

NOVEMBER 2, 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, November 2, 2011.

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, Jerome Fitch, Aquicline Rener-Arnold, and Naray Hulin.

ABSENT: M. Larry Richard.

OTHERS IN ATTENDANCE: Sally Angers, Chief Administrative Officer  
Kevin Hagerich, Public Works Director  
Eric Duplantis, Legal Counsel

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.

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

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

YEAS: Curtis Boudoin, Thomas J. Landry, Troy Comeaux, Bernard E. Broussard, John Berard, Barry Verret, Glenn Romero, Roger Duncan, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

ABSENT AT VOTING: Maggie F. Daniels, Lloyd Brown, and Jerome W. Fitch.

And the motion was declared adopted this 2nd day of November, 2011.

Ms. Maggie F. Daniels entered the meeting at 6:03 p.m.

Mr. Stephen Minvielle addressed the Council to thank them for delaying the adoption of Summary No. 4320, which is an Ordinance Summary to adopt the FIRM maps, as it allowed him the opportunity to meet with and speak to FEMA about concerns he had regarding his property and its designation on said maps. Mr. Minvielle also thanked Ms. Carmen Judice for assisting him with this matter.

Mr. Jerome W. Fitch entered the meeting at 6:05 p.m.

Mr. Jerome W. Fitch requested that the right to speak be reserved for Ms. Van Brocklin, who was not yet in attendance at this meeting, regarding Standing Committee Item C, which is a proposed Ordinance amending the Iberia Parish Compiled Ordinances to amend the speed limit from 45 mph to 55 mph on Darnall Road from La. 182 (Old Spanish Trail) to U. S. Highway 90, located in District 10.

Ms. Van Brocklin then entered the meeting and submitted a petition to the Council which requests that the speed limit remain at 45 mph and feels it is a safety issue as there are many children in this area.

Upon hearing no comments, a motion was made by Mr. Naray Hulin, seconded by Mr. Barry Verret, 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, Troy Comeaux, Bernard E. Broussard, John Berard, Barry Verret, Glenn Romero, Roger Duncan, Jerome Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

ABSENT AT VOTING: Lloyd Brown.

And the motion was declared adopted this 2nd day of November, 2011.

Mr. Lloyd Brown entered the meeting at 6:09 p.m.

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

ORDINANCE NO. 2011-11-4320

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE II OF THE IBERIA PARISH COMPILED ORDINANCES, ENTITLED FLOOD DAMAGE PREVENTION, TO REFLECT UPDATED REGULATIONS AND REQUIREMENTS MANDATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) UNDER THE NATIONAL FLOOD INSURANCE PROGRAM AND FURTHER ADOPTING THE UPDATED FLOOD INSURANCE RATE MAPS AS PRESENTED BY FEMA.

THAT THE IBERIA PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That Chapter 6, Article II of the Iberia Parish Compiled Ordinances is hereby amended as follows:

ARTICLE II  
FLOOD DAMAGE PREVENTION ORDINANCE

DIVISION 1. GENERALLY

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

SECTION 6-31. STATUTORY AUTHORIZATION

The Legislature of the State of Louisiana has statute LRS 38:84 delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Iberia Parish Council of Iberia Parish, Louisiana does ordain as follows:

SECTION 6-32. FINDINGS OF FACT

- (a) The flood hazard areas of Iberia Parish are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (b) These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, flood proofed, or otherwise protected from flood damage.

SECTION 6-33. STATEMENT OF PURPOSE

It is the purpose of this article to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood-control projects;
- (3) Minimize the need for rescue and relief efforts associated

with flooding and generally undertaken at the expense of the general public;

- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
- (6) Help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- (7) Insure that potential buyers are notified that property is in a flood area.

#### SECTION 6-34. METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this article uses the following methods:

- (1) Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels and natural protective barriers, which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging and other development which may increase flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

#### DIVISION 2 - DEFINITIONS

#### SECTION 6-35. DEFINITIONS

Unless specifically defined below, words or phrases used in this article shall be interpreted to give them the meaning they have in common usage and to give this division its most reasonable application.

"Alluvial fan flooding" means flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

"Appeal" means a request for a review of the building officials' interpretation of any provisions of this article or a request for a variance.

"Appex" means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appurtenant structure" means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure. "Area of future conditions flood hazard" means the land area that would be inundated by the 1 -percent-annual chance (100 year) flood based on future conditions hydrology.

"Area of shallow flooding" means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the flood plain within a community subject to a one (1) per cent or greater chance of flooding in any given year. The area may be designated as Zone A on the FIRM. After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE OR V.

"Base flood" means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

"Base flood elevation" The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one (1) per cent chance of equaling or exceeding that level in any given year - also called the Base Flood.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Building permit" means a permit required for all proposed construction or other development, including mobile homes in any area of special flood hazard.

"Coastal high hazard area" means the area subject to high velocity waters, including, but not limited to, hurricane wave wash to tsunamis. The area is designed on FIRM as Zone V1-30.

"Critical feature" means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

"Cumulative substantial damage" - see definition for "Substantial Damage"

"Development" is defined to mean any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

"Existing construction" means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for the FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

"Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

"Flood insurance rate map (FIRM)" means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" is the official report provided by the Federal Emergency Management Agency. The sources of authority for this Flood Insurance Study are the National Flood Insurance Act of 1968 and the Flood Disaster Protection Act of 1973. The report contains flood profiles, the water surface elevation of base flood, as well as the Flood Insurance Rate Map.

"Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of flooding).

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

"Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations,

in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

"Flood protection system" means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

"Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" means the channel of the river, creek or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of flood plain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Functionally dependent use" means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) Listed individually in the National Register of Historic Places ( a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

- (a) By an approved state program as determined by the Secretary of the Interior or;
- (b) Directly by the Secretary of the Interior in states without approved programs.

"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

"Levee System" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 60.3 of the National Flood Insurance Program regulations.

"Manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on site for greater than one hundred eighty (180) consecutive days. For instance purposes, the term "manufactured home" does not include park trailers, travel trailers and other "recreational vehicles".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the average height of the sea for all stages of the tide, as referenced to, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map.

"New construction" means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"Primary Frontal Dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

"Recreational Vehicle" means a vehicle which is: (i) built on a single chassis; (ii) four hundred (400) square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river and other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of a beach.

"Special Flood Hazard Area" - see Area of Special Flood Hazard.

"Start of construction" (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial Damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. "Substantial damage" also means flood-related damages sustained by

a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty five (25) percent of the market value of the structure before the damaged occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) per cent of the market value of the structure before "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration or any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

"Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in NFIP Regulations, Section 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5), is presumed to be in violation until such time as that documentation is provided.

"Water Surface Elevation" means the height, in relation to the North American Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitude and frequencies in the floodplains of coastal or riverine areas.

### DIVISION 3 - GENERAL PROVISIONS

#### SECTION 6-36. LANDS TO WHICH THIS ORDINANCE APPLIES

This article shall apply to all areas of special flood hazard within the jurisdiction of the Iberia Parish Council.

#### SECTION 6-37. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Iberia Parish, Louisiana and incorporated areas," dated, Dec. 2, 2011, with accompanying digital Flood Insurance Rate Maps (FIRM) dated Dec. 2, 2011, and any revisions thereto are hereby adopted by reference and declared to be a part of this ordinance.

#### SECTION 6-38. ESTABLISHMENT OF DEVELOPMENT/BUILDING PERMIT

A Floodplain development/building permit shall be required to ensure conformance with the provisions of this ordinance.

#### SECTION 6-39. COMPLIANCE

No structure or land shall hereafter be located, altered or have its use changed without full compliance with the terms of this ordinance and other applicable regulations.

#### SECTION 6-40. ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### SECTION 6-41. INTERPRETATION

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under State statutes.

#### SECTION 6-42. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. The ordinance shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

#### SECTION 6-43. FENCES, HEDGES, ETC. - INTERSECTIONS

On a corner lot, no fence, wall, hedge or other structure or planting shall be erected, placed or maintained within the triangular area formed by the intersecting street lines and a straight line joining said street lines at points which are twenty (20) feet distance from the point of intersection, measured along said street lines from the road surface.

#### SECTIONS 6-44. THROUGH 6-51. RESERVED

### DIVISION 4 - ADMINISTRATION

#### SECTION 6-52. DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The Building Official is hereby authorized to designate the Building Permit Office Manager as the Floodplain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 Code of Federal Regulations (CFR) (Emergency Management and Assistance - National Flood Insurance

Program Regulations) pertaining to floodplain management, for all unincorporated areas of Iberia Parish.

SECTION 6-53. DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

- (1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance;
- (2) Review permit application to determine whether, and to ensure, that the proposed building site project, including the placement of manufactured homes, will be reasonably safe from flooding;
- (3) Review, approve or deny all applications for development/building permits required by section 6-38 of this article;
- (4) Review permits for proposed development to assure that all necessary permits have been obtained from those Federal, State or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;
- (5) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 6-55 (b) of this article;  
Notify, in riverine situations, adjacent communities and the State Coordinating Agency which is Department of Transportation and Development, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (6) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
- (7) When base flood elevation data has not been provided in accordance with Division 3, Section 6-36, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a Federal, State or other source, in order to administer the provisions of Division 5 of this ordinance.
- (8) When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted with Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- (9) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one (1) foot, provided that the community first completes all of the provisions required by Section 65.12

SECTION 6-54. PERMIT PROCEDURES

- (a) Application for a Floodplain Development/Building permit shall be presented to the Floodplain Administrator on forms furnished by him/her and may include, but not limited to, plans in duplicate drawn to scale showing the location, dimensions and elevation of proposed landscape alterations, existing and proposed structures, including the placement of manufactured homes, and the location of the foregoing in relation to areas of special flood hazard. Additionally, the following information is required:
- (1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
  - (2) Elevation in relation to mean sea level to which any nonresidential structure shall be flood proofed;
  - (3) A certificate from a registered professional engineer or architect that the nonresidential flood proofed structure shall meet the flood proofing criteria of Division 5, Section 6-67 (2);
  - (4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
  - (5) Maintain a record of all such information in accordance with Division 4, Section 6-53 (2).
- (b) Approval or denial of a Floodplain development/building permit by the Floodplain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:
- (1) The danger of life and property due to flooding or erosion damage;
  - (2) The susceptibility of the proposed facility and its content to flood damage and the effect of such damage on the individual owner;
  - (3) The danger that materials may be swept onto other lands to the injury of others;
  - (4) The compatibility of the proposed use with existing and anticipated development;
  - (5) The safety of access of the property in times of flood for ordinary and emergency vehicles;
  - (6) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems;
  - (7) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and effects of wave action, if applicable, expected at the site;
  - (8) The necessity to the facility of waterfront locations, where applicable;
  - (9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.

SECTION 6-55. VARIANCE PROCEDURES

- (a) The Iberia Parish Regional Planning Commission, as established by the Iberia Parish Council, shall hear and render judgment on requests for variances from the requirements of this ordinance.
- (b) The Iberia Parish Council shall hear and render judgment on appeal only when it is alleged there is an error in any

- requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this ordinance.
- (c) Any person or persons aggrieved by the decision of the Iberia Parish Council may appeal such decision in the courts of competent jurisdiction.
  - (d) The Floodplain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Iberia Parish Council monthly and the Federal Emergency Management Agency upon request.
  - (e) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this ordinance.
  - (f) Variances may be issued for new construction and substantial improvements to be erected on a lot of  $\frac{1}{2}$  acre or less in contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factor in Section 6-54(b) of this Article have been fully considered. As the lot size increases beyond the  $\frac{1}{2}$  acre, the technical justification required for issuing the variance increases.
  - (g) Upon consideration of the factors noted above and the intent of this article, the Iberia Parish Regional Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purpose and objectives of this ordinance (Division 1, Section 6-33).
  - (h) Variances shall not be issued within any designated flood-way if any increase in flood levels during the base flood discharge would result.
  - (i) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  - (j) Prerequisites for granting variances:
    - (1) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
    - (2) Variance shall only be issued upon:
      - i. A showing of good and sufficient cause;
      - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
      - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
    - (3) Any application to which a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.
  - (k) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use

provided that: (i) the criteria outlined in Division 4, Section 6-55 (a) - (i) are met, and (ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

SECTIONS 6-56. THROUGH 6-65. RESERVED

#### DIVISION 5 - PROVISIONS FOR FLOOD HAZARD REDUCTION

##### SECTION 6-66. GENERAL STANDARDS

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

- (1) All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (3) All new construction or substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
- (4) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharges from the systems into flood waters;
- (5) New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the systems into flood waters;
- (6) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- (7) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

##### SECTION 6-67. SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data has been provided as set forth in: (i) Division 3, Section 6-37, (ii) Division 4, Section 6-53 (8) or (iii) Division 5, Section 6-69 (3), the following provisions are required:

- (1) "Residential Construction". New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to or above the base flood elevation plus one (1) foot. A registered professional engineer, architect or land surveyor shall submit a certification to the Floodplain Administration that the standard of this subsection, as proposed in Division 4, Section 6-54(a)(1) is satisfied.
- (2) "Nonresidential construction". New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either have the lowest

floor (including basement) elevated to or above the base flood level plus one (1) foot or, together with attendant utility and sanitary facilities, be designed so that below the base flood level plus 1 foot, the structure is water-tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. A record of such certification which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained by the Floodplain Administrator.

- (3) "Enclosures". For all new construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - (a) A minimum of two (2) openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (b) The bottom of all openings shall be no higher than one (1) foot above grade.
  - (c) Openings may be equipped with screens, louvers or other coverings or devices; provided that they permit the automatic entry and exit of flood waters.
- (4) "Manufactured Homes":
  - (a) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction of the foundation and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection. Substantially improved manufactured homes within Zone A shall be elevated on a permanent foundation such that the bottom of the longitudinal structural I-Beam of the manufactured home is at or above the base flood elevation plus one (1) foot and shall be securely anchored to an adequately anchored foundation system in accordance with the provisions or subsection (4)b below:
  - (b) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites, (i) outside of a

manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the bottom of the longitudinal structural I beam of the manufactured home is elevated to or above the base flood elevation level plus one (1) foot and be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement:

- (1) A registered professional engineer or architect shall develop the structural foundation design, specifications, plans and methods of construction and shall certify that the foundation design and methods are in accordance with accepted standards of practice as outlined in this subsection and shall meet all Federal, State and local codes.
  - (2) Any additions to the manufactured home be similarly designed and approved by a registered professional engineer or architect and shall be anchored according to the specifications.
- (c) For new manufactured home parks and subdivisions; for expansions to existing manufactured home parks and subdivisions; for existing manufactured home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equal or exceed fifty (50) per cent value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and for manufactured homes not placed in a manufactured home park or subdivision:
- (1) Stands or lots are elevated on compacted fill or on pilings so that the bottom of the longitudinal structural I-Beam of the mobile home will be at or above the base flood level plus one (1) foot. A registered professional engineer, architect or land surveyor shall submit a certification to the building official that the standard of this paragraph complies with subsection (1) of this section.
  - (2) Adequate surface drainage and access for a hauler are provided; and
  - (3) In the instance of elevation on pilings:
    - i. Lots are large enough to permit steps;
    - ii. Piling foundations are placed in stable soil no more than ten (10) feet apart; and
    - c. Reinforcement is provided for pilings more than six (6) feet above ground level.
- (d) Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph 4 b) of this section be elevated so that either:
- i. The bottom of the longitudinal structural I beam of the manufactured home is at or above the base flood elevation plus one (1) foot, or
  - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36

inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (5) "Recreational Vehicles" - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either, (i) be on site for fewer than one hundred eighty (180) consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of Division 4, Section 6-54(a), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) of this section. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

#### SECTION 6-68. STANDARDS FOR AREA OF SHALLOW FLOODING (AO/AH ZONES)

Located within the areas of special flood hazard established in Division 3, Section 6-37 are areas designated as shallow flooding. These areas have special flood hazards associated with flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (1) All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to or above the base flood elevation plus one (1) foot or the highest adjacent grade at least as high as the depth number plus one (1) foot, specified in feet on the community's FIRM (at least three (3) feet if no depth number is specified).
- (2) All new construction and substantial improvements of nonresidential structures shall:
  - (a) Have the lowest floor (including basement) elevated to or above the base flood elevation plus one (1) foot or the highest adjacent grade at least as high as the depth number plus one (1) foot, specified in feet on the community's FIRM (at least three (3) feet if no depth number is specified); or
  - (b) Together with attendant utility and sanitary facilities, be designed so that below the base flood depth plus one (1) foot, in an AO Zone, or below the Base Flood Elevation plus one (1) foot in an AH Zone, level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
- (3) A registered professional engineer or architect shall submit a certification to the Floodplain Administrator that the standards of this section, as proposed in Division 4, Section 6-54 are satisfied.
- (4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

#### SECTION 6-69. STANDARDS FOR SUBDIVISION PROPOSALS

The following standards shall apply for subdivision proposals:

- (1) All subdivision proposals including the placement of

- manufactured home parks and subdivisions shall be consistent with Article 2, Sections 6-32, 6-33 and 6-34 of this article.
- (2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Floodplain development/building permit requirements of Division 3, Section 6-38, Division 4, Section 6-54 and the provisions of Division 5, of this division.
  - (3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than fifty (50) lots or five (5) acres, whichever is lesser, if not otherwise provided pursuant to Division 3, Section 6-37 or Division 4, Section 6-53 (8) of this article.
  - (4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have public utilities and facilities, such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
  - (5) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.

#### SECTION 6-70. FLOODWAYS

Floodways - located within areas of special flood hazard established in Division 3, Section 6-37, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

- (1) Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) If Division 5, Section 6-70 (1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provision of Division 5.
- (3) Under the provisions of 44 CFR Chapter 1, Section 65:12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by Section 65:12.

#### SECTION 6-71. "COASTAL HIGH HAZARD AREAS (V ZONES)"

Located within the areas of special flood hazard established in Division 3, Section 6-37 are areas designated as coastal high hazard areas (Zones V1-30, VE, and/or V). These areas have special flood hazards associated with high-velocity waters from tidal surges and hurricane wave wash; therefore, in addition to meeting all provisions outlined in this article, the following provisions must also apply:

- (a) Obtain the elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings and columns) of all new and

- substantially improved structures, and whether or not such structures contain a basement. The Floodplain Administrator shall maintain a record of all such information.
- (b) All new construction shall be located landward of the reach of mean high tide.
  - (c) All new and substantially improved structures improvements shall be elevated so that:
    - (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is at or above the base flood elevation level plus one (1) foot, with all space below the lowest supporting member open so as not to impede the flow of water, except for breakaway walls as provided for in subsection (h) below.
  - (d) All new construction and substantial improvements shall be elevated on pilings and columns so that:
    - (1) The bottom of the lowest horizontal structural member of the lowest floor (excluding the piling or columns) is elevated to or above the base flood level plus one (1) foot; and
    - (2) The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (d) (1) and (2) of this Section.
  - (e) Compliance with provisions contained in subsection (c) and (d) above shall be certified by a registered professional engineer or architect.
  - (f) Prohibit the use of fill used as structural support of buildings.
  - (g) Prohibit man-made alteration of sand dunes and mangrove stands that increase potential flood damage.
  - (h) Enclosures may be allowed below the base flood elevation; provided, that all new construction and substantial improvements within zones V1-30, VE, and V on the Parish's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse; displacement or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this section, a breakaway wall shall have design safe loading resistance of not less than ten (10) or no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when so required by local or state codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions.
    - (1) Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
    - (2) The elevated portion of the building and supporting

foundation system shall not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable State or local building standards. Such enclosed space shall be usable solely for parking vehicles, building access or storage. Such space shall not be used for human habitation.

- (i) Any alteration, repair, reconstruction or improvements to a structure started after the enactment of this article shall not enclose the space below the lowest floor unless breakaway walls are used as provided for subsection (h) above.
- (j) Manufactured Homes - Require that manufactured homes placed or substantially improved with Zone V1-30, V, and VE on the community's FIRM on site, (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, meet the standards of paragraphs (a) through (i) of this section and that manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within Zones V1-30, V, and VE on the community's FIRM meet the requirements of paragraphs (a) through (i) of this section.
- (k) Recreational Vehicles - require that recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's FIRM either, (i) be on site for fewer than 180 consecutive days, or (ii) be fully licensed and ready for highway use, or (iii) meet the requirements in Division 3, Section 6-38 of this ordinance and paragraphs (a) through (i) of this section. A recreational vehicle is ready for highway use if it is on wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

#### SECTION 6-72. SEVERABILITY

If any section, clause sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

#### SECTIONS 6-73. THROUGH 6-74. RESERVED

### DIVISION 6 - ZONE A SLAB REGULATIONS

#### SECTION 6-75. UNNUMBERED A ZONES

The Iberia Parish Council recognizes that the FIRM adopted in Section 6-37 includes unnumbered A zones, for which base flood elevations shall be determined using the best available data. All structures built in those unnumbered Zone A areas of Iberia Parish, shall be constructed with the lowest floor elevations as designated by the appointed Floodplain Administrator using the best available data.

These standards apply to all A zones as shown on the FIRM published by Federal Emergency Management Agency. These are minimum standards for A zones and may be superseded by a generation of 100-year base flood elevation information or base flood data whichever is higher.

SECTION 6-76. PENALTIES FOR NON COMPLIANCE

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$250.00 or imprisoned for not more than thirty (30) days, or both, for each violation. Each day the violation continues shall be deemed a new violation. In addition, the violator shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Iberia Parish Council of Iberia Parish from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTIONS 6-77. THROUGH 6-80. RESERVED

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, Barry Verret, Glenn Romero, Roger Duncan, Jerome Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the Ordinance was declared adopted this 2nd day of November, 2011.

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

ORDINANCE NO. 2011-11-4321

AN ORDINANCE ESTABLISHING A POLICY TO ESTABLISH A DATABASE REQUIRING NOTIFICATION AND/OR REGISTRATION BY HOME HEALTH EQUIPMENT SUPPLIERS IN ORDER TO ALERT EMERGENCY PERSONNEL OF THE PRESENCE OF OXYGEN TANKS ON THE PREMISES IN THE EVENT OF AN EMERGENCY RESPONSE, ALL AS RECOMMENDED BY THE IBERIA PARISH FIRE PROTECTION DISTRICT NO. 1 BOARD.

THAT THE IBERIA PARISH COUNCIL DOES HEREBY ORDAIN:

SECTION 1. That the Iberia Parish Compiled Ordinances is hereby amended to establish a policy to establish a database requiring notification and/or registration by home health equipment suppliers in order to alert emergency personnel of the presence of oxygen tanks on the premises in the event of an emergency response, all as recommended by the Iberia Parish Fire Protection District No. 1 Board, as follows:

Notification and/or Registration of Oxygen Containers.

(a) Any Home Health equipment supplier providing the delivery of oxygen tanks to any person and/or business in Iberia Parish shall be required to notify and/or register the address of said person and/or business at the time the delivery is completed in the following methods:

- (1) By completing a form provided by the Iberia Parish Fire Protection District No. 1 which shall provide the physical address and city of the delivery; and
- (2) By placing a decal provided by the Iberia Parish Fire Protection District No. 1 on all outside entry doors into the residence where the oxygen tanks are in use and/or stored.

(b) The Iberia Parish Fire Protection District No. 1 will establish and maintain a database to alert emergency personnel of the presence of oxygen tanks on the premises in the event of an emergency response.

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, Barry Verret, Glenn Romero, Roger Duncan, Jerome Fitch, Aquicline Renner-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the Ordinance was declared adopted this 9th day of November, 2011.

Ms. Maggie F. Daniels requested that this Ordinance be forwarded to the Police Jury Association of Louisiana for adoption at their Annual Conference and to all Louisiana parishes also.

Chairman Roger Duncan requested that the Council consider Standing Committee Item #2011-11-C at this time. Hearing no objection from those present, Chairman Duncan proceeded to this item.

ITEM #2011-11-C (Introduced by Roger Duncan, District 10)  
Discuss and consider an Ordinance amending the Iberia Parish Compiled Ordinances to amend the speed limit from 45 mph to 55 mph on Darnall Road from La. 182 (Old Spanish Trail) to U. S. Highway 90, located in District 10.

Chairman Duncan requested that the Council table this item at this time as he has been contacted by residents also who are in favor of increasing the speed limit in this area. If the Council would consider tabling this item, it would allow him the opportunity to gather signatures on a petition.

A motion was made by Mr. Bernard E. Broussard, seconded by Mr. Troy Comeaux, that Standing Committee Item #2011-11-C be tabled at this time.

This motion to table, 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, Jerome Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the motion to table was declared adopted this 2nd day of November, 2011.

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

RESOLUTION NO. 2011-293

A RESOLUTION AMENDING THE 2011 GENERAL FUND BUDGET IN THE AMOUNT OF \$71,371 TO PROVIDE FUNDING FOR EMERGENCY REPAIRS BY OTIS ELEVATOR COMPANY, IN ORDER TO INSTALL A NEW CYLINDER WITH SEALED PVC PROTECTION AND TO INSTALL A DIRECT LINE TELEPHONE TO THE FOURTH FLOOR RECEPTIONIST ON THE MAIN COURT BUILDING ELEVATOR WHICH SERVICES THE BASEMENT AND FOUR FLOORS, ALL TO FUNDED FROM THE 2011 GENERAL FUND BUDGET, PUBLIC BUILDING MAINTENANCE FUND BALANCE - PREVIOUS YEARS, AND FURTHER AUTHORIZING THE PARISH PRESIDENT TO EXECUTE SAID SERVICE AND REPAIR ORDER.

WHEREAS, the Main Court Building consists of a three-level structure with an additional five-level structure; and

WHEREAS, the offices in said building is serviced by two elevators, specifically, one that provides access from the Basement to the Second Floor and another that provides access from the Basement to the Fourth Floor; and

WHEREAS, the elevator that provides access from the Basement to the Fourth Floor is in need of repairs for the replacement of at least a cylinder head and/or a cylinder in order to make it operable; and

WHEREAS, Otis Elevator Company is the current service provider and they have provided a Service and Repair Order for these repairs at a cost of \$71,371; and

WHEREAS, it is the intentions of the Iberia Parish Council that a direct line telephone to the Fourth Floor Receptionist be installed during the repairs of said elevator.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby amend the 2011 General Fund Budget in the amount of \$71,371 to provide funding for emergency repairs by Otis Elevator Company, in order to install a new cylinder with sealed PVC Protection and to install a direct line telephone to the Fourth Floor receptionist on the Main Court Building elevator which services the Base and Four Floors.

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

BE IT FURTHER RESOLVED, that the Parish President is hereby authorized to execute said Service and Repair Order.

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, Jerome Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the Resolution was declared adopted this 2nd day of November, 2011.

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

RESOLUTION NO. 2011-283

A RESOLUTION REQUESTING SUDDEN LINK TO CONSIDER THE INSTALLATION OF CABLE AND/OR INTERNET SERVICE ON L. ROMERO ROAD, DISTRICT 13.

WHEREAS, Sudden Link services residents throughout Iberia Parish; and

WHEREAS, while cable and/or internet services are available to a majority of the Parish, there are some areas within Iberia Parish where service is not accessible; and

WHEREAS, the residents of L. Romero Road are requesting that cable and/or internet service be expanded to this area.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby request Sudden Link to continue the installation of cable and/or internet service on L. Romero Road, District 13.

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, Jerome Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the Resolution was declared adopted this 2nd day of November, 2011.

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

RESOLUTION NO. 2011-284

A RESOLUTION AMENDING THE 2011 AIRPORT AUTHORITY FUND BUDGET TO PROVIDE FOR VARIOUS ADJUSTMENTS TO TOTAL REVENUES AND TOTAL EXPENDITURES, INCLUDING (1) FUNDING FOR AIRFIELD STRIPING, (2) REPAIR CARD FOR AIR TRAFFIC CONTROL TOWER, (3) INCREASED UTILITY COSTS AT BUILDINGS, (4) RUNWAY LIGHT VAULT SURGE PROTECTOR, AND (5) REVENUE ADJUSTMENTS.

WHEREAS, the Iberia Parish Airport Authority has requested amendment to its budget to provide for various adjustments to total revenues and total expenditures; and

WHEREAS, said amendments include funding for airfield striping, repair card for Air Traffic Control Tower, increased utility costs at buildings, runway light vault surge protector, and revenue adjustments; and

WHEREAS, it is necessary to amend said budget to facilitate this adjustment.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby amend the 2011 Airport Authority Fund Budget to provide for various adjustments, as follows:

| <u>ACCOUNT NO.</u>    | <u>ACCOUNT TITLE</u> | <u>BUDGET</u> | <u>ADJUSTMENT</u> |
|-----------------------|----------------------|---------------|-------------------|
| Revenues:             |                      |               |                   |
| 446005 0000 0000 0000 | Rental-Aviation      | \$1,055,743   | \$-121,005        |
| 446007 0000 0051 0000 | Rental-Lemaire       | \$17,040      | \$-6,000          |
| 446001 0000 0000 0000 | Fees-Flowage         | \$53,000      | \$36,000          |
| 446004 0000 0000 0000 | Rental-LEF Storage   | -0-           | \$28,740          |
| 446006 0000 0000 0000 | Rental-Leased Sites  | \$150,000     | \$39,271          |
| 447010 0000 0000 0000 | Miscellaneous Revs   | \$1,000       | \$50,000          |
| 446001 0000 0051 0000 | Fees-Flowage         | \$20,000      | \$9,000           |
| Expenditures:         |                      |               |                   |
| 543400 6520 0052 0000 | Rep & Mtce-Other     | \$9,000       | \$9,700           |
| 533000 6520 0001 0000 | Professional Servs   | \$30,000      | \$-9,700          |
| 543200 6520 0054 0000 | Rep & Mtce-Equip     | \$7,000       | \$8,006           |
| 562000 6520 0053 0000 | Utilities            | \$17,000      | \$6,000           |
| 574100 6520 0052 0000 | Equip & Furniture    | -0-           | \$22,000          |
| 552000 6520 0001 0000 | Insurance            | \$52,300      | \$-16,000         |
| 543300 6520 0002 0000 | Rep & Mtce-Vehicles  | \$14,900      | \$7,500           |
| 543400 6520 0051 0000 | Rep & Mtce-Other     | \$17,800      | \$8,500           |

BE IT FURTHER RESOLVED, that said total appropriation shall be funded the 2010 Airport Authority Fund Budget.

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: Curtis Boudoin, Thomas J. Landry, Lloyd Brown, Troy Comeaux, Bernard E. Broussard, John Berard, Barry Verret,

Glenn Romero, Roger Duncan, Jerome Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

ABSENT AT VOTING: Maggie F. Daniels.

And the Resolution was declared adopted this 2nd day of November, 2011.

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

RESOLUTION NO. 2011-285

A RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO EXECUTE AN AGRICULTURAL LEASE WITH A & M FARMS, INC. FOR THE LEASE OF APPROXIMATELY 7.687 ACRES FOR GENERAL AGRICULTURAL PURPOSES (NAMELY SUGARCANE AND SOYBEAN CROPS) FOR A FOUR (4) YEAR TERM BEGINNING FEBRUARY 1, 2012 WITH AN OPTION TO LEASE THE PROPERTY FOR AN ADDITIONAL FIVE (5) YEAR PERIOD (BEGINNING ON FEBRUARY 1, 2016), AND WITH RENTAL FOR SAME BEING ONE-SIXTH (1/6) OF THE GROSS PROCEEDS FROM SALE OF CROP AT TIME OF DELIVERY.

WHEREAS, Iberia Parish Government owns approximately 7.687 acres of property near the Acadiana Regional Airport which has been utilized for agricultural purposes; and

WHEREAS, Iberia Parish Government received bids for the cultivation of said property, in which A & M Farms, Inc. submitted a bid; and

WHEREAS, it is the recommendation of the Administration to authorize the Parish President to execute an agricultural lease with A & M Farms, Inc. For the lease of this property for general agricultural purposes.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby authorize the Parish President to execute and agricultural lease with A & M Farms, Inc. For the lease of approximately 7.687 acres for general agricultural purposes (namely sugarcane and soybean crops).

BE IT FURTHER RESOLVED, that this lease shall be for a four (4) year term beginning February 1, 2012 with an option to lease the property for an additional five (5) year period (beginning on February 1, 2016).

BE IT FURTHER RESOLVED, that said rental for this agricultural lease shall be one-sixth (1/6) of the gross proceeds from the sale of the crop at the time of delivery.

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, Jerome Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the Resolution was declared adopted this 2nd day of

November, 2011.

A motion was made by Mr. Jerome W. Fitch, seconded by Mr. Naray Hulin, that the following be adopted:

RESOLUTION NO. 2011-286

A RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO EXECUTE CHANGE ORDERS FOR ROAD PROJECT 2010, PHASE 1 ASPHALT ROAD IMPROVEMENTS, AS FOLLOWS: (A) CHANGE ORDER NO. 10 IN THE ADDITIONAL AMOUNT OF \$20,350 TO PROVIDE FUNDING FOR THE RECONSTRUCTION OF PECAN LANE, (B) CHANGE ORDER NO. 11 IN THE ADDITIONAL AMOUNT OF \$30,609 TO PROVIDE FUNDING FOR THE EMERGENCY REPAIRS TO PATOUT ROAD FROM THE STATE RIGHT-OF-WAY TO THE LAST DRIVEWAY ENTRANCE OF THE M. A. PATOUT AND SON SUGAR MILL PARKING AREA, AND (C) CHANGE ORDER NO. 12 (ADMINISTRATIVE) IN THE ADDITIONAL AMOUNT OF \$681,960 TO PROVIDE FUNDING TO CORRECTIVELY REPAIR FIFTEEN ROADS, AND ALL AS RECOMMENDED BY PROJECT ENGINEERS BERARD, HABETZ AND ASSOCIATES, INC.

WHEREAS, various Change Orders for Road Project No. 2010-01, Phase 1 Asphalt Road Improvements are necessary, as follows:

- (a) Change Order No. 10 in the additional amount of \$20,350 to provide funding for the reconstruction of Pecan Lane;
- (b) Change Order No. 11 in the additional amount of \$30,609 to provide funding for the emergency repairs to Patout Road from the State right-of-way to the last driveway entrance of the M. A. Patout and Son Sugar Mill parking area; and
- (c) Change Order No. 12 (Administrative) in the additional amount of \$681,960 to provide funding to correctively repair fifteen roads; and

WHEREAS, said roads repaired in Change Order No. 12 consists of: (1) Beth Street, (2) East Admiral Doyle Drive, (3) Eighty Arpent Road, (4) Gondron Road, (5) Julia Street, (6) Labit Road, (7) Livingston Road, (8) Louise Street, (9) Miguez Road, (10) Oday Road, (11) Pecan Lane, (12) Right of Way Road, (13) Romona Street, (14) Rynella Road, and (15) Sidney Blanchard Road; and

WHEREAS, the Change Order Policy requires Council approval of Change Orders in excess of \$75,000 or 15% of the total project cost; and

WHEREAS, after incorporating these Change Orders, the total contract prices are as follows:

- (a) \$4,523,573 after Change Order No. 10;
- (b) \$4,554,182 after Change Order No. 11; and
- (c) \$5,236,141 after Change Order No. 12.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby authorize the Parish President to execute Change Orders for Road Project 2010, Phase 1 Asphalt Road Improvements, as follows: (a) Change Order No. 10 in the additional amount of \$20,350 to provide funding for the reconstruction of Pecan Lane, (b) Change Order No. 11 in the additional amount of \$30,609 to provide funding for the emergency repairs to Patout Road from the State right-of-way to the last driveway entrance of the M. A. Patout and Son Sugar Mill parking area, and (c) Change Order No. 12 (Administrative) in the additional amount of \$681,960 to provide funding to correctively repair fifteen roads.

BE IT FURTHER RESOLVED, that these Change Orders are

recommended by Project Engineers Berard, Habetz and Associates, Inc.

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, Jerome Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the Resolution was declared adopted this 2nd day of November, 2011.

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

RESOLUTION NO. 2011-287

A RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO EXECUTE CHANGE ORDERS FOR ROAD PROJECT 2010, PHASE 2 CONCRETE ROAD IMPROVEMENTS, AS FOLLOWS: (A) CHANGE ORDER NO. 04 IN THE ADDITIONAL AMOUNT OF \$2,750 TO PROVIDE FUNDING FOR THE REMOVAL OF EXISTING PAVEMENT MARKINGS AT CERTAIN INTERSECTIONS IN THE PROJECT AND (B) CHANGE ORDER NO. 05 (ADMINISTRATIVE) IN THE ADDITIONAL AMOUNT OF \$23,439 TO PROVIDE ADDITIONAL FUNDING TO CORRECTIVELY REPAIR FOUR ROAD INTERSECTIONS AND SPOT REPAIRS, AND ALL AS RECOMMENDED BY PROJECT ENGINEERS BERARD, HABETZ AND ASSOCIATES, INC.

WHEREAS, various Change Orders for Road Project No. 2010-01, Phase 2 Concrete Road Improvements are necessary, as follows:

- (a) Change Order No. 04 in the additional amount of \$2,705 to provide funding the removal of existing pavement markings at certain intersections in the Project; and
- (b) Change Order No. 05 (Administrative) in the additional amount of \$23,439 to provide additional funding to correctively repair four road intersections and spot repairs; and

WHEREAS, said roads repaired in Change Order No. 05 consists of repairs at the intersections of: (1) Curtis Lane and Port Road; (2) Lewis Street and Port Road/Ernest Crochet; (3) Sterling Road and Pesson Road; (4) Sterling Road an La. 83 (Weeks Island Road); and for spot repairs on Jefferson Terrace and roadway drainage; and

WHEREAS, the Change Order Policy requires Council approval of Change Orders in excess of \$75,000 or 15% of the total project cost; and

WHEREAS, after incorporating these Change Orders, the total contract prices are as follows:

- (a) \$647,759 for Change Order No. 04; and
- (b) \$671,198 for Change Order No. 05.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby authorize the Parish President to execute Change Orders for Road Project 2010, Phase 1 Asphalt Road Improvements, as follows: (a) Change Order No. 10 in the additional amount of \$20,350 to provide funding for the reconstruction of Pecan Lane, (b) Change Order No. 11 in the additional amount of \$30,609 to provide funding for the emergency repairs to Patout Road from the State right-of-way to the last driveway entrance of the M. A. Patout and Son Sugar Mill parking area, and (c) Change Order No. 12 (Administrative) in the additional amount of \$681,960 to provide funding to correctively repair said roadways.

BE IT FURTHER RESOLVED, that these Change Orders are recommended by Project Engineers Berard, Habetz and Associates, Inc.

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, Jerome Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the Resolution was declared adopted this 2nd day of November, 2011.

A motion was made by Mr. Barry Verret, seconded by Mr. Jerome W. Fitch, that the following be adopted:

RESOLUTION NO. 2011-288

A RESOLUTION AUTHORIZING THE PARISH PRESIDENT TO EXECUTE CHANGE ORDERS FOR ROAD PROJECT 2010, PHASE 3A - TROY ROAD IMPROVEMENTS, AS FOLLOWS: (A) CHANGE ORDER NO. 03 IN THE AMOUNT ADDITIONAL AMOUNT OF \$1,997 TO PROVIDE FUNDING FOR THE REMOVAL AND RE-INSTALLATION OF A CONCRETE DRIVE ALONG TROY ROAD; (B) CHANGE ORDER NO. 04 (ADMINISTRATIVE) IN THE ADDITIONAL AMOUNT OF \$65,619 FOR THE CORRECTIVELY REPAIR THE TROY ROAD; AND (C) CHANGE ORDER NO. 05 (ADMINISTRATIVE) IN THE ADDITIONAL AMOUNT OF \$14,287 TO PROVIDE FUNDING FOR THE CORRECTIVELY REPAIR OF GUARD RAIL SYSTEM, PLASTIC PAVEMENT MARKINGS-STRIPING, 4" WIDE (\$13,987), AND PLASTIC PAVEMENT MARKINGS-STOP LINE (\$300), AND ALL AS RECOMMENDED BY PROJECT ENGINEERS BERARD, HABETZ AND ASSOCIATES, INC.

WHEREAS, various Change Orders for Road Project No. 2010-01, Phase 3A - Troy Road Improvements are necessary, as follows:

- (a) Change Order No. 03 in the additional amount of \$1,997 to provide funding for the removal and re-installation of a concrete drive along Troy Road;
- (b) Change Order No. 04 (Administrative) in the additional amount of \$65,619 for the correctively repair of Troy Road; and
- (c) Change Order No. 05 (Administrative) in the additional amount of \$14,287 to provide funding to the correctively repair of guard rail system, plastic pavement markings-striping, 4" wide (\$13,987) and plastic pavement markings-stop line (\$300); and

WHEREAS, the Change Order Policy requires Council approval of Change Orders in excess of \$75,000 or 15% of the total project cost; and

WHEREAS, after incorporating these Change Orders, the total contract prices are as follows:

- (a) \$670,109 after Change Order No. 03;
- (b) \$735,728 after Change Order No. 04; and
- (c) \$750,015 after Change Order No. 05.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby authorize the Parish President to execute Change Orders for Road Project 2010, Phase 3A - Troy Road Improvements, as follows: (a) Change Order No. 03 in the amount additional amount of \$1,997 to provide funding for the removal and re-installation of a concrete drive along Troy Road; (b) Change Order No. 04 (Administrative) in the additional amount of \$65,619 for the correctively repair the Troy Road; and (c) Change Order No. 05 (Administrative) in the additional amount of \$14,287 to provide funding for the correctively repair of Guard Rail System, Plastic Pavement Markings-Striping, 4" wide (\$13,987), and Plastic Pavement Markings-Stop Line (\$300).

BE IT FURTHER RESOLVED, that these Change Orders are recommended by Project Engineers Berard, Habetz and Associates, Inc.

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, Jerome Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the Resolution was declared adopted this 2nd day of November, 2011.

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

RESOLUTION NO. 2011-289

A RESOLUTION AMENDING THE 2011 ROAD CONSTRUCTION PROJECT FUND BUDGET AND THE 2011 ROYALTY FUND BUDGET TO PROVIDE FUNDING IN THE AMOUNT OF \$1,250,000 FOR ED BROUSSARD ROAD, TO CHANGE THE PROPOSED IMPROVEMENTS FROM OVERLAY TO RECONSTRUCTION, WHICH IS TO INCLUDE THE THREE-LANING OF SAID ROAD FROM THE RAILROAD TRACKS TO THE END OF THE LOREAUVILLE PARK, AND FURTHER TO REQUEST THAT THE IBERIA PARISH SCHOOL BOARD CONSIDER FUNDING A PORTION OF THIS PROJECT ON A 50%-50% BASIS WITH THE PARISH.

WHEREAS, the Iberia Parish Council has approved a list of roads to be improved in Road Project No. 2010-01, which list includes the proposed overlay of Ed Broussard Road; and

WHEREAS, due to a current project which includes the construction and/or renovation of the Loreauville High School properties of the Iberia Parish School Board and the location of the roadside ditch for this road, the Iberia Parish Government is interested in considering other options for reconstruction of Ed Broussard Road to accommodate the roadside ditch and to include a turning lane near the school; and

WHEREAS, Berard, Habetz and Associates, Inc., has prepared three options for Iberia Parish to consider regarding the reconstruction of Ed Broussard Road; and

WHEREAS, the Iberia Parish Council has reviewed these options and wishes to pursue Option No. 4, which is to reconstruct within the current roadway limits and install a turning lane at the new school with relocated drainage ditches; and

WHEREAS, a preliminary estimate for Option No. 4 is approximately \$1,250,00 and it is the wishes of the Iberia Parish Council to change the proposed overlay of said road to reconstruction to include the three-laning of said road from the railroad tracks to the end of the Loreauville Park; and

WHEREAS, the construction of the turn lane, including the enclosure of the drainage ditch, is estimated to cost approximately \$250,000 of the total estimated cost of \$1,250,000 for this project; and

WHEREAS, it is also requested that the Iberia Parish School Board be contacted to request that they consider funding a portion of this project, which would include the construction of the turning lane, with the relocation of the drainage ditches, only on a 50%-50% basis with the Iberia Parish Government.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby amending the 2011 Road Construction Project Fund Budget and the 2011 Royalty Fund Budget to provide funding in the amount of \$1,250,000 for Ed Broussard Road, to change the proposed improvements from overlay to reconstruction, which is to include the three-laning of said street from the railroad tracks to the end of the Loreauville Park, as follows:

| <u>ACCOUNT NO.</u>    | <u>ACCOUNT TITLE</u> | <u>BUDGET</u> | <u>ADJUSTMENT</u> |
|-----------------------|----------------------|---------------|-------------------|
| Royalty:              |                      |               |                   |
| 960344 3310 0000 9018 | Tsfr Out-Road Const  | \$1,387,135   | \$1,250,000       |
| 575000 3310 0000 0000 | Ctrt Pymts-Road Res  | \$232,531     | (\$1,250,000)     |
| Road Construction:    |                      |               |                   |
| 910340 0000 0000 0000 | Tsfr In-Royalty      | \$1,327,135   | \$1,250,000       |
| 533100 3310 0000 9018 | Arch/Eng Fees        | \$254,646     | \$275,000         |
| 575000 3310 0000 9018 | Contract Payments    | \$6,533,044   | \$950,000         |
| 533200 3310 0000 9018 | Laboratory Testing   | \$217,469     | \$247,000         |
| 554000 3310 0000 9018 | Advertising          | \$848         | \$300             |

BE IT FURTHER RESOLVED, that this funding shall be funded from the 2011 Royalty Fund Budget, Road Improvements Reserve Line Item.

BE IT FURTHER RESOLVED, that said funding shall be repaid to the 2011 Royalty Fund in the event that all bids for the 2010-01 Road Project are under budget.

BE IT FURTHER RESOLVED, that this Resolution shall be forwarded to the Iberia Parish School Board to request that they consider funding a portion of this project on a 50%-50% basis with the Parish which would include the construction of the turning lane and relocation of the drainage ditches, which is estimated at \$250,000, for the total project cost; and

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, Jerome Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the Resolution was declared adopted this 2nd day of November, 2011.

A motion was made by Mr. Bernard E. Broussard, seconded by Mr. Thomas J. Landry, that the following be adopted:

RESOLUTION NO. 2011-290

A RESOLUTION REQUESTING THE CONGRESSIONAL DELEGATION TO DISTRIBUTE FUNDS FROM THE BP/TRANSOCEAN PENALTY SETTLEMENT TO ALL COASTAL PARISHES, INCLUDING IBERIA PARISH, TO BE USED FOR COASTAL RESTORATION AND FLOOD PROTECTION PURPOSES.

WHEREAS, U.S. Senators David Vitter and Jeff Landry have introduced the Natural Restoration Act of 2011, which would require expedited coastal and fishery recovery and restoration from the Deepwater Horizon oil spill disaster; and

WHEREAS, the bill requires a down payment on the Natural Resource Damage Assessment (NRDA) process to address resources that were harmed by the Deepwater Horizon oil spill; and

WHEREAS, the Natural Resources Restoration Act of 2011 will provide for expedited payments from BP and other responsible parties to assist in restoring natural resources such as oyster beds, fishery stocks, coastal wetlands and foraging and nesting sites for waterfowl; and

WHEREAS, the State of Louisiana includes eleven (11) coastal parishes, all of which were affected by the oil spill.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby express its support of the Natural Resources Restoration Act of 2011 which will provide expedited payments for coastal and fishery recovery.

BE IT FURTHER RESOLVED, that the Iberia Parish Council does hereby request that funds from the BP/Transocean penalty settlement also be distributed to all coastal parishes on an equitable basis, including Iberia Parish, to be used for restoration of the coast, construction of levees and flood protection projects.

BE IT FURTHER RESOLVED, that copies of this Resolution shall be forwarded to the Louisiana Congressional Delegation requesting their support of this position.

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, Jerome Fitch, Aquicline Renner-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the Resolution was declared adopted this 2nd day of November, 2011.

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

RESOLUTION NO. 2011-291

A RESOLUTION AUTHORIZING A CHANGE IN THE IBERIA PARISH COUNCIL'S REGULAR MEETING DATE FROM WEDNESDAY, NOVEMBER 23, 2011 TO WEDNESDAY, NOVEMBER 16, 2011, DUE TO THE THANKSGIVING HOLIDAY.

WHEREAS, one of the regular meetings of the Iberia Parish Council for November 2011 is scheduled for Wednesday, November 23, 2011, which is the day before the Thanksgiving Holiday as observed by the Parish; and

WHEREAS, the Iberia Parish Council wishes to change the date of this meeting at this time.

NOW, THEREFORE, BE IT RESOLVED, that the Iberia Parish Council does hereby authorize a change in the Iberia Parish Council's regular meeting date from Wednesday, November 23, 2011 to Wednesday, November 16, 2011, due to the Thanksgiving Holiday.

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, Jerome Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the Resolution was declared adopted this 2nd day of November, 2011.

A motion was made by Mr. Lloyd Brown, seconded by Ms. Maggie F. Daniels, that Summary No. 292, which is a Resolution providing for canvassing of the returns and declaring the results of a Special Election held in the Parish of Iberia, State of Louisiana, on Saturday, October 22, 2011, which authorized an additional homestead exemption for certain disabled veterans and surviving spouses, be tabled until the November 9, 2011 Iberia Parish Council meeting.

This motion to table 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, Jerome Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the motion to table was declared adopted this 2nd day of November, 2011.

STANDING COMMITTEE ITEMS:

ITEM #2011-11-A (Introduced by Curtis Boudoin, District 2)  
Discuss and consider a Resolution authoring the installation of a street light at Grand Prairie Road and La. 3212 (Northwest Bypass) for safety reasons, all to be funded from the 2011 Road District No. 10 Maintenance Fund Budget, Fund Balance - Previous Years.

A motion was made by Mr. Curtis Boudoin, seconded by Mr. Lloyd Brown, that this item be forwarded to the next meeting of November 9, 2011.

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, Jerome W. Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the motion was declared adopted this 2nd day of November, 2011.

ITEM #2011-11-B (Introduced by Thomas J. Landry, District 3)  
Discuss and consider a Resolution requesting Burlington Northern Santa Fe Railroad to address the blocking of the railroad track crossing located on La. 3212 (Northwest Bypass) near La. 182, especially at peak traffic times and between the hours of 7:00 a.m. and 8:00 a.m., located in District 3.

A motion was made by Mr. Thomas J. Landry, seconded by Mr. Curtis Boudoin, that this item be forwarded to the next meeting of November 9, 2011.

Ms. Maggie F. Daniels requested that a representative of BNSF be invited to attend an upcoming meeting to answer questions the Council may have regarding the operations of their rail cars. The authors agreed to incorporate this request into the motion and all members present agreed by general consensus.

This amended 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, Jerome W. Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the amended motion was declared adopted this 2nd day of November, 2011.

ITEM #2011-11-D (Introduced by Clerk of the Council)

Review of the December schedule of meetings to discuss any potential rescheduling of Council meetings due to the Christmas holiday.

After some discussion, it was suggested that the meeting scheduled for December 28th be moved to December 21st. All members present agreed by general consensus to this option.

A motion was made by Mr. Lloyd Brown, seconded by Ms. Maggie F. Daniels, that this item be forwarded to the next meeting of November 9, 2011.

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, Jerome W. Fitch, Aquicline Rener-Arnold, and Naray Hulin.

NAYS: None.

ABSENT: M. Larry Richard.

And the motion was declared adopted this 2nd day of November, 2011.

ORDINANCES INTRODUCED FOR PUBLICATION:

None.

A motion was made by Mr. Bernard E. Broussard, seconded by Mr. John Berard, 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