

MARCH 23, 2011

NEW IBERIA, LOUISIANA

IBERIA PARISH COUNCIL

The Parish Council of Iberia Parish, Louisiana met in Regular Session in the Parish Council Chambers, Main Courthouse Building, New Iberia, Louisiana, on Wednesday, March 23, 2011.

The following members were recorded PRESENT:

Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

ABSENT: Barry Verret.

OTHERS IN ATTENDANCE: Ernest Freyou, Parish President
Sally Angers, Chief Administrative Officer
Kevin Hagerich, Public Works Director
Terry Bourque, Asst. Public Works Director
Eric Duplantis, Legal Counsel
Dean Wattigny, Legal Counsel
John Raines, Planning & Zoning Director
Fran Thibodeaux, Tourist Director

The Parish Council of the Parish of Iberia, State of Louisiana, was duly convened as the Governing Authority of the Parish of Iberia by Mr. Roger Duncan, its Chairman, who announced that the Council was now ready to conduct its business.

PERSONS TO ADDRESS THE COUNCIL:

1. Mr. David Laszczak, 3007 Schwing Road, District 10, addressed the Council regarding drainage issues. Mr. Laszczak expressed that he has addressed the Council regarding this matter before and was advised that he was on the schedule for February for ditch maintenance but the work has not yet been done. Public Works Director Kevin Hagerich explained that during the time in District 10 issues with rain and unable to move larger equipment into the subdivision until the area was dry. Parish President Ernest Freyou stated that the Public Works Department will conduct this work as soon as possible.
2. Mr. Angelo and Ms. Cindy Cassisa addressed the Council regarding drainage matters in Interlude Subdivision. They expressed concern with the Parish's installation of pipe at Cedar Lane (an unconstructed road easement) which intersects with Interlude Drive is causing additional drainage problems in the area. The Parish recently had a contractor complete work on the Interlude Subdivision Drainage Project and Parish work forces then installed the culverts at the Cedar Lane intersection. In accordance with information provided by Public Works Director Kevin Hagerich and Mr. Neal Robicheaux, engineer with Berard, Habetz and Associates, all of this work was done in accordance with the necessary design for the project scope. Mr. Hagerich reported that the Public Works Department still has maintenance work to complete on Willow Wood Drive, including cleaning of roadside ditches, cleaning of culverts, etc. which may also assist the drainage at the Interlude Drive area.
3. Mr. Richard Boutte and Mrs. Joseph Mann addressed the Council regarding natural drains. These persons complained because a private company (SwiftShips) is filling in what they feel is a natural drain which will affect the drainage of their properties which is located on either side of the company's property. Assistant Public Works Director Terry Bourque explained that he has met with representatives of the company who intend to fill in a drainage ditch, which is not a public easement and is considered a private ditch. A review by the Public Works Department indicated that the company has hired Wayne LaBiche Engineering to review its building plans which include these improvements to the property to ensure that they will not interfere with the drainage of the adjacent properties.

A motion was made by Mr. Curtis Boudoin, seconded by Mr. Bernard E. Broussard, that the Iberia Parish Council does hereby recess its Regular Session and convene as a Public Hearing to obtain public comments regarding Ordinances and Resolutions being considered for final adoption.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams and Naray Hulin.

NAYS: None.

ABSENT: Barry Verret.

ABSENT AT VOTING: M. Larry Richard.

And the motion was declared adopted this 23rd day of March, 2011.

Permits and Planning Director John Raines explained the provisions of Ordinance Summary No. 4284, which grants a special use/conditional use permit for the location of a funeral home on the property being reclassified, all as recommended by the Zoning Commission. Several comments were received regarding this proposed Ordinance, including comments from Kathy Mouton, Danny David, Shirley Huval, Richard David, Father Crochet.

Questions regarding Standing Committee Item #L were raised by Mr. Richard Boutte, regarding the replacement of a handicap ramp at the Tourist Center, which questions were answered by Tourist Director Fran Thibodeaux.

Upon hearing no further comments, the Chairman requested a motion to adjourn the Public Hearing and to reconvene into Regular Session.

A motion was made by Mr. Naray Hulin, seconded by Mr. Thomas J. Landry, that the Iberia Parish Council does hereby adjourn its Public Hearing and reconvene into Regular Session.

This motion having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Barry Verret.

And the motion was declared adopted this 23rd day of March, 2011.

A motion was made by Mr. Lloyd Brown, seconded by Ms. Maggie F. Daniels, that the following be adopted:

ORDINANCE NO. 2011-03-4281

AN ORDINANCE AMENDING CHAPTER 2 OF THE IBERIA PARISH COMPILED ORDINANCES TO UPDATE COUNCIL PROCEDURES FOR THE PLACEMENT OF ITEMS ON THE AGENDA.

THE IBERIA PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That Chapter 2 of the Iberia Parish Compiled Ordinances is hereby amended to update council procedures for the placement of items on the agenda, as follows:

SECTION 2-5. Ordinances, Resolutions to be Introduced by Council Member.

The Parish Council does hereby approve a policy that all Ordinances, Resolutions, and/or Standing Committee Items placed on a regular or special council meeting agenda shall be introduced by one of the following:

- A. a council member;
- B. the Parish President;
- C. the Clerk of the Council;
- D. Legal Counsel; or
- E. a Parish Committee or a duly authorized Board and/or Commission.

SECTION 2. That this Ordinance shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Barry Verret.

And the Ordinance was declared adopted this 23rd day of March, 2011.

A motion was made by Mr. Bernard E. Broussard, seconded by Mr. Lloyd Brown, that the following be adopted:

ORDINANCE NO. 2011-03-4282

AN ORDINANCE DECLARING THAT A REAPPORTIONMENT OF THE ELECTION DISTRICT BOUNDARIES MUST COMMENCE IN ORDER TO RE-BALANCE THE DISTRICT POPULATIONS WITHIN +/-5% OF THE IDEAL DISTRICT POPULATION OF 5,231 AND THAT SUCH PLAN, AS ADOPTED BY THE COUNCIL, BE SUBMITTED TO THE U.S. DEPARTMENT OF JUSTICE FOR SECTION 5 PRE-CLEARANCE AND THE STATE OF LOUISIANA NO LATER THAN JUNE 15, 2011.

THAT THE IBERIA PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. The Census 2010 count has been completed and the PL 94-171 reapportionment data was delivered to the State of Louisiana on the 7th of February, 2010.

SECTION 2. The Iberia Parish Council, under LA RS: 33:1411 must make a determination whether reapportionment is necessary with the Census 2010 population count no later than the 7th of August, 2010.

SECTION 3. The Council commissioned a study to calculate the new Census 2010 population in each of the existing elections districts.

SECTION 4. The current districts have the following Census 2010 population numbers:

Dist.	Population	Deviation		White		Black	
1	3,926	-1,305	-24.9%	971	24.7%	2,767	70.5%
2	4,790	-441	-8.4%	1,189	24.8%	3,195	66.7%
3	5,909	678	13.0%	4,117	69.7%	1,387	23.5%
4	5,206	-25	-0.5%	1,393	26.8%	3,534	67.9%
5	5,151	-80	-1.5%	3,488	67.7%	1,382	26.8%
6	4,603	-628	-12.0%	2,713	58.9%	1,610	35.0%
7	5,259	28	0.5%	4,710	89.6%	382	7.3%
8	7,164	1,933	37.0%	5,905	82.4%	1,020	14.2%
9	5,813	582	11.1%	4,640	79.8%	1,084	18.6%
10	4,938	-293	-5.6%	3,833	77.6%	789	16.0%
11	4,812	-419	-8.0%	2,536	52.7%	2,151	44.7%
12	4,713	-518	-9.9%	1,107	23.5%	3,407	72.3%
13	5,662	431	8.2%	4,848	85.6%	419	7.4%
14	5,294	63	1.2%	4,101	77.5%	571	10.8%

SECTION 5. Districts 1, 2, 3, 6, 8, 9, 10, 11, 12, and 13 are outside the allowable +/-5% deviation from the ideal district population of 5,231.

SECTION 6. That the Iberia Parish Council hereby declares that a reapportionment of the election district boundaries must commence in order to rebalance the district populations to within +/-5% of the ideal district population of 5,231 and that such plan, as adopted by the Council, be submitted to the U.S. Department of Justice for Section 5 Pre-Clearance and the State of Louisiana no later than June 15, 2011.

SECTION 7. That this Ordinance shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Barry Verret.

And the Ordinance was declared adopted this 23rd day of March, 2011.

A motion was made by Mr. John Berard, seconded by Mr. Glenn Romero, that the following be adopted:

ORDINANCE NO. 2011-03-4283

AN ORDINANCE AMENDING ARTICLE IV OF CHAPTER 5 OF THE IBERIA PARISH COMPILED ORDINANCES REGARDING ANIMAL REGULATIONS IN ORDER TO CHANGE THE WORDING FROM "VICIOUS" TO "DANGEROUS".

THAT THE IBERIA PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That Chapter 5 of the Iberia Parish Compiled Ordinances is hereby amended in order to change the wording from "vicious" to "dangerous", as follows:

ARTICLE IV. WILD, EXOTIC, DANGEROUS ANIMALS

SECTION 5-57. Definitions.

For the purposes of this article, the following words and phrases shall have the meaning ascribed to them:

Animal. Any live or dead vertebrate creature, domestic or wild, not to include fish, birds or rodents bred and raised in captivity or Homosapiens.

Pet. Any animal kept for pleasure rather than utility.

Dangerous animals. Any animal that constitutes a physical threat to human beings or other animals, not to include law enforcement or guard dogs.

Wild or exotic animal. Any live monkey, (nonhuman primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, lion, lynx, or any other warm-blooded animal, poisonous snake or tarantula which can normally be found in the wild state or any member of crocodilian, including, but not limited to, alligators, crocodiles, caimans and gavials. Ferrets, nonpoisonous snakes, rabbits, rodents which have been bred and raised in captivity and which have never known the wild shall be excluded from this definition. ((Ord. of 3-13-91, Section 1; Ord. 99-12-2640 of 12/08/99)

Section 5-58. Display of wild or exotic animals prohibited. No person shall keep or permit to be kept on his premises any wild, exotic, dangerous animal or reptile for display or for exhibition purposes whether gratuitously or for a fee. This section shall not apply to zoological parks, performing animal exhibitions, circuses or veterinary clinics.

Section 5-59. Wild or exotic animals as pets prohibited. No person shall keep or permit to be kept any wild, exotic, dangerous animal or reptile as a pet without having first obtained a license from the Iberia Parish Animal Control Program. (Ord. of 3-13-91, Section 1; Ord. No. 99-12-2640 of 12/08/99)

Section 5-60. Posting of notices. Any person who offers for sale a wild or exotic animal shall post conspicuously at the place of sale or display the following notice:

"No person may lawfully keep or permit to be kept in the Parish of Iberia, any live monkey (nonhuman primate), raccoon, skunk, wolf, squirrel, fox, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, poisonous snake, tarantula, crocodile or alligator which can normally be found in the wild state."

(Ord. of 3-13-91, Section 1; Ord. No. 99-12-2640 of 12/08/99)

Section 5-61. License for wild animals.

(a) The Iberia Parish Animal Control Program may approve the issuance of a temporary license for the keeping, care and protection of injured wild animals or infant wild animals native to this area which have been deemed to be incapable of surviving without assistance.

(b) Any person wishing to house a wild, exotic or dangerous animal or reptile as a pet must demonstrate knowledge of the proper care for the animal or reptile involved and must have facilities for their care inspected by the Iberia Parish Animal Control Program. It may be required that adequate insurance coverage and/or bond be procured prior to issuance of a license. It shall be the responsibility of the above-mentioned agency to approve or deny the issuance of a license following the inspection.

(c) Any denials will be explained in writing to the owner. Any person aggrieved by a decision of the Iberia Parish Animal Control Program may appeal such decision to the Iberia Parish Council.

(Ord. of 3-13-91, Section 1; Ord. 99-12-2640 of 12/08/99)

Section 5-62. Release of wild animals.

The Iberia Parish Animal Control Program shall have authority to release or order the release of any wild animal or reptile kept under license which is deemed capable of survival.

(Ord. of 3-13-91, Section 1; Ord. 99-12-2640 of 12/08/99)

Section 5-63. Disposition and impoundment.

Any person who keeps a wild, exotic or dangerous animal in contravention of this article may dispense of the animal or reptile by removal of the animal or reptile to a zoological park or by releasing the animal or reptile to the Iberia Parish Animal Control Program. Such agency is authorized to release the animal or reptile to the wild, to a zoological park, or to a responsible adult who shall remove the animal or reptile from the parish, or to dispose of the animal or reptile in some humane manner. The Iberia Parish Animal Control Program is authorized to release the animal or reptile to any licensed institution for research purposes.

(Ord. of 3-13-91, Section 1; Ord. 99-12-2640 of 12/08/99)

Section 5-64. Penalty.

(a) Any person who violates any provision of any section of this article or who shall hinder or molest or interfere with any officer or agent of the Iberia Parish Animal Control Program in the performance of any duty provided for by this article shall, upon conviction by a court of competent jurisdiction, be deemed guilty of misdemeanor and may be fined any amount up to five hundred dollars (\$500.00) dollars or may be imprisoned for not more than sixty (60) days, or both fined and imprisoned, in the discretion of the court.

(b) The Iberia Parish Animal Control Program may enforce any provisions of this article by instituting a suit for injunctive relief and use of summary process, including all temporary restraining orders permitted by law.

(Ord. of 3-13-91, Section 1; Ord. No. 99-12-2640 of 12/08/99)

SECTION 2. That this Ordinance shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Barry Verret.

And the Ordinance was declared adopted this 23rd day of March, 2011.

A motion was made by Mr. Nary Hulin, seconded by Mr. Charles Williams, that the following be adopted:

ORDINANCE NO. 2011-03-4284

AN ORDINANCE OF THE IBERIA PARISH COUNCIL APPROVING THE RECLASSIFICATION REQUEST OF DAVID MORTUARY L.L.C. LOCATED IN THE 2400 BLOCK OF HWY 88/COTEAU ROAD MIXED RESIDENTIAL (R-2) TO GENERAL BUSINESS (C-2) AS A SPECIAL USE/CONDITIONAL USE FOR A FUNERAL HOME IN IBERIA PARISH COUNCIL DISTRICT 14.

THAT THE IBERIA PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That Ordinance No. 2009-02-4099, adopted February 25, 2009, establishing Zoning Regulations for rural Iberia Parish and is recorded in the Official Records of Iberia Parish at COB 1430, Page 35.

SECTION 2. At the time the Zoning Ordinance and Map was adopted the area shown on the attached plat was zoned Mixed Residential (R-2) and contained a metal building.

SECTION 3. The property is now proposed for development as a funeral home which is not allowed in the Mixed Residential (R-2) Zoning District; a funeral home is an allowed use in the General Business (C-2) Zoning District.

SECTION 4. The property owner is requesting reclassification of the site from Mixed Residential (R-2) to General Business (C-2) in order to construct a funeral home.

SECTION 5. Reclassification of the property without conditions, to General Business (C-2), would be inappropriate due the overall residential nature of the surrounding area and the myriad of uses that would be allowed in the General Business classification.

SECTION 6. Reclassification of the property General Business as a Special Use/Conditional Use for a funeral home would be more appropriate as the approval would only allow the funeral home as depicted in the attached site plan; the Special Use/Conditional Use approval will not allow for any other permitted use in the General Business Classification than a funeral home.

SECTION 7. The Zoning Commission accepted the application for reclassification and in accordance with the LA Enabling Legislation did provide proper notice to all appropriate parties and did provide proper general advertisement and did conduct two (2) Public Hearings to receive public input on the reclassification request.

SECTION 8. At the two (2) Public Hearings, the Zoning Commission accepted substantial public input concerning the reclassification request and received opposition based upon increased traffic congestion in the area, insufficient available parking on the proposed site, non-availability of overspill parking, lack of roadside shoulders, narrow roadway width, hazardous curves on HWY 88, and potential conflicts with the school across the road and Our Lady of Prompt Succor Church.

SECTION 9. The Zoning Commission did receive and accept petitions filed in opposition to the reclassification request (See Attached); the Zoning Commission also required a Traffic Impact Analysis be performed to determine the traffic implications of the proposed development (See Attached).

SECTION 10. On February 17, 2011, the Zoning Commission conducted its second public hearing on the proposed reclassification request and after due deliberation did recommend approval of the reclassification request from Mixed Residential (R-2) to General Business (C-2) as Special Use/Conditional Use Permit for a funeral home as depicted on the attached site plan.

SECTION 11. That the Ordinance shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Charter.

This Ordinance having been submitted to a vote, the vote thereon was as follows:

YEAS: Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: Maggie F. Daniels and Curtis Boudoin.

ABSENT: Barry Verret.

And the Ordinance was declared adopted this 23rd day of March, 2011.

A motion was made by Mr. Bernard E. Broussard, seconded by Mr. Glenn Romero, that the following be adopted:

RESOLUTION NO. 2011-64

A RESOLUTION ACCEPTING THE FINANCIAL AUDIT FOR THE IBERIA PARISH HOSPITAL SERVICE DISTRICT NO. 1 FOR THE FISCAL YEAR ENDED SEPTEMBER 30, 2010 AND FURTHER AUTHORIZING THE SUBMISSION OF SAID AUDIT REPORT TO THE LOUISIANA LEGISLATIVE AUDITOR IN ACCORDANCE WITH LAW.

WHEREAS, the Iberia Parish Hospital Service District No. 1 Board has submitted its annual financial audit for the fiscal year ended September 30, 2010.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby accept the Financial Audit for the Iberia Parish Hospital Service District No. 1 for the fiscal year ended September 30, 2010.

BE IT FURTHER RESOLVED, that said District is hereby authorized to submit said audit report to the Louisiana Legislative Auditor in accordance with law.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Barry Verret.

And the Resolution was declared adopted this 23rd day of March, 2011.

The Chairman moved to Resolution Summary No. 70, regarding the Parish Implemented Recovery Program Foundation Reconstruction Guidelines. It was explained to the Council that the authorization for floodwalls would be removed from the Foundation Reconstruction Guidelines, but that they would remain within the guidelines for Homeowner Compensation.

A motion was made by Mr. M. Larry Richard, seconded by Mr. Charles Williams, that the following be adopted:

RESOLUTION NO. 2011-70

A RESOLUTION AMENDING RESOLUTION NO. 2011-02, WHICH ADOPTED AND AUTHORIZED SUBMISSION OF GUIDELINES FOR THE PARISH IMPLEMENTED RECOVERY PROGRAMS TO INCLUDE THE FOUNDATION RECONSTRUCTION PROGRAM AND THE HOMEOWNER COMPENSATION PROGRAM, IN ORDER TO REPLACE THE CURRENT GUIDELINES FOR THE FOUNDATION RECONSTRUCTION PROGRAM WITH AN UPDATED DOCUMENT AS OF MARCH 23, 2011.

WHEREAS, the Parish Implemented Recovery Program includes the Iberia Parish Foundation Reconstruction Program and the Iberia Parish Homeowner Compensation Program, which includes guidelines as adopted by Resolution No. 2011-02, dated January 5, 2011; and

WHEREAS, the Iberia Parish Foundation Reconstruction Program Guidelines have been revised and updated with a document dated March 23, 2011; and

WHEREAS, Providence Engineering will continue to serve as the Parish's Housing Consultant and will continue to manage and implement this program.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby amend Resolution No. 2011-02, which adopted and authorized submission of guidelines for the Parish Implemented Recovery Program to include the Foundation Reconstruction Program and the Homeowner Compensation Program, in order to replace the current guidelines for the Foundation Reconstruction Program with an updated document as of March 23, 2011.

BE IT FURTHER RESOLVED, that Providence Engineering is hereby named as the Parish's Housing Consultant for said program and is hereby authorized to manage and implement said program.

BE IT FURTHER RESOLVED, that the Parish President is hereby authorized to execute all documents necessary for this submission.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Barry Verret.

And the Resolution was declared adopted this 23rd day of March, 2011.

The Chairman then requested that the Council move forward to Standing Committee Item #2011-04-N, as the subject matter deals with the Parish Implemented Recovery Program.

ITEM #2011-03-N (Introduced by Larry Richard, District 13)
Discuss and consider a Resolution amending Resolution No. 2010-212 in order to revise the available funding for the Foundation Reconstruction Program and Homeowner Compensation Program from approximately \$6.4 million to appropriate \$1 million to be used for the Minor Rehab Program which will include construction of flood walls and further directing that Providence Engineering draft appropriate guidelines for said program as soon as possible.

Discussion was held which explained that the \$6.4 million includes an appropriation of \$5.4 million for Reconstruction and \$1 million for Compensation. This proposed Resolution will direct Providence Engineering to draft the necessary guidelines to accept floodwall construction as a Minor Rehab Program. The Council was addressed by Mr. Sid Derouen and Ms. Genevieve Hill regarding this matter. The Council was invited to see Ms. Hill's flood wall which has already been constructed.

A motion was made by Mr. M. Larry Richard, seconded by Mr. Glenn Romero, that the following item be forwarded to the next agenda of April 6, 2011.

This motion, as amended, having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Barry Verret.

And the motion was declared adopted this 23rd day of March, 2011.

A motion was made by Mr. Naray Hulin, unanimously seconded by Ms. Maggie F. Daniels and Messrs. Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, and M. Larry Richard that the following be adopted:

RESOLUTION NO. 2011-65

A RESOLUTION OF APPRECIATION AND CONGRATULATIONS TO MR. J. WAYNE LANDRY, LEGAL COUNSEL TO THE IBERIA PARISH COUNCIL, UPON HIS RECENT RETIREMENT.

WHEREAS, Section 9-01 of the Iberia Parish Home Rule Charter authorizes the District Attorney to provide Legal Counsel to the Parish Council; and

WHEREAS, Mr. J. Wayne Landry, Assistant District Attorney, has provided these services from 1975 until his recent retirement in 2011; and

WHEREAS, Wayne has been a co-worker and friend to the members of the Parish Council and their Staff, the Parish Administration, and Parish employees, while providing professional and legal advice to the Parish throughout their day-to-day operations; and

WHEREAS, it is with great gratitude and appreciation that the Iberia Parish Council congratulate Wayne on his service to Iberia Parish and the citizens of the Parish.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby offer its appreciation and congratulations to Mr. J. Wayne Landry, Legal Counsel to the Iberia Parish Council, upon his recent retirement.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Barry Verret.

And the Resolution was declared adopted this 23rd day of February, 2011.

A motion was made by Mr. Lloyd Brown, seconded by Mr. Thomas J. Landry, that the following be adopted:

RESOLUTION NO. 2011-66

A RESOLUTION ACCEPTING THE RESIGNATION OF MS. MELISSA VIATOR FROM THE IBERIA PARISH TOURIST COMMISSION, REPRESENTING THE GREATER IBERIA CHAMBER OF COMMERCE, EFFECTIVE IMMEDIATELY.

WHEREAS, Ms. Melissa Viator has tendered her resignation as a member of the Iberia Parish Tourist Commission, representing the Greater Iberia Chamber of Commerce, effective immediately.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby accept the resignation of Ms. Melissa Viator as a member of the Iberia Parish Tourist Commission, representing the Greater Iberia Chamber of Commerce, effective immediately.

BE IT FURTHER RESOLVED, that the Iberia Parish Council does hereby express its sincere appreciation to Ms. Melissa Viator for her service to Iberia Parish Government in this capacity.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Barry Verret.

And the Resolution was declared adopted this 23rd day of February, 2011.

A motion was made by Mr. Glenn Romero, seconded by Mr. Naray Hulin, that the following be adopted:

RESOLUTION NO. 2011-67

A RESOLUTION REQUESTING A LEGAL OPINION FROM THE LOUISIANA ATTORNEY GENERAL'S OFFICE REGARDING THE LEGALITY OF TEMPORARY DRAINAGE EASEMENTS.

WHEREAS, Iberia Parish has established and now maintains and operates various drainage easements throughout the Parish; and

WHEREAS, some residents are reluctant to authorize a permanent drainage easement on their property and have requested that a temporary drainage easement be granted; and

WHEREAS, said temporary drainage easement would allow the Parish to enter upon the property to perform the drainage work necessary and said drainage easement would become void after said drainage work is completed; and

WHEREAS, temporary drainage easements are sometimes necessary to allow for Parish maintenance of existing channels which sometimes run through subdivision lots, which may not be more than 75' in width.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby request a legal opinion from the Louisiana Attorney General's Office regarding the legality of temporary drainage easements.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Barry Verret.

And the Resolution was declared adopted this 23rd day of February, 2011.

A motion was made by Mr. Bernard E. Broussard, seconded by Mr. Troy Comeaux, that the following be adopted:

RESOLUTION NO. 2011-68

A RESOLUTION AMENDING THE 2011 GENERAL FUND BUDGET, LEGISLATIVE FUNCTION, IN THE AMOUNT OF \$26,000, TO PROVIDE FUNDING FOR VOTING SOFTWARE, MICROPHONE CONTROLS AND VARIOUS EQUIPMENT, ALL TO BE FUNDED FROM THE 2011 GENERAL FUND BUDGET, FUND BALANCE - PREVIOUS YEARS.

WHEREAS, the Iberia Parish Council Chambers is utilized for the conducting of businesses, which includes voting on agenda items and recordation of meetings; and

WHEREAS, Resolution No. 2010-224, adopted August 25, 2010 appropriated \$31,000 for the replacement of the voting system and upgrades to the meeting room for public use; and

WHEREAS, Intermedia Technologies, Inc. has provided a quote of \$26,416 for the purchase and installation of Crestron Voter Response System with Request to Speak and an additional LCD Screen.

WHEREAS, it is necessary to amend the budget to provide the funding of said system.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby amend the 2011 General Fund Budget, Legislative Function, in the amount of \$26,000 to provide funding for voting software, microphone controls, and various equipment, as follows:

<u>ACCOUNT NO.</u>	<u>ACCOUNT TITLE</u>	<u>BUDGET</u>	<u>ADJUSTMENT</u>
499000 0000 0000 0000	Fund Bal-Prev Years		+ \$26,000
574100 1110 0000 0000	Furniture & Equip		+ \$26,000

BE IT FURTHER RESOLVED, that this funding shall be funded from the 2011 General Fund Budget, Fund Balance-Previous Years.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Barry Verret.

And the Resolution was declared adopted this 23rd day of February, 2011.

A motion was made by Mr. John Berard, seconded by Mr. M. Larry Richard, that the following be adopted:

RESOLUTION NO. 2011-69

A RESOLUTION PROCLAIMING THE WEEK OF APRIL 25-30, 2011 AS
"IBERIA PARISH COMMUNITY DEVELOPMENT WEEK."

WHEREAS, the week of April 25-30, 2011 has been designated as National Community Development Week and Iberia Parish has been a participant in the Community Development Block Grant (CDBG) Program which funds public infrastructure, economic development, and housing programs in this community; and

WHEREAS, in this community and communities throughout the nation, thirty-seven years of Community Development Block Grant Program funding has developed a strong sense of relationship between this local government and its residents, principally those of low-to-moderate income; and

WHEREAS, this community recognizes that the Community Development Block Grant Program is a partnership of federal, state and local government and community and business efforts, and that the services funded by the CDBG Program relies heavily on the dedication and good will of our combined efforts.

NOW, THEREFORE, BE IT RESOLVED, that during National Community Development Week 2011, this community will give special thanks and recognition to all participants whose hard work and devotion to the neighborhoods and their low- and moderate-income residents help ensure the quality and effectiveness of the Community Development Block Grant Program; and

BE IT FURTHER RESOLVED, that this community, along with the service providers and others whose names are appended to this Resolution, hereby petition the U.S. Congress and Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant Program, and of its vital importance to the community and to the people who live in its lower income neighborhoods; and

BE IT FURTHER RESOLVED that copies of this Resolution be conveyed to the appropriate elected and appointed officials of the federal government and that this community's name be added to the roll of those committed to the preservation and full funding of the Community Development Block Grant Program and maintenance of its essential features of the course of the next session of Congress.

BE IT FINALLY RESOLVED, that this Resolution shall become effective immediately upon adoption by the Iberia Parish Council and approval by the Parish President in accordance with Section 2-13 of the Iberia Parish Home Rule Charter.

This Resolution having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Barry Verret.

And the Resolution was declared adopted this 23rd day of March, 2011.

STANDING COMMITTEE ITEMS:

ITEM #2011-03-L (Introduced by Tourist Commission)

Discuss and consider a Resolution amending the 2011 Tourist Commission Fund Budget in the amount of \$4,512, to provide funding to replace the handicap access ramp and extension of the side door landing, all to be funded from the 2011 Tourist Commission Fund Budget, Fund Balance - Previous Years. This amount was corrected to reflect \$7,000.

A motion was made by Mr. M. Larry Richard, seconded by Mr. Charles Williams, that the following item be forwarded to the next agenda of April 6, 2011.

This motion, as amended, having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Barry Verret.

And the motion was declared adopted this 23rd day of March, 2011.

ITEM #2011-03-M (Introduced by Glenn Romero, District 9)

Discuss and consider an Ordinance amending Chapter 4, Article III of the Iberia Parish Code of Ordinances, for Special Events Permits to allow that organizations which rent public buildings for charitable benefits be waived from the requirements of the Special Events Permits regulations. During the discussion regarding this item, it was suggested that the Council could consider waiving the liability insurance requirements for certain agencies. It was suggested that this item also be forwarded contingent upon review and approval of the District Attorney's Office.

A motion was made by Mr. Glenn Romero, seconded by Mr. Jerome Fitch, that the following item be forwarded to the next agenda of April 6, 2011, as amended to be contingent upon review and approval of the District Attorney's Office.

This motion, as amended, having been submitted to a vote, the vote thereon was as follows:

YEAS: Maggie F. Daniels, Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Glenn Romero, Roger Duncan, Jerome Fitch, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Barry Verret.

And the motion was declared adopted this 23rd day of March, 2011.

PARISH PRESIDENT ANNOUNCEMENTS

1. Ms. Sally Angers announced that they did receive information from the Corps of Engineers that the Parish should receive a refund of approximately \$778,000 for the Waste Water Treatment Plant Project.

COUNCIL MEMBER/STAFF ANNOUNCEMENTS

1. Mr. Bernard E. Broussard reminded that the Council that the Charter states there should be a minimum of three public hearing on reapportionment and requested that said hearings be scheduled as soon as possible.

ORDINANCES INTRODUCED FOR PUBLICATION:

SUMMARY NO. 4285 (Introduced by Bernard Broussard, District 6)
An Ordinance approving the reclassification request for Lot 1, Block 1 of Sugar Hills Estates, located at the Northwestern corner of the Sugar Hills Drive and LA 88 (Coteau Road) intersection, from Mixed Residential (R-2) to General Business (C-2), located in District 14, contingent upon review and approval by the District Attorney's Office.

SUMMARY NO. 4286 (Introduced by Glenn Romero, District 9)
An Ordinance amending Chapter 4, Article III of the Iberia Parish Code of Ordinances, for Special Events Permits to allow that organizations which rent public buildings for charitable benefits be waived from the requirements of the Special Events Permits regulations.

A motion was made by Ms. Maggie F. Daniels, seconded by Mr. Naray Hulin, that the Iberia Parish Council does hereby adjourn.

The motion carried.

I HEREBY CERTIFY THE FOREGOING TO BE EXACT AND TRUE:

Clerk of the Council