

**MINUTES  
POINTE COUPEE PARISH COUNCIL  
May 11, 2021**

The Pointe Coupee Parish Council met in regular session at 5:30 p.m. Tuesday, May 11, 2021, at the Courthouse Annex in the Parish Council Meeting Room, New Roads, Louisiana.

Chairman Boudreaux called the meeting to order and directed Council Clerk Gerrie Martin to call the roll:

PRESENT: Messrs. Paul Bergeron, Edward Bazile, Kurt Jarreau, Dustin Boudreaux, Charles Watkins, Edwin Soulier, Sidney LaCoste and Jimmie Gaspard.

ABSENT: None.

APPROVE MINUTES OF APRIL 13, 2021 MEETING

Motion by Mr. LaCoste and seconded by Mr. Gaspard:

RESOLVED, That the minutes of April 13, 2021 regular meeting of the Parish Council be adopted as presented and published in the official journal.

Unanimously carried.

CONSIDER AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

SPECIAL BUSINESS:

PRESENTATION OF EMPLOYEE ANNIVERSARY SERVICE AWARDS TO WILFRED ST. ROMAIN, MARK BOURGEOIS & JEROME DUHE

Parish President Major Thibaut presented employee anniversary service awards to employees Mark Bourgeois 10 years and Wilfred St. Romain 15 years of dedicated service. Employee Jerome Duhe received a service award for 15 years of service, who was unable to attend the meeting.

PARISH PRESIDENT'S REPORT

President Thibaut gave updates on the finances, including sales tax and gas collections; hired four employees, including replacement positions of one full-time laborer & equipment operator, a temporary employee at PC Rec and a part-time employee at Public Works; and overview and use of the COVID American Rescue Act Plan dollars that is being allocated to the parish. In closing, he responded to questions from council.

PUBLIC COMMENTS ON AGENDA ITEMS

Citizens who signed up will give public comments when the particular agenda items are being discussed.

PUBLIC HEARING ON AN INTRODUCED PROPOSED ORDINANCE TO AMEND CHAPTER 25, THE POINTE COUPEE PARISH CODE OF ORDINANCES, PERTAINING TO MOBILE HOMES AND PERMIT FEES; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

A hearing to obtain public input to a proposed ordinance to amend Chapter 25 of the Pointe Coupee Parish Code of Ordinances, pertaining to mobile homes and permit fees; and to otherwise provide with respect thereto was conducted at 5:43 p.m., Tuesday, May 11, 2021 at the Parish Council Meeting Room, Courthouse Annex, 160 East Main Street, New Roads, Louisiana.

There were no objections received orally or written to the ordinance.

Motion by Mr. Bergeron and seconded by Mr. Bazile:

RESOLVED, That a proposed ordinance to amend Chapter 25 of the Pointe Coupee Parish Code of Ordinances, pertaining to mobile homes and permit fees; and to otherwise provide with respect thereto be adopted by the Pointe Coupee Parish Council.

The Chairman called for a roll call vote that resulted as follows:

YEAS: Messrs. Gaspard, LaCoste, Soulier, Watkins, Boudreaux, Jarreau, Bazile and Bergeron.

NAYS: None.

ABSENT: None.

On a vote of 8-0-0, the motion carried.

INTRODUCTION OF ORDINANCE(S):

AN ORDINANCE TO AMEND CHAPTER 22 OF THE POINTE COUPEE PARISH CODE OF ORDINANCES, WITH REGARDS TO SUBDIVISIONS APPLICATION, AND FURTHER PROVIDING WITH RESPECT THERETO (PUBLIC HEARING JUNE 8, 2021)

NOTICE OF INTRODUCTION OF ORDINANCE AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a proposed ordinance to amend and reenact Chapter 22 of the Pointe Coupee Parish Code of Ordinances, with regards to subdivisions application, and further providing with respect thereto has been introduced before the Pointe Coupee Parish Council, and that a public hearing will be held relative thereto at 5:30 p.m., Tuesday, June 8, 2021 at the Parish Council Meeting Room, Courthouse Annex, 160 East Main Street, New Roads, Louisiana, after which said ordinance may be considered for adoption. All interested persons are urged to attend.

AN ORDINANCE TO AMEND CHAPTER 6 OF THE POINTE COUPEE PARISH CODE OF ORDINANCES, PERTAINING TO THE PERMIT FOR THE CONSTRUCTION OF BUILDINGS AND OTHER STRUCTURES OVER FALSE RIVER, AND TO FURTHER PROVIDE WITH RESPECT THERETO (PUBLIC HEARING JUNE 8, 2021)

NOTICE OF INTRODUCTION OF ORDINANCE AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a proposed ordinance to amend Chapter 6 of the Pointe Coupee Parish Code of Ordinances, pertaining to the permit for the construction of buildings and other structures over False River, and to further provide with respect thereto has been introduced before the Pointe Coupee Parish Council, and that a public hearing will be held relative thereto at 5:30 p.m., Tuesday, June 8, 2021 at the Parish Council Meeting Room, Courthouse Annex, 160 East Main Street, New Roads, Louisiana, after which said ordinance may be considered for adoption. All interested persons are urged to attend.

AN ORDINANCE TO AMEND THE ABANDONED VEHICLE ORDINANCE

The introduction to amend the abandoned vehicle ordinance was not available.

AN ORDINANCE TO AMEND AND REENACT CHAPTER 3 OF THE POINTE COUPEE PARISH CODE OF ORDINANCES, PERTAINING TO PERMITS FOR THE SALE OF ALCOHOLIC BEVERAGES, AND FURTHER PROVIDING WITH RESPECT THERETO (PUBLIC HEARING JUNE 8, 2021)

NOTICE OF INTRODUCTION OF ORDINANCE AND PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a proposed ordinance to amend and reenact Chapter 3 of the Pointe Coupee Parish Code of Ordinances, pertaining to permits for the sale of alcoholic beverages, and further providing with respect thereto has been introduced before the Pointe Coupee Parish Council, and that a public hearing will be held relative thereto at 5:30 p.m., Tuesday, June 8, 2021 at the Parish Council Meeting Room, Courthouse Annex, 160 East Main Street, New Roads, Louisiana, after which said ordinance may be considered for adoption. All interested persons are urged to attend.

## SPECIAL MATTERS TO BE CONSIDERED BY COUNCIL:

DISCUSSION OF FALSE RIVER RELATIVE TO OPERATING LEVELS AND NO WAKE ZONES

President Thibaut gave a summary and history of operating the water levels in False River, and the current operating plan that was adopted by the parish. He reported the river is closed at 18ft. and open at 17.5ft., and gave an overview of the operations of the three gates structures near the river. He gave an overview of the Tri-Parish Watershed Initiative Project that is a drainage improvement project that comprised of Pointe Coupee, Iberville and West Baton Rouge Parishes, which includes proposed digging of a channel from Bayou Maringouin or Bayou Grosse Tete that will flow to the Atchafalaya with a pumping station being located in Iberville Parish.

President Thibaut commented on enforcing the no wake zones in False River, and the placement of buoys in the river by the Kiwanis Club. He reported on advertising through social media, placing signage at boat launches and in canals to educate citizens about the no wake zones. Sheriff Rene' Thibodeaux and Mr. Devall of LA Wildlife & Fisheries commented on their enforcement of the no wake zones and increasing patrols in the river. President Thibaut suggested increasing their patrols on the river Thursday – Sunday, and on holidays.

Chairman Boudreaux commented on the no wake zones in the river and enforcement, and thanked Sheriff Thibaut and LA Wildlife & Fisheries for their support of increasing patrols in the river.

APPEAL FOR EXTENSION OF TIME FOR THE CONDEMNATION AND REMOVAL OF THE DANGEROUS ABANDONED STRUCTURES LOCATED AT 5808 MISTY LANE AT JARREAU (PARCEL #00386840), 5820 MISTY LANE AT JARREAU (PARCEL #0038630), SANDY LOUP ROAD AT JARREAU(PARCEL #00383670), AND SANDY LOUP ROAD AT JARREAU (PARCEL #00400510)

Mr. Tom Wall, husband of Lenda Greene Wall, appeared before the council to request an extension of time to remove the condemned and abandoned structures located on Misty Lane and Sandy Loup Road in Island Woods Subdivision at Jarreau. He reported the mobile home at 5808 Misty Lane (Parcel #00386840) has been removed, in the process of removing the mobile home on Sandy Loup Road (Parcel #00400510), and the mobile home at 5820 Misty Lane (Parcel #00386830) is being refurbished and will be leased. He reported on an incorrect Parcel #00383670 was inadvertently listed and not the property of Mrs. Wall, and the correct property and Parcel #00452810 on Sandy Loup Road is for the two story brick building. After discussion, the following resolution was offered:

Motion by Mr. Bazile and seconded by Mr. Watkins:

RESOLVED, That Mrs. Lenda Greene Wall be granted a 90-day extension of time to remove the condemned and abandoned structures on Misty Lane and Sandy Loup Road at Jarreau.

Unanimously carried.

APPEAL THE PLANNING & ZONING COMMISSION'S APPROVAL OF A 2FT. VARIANCE AND SHOW CAUSE WHY HIS 3 FT. VARIANCE REQUEST TO CREATE A 5FT. SETBACK ON HIS PROPERTY AT 9883 ISLAND ROAD, VENTRESS SHOULD BE APPROVED

Mr. Peter Roy appeared before the council to appeal the Planning & Zoning Commission's approval of a 2ft. variance, and showed cause why his 3ft. variance request to create a 5ft. setback on his property at 9883 Island Road, Ventress should be approved. In closing, he asked the council to reconsider and approve the variance request to create a 5ft. setback on both sides of his property, and presented letters from neighbors supporting his request.

President Thibaut commented on past practices where 3ft. variance requests have been approved for properties on False River, and supports Mr. Roy's request.

Chairman Boudreaux commented on possibly revisiting and amending the subdivision ordinance to

address the 5ft. setbacks.

Motion by Mr. Jarreau and seconded by Mr. Bergeron:

RESOLVED, That Mr. Peter Roy's 3ft. variance request to create a 5ft. setback on both sides of his property be approved.

Unanimously carried.

RESOLUTIONS:

APPROVE THE POINTE COUPEE BANNER AS THE OFFICIAL JOURNAL FOR THE PARISH AS REQUIRED BY LA R.S. 43:141 AND LA R.S. 43:142, EFFECTIVE JULY 1, 2021

Motion by Mr. Watkins and seconded by Mr. LaCoste:

RESOLVED, That the appointment of The Pointe Coupee Banner as the Official Journal for the parish as required by LA R.S. 43:141 & LA R.S. 43:142, effective July 1, 2021 be approved.

Unanimously carried.

AUTHORIZE CIVICSOURCE TO ADMINISTER AN ADJUDICATED PROPERTIES SALES PROGRAM FOR THE PARISH

Motion by Mr. Bazile and seconded by Mr. Gaspard:

AUTHORIZING CIVICSOURCE® TO ADMINISTER  
AN ADJUDICATED PROPERTIES SALE PROGRAM

WHEREAS, each year immovable property is adjudicated for non-payment of taxes; and

WHEREAS, adjudicated properties remain on the tax roll until redeemed or are either sold or transferred; and

WHEREAS, the resources to satisfy the legal requirements for adjudicated property sales are substantial; and

WHEREAS, there are currently no assurances of title insurance for adjudicated properties available for purchase; and

WHEREAS, many adjudicated properties are blighted and abandoned; and

WHEREAS, a sale program encourages redemptions and returns adjudicated properties to commerce; and

WHEREAS, title insurance provides investors the protection needed to redevelop adjudicated properties.

NOW, THEREFORE, BE IT RESOLVED THAT:

Section 1. We hereby authorize the execution of a professional services agreement with CivicSource® to sell eligible adjudicated properties through online, market-driven public auctions and through an adjoining landowner program, and to perform all due diligence needed to both comply with applicable laws and to ensure purchasers the availability of title insurance.

Section 2. We hereby further authorize CivicSource® to execute any legally required documents necessary to transfer title and interest in and to adjudicated properties purchased at public auction or by adjoining landowners, as set forth above.

Unanimously carried.

AWARD BID FOR FALSE RIVER ECOSYSTEM RESTORATION - PHASE III RETAINING WALL REPLACEMENT DISCHARGE BAYOU

Motion by Mr. Soulier and seconded by Mr. Bergeron:

RESOLVED, That the low base bid in the amount of \$1,423,357.00 submitted by Omega Foundation Services, Inc. of Thibodeaux, Louisiana for the False River Ecosystem Restoration - Phase III Retaining Wall Replacement Discharge Bayou for construction of additions to the False River Ecosystem, Louisiana Facility Planning and Control Project 50-J39-1201 be accepted by the Pointe Coupee Parish Government, the contract to be awarded pending concurrence of Facility Planning and Control, and the Parish Government commitment to fund the project until completion.

Unanimously carried.

DECLARE POINTE COUPEE PARISH TO BE A SECOND AMENDMENT SANCTUARY PARISH

Mr. Travis Saizon of Ventress voiced concerns about the council adopting a resolution opposed to his request for an ordinance to declare Pointe Coupee Parish a Second Amendment sanctuary parish and the rights to bear arms. He urged the council to reconsider and adopt an ordinance.

Mr. Lance Moore of Ventress commented on a HR127 bill being considered by the House of Representatives that will require a band on all AR15 guns, citizens to register all guns and apply for a permit to own any weapons. He asked the council to consider an ordinance.

Councilman Jarreau voiced his concerns of supporting the request for adoption of an ordinance and not a resolution relative to the Second Amendment.

Councilmen Bergeron and Bazile both agreed that adopting the resolution will be the beginning, and the resolution will not deter or prevent the attorney from researching information relative to crafting an ordinance.

Chairman Boudreaux clarified that the resolution is not intended to block the crafting of an ordinance or any efforts that are being requested of the council, and agreed with what they are trying to promote. He stated adopting the resolution will show the parish where the council stands in regards to the Second Amendment, until whatever happens to the ordinance. He also clarified that the three councilmembers, who voted no to hiring a third party attorney, was not voting against the Second Amendment, but to hire an attorney.

Motion by Mr. Boudreaux and seconded by Mr. Bergeron:

WHEREAS, acting through the United States Constitution, the people of this Country created a government to be their agent in the exercise of a few defined powers, while reserving to the citizens the right to decide on matters which concern their lives, liberty, and property in the ordinary course of affairs; and

WHEREAS, the Second Amendment of the Constitution of the United States of America states, "A well-regulated Militia being necessary to the security of a free State, the right of the People to keep and bear arms, shall not be infringed"; and

WHEREAS, the right of the people to keep and bear arms is further protected from infringement by State and Local Governments under the Ninth, Tenth, and Fourteenth Amendments to the Constitution of the United States of America; and

WHEREAS, the Supreme Court of the United States of America in the District of Columbia v. Heller, 554 U.S. 570 (2008), recognized the individual's right to keep and bear arms, as protected by the Second Amendment of the Constitution of the United States of America. Justice Antonin Scalia's prevailing opinion in that case stated that the Second Amendment protects an individual's right to possess a firearm unconnected with service in a militia, and

the right to use that firearm for traditionally lawful purposes, such as self-defense within the home; and

WHEREAS, Section 1 of the Fourteenth Amendment to the Constitution of the United States of America states, “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws”; and

WHEREAS, the Supreme Court of the United States recognized in McDonald v. City of Chicago, 561 U.S. 742 (2010), declared that the Second Amendment to the Constitution was incorporated by the Fourteenth Amendment and thereby made applicable to the States; and

WHEREAS, the right to be free from the commandeering hand of government has been recognized by the United States Supreme Court in Printz v. United States, 521 U.S. 898 (1997), the Court held: “The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program.” Therefore, be it

RESOLVED, That the Pointe Coupee Parish Council does determine that the legal, historic, and patriotic words of the Second Amendment of the United States Constitution: “A well-regulated Militia being necessary to the security of a free State, the right of the People to keep and bear arms, shall not be infringed”, is hereby declared to be the public policy of the Pointe Coupee Parish Government and that Pointe Coupee Parish is hereby declared to be a Second Amendment Sanctuary Parish.

The Chairman called for a roll call vote that resulted as follows:

YEAS: Messrs. Bergeron, Bazile, Jarreau, Boudreaux, Watkins, Soulier, LaCoste and Gaspard.

NAYS: None.

ABSENT: None.

On a vote of 8-0-0, the motion carried.

RATIFY APPROVED CONTRACT AGREEMENT TO RETAIN ATTORNEY DANNIE GARRETT AS LEGAL COUNSEL FOR THE PARISH

In response to Councilman Jarreau, Chairman Boudreaux and President Thibaut reported as per the Parish Home Rule Charter, any contracts adopted and were in place previous to the adoption of the charter remained in place, which Attorney Dannie Garrett’s contract has been in place and approved by the Police Jury since 2012. President Thibaut reported the change in fees were the only amendment to Attorney Garrett’s contract.

Chairman Boudreaux reported on the benefits and services Attorney Garrett brings to the parish.

Councilman Jarreau objected to ratifying the approved contract agreement with Attorney Garrett.

Motion by Mr. Bergeron and seconded by Mr. LaCoste:

RESOLVED, That the approved contract agreement to retain Attorney Dannie Garrett as legal counsel for the parish be ratified.

The Chairman called for a roll call vote that resulted as follows:

YEAS: Messrs. Gaspard, LaCoste, Soulier, Watkins, Boudreaux, Bazile and Bergeron.

NAYS: Mr. Jarreau.

ABSENT: None.

On a vote of 7-1-0, the motion carried.

APPROVE CONTRACT AGREEMENT TO RETAIN ATTORNEY JAMES BEATTY, JR. AS SPECIAL LEGAL COUNSEL TO RESEARCH AND STUDY AVAILABLE OPTIONS REGARDING DRAFTING AN ORDINANCE RELATIVE TO THE SECOND AMENDMENT AND THE RIGHTS TO BEAR ARMS

Attorney James Beatty, Jr. commented on his contract agreement presented to the council, and gave additional remarks relative to the second amendment.

Chairman Boudreaux commented on a waste of taxpayers monies to hire a third party attorney, when the parish has two attorneys, which one has offered to draft an ordinance, but was not asked by the council.

Attorney Garrett confirmed he was only asked to render an opinion on an ordinance from another state, and never to craft an ordinance.

President Thibaut voiced his concerns about this matter, noting the parish having two attorneys.

Mr. Justin Cox of Fordoche voiced concerns about the use of additional funds for an attorney, when the parish have two attorneys. He commented on Attorney Garrett's experiences in parish government and the legislature, and feels he is very capable of crafting said ordinance.

Messrs. Saizon and Moore commented on being in favor of the council hiring Attorney James Beatty, Jr., as a special attorney to research and craft an ordinance, and not in favor of using the current parish attorneys.

Motion by Mr. LaCoste and seconded by Mr. Gaspard:

RESOLVED, That the contract agreement to retain Attorney James Beatty, Jr. as special legal counsel to research and study available options regarding drafting an ordinance relative to the Second Amendment and the rights to bear arms be approved.

The Chairman called for a roll call vote that resulted as follows:

YEAS: Messrs. Bergeron, Bazile, Jarreau, Boudreaux, Watkins, Soulier, LaCoste and Gaspard.

NAYS: Messrs. Bazile and Boudreaux.

ABSENT: None.

On a vote of 6-2-0, the motion carried.

ANNOUNCEMENTS, NOTICES, MEETINGS, ETC.

There were no announcements, notices, meetings, etc.

Motion by Mr. Watkins and seconded by Mr. Gaspard, the meeting adjourned at 7:08 p.m.

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Gerrie P. Martin  
Council Clerk

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Dustin Boudreaux  
Chairman