

Minutes of a meeting of the Plaquemines Parish Council, as the Sole Governing Authority of the Plaquemines Port, Harbor & Terminal District, held in the Belle Chasse Council Chambers, 333 F. Edward Hebert Blvd., Bldg. 203, Belle Chasse, Louisiana on Thursday, August 10, 2023, at 3:09 p.m., pursuant to notice to all members with a quorum present as follows:

PRESENT: Commissioner Stuart J. Guey, Chairman  
Commissioner Brian Champagne, Vice-Chairman  
Commissioner Chris Schulz  
Commissioner Patricia McCarty  
Commissioner Ronnie Newsom  
Commissioner Carlton M. LaFrance, Sr.  
Commissioner Mitch Jurisich  
Commissioner Mark Cognevich

Kim M. Toups, Secretary

ABSENT: Commissioner Tyrone Edwards

Charles Tillotson, Melissa Folse, Jalen Brown and Christie Nielsen were present representing the Port.

The Prayer was said and the Pledge was recited.

The following items were deferred:

- 6a(1), “An Ordinance authorizing and directing Charles D. Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District (the “Port”) to have the Port’s Legal counsel file a petition pursuant to the Louisiana Constitution, La. R.S. 19:2.1, et seq., as well as all other applicable laws, and to expropriate via a “taking”, that certain land, owned by Kyle A. Fleming., or their successor(s) in title, which property is commonly referred to as LOT 58A, totaling 7.51 acres and with a legal description of LOT 58A, POINT CELESTE FARM S/D - 190' FRONT ON HWY 23 X 1,720.01' X 189.97' X 1,724.91', with the more formal legal description of said property attached hereto as Exhibit “A”; and otherwise to provide with respect thereto”;
- 6a(2), “An Ordinance authorizing and directing Charles D. Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District (the “Port”) to have the Port’s Legal counsel file a petition pursuant to the Louisiana Constitution, La. R.S. 19:2.1, et seq., as well as all other applicable laws, and to expropriate via a “taking”, that certain land, owned by Norman C. Rouse., or their successor(s) in title, which property is commonly referred to as LOT 53, totaling 13.28 acres and with a legal description of FARM LOT 53, POINT CELESTE FARMS S/D, PH II - 340' FRONT ON R/DESC R/W OF HWY 23 X 1,701.27' X 339.94' X 1,697.11', with the more formal legal description of said property attached hereto as Exhibit “A”; and otherwise to provide with respect thereto”;
- 6a(3), “An Ordinance authorizing and directing Charles D. Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District (the “Port”) to have the Port’s Legal counsel file a petition pursuant to the Louisiana Constitution, La. R.S. 19:2.1, et seq., as well as all other applicable laws, and to expropriate via a “taking”, that certain land, owned by Celeste D. Ancar, or their successor(s) in title, which property is commonly referred to as LOT 7, totaling 4.0 acres and with a legal description of LOT 7, POINTE CELESTE FARMS, PHASE II - 200' X 880.0' X 890.0' X 200', with the more formal legal description of said property attached hereto as Exhibit “A”; and otherwise to provide with respect thereto”; and
- 6a(4), “An Ordinance authorizing Charles Tillotson, Executive Director of Plaquemines Port, Harbor and Terminal District to purchase land owned by Tuan Nguyen; and otherwise to provide with respect thereto”;

Agenda Item 6d, “A Resolution to extend the employment contract of the Deputy Port Director and Executive Counsel for one (1) additional year, subject to re-negotiations of the salary six (6) months prior to the completion of the initial two (2) year term and otherwise provide with respect thereto” was withdrawn.

There were no matters to address under moved to Agenda Item 2, “Executive Session”, therefore. Commissioner Guey moved to Agenda Item 3, “Status Report by the Executive Port Director”. Without objection, so ordered.

The following was reported by Charles Tillotson:

- There has been progress with the SP contract with advancements being made with the certification process for Phase II certification. Within the next six months the intellectual property should be secured; and
- Pivotal meetings for the Peters Road Rail Bypass project will be held in Washington, D.C. on September 20<sup>th</sup> and 21<sup>st</sup>. The Jefferson parish CEA will be approved within the next month and this approval will start the 30% of Bypass design;

The following was reported by Melissa Folsie:

- Four Expropriation items on agenda are being deferred because the Port wants to be fair with the property owners;
- The Port received a purchase agreement for the Red Star Yeast building; and
- A joint grant with PPG will be applied for to make the Red Star Yeast Building a historic building;

The following was reported by Jalen Brown:

- The PALH ferry ramp kick off meeting will be held next week;
- Meetings will be held next week to discuss the new ferry boat budget and construction;
- The Water Booster Plant will be up for a vote today for the CEA and to receive the first \$5 million for Phase I of the project; and
- Legislation will be introduced to advertise for the 2<sup>nd</sup> phase of the project;

The following was reported by Christie Nielsen:

- All port employees have completed the 2023 required ethics training;
- Jennifer Roth has been hired as the new Legal Assistant for the Port;
- There have been two promotions in the Port and three of the nine open ferry deckhand positions have been filled; and
- The Port is still looking for qualified Ferry Captains;

The following was reported by Angelina Vicknair:

- The Advocate did a report on building the new ferry ramps;
- A new Port sign has recently been installed on Highway 23;
- A new Port email address has been created to provide traffic updates. The email address is: trafficupdates@pphtd.com

There was no report provided under Agenda Item 3a, "Financial Report/Budget to Actual" and there were no matters under Agenda Item 4, "Bids and Advertisements". Therefore, Commissioner Guey moved to Agenda Item 5, "Introduction of Ordinances and Resolutions". Without objection, so ordered. The following legislation was introduced:

1. A Resolution authorizing Charles D. Tillotson, Executive Director of the Plaquemines Port, Harbor & Terminal District to enter into a Water Resources Development Act (WRRDA) Section 214 agreement with US Army Corp of Engineers (USACE); and otherwise to provide with respect thereto. COMMISSIONER GUEY
2. A Resolution authorizing the Plaquemines Port, Harbor & Terminal District to enter into an agreement with the State of Louisiana, Department of Transportation and Development under the Louisiana Port Construction and Development Priority Program for assistance in the implementation of a port improvement project; providing for the necessary documentation of the need for the port improvement; and otherwise to provide with respect thereto. COMMISSIONER GUEY
3. A Resolution requesting authority to advertise with Contingency Port responsible for engineering; and otherwise to provide with respect thereto. COMMISSIONER GUEY

Commissioner Guey moved to Agenda Item 6a, "Ordinances and Public Hearings pursuant to Article 6, Section 6.01 E of the Plaquemines Parish Charter". Without objection, so ordered.

ORDINANCE NO. 23-112

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

An Ordinance authorizing and directing Charles D. Tillotson, Executive Director of the Plaquemines Port Harbor & Terminal District (the “Port”) to purchase land, owned by Kevin M. and Melanie C. Horner, or their successor(s) in title, which property is commonly referred to as LOT 51, totaling 10.36 acres and with a legal description of : LOT 51, POINTE CELESTE FARMS S/D #2 - 248' ON R/DESC R/W OF HWY 23 X 1,685.62'/1658.62' X 293.78' with the more formal legal description of said property attached hereto as Exhibit “A”; and otherwise to provide with respect thereto.

*DIGEST:* The Port is continuing to acquire the “piano keys” parcels for Port development. The Port is seeking approval to move forward with the purchase of Lot 51, owned by Kevin M. and Melanie C. Horner. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

WHEREAS, through Ordinance 23-93 approved on July 13, 2023, the Council authorized the expropriation of the above referenced property; and

WHEREAS, following the approval of Ordinance 23-93, the property owners have entered into a mutually agreed upon and executed Purchase and Sale Agreement; and

WHEREAS, the property has been appraised; and

WHEREAS, the negotiations between Kevin M. and Melanie C. Horner and the Port recognize a total recommended purchase price of said property for \$180,000 for Lot 51, Pointe Celeste Farms S/D #2 - 248' ON R/DESC R/W OF HWY 23 X 1,685.62'/1658.62' X 293.78', currently owned by Kevin M. and Melanie C. Horner;

NOW, THEREFORE

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT:

SECTION 1

It hereby authorizes and directs Charles Tillotson, Executive Director of the Plaquemines Port, Harbor and Terminal District, to acquire the land owned by Kevin M. and Melanie C. Horner, more fully described by the legal description attached hereto as Exhibit “A.”

SECTION 2

The acquisition shall be for a purchase price of \$180,000 plus closing cost from the Port Land Fund for the transfer of ownership of the land at Lots 51, Pointe Celeste Farms S/D, currently owned by Kevin M. and Melanie C. Horner, to the Plaquemines Port, Harbor and Terminal District.

SECTION 3

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

Commissioner Newsom seconded the motion to adopt the Ordinance.

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

YEAS: Commissioners Brian Champagne, Chris Schulz, Stuart J. Guey, Patricia McCarty, Ronnie Newsom, Carlton M. LaFrance, Sr., Mitch Jurisich and Mark Cognevich

NAYS: None

ABSENT: Commissioner Tyrone Edwards

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 10<sup>th</sup> day of August, 2023.

ORDINANCE NO. 23-113

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

An Ordinance to rescind, annul and set aside Ordinance Number 23-93 adopted on July 13, 2023; and otherwise to provide with respect thereto.

WHEREAS, Ordinance number 23-93 was adopted on July 13, 2023, which authorized Charles D. Tillotson, Executive Director of the Plaquemines Port, Harbor and Terminal District to expropriate via a “taking”, that certain land, owned by Kevin M. and Melanie C. Horner, or their successor(s) in title, which property is commonly referred to as LOT 51, totaling 10.36 acres and with a legal description of LOT 51, POINTE CELESTE FARMS S/D #2 - 248' ON R/DESC R/W OF HWY 23 X 1,685.62'/1658.62' X 293.78'; and

WHEREAS, it is the desire of this Council to rescind, annul and set aside Ordinance Number 23-93 adopted on July 13, 2023, and introduce and adopt a new Ordinance to reflect a sale and purchase of the above property;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT:

SECTION 1

It hereby rescinds, annuls and sets aside Ordinance Number 23-93 adopted on July 13, 2023.

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.

Commissioner McCarty seconded the motion to adopt the Ordinance.

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

YEAS: Commissioners Brian Champagne, Chris Schulz, Stuart J. Guey, Patricia McCarty, Ronnie Newsom, Carlton M. LaFrance, Sr., Mitch Jurisich and Mark Cognevich

NAYS: None

ABSENT: Commissioner Tyrone Edwards,

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 10<sup>th</sup> day of August, 2023.

RESOLUTION NO. 23-212

On motion of Commissioner Guey, seconded by Commissioner McCarty, and on roll call all members present and voting “YES”, except Commissioner Edwards who was “ABSENT” the following Resolution was adopted:

A Resolution authorizing Charles D. Tillotson, Executive Director of the Plaquemines Port, Harbor & Terminal District to exercise the option to extend the Professional Services Agreement of R. Johnson CPA & Business Advisors, LLC for an additional six (6) months and increase the contract limit; and otherwise to provide with respect thereto.

DIGEST: The current professional services agreement has a termination date of August 31, 2023 and a cap of \$50,000. The Port has not filled the Comptroller position and the services of R. Johnson are still necessary and vital to financial success of the Port. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

WHEREAS, Resolution No. 2344 authorized the Plaquemines Port, Harbor & Terminal District to enter into a Professional Services Agreement with R. Johnson CPA & Business Advisors, LLC for six (6) month term, not to exceed \$50,000.00; and

WHEREAS, the Comptroller position has not been filed; therefore, it is the desire of the Plaquemines Port, Harbor & Terminal District to extend this Agreement for an additional six (6) months, from August 2023 to February 2024, and increase the contract cap from \$50,000.00 to \$75,000.00;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT it hereby exercises its option to extend the Professional Services Agreement with R. Johnson CPA & Business Advisors, LLC for an additional six (6) months, from August 2023 to February 2024, and increase the contract cap from \$50,000.00 to \$75,000.00.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR AND TERMINAL DISTRICT THAT the Secretary of this Council is hereby authorized and directed to immediately certify and release this Resolution and that Port officials and employees are authorized to carry out the purposes of this Resolution, both without further reading and approval by the Plaquemines Parish Council.

ORDINANCE NO. 23-114

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

An Ordinance to amend the 2023 Plaquemines Port, Harbor & Terminal District Operating Expenditure Budget, General Operations Division; and otherwise to provide with respect thereto.

DIGEST: An ordinance to appropriate \$769,006 to the General Operations division for the annual interagency service charges due to Plaquemines Parish Government. The 2023 Plaquemines Port, Harbor & Terminal District expense budgets for the interagency service charges were underbudgeted in the 2023 Original Budget; also, several 2023 Plaquemines Parish Government budget adjustment ordinances were adopted which increased the departmental budgets used in calculating the interagency service charges. The funding source for this appropriation is the Port, Harbor & Terminal District unrestricted fund balance. *The digest is for informational purposes only and is superseded by the language of the actual ordinance or resolution.*

WHEREAS, an amendment to the 2023 Port, Harbor & Terminal District; General Operations division is requested;

NOW, THEREFORE:

BE IT ORDAINED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT:

SECTION 1

The 2023 Port, Harbor and Terminal District, Operating Expenditure Budget, General Operations Division, is amended by appropriating \$769,006 from the Port, Harbor & Terminal District unrestricted fund balance as follows:

<b>Fund:</b> 445 Port, Harbor & Terminal			
<b>Dept/Div:</b> 490-2460 General Operations Division			
<b>Object</b>	<b>Description</b>	<b>Inc/Dec</b>	<b>Amendment</b>
576.005	Interagency Service Charge	Inc	89,626
576.006	Interagency-Fire & Ambulance	Inc	679,380

SECTION 2

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

Commissioner Newsom seconded the motion to adopt the Ordinance.

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

YEAS: Commissioners Brian Champagne, Chris Schulz, Stuart J. Guey, Patricia McCarty, Ronnie Newsom, Carlton M. LaFrance, Sr., Mitch Jurisich and Mark Cognevich

NAYS: None

ABSENT: Commissioner Tyronne Edwards

PRESENT BUT NOT VOTING: None

And the Ordinance was adopted on this the 10<sup>th</sup> day of August, 2023.

RESOLUTION NO. 23 -213

On motion of Commissioner Guey, seconded by Commissioner Champagne, and on roll call all members present and voting “YES”, except Commissioner Edwards who was “ABSENT”, the following Resolution was adopted:

A Resolution authorizing the Plaquemines Port Harbor & Terminal District to enter into a Replacement Agreement with the State of Louisiana, Department of Transportation and Development under the Louisiana Port Construction and Development Priority Program for assistance in the implementation of a port improvement project; providing for the necessary documentation of the need for the port improvement; and otherwise to provide with respect thereto.

WHEREAS, the Plaquemines Port Harbor & Terminal District has a need for port improvements; and

WHEREAS, the Plaquemines Port Harbor & Terminal District has reviewed the application for the Alliance Water Booster Station and Feed Line Upgrades and agrees with said agreement; and

WHEREAS, the Plaquemines Port Harbor & Terminal District has applied for State matching funds pursuant to Chapter 47 of Title 34 of the Louisiana Revised Statutes of 1950, as amended, to implement a project to improve its port operation and Plaquemines Port Harbor & Terminal District is fully aware of its obligations under said Statute; and

WHEREAS, the Plaquemines Port Harbor & Terminal District is a political body duly organized and existing under the laws of the State of Louisiana and is eligible to apply for funds under said Statute;

NOW, THEREFORE:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT Plaquemines Port Harbor & Terminal District acknowledges that an application was submitted to the Louisiana Port Construction and Development Priority Program.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT at the appropriate time and prior to commencement of work on the project Plaquemines Port Harbor & Terminal District agrees to execute a Project Agreement and a Statement of Sponsorship pursuant to the Statute and hereby authorizes and empowers Charles D. Tillotson, Executive Director, to enter into and execute said agreement with the Louisiana Department of Transportation and Development.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT Charles D. Tillotson, Executive Director, is hereby the Authorized Representative for Plaquemines Port Harbor & Terminal District to represent the port with regards to the receipt of funds from the Louisiana Port Construction and Development Priority Program for a port improvement project.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT said Authorized Representative shall have the authority to sign and approve all documents that are necessary under the circumstances to accomplish the above project. Commissioner Guey moved to Agenda Item 7, "New Business"; however, there were no matters to address.

Commissioner Guey moved to Agenda Item 8, "Approval of minutes". Without objection, so ordered.

#### RESOLUTION NO. 23-214

On motion of Commissioner LaFrance, seconded by Commissioner Newsom and on roll call all members present and voting "YES", except Commissioner Edwards who was "ABSENT" the following Resolution was adopted:

BE IT RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT THAT it hereby approves the minutes of the July 27, 2023, regular Port Meeting, as recorded by the Secretary of this Council.

BE IT FURTHER RESOLVED BY THE PLAQUEMINES PARISH COUNCIL AS THE SOLE GOVERNING AUTHORITY OF THE PLAQUEMINES PORT, HARBOR & TERMINAL DISTRICT 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.

There being no further business to come before this Council, on motion Commissioner Schulz,

seconded by Commissioner Newsom, and on roll call all members present voting “YES, except Commissioner Edwards who was “ABSENT”, the meeting adjourned at 3:45 p.m.

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Chairman

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Secretary

For a full transcript of discussions and presentations a video of this meeting is available for viewing on the Parish website [www.plaqueminesparish.com](http://www.plaqueminesparish.com) or on YouTube.