

JUNE 23, 2010

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, June 23, 2010.

The following members were recorded PRESENT:

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

ABSENT: Jerome Fitch.

OTHERS IN ATTENDANCE: Ernest Freyou, Parish President
Kevin Hagerich, Public Works Director
Eric Duplantis, Legal Counsel
John Raines, Permits, Planning and Zoning
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. Barry Verret, its Vice Chairman, who announced that the Council was now ready to conduct its business.

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A motion was made by Mr. Curtis Boudoin, seconded by Ms. Maggie F. Daniels, that the minutes of the Regular Meeting of May 12, 2010 be approved as published.

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, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the motion was declared adopted this 23rd day of June, 2010.

PERSONS TO ADDRESS THE COUNCIL:

1. Mr. Troy Courville and Mr. Art Mixon, representatives of Kolder, Champagne, Slaven and Company, addressed the Council to present the financial audit for fiscal year ending December 31, 2009. Mr. Courville stated that the Parish ended the year with \$701,733 in revenues over expenditures. Mr. Courville pointed out that internal controls were tested and noted that there were no issues of non-compliance.

Mr. Roger Duncan entered the meeting at 6:10 p.m.

Upon questioning, Mr. Courville stated that the Parish is in a good position at this time.

2. Mr. Mike Hefner, representing Geographic Planning and Demographic Services, then addressed the Council regarding the reapportionment process required by the 2010 Census. Mr. Hefner stated that the timeline would be very tight as the Census figures would not be released until March 2011. He pointed out that the Parish Council and the School Board have the same district lines and the School Board will be running this year with the current district lines. However, the Parish Council's election is in October 2011 and the Census timeline may not allow for a reapportionment plan to be adopted and approved prior to this election. Mr. Hefner stated that the Iberia Parish Home Rule Charter requires that the plan be adopted at least six months prior to qualifying for office, which would leave approximately three weeks to formulate a plan. Mr. Hefner stated that either the Council's election may be delayed if approval of a plan is not completed or the Council could qualify in the current districts.

Mr. Hefner stated that he could contact the School Board if the Parish wants to work with them on a joint plan as in previous years. Mr. Bernard E. Broussard suggested that the Council adopt a Resolution to request that the School Board join the Parish for a joint plan.

Vice Chairman Barry Verret pointed out that the Parish Council can call a Special Meeting to discuss this matter if the School Board is interested in participating in a joint plan once the Request for Proposals are received by the Parish.

A motion was made by Mr. M. Larry Richard, seconded by Mr. Naray Hulin, that the Iberia Parish Council does hereby recess its Regular Session and convene in Public Hearing to receive comments regarding Ordinances and/or Resolutions being considered for final adoption.

This motion to go into Public Hearing 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, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the motion was declared adopted this 23rd day of June, 2010.

Mr. Jimmy Landry stated that he is not in favor of "spot zoning" throughout the Parish and that he was in favor of Summary No. 4219, which denied a reclassification request.

Vice Chairman Barry Verret pointed out that a letter had been received from the property owner requesting that this item be deleted from the agenda.

Mr. Jimmy Landry challenged the authority of the property owner being allowed to delete an item from the agenda once the Planning Commission reviews it and makes a recommendation to the Council.

Planning, Permits, and Zoning Director John Raines informed the Council that he has spoken to Legal Counsel Eric Duplantis and the owner is not able to submit the same item to the Planning Commission for consideration within one year, whether it is deleted from the agenda or withdrawn by the owner. Mr. Raines noted that a substantial variation of the plan by the owner may be submitted and considered by the Planning Commission.

Mr. Raines pointed out that the recommendation of the Planning Commission regarding Summary No. 4219, was to deny the request for reclassification.

Mr. Naray Hulin questioned whether the property owner is allowed to request that an item be deleted from the agenda as he feels such a request should come from the Planning Commission or the author of the item. Vice Chairman Barry Verret pointed out that any member of the Council may delete an item off the agenda.

Upon requesting further public comments regarding proposed Ordinances/Resolutions and receiving no comments, the Chairman

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requested a motion to adjourn the Public Hearing and to reconvene into Regular Session.

A motion was made by Mr. Lloyd Brown, seconded by Mr. Troy Comeaux, that the Iberia Parish Council does hereby adjourn its Public Hearing and reconvene in Regular Session.

This motion to reconvene Regular Session 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, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the motion was declared adopted this 23rd day of June, 2010.

Vice Chairman Barry Verret requested that the Council consider Summary No. 4219 at this time.

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

ORDINANCE NO. 2010-06-4219

AN ORDINANCE DENYING A REQUEST FOR RECLASSIFICATION OF PROPERTY OF GLENN DEROUEN LOCATED TO THE EAST OF LA 88 (COTEAU ROAD), SOUTH OF BAYOU PARK PERDUE, DISTRICT 14, FROM AGRICULTURAL (A-1) TO INDUSTRIAL (I-1), ALL AS RECOMMENDED BY THE IBERIA PARISH REGIONAL ZONING COMMISSION.

THAT THE IBERIA PARISH COUNCIL DOES HEREBY ORDAIN:

- SECTION 1. The Department of Permitting, Planning, and Zoning received a request to reclassify the property of Glenn DeRouen located to the east of HWY 88 due south of Bayou Parc Perdue.
- SECTION 2. The applicant is proposing to reclassify ten (10) acres of property off of Landfill Access Road for the purpose of "constructing a pickup station" for solid waste which is to be dumped into a transfer truck to be transported to an approved 'disposal site'.
- SECTION 3. Adjacent to the site was the David Trahan Type III Landfill which is no longer operational, the property is surrounded by agricultural and residential uses, and there are other industrial uses along Highway 88 closer to Highway 90.
- SECTION 4. The applicant was requested to provide additional data on the drainage, environmental, transportation aspects of the proposed development as well as approvals from the Department of Environmental Quality which have not yet been provided.
- SECTION 5. The Iberia Parish Zoning Commission did notice the public and surrounding property owners in accordance with all legal requirements.
- SECTION 6. The Iberia Parish Zoning Commission conducted a public hearing on May 25, 2010, and received a significant amount of opposition from the surrounding public at the Public Hearing as well as support from the applicant and his business partners.
- SECTION 7. The Iberia Parish Zoning Commission did discuss the available options and their implications for tabling, approving, and/or denying the reclassification request.

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SECTION 8. The Iberia Parish Zoning Commission after accepting all public input, deliberation on their part, and proper motion and second did recommend denial of the reclassification request from Agricultural to Industrial (I-1).

SECTION 9. That the Iberia Parish Council does hereby recommend that the property of Glenn DeRouen located to the east of LA Highway 88 due south of Bayou Parc Perdue NOT be reclassified from Agricultural to Industrial (I-1).

SECTION 10. 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, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the Ordinance was declared adopted this 23rd day of June, 2010.

STANDING COMMITTEE ITEMS:

ITEM #2010-06-M (Introduced by John Berard, District 7)
Discuss and consider a Resolution in support of the establishment of a Veterans Administration Hospital to be located in the existing Lady of Lourdes Hospital when it becomes vacant.

Mr. Troy Comeaux pointed out that there are some efforts to establish the VA Hospital in the Southpark Complex temporarily until the Lady of Lourdes Hospital would be available and requested that this be incorporated into the Resolution if it was agreeable to all Council members.

A motion was made by Mr. John Berard, seconded by Mr. Naray Hulin, that this item be amended and moved forward to the next agenda of July 7, 2010.

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, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the motion was declared adopted this 23rd day of June, 2010.

ITEM #2010-06-N (Introduced by Parish President)
Discuss and consider a Resolution awarding a contract to Teche Roofing and Construction, Inc., for the FY 2008 LCDBG Housing Physical Accessibility Program Phase II units.

A motion was made by Mr. Lloyd Brown, seconded by Mr. Troy Comeaux, that this item be moved forward to the next agenda of July 7, 2010.

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, John Berard, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

ABSTAINING AT VOTING: Bernard E. Broussard .

And the motion was declared adopted this 23rd day of June, 2010.

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ITEM #2010-06-O (Introduced by Glenn Romero, District 9)

Discuss and consider a Resolution authorizing the consolidation of services of the Delcambre, Loreauville, and Jeanerette Fire Departments with the Iberia Parish Fire Protection District No. 1.

A motion was made by Mr. Glenn Romero, seconded by Mr. Roger Duncan, that this item be deleted from the agenda at this time.

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, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the motion was declared adopted this 23rd day of June, 2010.

ITEM #2010-06-P (Introduced by Parish President)

Discuss and consider a Resolution granting the authority to the Parish President to negotiate and execute a contract for engineering services for the Parish's FY 2009 La. Community Development Block Grant, Lydia Housing Program.

A motion was made by Mr. Roger Duncan, seconded by Mr. M. Larry Richard, that this item be moved forward to the next agenda of July 7, 2010.

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, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the motion was declared adopted this 23rd day of June, 2010.

ITEM #2010-06-Q (Introduced by Parish President)

Discuss and consider a Resolution amending Resolution No. 2010-171, adopted June 2, 2010, which authorized a Cooperative Endeavor Agreement with the Iberia Parish School Board to facilitate a project at the Hopkins Street Elementary School for in-kind services by the Parish in exchange for five portable buildings to be donated to Shepherd's Pantry, to amend said agreement to authorize the Parish President to purchase and/or to provide in-kind services commensurate with the value of five portable buildings which have been declared surplus by the Iberia Parish

School Board located at Hopkins Street School, not to exceed a value of \$5,000 and further to determine a funding source during discussion of this item.

A motion was made by Ms. Maggie F. Daniels, seconded by Mr. Glenn Romero, that this item be moved forward to the next agenda of July 7, 2010.

Parish President Ernest Freyou stated that the Parish would make an outright purchase of the portable buildings since the liability (with the removal of trees as in-kind services) was too risky.

Ms. Maggie F. Daniels questioned if the Parish could provide other in-kind services, such as the hauling away of debris instead of making an outright purchase of the portable buildings. Vice Chairman Barry Verret pointed out that the hauling away of debris should be the responsibility of the contractor performing the work for the School Board.

Upon questioning, Vice Chairman Barry Verret pointed out that Section 6 of the Cooperative Endeavor Agreement states that the "Parish will allow the use of the buildings" which means that they are not being donated to Sheppard's Pantry. Mr. Troy Comeaux requested that the proposed Summary be amended to delete the word "donate" since the Parish would retain ownership of said buildings.

Mr. Bernard E. Broussard pointed out that the Parish would be liable once the buildings are moved for as long as they are occupied by Sheppard's Pantry.

Upon questioning, Parish President Ernest Freyou stated that Sheppard's Pantry would be receiving all five of the portable buildings.

After further discussion, Vice Chairman Barry Verret suggested that the Council continue with the agenda while Legal Counsel Eric Duplantis reviews the proposed agreement and return to this item later in the meeting.

ITEM #2010-06-R (Introduced by Zoning Commission)

Discuss and consider a Resolution granting Preliminary Approval to Silver Oaks Subdivision (the property of Dr. Darryl J. Elias) located at the N/W intersection of Belle Place-Olivier Road and La. Highway 182, District 11, and further authorizing a waiver to Section 22-23 since the proposed cul-de-sac exceeds the maximum length, all as recommended by the Iberia Parish Regional Planning Commission.

A motion was made by Mr. M. Larry Richard, seconded by Mr. Naray Hulin, that this item be moved forward to the next agenda of July 7, 2010.

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, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

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NAYS: None.

ABSENT: Jerome Fitch.

And the motion was declared adopted this 23rd day of June, 2010.

ITEM #2010-06-S (Introduced by Roger Duncan, District 10)
Discuss and consider the status of the construction of fencing around the Jail Facility.

A motion was made by Mr. John Berard, seconded by Mr. Naray Hulin, that this item be discussed at this time.

Parish President Ernest Freyou stated that the Parish has adopted several Resolutions related to this proposed fencing project and he is waiting for guidance from the Council on how to proceed with this project.

Mr. Roger Duncan requested that the Council consider the initial request for funding in the amount of \$345,000 for said fencing. Mr. Bernard E. Broussard pointed out that an alternative plan for fencing could be completed at a cost of \$188,000, which would meet the needs for this project. Mr. Broussard pointed out that the Jail facility is aging and there will be costs associated with repairs and/or replacement of equipment, which costs are mandated for payment by the Parish. Mr. Naray Hulin pointed out that the Parish is not mandated to install fencing while other costs are mandated, as mentioned by Mr. Broussard.

Mr. Roger Duncan pointed out that while the fencing is not a mandated cost, it would diminish the risk of prisoners escaping from the facility, which could endanger the public.

Mr. Troy Comeaux stated that he feels the alternative fencing project is much more appropriate at this time, as the original plan's cost is excessive for a fence.

Mr. John Berard stated that he would support the original plan as Sheriff Ackal feels this to be a high priority project.

After further discussion, Mr. Roger Duncan suggested that the Council wait until the Royalty funds are distributed to make a determination.

Mr. Charles Williams pointed out that he felt that the items inside the jail, such as laundry equipment, electrical, etc. should take priority over the fencing project.

Hearing no further motion, Vice Chairman Barry Verret stated that no further action would be taken at this time and requested that the Council continue with the agenda.

ITEM #2010-06-T (Introduced by Lloyd Brown, District 4)
Discuss and consider a status report on the proposed Solid Waste Disposal and Recycling Contract, which is scheduled to expire in February 2011.

Mr. Lloyd Brown questioned the status of the renewal process at this time. Parish President Ernest Freyou stated that Mr. Pete Hoppe with PENSICO will have the Requests for Proposals (RFP) completed about the middle of July 2010. Mr. Freyou stated that RFP's will include all functions (solid waste and recycling) and the Council will decide what functions they will want to incorporate into a contract.

Vice Chairman Barry Verret requested that the Council resume discussion of Standing Committee #2010-06-Q at this time.

ITEM #2010-06-Q (Introduced by Parish President) - Continued
Legal Counsel Eric Duplantis explained that any changes to the proposed Resolution would have to be submitted to the Iberia Parish School Board for their review and approval since they have already considered this request and the proposed agreement was based on that request.

After further discussion, Mr. Glenn Romero pointed out that this situation is no different from the previous situation, wherein Shepherd's Pantry was allowed to utilize the Jacquemond Building as a storage facility. The building was owned and insured by the Parish and was only being utilized by Shepherd's Pantry for storage of their supplies.

Mr. Bernard E. Broussard suggested that the Parish Council move this item forward and adopt as is; however, Shepherd's Pantry would not be allowed to occupy the building until the remaining questions are resolved by the Council.

Vice Chairman Barry Verret stated that a motion was made to move this item forward, as amended to delete the word "donate" since the Parish is allowing the use of the buildings and to change the amount from \$5,000 to \$3,500. The Council agreed by general consensus to allow the amendment.

Mr. Naray Hulin requested that Mr. Viator with Shepherd's Pantry be invited to the July 7th meeting to answer any questions the Council may have regarding this item.

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

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

NAYS: Thomas J. Landry.

ABSENT: Jerome Fitch.

And the motion was declared adopted this 23rd day of June, 2010.

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A motion was made by Mr. Troy Comeaux, seconded by Mr. Roger Duncan, that the following be adopted:

ORDINANCE NO. 2010-06-4216

AN ORDINANCE AMENDING CHAPTER 17 OF THE IBERIA PARISH COMPILED ORDINANCES TO ENACT REGULATIONS TO PROHIBIT PUBLIC URINATION AND/OR EXPOSURE, ALL AS REVIEWED AND APPROVED BY THE DISTRICT ATTORNEY'S OFFICE AND THE SHERIFF'S DEPARTMENT.

THAT THE IBERIA PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That Chapter 17 of the Iberia Parish Compiled Ordinances is hereby amended as follows:

Urinating or defecating on public property or in public view.

It shall be unlawful for any person to urinate or defecate on the streets, in the gutters, on the sidewalks or in the alleys, driveways or other places near the streets, alleys, sidewalks or other places of public resort or while in public view on private property.

A person convicted of a violation of this Ordinance shall be punished by a fine not exceeding \$500.00, imprisonment for a term not exceeding 60 days, or both such fine and imprisonment.

SECTION 2. That all Ordinances or parts thereof in conflict herewith are hereby repealed.

SECTION 3. That this Ordinance has been reviewed and approved by the District Attorney's Office and the Sheriff's Office.

SECTION 4. 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, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the Ordinance was declared adopted this 23rd day of June, 2010.

A motion was made by Mr. Roger Duncan, seconded by Mr. Glenn Romero, that Summary No. 4217, which is an Ordinance abandoning Darryl A. Landry Road, located at the Port of Iberia, all as requested by th Port of Iberia District Board of Commissioners, be tabled until the July 14, 2010 meeting in order to meet the publication requirements.

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, Barry Verret, Glenn Romero, Roger Duncan, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

ABSTAINING: Charles Williams.

And the motion was declared adopted this 23rd day of June, 2010.

14990

A motion was made by Ms. Maggie F. Daniels, seconded by Mr. Bernard E. Broussard, that the following be adopted:

ORDINANCE NO. 2010-06-4218

AN ORDINANCE APPROVING A SPECIAL USE/CONDITIONAL USE PERMIT TO ALLOW A MOLASSES LOADING FACILITY ON LA 674 (ADMIRAL DOYLE DRIVE), EAST OF BURLEIGH ROAD, DISTRICT 12.

THAT THE IBERIA PARISH COUNCIL DOES HEREBY ORDAIN:

- SECTION 1. Quality Liquid Feeds is requesting a Special Use/Conditional Use Permit for the installation of a molasses loading facility on HWY 674 East of Burleigh Road.
- SECTION 2. Said property is currently zoned Agricultural (A-1), and, a molasses loading facility is allowed as a Special Use/Conditional Use Permit.
- SECTION 3. The Zoning Ordinance establishes the process for requesting a Special Use/Conditional Use and the property owner and authorized agent have satisfied all requirements of the Zoning Ordinance.
- SECTION 4. No objections were raised or voiced at the Zoning Commission Public Hearing and the request for a Special Use/Conditional Use Permit was duly, advertised and noticed.
- SECTION 5. Said applicant has provided all documentation supportive of the request for a Special Use/Conditional Use Permit which is attached hereto for your review and consideration.
- SECTION 6. The Zoning Commission conducted the required public hearing and decided after due deliberation and discussion to recommend approval of the Special Use/Conditional Use Permit application.
- SECTION 7. The Iberia Parish Council does hereby grant a Special Use/Conditional Use Permit for the installation of a molasses loading facility on HWY 674 East of Burleigh Road, conditional upon the application and terms of the approval recommended by the Zoning Commission.
- SECTION 8. 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, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the Ordinance was declared adopted this 23rd day of June, 2010.

14992

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

ORDINANCE NO. 2010-06-4220

AN ORDINANCE AUTHORIZING THE RECLASSIFICATION OF PROPERTY ON WINKLER DRIVE, DISTRICT 6, FROM MIXED RESIDENTIAL (R-2) TO SINGLE FAMILY RESIDENTIAL (R-1), ALL AS APPROVED BY THE ZONING COMMISSION.

THAT THE IBERIA PARISH COUNCIL DOES HEREBY ORDAIN:

- SECTION 1. The Department of Permitting, Planning, and Zoning received a request to reclassify property along both sides of Winkler Drive from all the area residents from Mixed Residential (R-2) to Single Family Residential (R-1).
- SECTION 2. Winkler Drive is located off of Old Spanish Trail with houses six (6) residences and one vacant area.
- SECTION 3. Winkler Drive ends in a cul-de-sac and has no other ingress/egress points, nor are any future street extends planned or contemplated for the area.
- SECTION 4. The property owners have requested the reclassification in an effort to maintain their single family character and nature of their surroundings.
- SECTION 5. The property owners all signed an application for reclassification.
- SECTION 6. The Iberia Parish Zoning Commission did comply with public notification requirements.
- SECTION 7. The Iberia Parish Zoning Commission conducted a public hearing on May 25, 2010.
- SECTION 8. The Iberia Parish Zoning Commission after accepting all public input, deliberation on their part, and proper motion and second did recommend reclassification of the site from Mixed Residential (R-2) to Single Family Residential (R-1).
- SECTION 9. The Iberia Parish Council does hereby approve that the property fronting on Winkler Drive be reclassified from Mixed Residential (R-2) to Single Family Residential (R-1).
- SECTION 10. 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

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Berard, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the Ordinance was declared adopted this 23rd day of June, 2010.

14994

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

RESOLUTION NO. 2010-158

A RESOLUTION GRANTING SUBSTANTIAL COMPLETION TO THE REMAINING PORTION OF PHASE I, AREA C OF THE 2009 ROAD IMPROVEMENTS PROJECT, WHICH PORTION INCLUDES IMPROVEMENTS CONSTRUCTED TO DARNALL ROAD.

WHEREAS, the Iberia Parish Government has contracted with M. Matt Durand, LLC for the Iberia Parish Road Improvements Project, Phase I, Area C; and

WHEREAS, it is the recommendation of the Project Engineers, Pensco, that Substantial Completion be granted to said project.

WHEREAS, members of the Iberia Parish Council have expressed Council concern regarding the improvements done to the Darnall Road; and

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby grant Substantial Completion for the Iberia Parish Road Improvements Project, Phase I, Area C, all as completed by M. Matt Durand, LLC, which portions includes improvements constructed to Darnall Road.

BE IT FURTHER RESOLVED, that this Resolution is adopted on the recommendation of Pensco, Project Engineers.

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

BE IT FURTHER RESOLVED, that this Resolution shall be recorded in the official records of the Iberia Parish Clerk of Court and further that the Parish President is hereby authorized to make final payment for said project upon receipt of a Clear Lien Certificate.

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, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the Resolution was declared adopted this 23rd day of June, 2010.

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

RESOLUTION NO. 2010-172

A RESOLUTION ACCEPTING THE FINANCIAL AUDIT AS COMPLETED BY KOLDER, CHAMPAGNE, SLAVEN AND COMPANY FOR FISCAL YEAR ENDING DECEMBER 31, 2009.

WHEREAS, the annual financial audit report has been prepared and submitted by Kolder, Champagne, Slaven and Company, LLC, Certified Public Accountants, for fiscal year ending December 31, 2009.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby accept and approve the annual financial compliance audit for Iberia Parish Government for fiscal year ending December 31, 2009, all as completed by Kolder, Champagne, Slaven and Company, LLC.

BE IT FURTHER RESOLVED, that copies of this Resolution and said audit reports shall be distributed to all necessary agencies for review.

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.

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.

Mr. M. Larry Richard recused himself from voting on this item since this firm provides services to his private business.

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, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

RECUSED AT VOTING: M. Larry Richard.

And the Resolution was declared adopted this 23rd day of June, 2010.

14996

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

RESOLUTION NO. 2010-177

A RESOLUTION AUTHORIZING THE ISSUANCE OF REQUESTS FOR PROPOSALS FOR THE REDISTRICTING OF IBERIA PARISH GOVERNMENT AND COUNCIL DISTRICTS AS REQUIRED BY THE 2010 CENSUS.

WHEREAS, the Iberia Parish Council must adopt the district boundaries for the Council districts as required by the 2010 Census; and

WHEREAS, it is the desire of the Iberia Parish Council to proceed with this process by requesting the issuance of Requests for Proposals for the redistricting of Iberia Parish Government and Council Districts.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby authorize the issuance of Requests for Proposals for the redistricting of Iberia Parish Government and Council Districts as required by the 2010 Census.

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, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the Resolution was declared adopted this 23rd day of June, 2010.

A motion was made by Mr. Lloyd Brown, seconded by Mr. John Berard, that Summary No. 178, which is a Resolution directing the Administration to proceed with the application process to receive grant funding through the Gustav/Ike CDBG Disaster Funding Program for projects other than the housing elevation/rehab project, including the Bayou Du Portage Drainage, Armenco Canal Drainage, Delcambre Grocery Store, etc., be deleted from the agenda as the Council has included this matter in the adoption of Resolution No. 2010-175, adopted on June 9, 2010.

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, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the motion was declared adopted this 23rd day of June, 2010.

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A motion was made by Mr. Curtis Boudoin, seconded by Mr. Lloyd Brown, that the following be adopted:

RESOLUTION NO. 2010-179

A RESOLUTION OF APPRECIATION TO COUNCILMAN BERNARD BROUSSARD AND THE LATE MR. LONNIE BEWLEY FOR THEIR ACHIEVEMENTS IN SECURING \$9,700,000 IN ROAD IMPROVEMENT BONDS TO PROVIDE FUNDING FOR THE 2009 ROAD PROJECT AND APPROXIMATELY \$6,100,000 IN LOCAL FUNDING FOR THE 2010 ROAD PROJECT, IN IBERIA PARISH.

WHEREAS, Iberia Parish Government was successful in securing \$9,700,000 in bonds to provide funding for the 2009 Road Project; and

WHEREAS, Iberia Parish Government was successful in providing \$6,100,000 in local funding for the 2010 Road Project; and

WHEREAS, District 6 Councilman Bernard E. Broussard and the late Mr. Lonnie Bewley of Foley and Judell, LLP, worked diligently and tirelessly to secure the funding on these projects.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby express its appreciation to Councilman Bernard Broussard and the late Mr. Lonnie Bewley for their achievements in securing \$9,700,000 in Road Improvement Bonds to provide funding for the 2009 Road Project and approximately \$6,100,000 in local funding for the 2010 Road Project, in Iberia Parish.

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.

Mr. Bernard E. Broussard recused himself from voting as this item involves him.

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, John Berard, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

RECUSED AT VOTING: Bernard E. Broussard.

And the Resolution was declared adopted this 23rd day of June, 2010.

A motion was made by Mr. Troy Comeaux, seconded by Mr. Roger Duncan, that the following be adopted:

RESOLUTION NO. 2010-180

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION WITH THE LA. DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT FOR A GRANT UNDER 49 CFR 5311, NON-URBANIZED FORMULA PROGRAM AND/OR 49 CFR 5309, DISCRETIONARY CAPITAL PROGRAM.

WHEREAS, the Secretary of Transportation and Development is authorized to make grants for mass transportation projects; and

WHEREAS, the contract for financial assistance will impose certain obligations upon the applicant; and

WHEREAS, it is required by the La. Department of Transportation and Development in accord with the provisions of Title VI of the Civil Rights Act of 1964, that in connection with the filing of an application for assistance that it will comply with Title VI of the Civil Rights Act of 1964 and the U.S. Department of Transportation requirements there under; and

WHEREAS, it is the goal of the Applicant that minority business enterprise be utilized to the fullest extent possible in connection with this project, and that definitive procedures shall be established and administered to ensure that minority businesses shall have the maximum feasible opportunity to compete for contracts when procuring construction contracts, supplies, equipment, or consultant and other services.

NOW, THEREFORE, BE IT RESOLVED, by the Iberia Parish Council:

1. That the SMILE Community Action Agency, Inc. is authorized to execute and file an application on behalf of Iberia Parish Government with the La. Department of Transportation and Development, to aid in the financing of operating and/or capital assistance pursuant to the Rural Public Transit Program, 49 CFR 5311 and/or the Discretionary Capital Program, 49 CFR 5309.
2. That the SMILE Community Action Agency, Inc. is authorized to execute and file with such applications, an assurance or any other document required by the La. Department of Transportation and Development effectuating the purposes of Title VI of the Civil Rights Act of 1964, as amended.
3. That the SMILE Community Action Agency, Inc. is authorized to furnish such additional information as the La. Department of Transportation and Development may require in connection with the application or the project.
4. That the SMILE Community Action Agency, Inc. is authorized to set forth and execute affirmative minority business policies in connection with the project's procurement needs.
5. That the SMILE Community Action Agency, Inc. is authorized to execute grant contract agreements on behalf of Iberia Parish Government with the La. Department of Transportation and

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Development for aid in the financing of the operating or capital assistance projects.

6. This Resolution is applicable for a period of one year unless revoked by the governing body and copy of such revocation shall be furnished to the DOTD.

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, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the Resolution was declared adopted this 23rd day of June, 2010.

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

RESOLUTION NO. 2010-181

A RESOLUTION ENDORSING THE APPLICATION OF DIAMOND B CONSTRUCTION COMPANY, LLC FOR THE LA. ENTERPRISE ZONE PROGRAM.

WHEREAS, the Louisiana Enterprise Zone Act, La. R.S. 51:1781-1791 offers significant incentives for economic development in the State; and;

WHEREAS, the business is located within Census Tract 313, Block Group 205, which may/may not be a designated Enterprise Zone or within the boundaries of Economic Development Zone (n/a), and

WHEREAS, Iberia Parish Council states this endorsement is in agreement with the Comprehensive Economic Development Strategy for their area, and;

WHEREAS, the **attached Enterprise Zone map** has been marked to show the location of the business being endorsed and;

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements, Iberia Parish Government agrees:

1. To participate in the Enterprise Zone Program.
2. To assist the Department in evaluating progress made in any Enterprise Zone within its jurisdiction.
3. To REBATE all eligible¹ local sales/use taxes levied by Iberia Parish Government for the purchase of eligible construction materials, machinery, and equipment purchased for this project and used by the business **permanently on that site.**

BE IT RESOLVED by Iberia Parish Government, in regular and legal session convened on June 23, 2010 and endorses Diamond B. Construction Company, LLC's Enterprise Zone Application #20100091 to participate in the Louisiana Enterprise Zone Program.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

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

¹ Eligible sales/use taxes are defined as all local sales/use taxes EXCEPT those that are dedicated to the repayment of a Bond issue. If the local government wishes to endorse the company's project but not to rebate any of the applicable sales/use taxes, then leave #3 out of this resolution.

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Berard, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the Resolution was declared adopted this 23rd day of June, 2010.

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

RESOLUTION NO. 2010-182

A RESOLUTION ENDORSING THE APPLICATION OF AMERICAN POLLUTION CONTROL CORPORATION FOR THE LA. ENTERPRISE ZONE PROGRAM.

WHEREAS, the Louisiana Enterprise Zone Act, La. R.S. 51:1781-1791 offers significant incentives for economic development in the State; and;

WHEREAS, the business is located within Census Tract 311, Block Group 402, which may/may not be a designated Enterprise Zone or within the boundaries of Economic Development Zone (n/a), and

WHEREAS, Iberia Parish Council states this endorsement is in agreement with the Comprehensive Economic Development Strategy for their area, and;

WHEREAS, the **attached Enterprise Zone map** has been marked to show the location of the business being endorsed and;

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements, Iberia Parish Government agrees:

1. To participate in the Enterprise Zone Program.
2. To assist the Department in evaluating progress made in any Enterprise Zone within its jurisdiction.
3. To REBATE all eligible² local sales/use taxes levied by Iberia Parish Government for the purchase of eligible construction materials, machinery, and equipment purchased for this project and used by the business **permanently on that site.**

BE IT RESOLVED by Iberia Parish Government, in regular and legal session convened on June 23, 2010 and endorses American Pollution Control Corporation's Enterprise Zone Application #20100745 to participate in the Louisiana Enterprise Zone Program.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

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

² Eligible sales/use taxes are defined as all local sales/use taxes EXCEPT those that are dedicated to the repayment of a Bond issue. If the local government wishes to endorse the company's project but not to rebate any of the applicable sales/use taxes, then leave #3 out of this resolution.

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Berard, Barry Verret, Glenn Romero, Roger Duncan, Charles Williams, M. Larry Richard, and Naray Hulin.

NAYS: None.

ABSENT: Jerome Fitch.

And the Resolution was declared adopted this 23rd day of June, 2010.

COUNCIL MEMBERS/PRESIDENT ANNOUNCEMENTS:

1. Mr. Roger Duncan clarified that the correspondence from Senator Troy Hebert indicating that he had requested \$150,000 for the SugArena was actually a request from the Council and not him personally.
2. Mr. Bernard E. Broussard requested that Mr. Mike Hefner review State laws to determine if there is any exception to that section of the Iberia Parish Home Rule Charter which requires the Parish to adopt a Reapportionment Plan at least six months prior to the time of qualifying for office.
3. Mr. Lloyd Brown requested that a status report be provided by Mr. Richard Minvielle as soon as it is available in relation to the application process as authorized by the adoption of Resolution No. 2010-175 on June 9, 2010.
4. Ms. Maggie F. Daniels requested that the Administration provide a report to the Council when the decision is made to move and/or demolish the Jacquemoud Building prior to commencement of same.
5. Mr. Barry Verret requested that the Council be informed of any road and/or bridge closures as soon as possible. Parish President Ernest Freyou stated that notices are provided to the Council staff for distribution.

ORDINANCES INTRODUCED FOR PUBLICATION:

None.

A motion was made by Mr. Curtis Boudoin, seconded by Mr. Roger Duncan, 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