance pursuant to Article III, Plaquemines Parish Boat Harbors, Section 6-41, to set the rental rates for boat slips at the Port Eads Boat Harbor; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Parish Council, in close consultation with the Administration, has determined that it is in the best interest of Plaquemines Parish Government to raise the price of boat slips at the Port Eads Boat Harbor;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

Pursuant to Article III, Section 6-41, the Parish Council sets the following rates for the Port Eads Boat Harbor:

Description	Annual	Semi-Annual	Monthly	Daily
House Boat Under 40'	\$5,400	\$3,000	N/A	N/A
House Boat Over 40'	\$7,560	\$4,200	N/A	N/A
Boats 28' and Under	\$1,815	\$1,008	\$6/Foot	\$75
Boats 28' to 31'	\$2,230	\$1,239	\$7/Foot	\$75
Boats 31' to 50'	\$3,456	\$1,920	\$8/Foot	\$100
Boats Over 50'	\$5,638	\$3,132	\$9/Foot	\$100
Utilities-Power & Water	\$800	\$400	\$100	\$25

Utility charge is required for all rentals.

SECTION 2

All fees are to become effective immediately upon the effective date of this Ordinance.

SECTION 3

All other ordinances or resolutions pertaining to the subject of parish boat harbors shall remain in full force and effect unless otherwise specifically amended and changed herein. Should any provision of this Ordinance be declared invalid for any reason the remaining provisions shall nevertheless remain in full force and effect to the extent that the purposes of the Ordinance are not undermined.

SECTION 4

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

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

Council Member Arbourgh seconded the motion to adopt the Ordinance.

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



YEAS: Council Members John L. Barthelemy, Jr., Corey Arbourgh, Stuart J. Guey, Benedict Rousselle, Trudy Newberry, Carlton M. LaFrance, Richie Blink and Mark Cognevich

NAYS: None

ABSENT: Council Member W. Beau Black

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 12<sup>th</sup> day of November, 2020.

ORDINANCE NO. 20-108

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

An Ordinance approving a plan of re-subdivision of the property of the Plaquemines Parish Government, Plaquemines Parish, Louisiana, as shown on the Map of Resubdivision, Property of the Plaquemines Parish Government (Formerly Angelina Ban) Buras Louisiana into Tracts E-1 and E-2, by Bryant Hammett and Associates, certified by Hugh Mc Curdy, III, P.L.S., dated September 17, 2020, having met all the requirements of the Subdivision and Re-subdivision Ordinance of the Parish of Plaquemines; and, further declaring Tract E-1 as surplus land; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Parish Government as owner of property situated in the Parish of Plaquemines, State of Louisiana, as shown on the Map of Resubdivision, Property of the Plaquemines Parish Government (Formerly Angelina Ban) Buras Louisiana, by Bryant Hammett and Associates, certified by Hugh Mc Curdy, III, P.L.S., dated September 17, 2020, a copy whereof is annexed hereto and made part hereof; and

WHEREAS, the Plaquemines Parish Government, as owner of said property proposes the re-subdivision of the said property into Tracts E-1 and E-2, as more fully shown on said map; and, further desires to declare Tract E-2 as surplus property, no longer needed for public purposes; and

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

WHEREAS, the owner/developer understands that he and subsequent owners of the property is responsible for the cost, installation, maintenance or improvements of the sewerage and water infrastructure to connect to the public utilities shown on the aforementioned map; and

WHEREAS, the owner/developer understands that he and subsequent owners of the property will be responsible for the maintenance of future and all existing non-dedicated streets, roads, right of ways, utilities, drainage and structures and other improvements shown on the aforementioned plan and plat of survey are in place; and

WHEREAS, the Plaquemines Parish Government accepts no responsibility or liability for the construction, maintenance or improvements of any future or now existing non-dedicated streets, roads, right of ways, utilities, drainage structure and other improvements that may be shown on the aforementioned plan and plat of survey; and

WHERE AS, the owner/developer and subsequent owners of the property shall be responsible for the construction and maintenance of future and all existing non-dedicated streets, roads, rights of ways, utilities, drainage structures and other improvements that may be shown on the aforementioned plan and plat of survey;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The aforesaid the Map of Resubdivision, Property of the Plaquemines Parish Government (Formerly Angelina Ban) Buras Louisiana, Tract E-1 and Tract E-2, by Bryant Hammett and Associates, certified by Hugh Mc Curdy, III, P.L.S., dated September 17, 2020, a copy of 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 map of survey ratified.

SECTION 2

The Parish President be and is hereby authorized to appear before a Notary Public, and execute the approved aforesaid plan or resubdivision of owner as depicted on plan and plat of survey by Bryant Hammett and Associates, certified by Hugh Mc Curdy, III, P.L.S., dated September 17, 2020, 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.

SECTION 3

It hereby declares the newly created Tract E-1 to be surplus property and no longer needed for public purposes. Tract E-1 is more particularly described as:

**Tract E-1**

A CERTAIN TRACT OR PARCEL OF LAND, situated in Township 20 South, Range 29 East, Section 22, Plaquemines Parish, Louisiana, in the unincorporated town of Buras, and being more fully described as follows:

COMMENCING at the intersection of the of the northerly or riverside right of way line of State Highway 23 with the westerly or upper line of Eldorado Street, having a 1983 Louisiana South Zone Coordinate of X=3,859,512.20 feet and Y=310,496.75 feet, thence North 33 degrees 02 minutes 42 seconds East, along the upper line of Eldorado Street, 410.67 feet to the northeasterly corner of Tract E-2 and the **POINT OF BEGINNING:**

Thence North 56 degrees 23 minutes 27 seconds West, along the line between Tracts E-1 and E-2, 92.00 feet to the easterly or lower line of the property of Myrtle B. Stipelcovich;

Thence North 33 degrees 02 minutes 42 seconds East, along the lower line of the property of Myrtle B. Stipelcovich, 560.57 feet to the intersection with the southerly line of the property of Joseph B. Michel;

Thence South 56 degrees 57 minutes 18 seconds East, along southerly line of the property of Joseph B. Michel, 92.00 feet to the intersection with the westerly or upper line of Eldorado Street;

Thence South 33 degrees 02 minutes 42 seconds West, along the upper line of Eldorado Street , 561.47 feet to the **POINT OF BEGINNING.**

SECTION 4

The Plaquemines Parish Government accepts no responsibility or liability for construction, maintenance or improvements of any future or now existing non-dedicated streets, roads, right of ways, utilities, drainage structures and other improvements that may or may not be shown on the aforementioned plan and plat of survey or later developed.

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

Council Member Blink seconded the motion to adopt the Ordinance.

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

YEAS: Council Members John L. Barthelemy, Jr., Corey Arbourgh, Stuart J. Guey, Benedict Rousselle, Trudy Newberry, Carlton M. LaFrance, Richie Blink and Mark Cognevich

NAYS: None

ABSENT: Council Member W. Beau Black

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 12<sup>th</sup> day of November, 2020.

#### ORDINANCE NO. 20-109

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

An Ordinance to amend and, as amended, readopt Section VI (Zoning Districts Regulations), Subsection C (The Regulations in the RS-1, RS-2, R-1A, R-1AA, R-1AB, R-1B and R-1C, Single Family Residential Zoning Districts), Paragraph 1 (Permitted Uses) of Ordinance No. 142, The Comprehensive Zoning Ordinance of Plaquemines Parish, Louisiana; and otherwise to provide with respect thereto.

WHEREAS, a proposed Text Amendment was filed by the Plaquemines Parish Development Board (Application No. 2020-448, dated September 16, 2020) to consider a text amendment to the Comprehensive Ordinance No. 142, Section VI (Zoning Districts Regulations), Subsection C (The Regulations in the RS-1, RS-2, R-1A, R-1AA, R-1AB, R-1B and R-1C, Single Family Residential Zoning Districts), Paragraph 1 (Permitted Uses);

WHEREAS, after a public hearing was held on October 20, 2020, providing all interested parties and the public with an opportunity to be heard regarding the proposed Text Amendment, and the advertisement required by law was made in the Plaquemines Gazette, the official journal of the Parish of Plaquemines; and

WHEREAS, at a meeting held on October 20, 2020, the Plaquemines Parish Development favorably adopted a resolution recommending the Text Amendment as proposed by the Plaquemines Parish Development Board (Application No. 2020-448, dated September 16, 2020) to consider a Text Amendment to the Comprehensive Ordinance No. 142, Section VI (Zoning Districts Regulations), Subsection C (The Regulations in the RS-1, RS-2, R-1A, R-1AA, R-1AB, R-1B and R-1C, Single Family Residential Zoning Districts), Paragraph 1 (Permitted Uses);

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

#### SECTION 1

Section VI (Zoning Districts Regulations), Subsection C (The Regulations in the RS-1, RS-2, R-1A, R-1AA, R-1AB, R-1B and R-1C, Single Family Residential Zoning Districts), Paragraph 1 (Permitted Uses) of Ordinance No. 142, the Comprehensive Zoning Ordinance of Plaquemines Parish, Louisiana, as amended, is hereby amended and readopted to read as follows:

“C. The regulations in the RS-1, RS-2, R-1A, R-AB, R-1AA, R-1B, and R-1C Single Family Residential Zoning Districts are:

1. Permitted Uses:

A building or land shall be used only for the following purposes:

- (a) Detached Single Family Dwelling
- (b) Private agricultural nurseries and gardens
- (c) Private recreational uses
- (d) Home occupations
- (e) Accessory uses when located on the same lot
- (f) Raising vegetables and fruit such as citrus fruit for home consumption only
- (g) Public and Private forest
- (h) Conservation Projects
- (i) Manufactured and Mobile Homes, but only for Zoning Districts R-1C located on the West Bank of Plaquemines Parish from St. Jude Road south to the intersection of Highway 23 and Jump Basin Road.”

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 Cognevich seconded the motion to adopt the Ordinance.

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

YEAS: Council Members John L. Barthelemy, Jr., Corey Arbourgh, Stuart J. Guey, Benedict Rousselle, Trudy Newberry, Carlton M. LaFrance, Richie Blink and Mark Cognevich

NAYS: None

ABSENT: Council Member W. Beau Black

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 12<sup>th</sup> day of November, 2020.

Council Member Rousselle offered 9c with changes.

ORDINANCE NO. 20-110

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

An Ordinance authorizing and directing the Parish President, or his designee, to include a “Right to Audit” clause in all Parish contracts; and otherwise to provide with respect thereto.

WHEREAS, during the August 13, 2020, Audit Committee meeting the Internal Auditor’s Audit of Plaquemines Parish Government’s (“PPG”) Property, Lease & Building Rentals Project No. 2020-01 was presented and discussed; and

WHEREAS, one of the recommendations contained within the audit was for a “Right to Audit” to be included on all Parish contracts;

WHEREAS, the Audit Committee concurs with said recommendation and recommending the Council pass this legislation to add the “Right to Audit” clause to all Parish contracts; and

WHEREAS, it is the desire of this Council for the “Right to Audit” clause be added to all Parish contracts;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1:

It hereby authorizes and directs the Parish President, or his designee, to include the following clause in all Parish contracts:

“[Contractor] shall establish and maintain a reasonable accounting system that enables Internal Auditor to readily identify [Contractor]'s assets, expenses, costs of goods, and use of funds. Internal Auditor and its authorized representatives shall have the right to audit, to examine, and to make copies of or extracts from all financial and related records (in whatever form they may be kept, whether written, electronic, or other) relating to or pertaining to this [Contract or Agreement] kept by or under the control of the [Contractor], including, but not limited to those kept by the [Contractor], its employees, agents, assigns, successors, and subcontractors. Such records shall include, but not be limited to, accounting records, written policies and procedures; subcontract files (including proposals of successful and unsuccessful bidders, bid recaps, etc.); all paid vouchers including those for out-of-pocket expenses; other reimbursement supported by invoices; ledgers; cancelled checks; deposit slips; bank statements; journals; original estimates; estimating work sheets; contract amendments and change order files; backcharge logs and supporting documentation; insurance documents; payroll documents; timesheets; memoranda; and correspondence.

[Contractor] shall, at all times during the term of this [Contract or Agreement] and for a period of five years after the completion of this [Contract or Agreement], maintain such records, together with such supporting or underlying documents and materials. The [Contractor] shall at any time requested by Internal Auditor, whether during or after completion of this [Contract or Agreement]. The records deemed necessary for the audit shall be made available to Internal Auditor during normal business hours at the [Contractor]'s office or place of business and upon a three-day written notice. In the event that no such location is available, then the financial records, together with the supporting or underlying documents and records, shall be made available for audit at a time and location that is convenient for Internal Auditor.

[Contractor] shall ensure Internal Auditor has these rights with [Contractor]'s employees, agents, assigns, successors, and subcontractors, and the obligations of these rights shall be explicitly included in any subcontracts or agreements formed between the [Contractor] and any subcontractors to the extent that those subcontracts or agreements relate to fulfillment of the [Contractor]'s obligations to Internal Auditor.

Costs of any audits conducted under the authority of this right to audit and not addressed elsewhere will be borne by Internal Auditor unless certain exemption criteria are met. If the audit identifies overpricing or overcharges (of any nature) by the [Contractor] to Internal Auditor in excess of five percent (5%) of the total contract billings, the [Contractor] shall reimburse Internal Auditor for the total costs of the audit. If the audit discovers substantive findings related to fraud, misrepresentation, or non-performance, Internal Auditor may recoup the costs of the audit work from the [Contractor]. Any adjustments and/or payments that must be made as a result of any such audit or inspection of the [Contractor]'s invoices and/or records shall be made within a reasonable amount of time (not to exceed 90 days) from presentation of Internal Auditor's findings to [Contractor].”

SECTION 2

When the Parish Attorney cannot in good faith negotiate the Right to Audit Clause provided for in Section 1 with the Contracting Party and the Parish President determines without the proposed contract substantial economic harm or the health and safety of Plaquemines Parish residents would be at risk, then Section 1 shall not apply. However, the Parish Attorney shall make every effort to include an Audit Clause in all parish contracts.

SECTION 3

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

Council Member Cognevich seconded the motion to adopt the Ordinance.

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

YEAS: Council Members John L. Barthelemy, Jr., Corey Arbourgh, Stuart J. Guey, Benedict Rousselle, Trudy Newberry, Carlton M. LaFrance, Richie Blink and Mark Cognevich

NAYS: None

ABSENT: Council Member W. Beau Black

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 12<sup>th</sup> day of November, 2020.

Council Member LaFrance filled in the blank in 9d.

R E S O L U T I O N N O . 2 0 - 2 8 3

On motion of Council Member LaFrance, seconded by Council Member Rousselle, and on roll all members present and voting "YES", except Council Member Black who was "ABSENT", the following Resolution was adopted:

A Resolution electing the Chairperson of the Plaquemines Parish Council for the year 2021; and otherwise to provide with respect thereto.

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT Council Member Mark Cognevich be elected Chairperson of the Plaquemines Parish Council, effective January 1, 2021 for a term of office to expire at midnight, December 31, 2021.

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 Cognevich filled in the blank for 9e.

R E S O L U T I O N N O . 2 0 - 2 8 4

On motion of Council Member Cognevich, seconded by Council Member Rousselle, and on roll all members present and voting "YES", except Council Member Black who was "ABSENT", the following Resolution was adopted:

A Resolution electing the Vice-Chairperson of the Plaquemines Parish Council for the year 2021; and otherwise to provide with respect thereto.

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT Council Member John L. Barthelemy, Jr. be elected Vice-Chairman of the Plaquemines Parish Council, effective January 1, 2021 for a term of office to expire at midnight, December 31, 2021.

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 Blink offered 9g with changes.

ORDINANCE NO. 20-111

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

An Ordinance to amend the 2020 Operating Revenue and Expenditure Budgets; to accept a donation from the Empire South Pass Tarpon Rodeo; and otherwise to provide with respect thereto.

WHEREAS, Plaquemines Parish Government has received a donation to be used by the Empire Boat Harbor; and

WHEREAS, amending the 2020 Operating Revenue and Expenditure Budgets is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL THAT:

SECTION 1

The Plaquemines Parish Council hereby authorizes acceptance of the following donation:

Empire South Pass Tarpon Rodeo                      \$5,000

SECTION 2

The 2020 Operating Revenue Budget is amended as follows:

<b>Fund:</b> 448 Boat Harbors & Shipyards Fund			
<b>Dept/Div:</b> 000-0000 Revenues			
<b>Object</b>	<b>Description</b>	<b>Inc/Dec</b>	<b>Amendment</b>
470.001	Misc Revenue Donations General	Inc	5,000

SECTION 3

The 2020 Operating Expenditure Budget is amended as follows:

<b>Fund:</b> 448 Boat Harbors & Shipyards Fund			
<b>Dept/Div:</b> 562-2830 Boat Harbor Empire			
<b>Object</b>	<b>Description</b>	<b>Inc/Dec</b>	<b>Amendment</b>
546.001	Materials General	Inc	5,000

SECTION 4

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

Council. Council Member Cognevich seconded the motion to adopt the Ordinance.

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

YEAS: Council Members John L. Barthelemy, Jr., Corey Arbourgh, Stuart J. Guey, Benedict Rousselle, Trudy Newberry, Carlton M. LaFrance, Richie Blink and Mark Cognevich

NAYS: None

ABSENT: Council Member W. Beau Black

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 12<sup>th</sup> day of November, 2020.

Council Member LaFrance moved to Agenda Item 10, "New Business". Without objection, so ordered.

There were no items for suspension under 10a.

Under Item 10b, "District 9 update", Council Member Cognevich thanked the Administration and Parish employees for their hard work for Hurricane Zeta.

Under Item 10c, "District 8 update", Council Member Blink also thanked the Administration and Parish employees for their work during Hurricane Zeta and for the good job on the bridge repair.

Under Item 10d, "District 1 update", Council Member Barthelemy thanked the Administration and Patrick Harvey for supporting the East Bank in the Hurricane recovery by making sure the residents had water, ice and hot meals. The residents are very grateful for all that was done for them.

Under Item 10e, "District 7 update", Council Member LaFrance discussed item 1) ditches and potholes by asking Director Scott Rousselle to schedule a date to meet him in District 7 to take a look at the areas with potholes and a ditch that drains into a subdivision which has been clogged for years. Mr. Rousselle set the meeting for tomorrow at 9:00 a.m. Council Member LaFrance asked Director Todd Eppley on the status of the new A/C unit for the Port Sulphur YMCA and was told that it was scheduled to be delivered on November 23<sup>rd</sup> and the contractor expects to have the unit up and running the week after Thanksgiving.

Under Item 10f, "District 5 update", Council Member Rousselle discussed item 1) Update and discussion of the Fort Saint Leon Drainage Project: He stated that he and Ken Dugas discussed the work requests pending for years in this area and Mr. Dugas will work these issues into the scope of work for the above listed projects. Council Member Rousselle thanked Mr. Dugas for working on this matter.

Under Item 10g, "Update by Mike Metcalf regarding the adoption of flood maps: Council Member Rousselle said he understands there will be town hall meetings held on this matter and asked if the Flood Plain Director, Mr. Metcalf will be present. Mr. Eppley said that Melissa Kennedy of HNTB would be handling the meeting.

Under item 10h, "District 6 Update", Council Member Newberry discussed two projects in Jesuit Bend. The first being the Jesuit Bend Sewer Project in which Phase 2 is complete but there have been some minor mishaps on Wilson and the construction workers are no longer on site. She asked Parish Attorney Rennie Buras how this is being addressed and President Lepine said he would look into the matter. The second project discussed was the Jesuit Bend Drainage Project



where it has just been announced that the bids will be sent out on November 17<sup>th</sup> and it will take about a month for the bid responses to be received. The anticipate start date is at the beginning of the new year.

Council Member LaFrance moved to Agenda Item 11, "Approval of the Minutes". Without objection, so ordered.

RESOLUTION NO. 20-285

On motion of Council Member Barthelemy, seconded by Council Member Guey, and on roll call all members present and voting "YES", except Council Member Black who was "ABSENT", the following Resolution was adopted:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL THAT it hereby approves the minutes of the October 22, 2020, regular meeting and the November 4, 2020, special meeting minutes as recorded by the Secretary of this Council.

There being no further business to come before this Council, on motion Council Member Arbourgh, seconded by Council Member Barthelemy and on roll call all members present and voting "Yes", except Council Member Black who was "ABSENT", the meeting adjourned at 5:34 p.m.

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Chairman

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Secretary