

**IBERVILLE PARISH COUNCIL MINUTES  
PUBLIC HEARING, TUESDAY, JUNE 15, 2021  
PROPOSED ORDINANCES**

The Parish Council of Iberville Parish, State of Louisiana, held a Public Hearing in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, on the 15<sup>th</sup> day of June, 2021 at 6:02 P.M. pursuant to a Notice of Public Hearing published on the 3<sup>rd</sup> day of June, 2021 in the Plaquemine Post South and posted on the Iberville Parish website.

The Council Chairman, Matthew H. Jewell, called the hearing to order followed by the roll call with the following Council Members in attendance: Shalanda L. Allen, District 1; Chasity B. Easley; District 2; Thomas E. Dominique, Sr., District 3; Leonard Jackson, Sr., District 4; Steve C. Smith District 5; Raheem T. Pierce, District 6; Hunter S. Markins, District 8; Louis R. Kelley, Jr., District 10; Timothy J. Vallet, District 11; Matthew H. Jewell, District 12; Bart B. Morgan, District 13.

Absent: Terry J. Bradford, District 9.

Parish President- J. Mitchell Ourso, Jr., Chief Administrative Officer- Edward Songy, and Legal Counsel- Scott Stassi were also in attendance.

Mr. Songy read the following ordinances in entirety.

**ORDINANCE 1**      Ordinance to formally abandon a portion of Belmont Lane and to accept donation of servitude for cul-de-sac right of way from Kimball Properties, LLC

The floor was opened to comments and questions. There was no opposition to this ordinance from the public.

**ORDINANCE 2**      Ordinance to formally abandon Troxclair Road

The floor was opened to comments and questions. There was no opposition to this ordinance from the public.

**ORDINANCE 3**      Ordinance establishing regulations for Solar Farms in unincorporated area of Iberville Parish

CAO, Edward Songy, Jr. read aloud the proposed amendments to the originally proposed solar farm ordinance.

The floor was opened to comments and questions. There was no opposition to this ordinance from the public.

Councilman Morgan stepped out of the meeting at this time.

Upon a motion by Councilman Smith, and seconded by Councilman Kelley, it was moved to amend the originally proposed solar farm ordinance. The motion having been duly submitted to a vote was duly adopted by the following yea and nay votes on roll call:

YEAS: Allen, Easley, Dominique, Jackson, Smith, Pierce, Arnold, Markins, Kelley, Vallet.

NAYS: None.

ABSTAIN: None.

ABSENT: Bradford, Morgan.

The motion was declared adopted by the Chairman.

**ORDINANCE 4**      Ordinance of the Iberville Parish Council establishing a temporary moratorium on the acceptance and processing of subdivision plats and site development plans for land within that unincorporated portion of Iberville Parish located east of the Mississippi River to provide for the safety of life and property and general welfare of the citizens

The floor was opened to comments and questions. Several people registered to speak on this item.

Scott DeJean spoke in opposition of this proposed moratorium ordinance. He is a property owner for Bayou Manchac Holding which is north of St. Gabriel. He works with a developer called American Homeland that is developing Riverstone Subdivision. He stated three years ago this project was approved by the St. Gabriel Planning Commission and the St. Gabriel City Council. He stated the Parish has very high standards and he believes the Parish should approve the projects individually and not implement a moratorium. Chairman Jewell asked if this development was in the corporate limits of St. Gabriel, and Mr. DeJean stated yes it was. Chairman Jewell advised him that the moratorium is for the unincorporated areas of the Parish only. President Ourso stated they have an attorney on site for this company. He advised the Council to not comment and allow the Parish's attorney to speak with their attorney.

Peter Losavio, Jr. spoke in opposition of this moratorium ordinance. He stated he is the manager of Bayou Manchac Holding. His staff presented a 700 page drainage report to the Council. He stated it will improve the drainage by 55%. He spoke about the four retention ponds that will prevent flooding on this property. He firmly believes the Council should approve this development to relieve the flooding in the area and to also increase the tax base in St. Gabriel.

Anthony Gambino, Jr. spoke in opposition of this moratorium ordinance. He is the co-council for this development. He stated this development has been under intense engineer scrutiny and explained that the 700 page report concludes that it will benefit the flow of water in the area and has no adverse effect on watershed. He asked the Council to consider exempting current projects from the moratorium. He explained that Ascension Parish did provide exemptions for developments in the works prior to their moratorium.

Chairman Jewell stated the flooding is every year, and the developments are filling up the wetlands that hold water and slows down the flow of the water. He stated we have a problem and we need to slow it down and address these current issues of flooding. He explained his heart is with the people of this Parish that are under water, and we need smart growth for the future.

Jeremy Cronan spoke in favor of the moratorium ordinance. He moved into Meadow Oaks Subdivision in St. Gabriel in March of 2020. His subdivision has been holding water for over 4 weeks now. He stated the Council has done nothing for his subdivision. He is against the development that was discussed early because the water from their development and retention ponds will flow into his subdivision. He discussed everything he and his family has been dealing with for the last 4 weeks due to the flooding.

Ray Gaubert spoke in favor of the moratorium ordinance. He moved into Meadow Oaks in St. Gabriel and doesn't have flood insurance because it is not in a flood zone. He was told it doesn't flood there then he found out it flooded in 2016. His home flooded in the first 2 weeks of owning it. He drives an hour and half away to work and has to come home to a flooded subdivision in a brand new truck through the flood water. He asked for a solution. He complimented Parish President Ourso for laying down in the road for his constituents.

Councilman Leonard Jackson stated he has served on the Police Jury and then Parish Council since 1988. This is the worst amount of rain there has ever been. He went out to Meadow Oaks Subdivision and spoke to some of the residents. He stated all of the Parish canals have been cleaned all the way to Spanish Lake and Alligator Bayou. When you get that amount of rain, there is nothing you can do. Councilman Jackson stated the Parish and the City of St. Gabriel are doing everything they can do about this.

Councilman Bart Morgan stated they didn't just sit back and do nothing, he stated they were at Bayou Manchac putting the aqua damns up and if not for that they would have had more water in their homes in Meadow Oaks. He is paying someone out of his own pocket to ride out in a boat tomorrow to see if there is a plug in any of the canals along his district.

There being no further business to be conducted, the hearing was adjourned at 7:02 p.m.

/s/ KIRSHA D. BARKER  
COUNCIL CLERK

/s/ MATTHEW H. JEWELL  
COUNCIL CHAIRMAN

**IBERVILLE PARISH COUNCIL MINUTES  
REGULAR MEETING, TUESDAY, JUNE 15, 2021**

The Parish Council of Iberville Parish, State of Louisiana, met in Regular Session, in the Council Meeting Room, 2<sup>nd</sup> Floor, Courthouse Building, 58050 Meriam Street, Plaquemine, Louisiana, on the 15<sup>th</sup> day of June, 2021.

The Council Chairman, Matthew H. Jewell, called the meeting to order at 7:07 p.m. followed by the roll call with the following Council Members in attendance: Shalanda L. Allen, District 1; Chasity B. Easley; District 2; Thomas E. Dominique, Sr., District 3; Leonard Jackson, Sr., District 4; Steve C. Smith District 5; Raheem T. Pierce, District 6; Hunter S. Markins, District 8; Terry J. Bradford, District 9; Louis R. Kelley, Jr., District 10; Timothy J. Vallet, District 11; Matthew H. Jewell, District 12; Bart B. Morgan, District 13.

Absent: None.

Parish President- J. Mitchell Ourso, Jr., Chief Administrative Officer- Edward Songy, and Legal Counsel- Scott Stassi were also in attendance.

A quorum was present and due notice had been posted and published in the Plaquemine Post South newspaper on the 10<sup>th</sup> day of June, 2021. The Pledge of Allegiance followed.

Council Chairman Jewell called for anyone wanting to make public comments to register with the Clerk.

ADDENDUM

None.

PRESENTATIONS AND APPEARANCES

None.

APPROVAL OF MINUTES

Upon a motion by Councilman Bradford, and seconded by Councilman Arnold, it was moved to wave the reading of the minutes of May 25, 2021 and approve as written. The motion having been duly submitted to a vote was duly adopted by the following yea and nay votes on roll call:

YEAS: Allen, Easley, Dominique, Jackson, Smith, Pierce, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

The motion was declared adopted by the Chairman.

PRESIDENT'S REPORT

President Ourso reported on the following:

- President Ourso stated he feels for the flood victims. He stated this is the first time that both sides of the Parish flooded at the same time. In 2016, the locks were opened to relieve the water from the east side, but this time we were not so lucky since both sides were too high for the water to drain anywhere. The

Congressional District stated this drainage problem is bigger than Iberville Parish, and it will require Congressional help to resolve. He stated the Parish is doing everything they can to drain this water out. The water system can't handle this tremendous amount of rain. He wants to help these people, but the watershed ends at the floodgate of Bayou Pigeon and Bayou Sorrel. It would take millions of dollars and 8 to 10 years of development to pump the water over into the spillway. The tow boat industry has suffered with the Intracoastal being closed. If they buy \$1000 worth of diesel that goes into the tow boat there is a tax of 25% that goes to the Corps of Engineers.

- In 2016 on the east side, over 2 feet of water came across Manchac Road. There was a meeting on the east side and he told those people he was sorry for their loss, he told himself he wouldn't allow that to happen again. In 2021 they put out the aqua dams for 17 days straight to keep the water off of Manchac Road, and was successful in stopping the water from East Baton Rouge Parish from coming into the east side of the Parish. The rain water came from God himself not from another Parish. Spanish Lake is 17,000 acres and 75% is in Iberville Parish, and 1 inch of water totals to 475 million gallons of water in Spanish Lake. During the flooding the Parish made 3 road cuts, and Ascension Parish made 2 road cuts. The pumps in Ascension are helping the Parish as well. Until Sunday, June 6<sup>th</sup> everything that had drained all came back up again during the rain. He is concerned for the west side and the east side for the projected rain this weekend. With the continued development of East Baton Rouge Parish the Spanish Lake can no longer handle this amount of water.
- President Ourso stated regarding the proposed moratorium ordinance, he met with the Mayor of St. Gabriel, and has never received a letter from the City of St. Gabriel approving the drainage study for the development of the Riverstone Subdivision. Spanish Lake is inundated and can't take anymore water; there can't be any more developments draining into retention ponds that drain into Spanish Lake. It would be ludicrous to allow more developments. He has people manning the area 24/7 to watch over the road cuts, and if this rain comes this weekend then the road cuts will be restored and the floodgates will be closed.
- The Parish doesn't deal with DSLD, they only deal with the developer for water and gas. He didn't design those roads in Meadow Oaks Subdivision, the City of St. Gabriel did. The roads are designed to be used as canals for drainage once the retention ponds are full. They know this is a private homeowners association. He stated he will answer any questions regarding the east side and Mr. Mark Migliacio will answer any questions regarding the west side. He stated Mr. Migliacio did a marvelous job.
- Orientation for the student summer workers is this Thursday, June 17, 2021 and Monday the 21<sup>st</sup> is their first day.
- Blunt Construction was the lowest bidder at \$1.1 million for the Parks and Recreation Maintenance facility.

#### FINANCIAL REPORT

Finance Director, Randall Dunn stated the financial statements were handed out to the Council tonight since this meeting was early in the month. He stated for them to call him if there were any questions.

#### OLD BUSINESS

#### **ORDINANCE IPC# 006-21**

#### **ORDINANCE TO FORMALLY ABANDON A PORTION OF BELLMONT LANE AND TO ACCEPT DONATION OF SERVITUDE FOR CUL-DE-SAC RIGHT OF WAY FROM KIMBALL PROPERTIES, LLC**

WHEREAS, Louisiana Revised Statute 48:701 provides that the Parish governing authority may revoke and set aside the dedication of all roads, streets, and alleyways laid out and dedicated to the public use, when the road, street, and alleyway has been abandoned or is no longer needed for a public purpose, and upon revocation the soil covered and embraced in the road, street or alleyway shall revert to the then present owner(s) of land contiguous thereto.

WHEREAS, a portion of Belmont Lane, excluding the current drainage ditches adjacent to the existing portion of Belmont Lane that ends near the eastern Atchafalaya Basin levee, including the bridge section is to be abandoned as the bridge is no longer suitable for public transportation based on the finding of the bridge inspection report in May of 2019 a copy of which is attached to this ordinance and incorporated by reference. The portion of Belmont Lane to be abandoned, including the bridge portion, is more particularly described on the map entitled, “MAP PREPARED BY PAN AMERICAN ENGINEERS, LLC, DATED THE 5<sup>TH</sup> DAY OF MARCH, 2021, SHOWING PORTION OF BELMONT LANE AND BRIDGE TO BE ABANDONED BY IBERVILLE PARISH COUNCIL”.

WHEREAS, the Parish has constructed a new bridge in 2016, known as the Musson Lane Bridge, which is approximately 3 miles from the existing Belmont Lane Bridge, which can provide access to the Atchafalaya levee and land within the Atchafalaya flood basin.

WHEREAS, the current condition of the existing Belmont Lane bridge is not suitable and safe for the general motoring public, and in order to protect the safety of the motoring public, it is in the best interest of the Parish to close and abandon the portion of Belmont Lane and the bridge to protect the interest of the Parish Council and the general motoring public as denoted on the attached survey plat map. The Parish Council will denote the abandoned portion of Belmont Lane and bridge and install the proper signage notifying the motoring public of the road/bridge closure at the western end of Belmont Lane.

WHEREAS, the abandoned portion of Belmont Lane and bridge shall revert to the adjacent landowner(s), namely, Kimball Properties, LLC, in full ownership in accordance with Louisiana law.

WHEREAS, since Belmont Lane will become a “dead end street”, the Parish will acquire a cul-de-sac right of way by donation from Kimball Properties, LLC, to allow for public vehicular traffic to turn around at the western end of Belmont Lane. The cul-de-sac right of way being donated to the Iberville Parish Council by Kimball Properties, LLC is more particularly described on a survey plat map prepared by Pan American Engineers, LLC dated the 5<sup>th</sup> day of March, 2021, and entitled, “ROUTE SURVEY TO INDICATE VARYING WIDTH ROADWAY FOR CONSTRUCTION OF CUL-DE-SAC ON THE PROPERTY OF KIMBALL PROPERTIES, LLC, LOCATED IN SECTION 89, TOWNSHIP 7 SOUTH, RANGE 9 EAST, IBERVILLE PARISH, LOUISIANA”. A copy of the cul-de-sac survey map is attached to this ordinance and is incorporated by reference.

NOW, THEREFORE, BE IT ORDAINED BY THE IBERVILLE PARISH COUNCIL AS FOLLOWS: That the western end of Belmont Lane and Bridge as depicted and described on the attached survey plat map be abandoned by the Parish and that upon final passage of this ordinance a certified copy be filed in the conveyance records of Iberville Parish.

BE IT FURTHER ORDAINED BY THE IBERVILLE PARISH COUNCIL, that the donation of the cul-de-sac right of way from Kimball Properties, LLC be accepted by the Iberville Parish Council for the Parish to construct a cul-de-sac at the western end of the public portion of Belmont Lane in accordance with the attached survey plat map, to be recorded in the conveyance records of Iberville Parish.

The foregoing ordinance which was previously introduced at the regular meeting of the Iberville Parish Council on May 25, 2021 and a summary thereof having been published in the official journal on June 3, 2021, the public hearing on this ordinance held on the 15<sup>th</sup> day of June, 2021, at 6:00 p.m., in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, was brought up for final passage with a motion by Councilman Kelley, and seconded by Councilman Pierce, having been duly submitted to a vote, the ordinance was duly adopted by the following yeay and nay vote on roll call:

YEAS: Allen, Easley, Dominique, Jackson, Smith, Pierce, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

The ordinance was declared adopted by the Chairman on the 15<sup>th</sup> day of June, 2021.

### **ORDINANCE IPC# 007-21**

#### **ORDINANCE TO FORMALLY ABANDON TROXCLAIR ROAD**

WHEREAS, Louisiana Revised Statute 48:701 provides that the Parish governing authority may revoke and set aside the dedication of all roads, streets, and alleyways laid out and dedicated to the public use, when the roads, streets and alleyways have been abandoned or are no longer needed for a public purpose, and upon revocation the soil covered by and embraced in the roads, streets, or alleyways shall revert to the then present owner or owners of the land contiguous thereto.

WHEREAS, the Troxclair Road intersects with LA Highway 405 (River Road) and was utilized to access residential homes adjacent to the roadway. Shintech Louisiana, LLC has acquired all of the residential property adjacent to Troxclair Road and the roadway is no longer needed for public use or purpose as there are no private residences to be served by this roadway. Troxclair Road is located wholly within the Shintech Louisiana, LLC industrial facility and this roadway no longer forms an integral part of the public road system and the costs for continued maintenance of Troxclair Road will be excessive as compared to the useful public purposes served by this roadway. The general motoring public will not be adversely affected or inconvenienced by the abandonment of Troxclair Road.

WHEREAS, as a result of the abandonment of Troxclair Road, the road will revert to the current adjacent landowner(s) and no land owner(s) will be deprived of ingress and egress to their property.

WHEREAS, it is in the best interest of the Iberville Parish Council to formally abandon Troxclair Road as depicted on the attached plat map attached hereto and incorporated by reference in accordance with Louisiana law.

NOW, THEREFORE, BE IT ORDAINED BY THE IBERVILLE PARISH COUNCIL AS FOLLOWS: That Troxclair Road located off of LA Highway 405 (River Road) and depicted on the attached map be abandoned and that upon final passage a certified copy of this ordinance be filed in the conveyance records of the Iberville Parish Clerk of Court's Office.

The foregoing ordinance which was previously introduced at the regular meeting of the Iberville Parish Council on May 25, 2021 and a summary thereof having been published in the official journal on June 3, 2021, the public hearing on this ordinance held on the 15<sup>th</sup> day of June, 2021, at 6:00 p.m., in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, was brought up for final passage with a motion by Councilman Kelley, and seconded by Councilman Pierce, having been duly submitted to a vote, the ordinance was duly adopted by the following yeas and nays vote on roll call:

YEAS: Allen, Easley, Dominique, Jackson, Smith, Pierce, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

The ordinance was declared adopted by the Chairman on the 15<sup>th</sup> day of June, 2021.

**ORDINANCE IPC# 008-21**

**ORDINANCE TO ENACT ARTICLE 7, DIVISION D, OF THE UNIFIED DEVELOPMENT CODE OF THE PARISH OF IBERVILLE PERTAINING TO SOLAR FARMS; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO**

BE IT ORDAINED by the Iberville Parish Council in regular session convened that Article 7, Division D, of the Unified Development Code of the Parish of Iberville is hereby enacted to read as follows:

**ARTICLE 7. – SPECIFIC USES**

**DIVISION 7.D. – SOLAR FARM REGULATION**

**7.D-1. Administration**

**7. D-1.1. - Purpose.**

The purpose of this article is to promote the health, safety and general welfare by regulating solar farms within the Parish of Iberville.

**7. D-1.2. - Definitions.**

For the purposes of this Chapter the following terms shall mean:

- (a) Solar energy: Radiant energy received from the sun that can be collected in the form of heat or light by a solar collector.
- (b) Solar energy system: A device or structural design feature intended to provide for collection, storage, and distribution of solar energy for heating or cooling, electricity generation, or water heating.
- (c) Solar farm: The use of land where a series of solar collectors and related equipment and accessories are placed in an area on a parcel of land for the purpose of generating photovoltaic power which has a generation capacity of at least fifty (50) kilowatts (kW) direct current (dc) or more when operating at maximum efficiency. Solar farm shall not be interpreted to mean one or more solar collectors intended to provide electrical power generation for a single residential dwelling or commercial property.

**7.D-2. – Permits and Fees.**

- (a) Prior to placing, establishing, expanding, or substantively altering the operation of a solar farm, a permit must be obtained by the developer from the Parish of Iberville. Permits shall be issued only after the plan therefor has been approved as provided for in this Chapter.
- (b) The Parish shall develop and promulgate a Solar Farm Permit Application to be submitted along with the plans for the proposed solar farm. Each Application will include a site plan showing all property to be included in the project, all access roads, drainage study, environmental study, and a traffic plan. The applicant shall conduct at least one community meeting to provide adjacent landowners and the public an opportunity to ask questions and discuss the project. The community meeting shall be conducted prior to permit approval. Notice of the public meeting shall be published at least twice in the official journal and the meeting shall be held at a location in the parish which is suitable for public meetings.
- (c) The applicant shall include with the permit application the plan for the solar farm that meets the requirements provided for in this Chapter.
- (d) The permit application shall be accompanied with a permit fee in the amount of \$3.00/\$1000.00 up to \$100,000.00; \$2.00/\$1000.00 from \$100,000.00 up to \$500,000.00; and \$1.50/\$1000.00 above \$500,000.00 ..... The permit fee shall be based upon a good faith effort of the proposed cost. Construction costs should include all costs of construction, including

accessory buildings and equipment. If the Parish has reason to believe that the actual costs exceed the anticipated costs by 10% or more, the Parish may audit the costs of construction and as a result thereof may require a supplemental permit fee. Any accessory buildings not included in the original construction cost shall be permitted under existing provisions of the Parish permitting process.

(e) The application and plan shall be reviewed by the Parish Building Official. If approved by the Building Official, the application, plan and any comments by the Building Official shall be forwarded to the Parish Engineer for review. If approved by the Parish Engineer, the application, plan and any comments thereon shall be forwarded to the Parish President for review and consideration. The Parish President, or a designee, shall present the application and plan to the Parish Council to approve or deny the permit.

(f) If the application is denied at any step of the review process, the official issuing such denial shall provide a written statement as to the reasons for the denial to the applicant and the applicant shall be afforded thirty days to submit additional information or an amended plan to remediate the defects that were the basis for the denial. If the application is finally denied, the applicant shall have the option to appeal the denial to the Council, and the Council may, by majority vote, direct the Parish President to grant the permit.

(g) A permit issued under this Chapter may, as provided herein, be transferred or assigned, with the assignee being obligated to all requirements of the permit and this Chapter; however, written notice of such proposed transfer or assignment shall be made to the Parish. The Parish shall have 30 days from such written notice to notify the permittee of its objection to such transfer. In the event the Parish does not object or notifies the permittee of no objection, then the transfer or assignment shall be allowed and the identity of the new permittee shall be noted in the Parish records.

(h) The issuance of a permit under this Chapter shall serve as the agreement and acknowledgment by the permittee, and its successors and assigns, as well as the property owners, that Iberville Parish Government shall have standing to enforce any and all provisions and obligations of the permit.

(i) A permit shall expire one (1) year from the date of issuance, unless construction has commenced on the solar farm. After the expiration of a permit, the applicant may reapply. Prior expiration a permittee may apply for an extension of up to one (1) additional year to commence construction, which application may be granted by the Parish President or his designee.

(j) In the event the solar farm project does not proceed to construction or if the project is abandoned the permit fee shall be returned to the applicant.

### **7.D-3. - Single or Multiple Tracts.**

(a) A Solar Farm may be operated on a single contiguous tract or multiple non-contiguous tracts, either with ownership by applicant, under one or more leases in which applicant is lessee, or any combination thereof.

(b) Any permit issued for a solar farm which relies upon one or more lease agreements shall become null and void upon the termination of any such lease agreement, unless the lease agreement is terminated upon the permittee/lessee taking ownership of the property previously subject to the lease. However, when a permit relies upon multiple leases, the permit shall remain effective as to any portion of the solar farm that remain under lease. If construction had occurred on the portion of the solar farm for which a lease is terminated, the termination shall trigger the provisions of Section 7.D-8, as to that portion of the solar farm.

(c) When the property of the Solar Farm is the subject of a lease agreement, the applicant shall provide, at the time of application, a certified copy of any applicable lease agreements, which lease agreements shall have been recorded with the Clerk of Court for the Parish of Iberville; alternatively, the applicant may provide a certified copy of a Notice of Lease that has been recorded with the Clerk of Court for the Parish of Iberville.

#### **7.D-4. – Traffic Plan.**

- (a) The plan for a proposed solar farm shall include a traffic plan for the movement of vehicles that will use parish roads during the construction, maintenance and decommissioning of the solar farm.
- (b) The plan shall provide for the remediation of any damages occasioned to parish roads during the construction, maintenance and decommissioning of the solar farm.
- (c) The Parish may require the applicant to provide a surety bond in a reasonable amount, as determined by the Director of Public Works, to insure the remediation of any damage occasioned to parish roads as a result of the construction of the solar farm.

#### **7.D-5. – Drainage Plan.**

- (a) The plan for a proposed solar farm shall include a drainage plan.
- (b) The drainage plan shall include an hydrologic and hydraulic (H&H) analysis to establish that the solar farm will not have any adverse impact on the parish drainage system or adjacent property owners; alternatively the drainage plan shall establish a plan for remediating any adverse impact on the parish drainage system or adjacent property owners that may result from the construction of and the operation of the solar farm. The plan shall also include an ongoing schedule of water sampling and testing of water runoff from the site of the solar farm.
- (c) The drainage plan shall be subject to the review and approval by the Parish or a contract engineer, as determined by the Parish. In the event the Parish opts to have the review conducted by a contract engineer, the applicant shall be required to reimburse the Parish for any reasonable fees arising therefrom.

#### **7.D-6. – Buffer Zones.**

- (a) The plan for a proposed solar farm shall include the provision of a buffer zone around the perimeter of the solar farm.
- (b) The buffer zone shall include a setback of not less than 300 feet from the center of any adjacent public roadway.
- (c) The buffer zone shall include a setback of at least 150 feet from any residence and 50 feet from any adjacent property line at the time of the application.
- (d) Each buffer zone shall include a stand of trees or shrubbery, between the operational area of the solar farm and the adjacent roadway or property owner, to screen the solar farm from view, the sufficiency of which is subject to review and approval as part of the plan.
- (e) The buffer zone shall be maintained in such a manner so as to not present a violation of the provisions of Chapter 11 of the Code of Ordinances. Maintenance thereof shall be subject to the enforcement provisions found therein.

#### **7.D-7. Garbage and Solid Waste Disposal.**

The collection and disposal of garbage and solid waste on the site of the solar farm shall be the obligation of the permittee.

#### **7.D-8. Decommissioning Plan.**

- (a) The plan for a proposed solar farm shall include a decommissioning plan for the remediation of the area of the solar farm upon the cessation of operations of the solar farm.

(b) Cessation of operations for a period in excess of 365 consecutive days or a lack of operations for more than 365 days, in the aggregate, in any calendar year, shall trigger the decommissioning plan and termination of the permit. However, if the cessation or lack of operation is due to a force majeure or act of God, the permit may be extended by the Parish President for a period of time equal to the period of time during which the force majeure or act of God prevented the operation of the solar farm.

(c) The decommissioning plan shall provide for the removal of the solar panels, ancillary structures, and other infrastructure utilized in the operation of the solar farm.

(d) The decommissioning plan shall provide for the remediation of any environmental hazards remaining on the property of the former solar farm, as determined by the EPA, DEQ or the Iberville Government.

(e) Any lease forming a portion of the application for the original permit shall include reference to the decommissioning plan and the funding thereof as a necessary term therein.

(f) The decommissioning plan shall include provisions establishing financial assurance of the applicant's ability to fund such decommissioning plan. The applicant may use any of the following to establish financial assurance: a trust fund, a surety bond, a letter of credit, insurance, or third-party or affiliate corporate entity guarantee with accompanying documentation of financial ability to fund the decommissioning plan. Any change in the manner of financial assurance during the term of the permit shall require the approval of the Parish.

#### **7.D-9. Maintenance Plan.**

(a) The plan shall include a schedule of maintenance of the solar farm and buffer zone including but not limited to grass cutting, shrubbery and tree maintenance, and general upkeep of the premises.

(b) Adherence to the plan is subject to periodic inspections by the Parish, upon not less than 48 hours written notice to the permittee, and the Parish may require the adherence to the plan in regard to maintenance.

(c) In the event an inspection notes a failure to adhere to the plan, the Parish shall provide written notice to the permittee of the deficiency, which notice shall be deemed provided upon delivery by mail or electronic means. The permittee shall have five days from the date of delivery of the notice to remediate the deficiency. If the permittee fails to remediate the deficiency, the permittee shall be fined \$500.00. The permittee shall be fined \$500.00 for each day, or part thereof, for each subsequent day that the deficiency is not remediated, with each day considered a separate violation.

(d) The Parish may also enforce the plan through a mandatory injunction or as provided in Chapter 11 of the Code of Ordinances.

The foregoing ordinance which was previously introduced at the regular meeting of the Iberville Parish Council on April 20, 2021 and a summary thereof having been published in the official journal on April 29, 2021, the public hearing on this ordinance held on the 15<sup>th</sup> day of June, 2021, at 6:00 p.m., in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, was brought up for final passage with a motion by Councilman Kelley, and seconded by Councilman Pierce, having been duly submitted to a vote, the ordinance was duly adopted by the following yeas and nays vote on roll call:

YEAS: Allen, Easley, Dominique, Jackson, Smith, Pierce, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

The ordinance was declared adopted by the Chairman on the 15<sup>th</sup> day of June, 2021.

**ORDINANCE IPC# 009-21**

**ORDINANCE OF THE IBERVILLE PARISH COUNCIL ESTABLISHING A  
TEMPORARY MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF  
SUBDIVISION PLATS AND SITE DEVELOPMENT PLANS FOR LAND WITHIN  
THAT UNINCORPORATED PORTION OF IBERVILLE PARISH LOCATED EAST OF  
THE MISSISSIPPI RIVER TO PROVIDE FOR THE SAFETY OF LIFE AND  
PROPERTY AND GENERAL WELFARE OF THE CITIZENS**

WHEREAS, Louisiana Revised Statute Title 33 Section 1236(13) provides that the Iberville Parish Council is empowered to construct and maintain drainage, drainage ditches, and drainage canals; to open any and all drains which they may deem necessary and to do and perform all work in connection therewith; to cut and open new drains, ditches and canals, to acquire lands for necessary public purposes, including rights of way, canals and ditches by expropriation, purchase, prescription or by donation...and to construct any works and do any and all things necessary to effect proper drainage and carry this paragraph into effect... **they may perform all other acts necessary to fully drain all the land in their respective parishes and maintain such drainage when established. This paragraph is intended to furnish additional means whereby parishes in the State of Louisiana may accomplish the objects and purposes herein referred to, and shall be liberally interpreted.**

WHEREAS, pursuant to the above statutory authority to provide for drainage of Iberville Parish, the former Iberville Parish Police Jury (now Iberville Parish Council) enacted a five (5) mill property tax on all property subject to taxation in the Parish for the purpose of acquiring, constructing, improving, maintaining and operating the public drainage works throughout the Parish, which said drainage tax has been continually renewed since its original enactment over fifty years ago.

WHEREAS, in order to provide for the orderly safe development and use of land in the unincorporated area of Iberville Parish located East of the Mississippi River, the Iberville Parish Council desires to study and evaluate with the assistance of the City of St. Gabriel, Louisiana, and other state and federal agencies the impact of future development related to subdivisions as defined in Section 9.A|19.20 of the Iberville Parish Unified Development Code (2015) as it may affect the efficient drainage of this area and to avoid any subdivision/land development that may constitute or impose an unreasonable burden on public drainage system and to protect life and property of the area from flooding events.

WHEREAS, in recent years, including Tropical Storm Allison, the flood events of 2016 and 2021, there was major flooding of residential and commercial properties located within the Eastern portion of Iberville Parish, including the unincorporated areas of Iberville Parish, and the two State prisons located within St. Gabriel, Elayn Hunt Correctional Center and Louisiana Correctional Institute for Women sustained significant flood damages. The Louisiana Correctional Institute for Women was totally destroyed by the inundation of flood waters in the 2016 flood.

WHEREAS, for the purpose of this twelve (12) month moratorium within the unincorporated area of Iberville Parish located East of the Mississippi River a subdivision shall mean any re-subdivision of land into more than two lots for a single residential home each, and land development shall mean any project having a footprint of more than two (2) acres.

WHEREAS, that portion of Iberville Parish located East of the Mississippi River has been declared a major disaster area by the Governor of the State of Louisiana and the President of the United States of America after these major and destructive flooding events. Most recently, President Joseph R. Biden, Jr. declared Iberville Parish a major disaster area resulting from the flooding event in May 2021.

WHEREAS, in addition to flooding of residential property, homes and businesses, these flooding events have significantly damaged public roadways which had to be reconstructed by the Iberville Parish Council. The flooding events have restricted the ability of the Iberville Parish Council and other agencies, including the City of St. Gabriel to provide essential services to the area residents, including but not limited to emergency response, garbage collection, utility

services, animal control, fire protection and to receive mail. In order to maintain acceptable levels of public service and to protect the life and property of Parish residents during significant flooding events, it is necessary that a temporary twelve (12) month moratorium on new subdivisions and land development be implemented by the Iberville Parish Council in the unincorporated areas of Iberville Parish. The Iberville Parish Council respectfully requests the City of St. Gabriel to implement a similar moratorium on new subdivision developments and land development within its municipal limits so that the entire area of Iberville Parish located East of the Mississippi River will benefit from a temporary moratorium so the Parish and City can determine how to best reduce the significant flooding that has been occurring in the area over the last years and disrupting the daily life for residents and damaging property. The flood water created by stormwater drainage/runoff in the Eastern portion of Iberville Parish and from surrounding Parishes affects both unincorporated and incorporated areas of Iberville Parish located East of the Mississippi River.

WHEREAS, the Iberville Parish Council (formerly Iberville Parish Police Jury) constructed the major drainage canals and channels in the early 1900s that receive the storm water runoff from the entire portion of Iberville Parish located East of the Mississippi River. The Iberville Parish Council operates and maintains its parish wide drainage system with the Parish wide ad valorem five (5) mill tax with additional funding from the Parish's general fund. The Iberville Parish Council has expended millions of dollars to combat and repair damages caused by the 2016 and 2021 flooding events in the Eastern portion of the Parish. All drainage improvements or drainage ditches that have been approved by the City of St. Gabriel since its creation in 1994 flow into the Parish's maintained drainage system, and the City of St. Gabriel has required any subdivision developer within the municipal limits of St. Gabriel to submit any drainage plan to the Parish for a letter of approval prior to final approval by the City. Continued subdivision and land development in the Eastern portion of Iberville Parish will increase the flooding woes of area residents until such time as the Parish, City and other State and federal partners can work to develop a detailed flood study to help reduce the flooding events in the unincorporated area of Eastern Iberville Parish.

WHEREAS, the State of Louisiana and Iberville Parish recognized the serious backwater flooding events that plagued the Spanish Lake Basin located in the Eastern portion of Iberville Parish including St. Gabriel, Louisiana (formally incorporated since 1994). In 1950-51, the State of Louisiana Department of Public Works constructed a flood gate at the confluence of Bayou Manchac and Alligator Bayou in Iberville Parish to help reduce the backwater flooding from the stormwater draining through Bayou Manchac during heavy rainfall events. The Iberville Parish Council replaced the original single floodgate at Alligator Bayou in 2018 with three (3) new floodgates, and despite the increased capacity for the stormwater in the Spanish Lake Basin the floodwaters from the May 2021 high rainfall event still remain on the residential and commercial properties located in the Eastern portion of Iberville Parish.

WHEREAS, the backwater flooding is caused by the excessive storm water runoff from East Baton Rouge Parish draining into Bayou Manchac which creates very serious flooding in Iberville Parish and the City of St. Gabriel, including residential homes and business and commercial and industrial properties within the unincorporated and incorporated areas of Iberville Parish located East of the Mississippi River. All rainfall in the portion of Iberville Parish east of the Mississippi River must drain through the Alligator Bayou Flood Gate into Bayou Manchac. Until the enormous level of stormwater runoff in Bayou Manchac declines, the floodwaters in the Spanish Lake Basin have no outlet to flow into Bayou Manchac.

WHEREAS, the floodwaters that inundated the portion of Iberville Parish located East of the Mississippi River in 2016 and 2021 remained for an extensive period (at least thirty 30 days in 2016) and the Iberville Parish Department of Public Works had to make large cuts through Manchac Road to help drain the floodwaters from the area. Photographs of the Manchac Road cuts from 2016 and 2021 to help drain the floodwaters into Bayou Manchac are attached to this ordinance and incorporated by reference.

WHEREAS, a copy of an email message with accompanying photographs from a resident of Meadow Oaks Subdivision located in St. Gabriel, Louisiana detailing her disruptions of daily life and frustrations due to the excessive flooding are attached hereto and incorporated by reference in this ordinance. This email message accurately reflects the adverse effects of the repeated flooding events in the area and that residents are desperately pleading for relief.

WHEREAS, it is essential that Iberville Parish, Ascension Parish, the City of St. Gabriel work cooperatively with State and Federal partners during this temporary twelve (12) month moratorium period to review the entire drainage system for the Eastern portion of Iberville Parish to ensure that the area drainage be improved to reduce flooding and prevent loss of life and property associated with the serious flooding events during excessive rainfall and tropical weather systems.

WHEREAS, a present serious dangerous drainage situation exists in that unincorporated portion of Iberville Parish located East of the Mississippi River including St. Gabriel, Louisiana, and allowing any new subdivision or land development in this portion of Iberville Parish without conducting a thorough and extensive drainage study for this area will continue to adversely affect life and property during future heavy rainfall events/tropical weather events.

WHEREAS, a temporary twelve (12) month moratorium on development of subdivisions or large commercial land developments for a twelve (12) month period is necessary for the Iberville Parish Council to conduct a thorough drainage study review of this area of Iberville Parish to reduce the serious flooding events that pose major risks to area residents and properties located in both the unincorporated and incorporated areas, as stormwater runoff knows no political boundaries.

NOW, THEREFORE BE IT ORDAINED BY THE IBERVILLE PARISH COUNCIL AS FOLLOWS:

- 1) All of the above premises are hereby found to be true and correct legislative and factual findings by the Iberville Parish Council and are hereby approved and incorporated into the body of this ordinance as if copies in their entirety.
- 2) That a temporary twelve-month (12) moratorium is hereby enacted prohibiting applications for subdivisions of land into more than two lots for a single residential home each, and land development shall mean any project having a footprint of more than two (2) acres, which will promote the public health, safety and general welfare of the portion of Iberville Parish located East of the Mississippi River in the unincorporated areas.
- 3) That the Iberville Parish Council respectfully requests that the City of St. Gabriel join consider implementing a temporary twelve (12) month moratorium to ensure a coordinated effort between the Parish and City to work together to help reduce the significant flooding to prevent loss of life and property, and that the Council Clerk forward a copy of this ordinance to the Mayor of the City of St. Gabriel.
- 4) During this temporary twelve (12) month moratorium prohibiting applications for subdivisions and land development permits in the unincorporated areas of the Parish, the Iberville Parish Council will conduct a major drainage impact study of the area to determine if major repetitive flooding events during periods of heavy rainfall can be reduced by new or improved drainage projects to help protect the life and property in entire area of Iberville Parish located East of the Mississippi River.
- 5) This ordinance shall not apply to the following:
  - a) Legally permitted properties upon which construction actively commenced prior to June 4, 2021;
  - b) Construction on individual, single family residential properties on a legally platted lot in existence on or prior to June 4, 2021;
  - c) Ordinary maintenance is not affected by this ordinance.
- 6) No person shall build, clear or fill a nonresidential lot or structure within the unincorporated area of Iberville Parish located East of the Mississippi River without applying for and receiving a permit from the Iberville Parish Council.
- 7) Any person violating any provision of this Ordinance shall upon conviction be fined a sum not exceeding one thousand dollars (\$1000.00) or imprisonment not to exceed thirty

(30) days or both. Each day that this ordinance is violated shall constitute a separate misdemeanor offense.

- 8) The Iberville Parish Council may institute a civil action to enforce the provisions of this Ordinance including but not limited to the following: restraining order or injunctive relief or any other civil remedy available.
- 9) This Ordinance shall take effect immediately in the unincorporated area of Iberville Parish located East of the Mississippi River upon its approval by the Iberville Parish Council.
- 10) If any section, clause, sentence or phrase of this ordinance is held to be invalid by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

The foregoing ordinance which was previously introduced at the special meeting of the Iberville Parish Council on June 8, 2021 and a summary thereof having been posted on June 8, 2021, the public hearing on this ordinance held on the 15<sup>th</sup> day of June, 2021, at 6:00 p.m., in the Council Meeting Room, 58050 Meriam Street, Plaquemine, Louisiana, brought up for final passage with a motion by Councilman Morgan, and seconded by Councilman Jackson, having been duly submitted to a vote, the ordinance was duly adopted by the following yea and nay vote on roll call:

YEAS: Allen, Easley, Dominique, Jackson, Smith, Pierce, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

The ordinance was declared adopted by the Chairman on the 15<sup>th</sup> day of June, 2021.

#### NEW BUSINESS

##### A) Introduction of Ordinances

- 1) Ordinance to adopt the millage rates for the tax year 2021
- 2) Ordinance for protection of parish levees, pumping equipment, and water control structures

Upon a motion by Councilman Jackson, seconded by Councilman Arnold it was moved that a public hearing be held on Tuesday, July 20, 2021 at 6:00 p.m. on the introduced ordinances.

The motion having been duly submitted to a vote, was duly adopted by the following yea and nay votes on roll call:

YEAS: Allen, Easley, Dominique, Jackson, Smith, Pierce, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS None.

ABSTAIN: None.

ABSENT: None.

The motion was declared adopted by the Chairman on June 15, 2021.

#### RESOLUTION COMMITTEE REPORT

Chairman Jewell stated the Council will forgo a Resolution Committee due to time constraints.

- A) Resolution to select the Official Journal for the Iberville Parish Council for the period beginning July 1, 2021 and ending June 30, 2022

There were no questions from the Council or the public for this resolution.

DURING THE REGULAR MEETING:

**RESOLUTION IPC# 2021-014**

**RESOLUTION TO SELECT THE OFFICIAL JOURNAL FOR THE IBERVILLE  
PARISH COUNCIL FOR THE PERIOD BEGINNING JULY 1, 2021  
AND ENDING JUNE 30, 2022**

The following resolution was introduced by Councilman Kelley, and seconded by Councilman Bradford.

WHEREAS, La. R.S. 43:141 provides that a Parish Council at its first meeting in June of each year shall select a newspaper as official journal for its Parish for a term of one (1) year.

WHEREAS, La. R.S. 43:142 further provides that the newspaper selected shall have been published in an office physically located in the Parish in which the governing body is located for a period of five (5) years proceeding.

WHEREAS, the Post-South newspaper is the only qualifying newspaper within the Parish of Iberville that meets the statutory criteria to be classified as the official parish journal.

WHEREAS, for the purposes of meeting the requirements of La. R.S. 43:150, the name and address, effective date of selection and the period for which the selection is effective of the official journal be filed with the Secretary of State.

NOW, THEREFORE, BE IT ORDAINED, by the Iberville Parish Council as follows: “That the ‘Post South’ newspaper be selected as the official journal for the Iberville Parish Council for the period of July 1, 2021 through June 30, 2022.”

The above resolution was duly adopted in regular session on this 15<sup>th</sup> day of June, 2021 by the following votes on roll call:

YEAS: Allen, Easley, Dominique, Jackson, Smith, Pierce, Arnold, Markins, Bradford, Kelley, Vallet, Morgan.

NAYS: None.

ABSTAIN: None.

ABSENT: None.

The resolution was declared adopted by the Chairman on the 15<sup>th</sup> day of June, 2021.

**BOARDS & COMMISSIONS REPORT**

None.

**DISCUSSIONS**

A) Discuss drainage in District 2 – Councilwoman Easley

- Marlene Robbins spoke about the flooding in White Castle. She stated the farmers and their farmland are suffering, and the crops are now experiencing root rot. She spoke about the last time she knows that the canals were dredged in White Castle. She believes the last time the White Castle Canal has been dredged was before 1996. She believes False Branch Canal has never been dredged at all. She is requesting some of the disaster relief funds to be used to dredge canals in White Castle.
- John Businelle, he is the owner of a tow boat company, Businelle Towing. He spoke about the flooding along the bank of the Intracoastal canal. He stated this was the first time he has had to sandbag his house and he is at the highest point in that area. He has a 6 ft draft tow boat that he can't put in the water there. He would like a meeting with the Marine Industry to discuss the silt building up. He believes they should do sounding to see where the silt humps are that's causing the plug up. When the water goes over the bank the silt stays on the land, and the water gets confined on

the land. He is requesting to get the Corps of Engineers out here because this problem is not going to go away.

- Councilwoman Easley stated she has been working through the Bayou Pigeon, Bayou Sorrel, and White Castle areas. She and DPW Director, Mark Migliacio have been working together and she asked him to come forward to speak. A slide was presented to show the intracoastal canal that flows into a much smaller water way that runs along the land side of Bayou Sorrel and Bayou Pigeon where it then meets at the White Castle canal. They met with the Congressional district to discuss dredging the waterway from the intracoastal all the way to the locks. The Bayou Shane Lock system is an upcoming project. Where the the spillway meets the barges are sinking so they built a \$87 million lock.
- Next on the slideshow Mr. Mark Migliacio discussed the Paradise Cove Subdivision, where Ms. Marlene Robbins lives. All of the water in the land drains into Little Grand Bayou and the bridge on False Branch. He is going to put two floodgates, and he has been working with Mark Callagan. They are putting a ditch from the corner of the property to Mark Callagan's pump.
- Mr. Paul Sawyer, Congressman Graves' assistant stated the idea comes first and then the funding comes next. The good news is the funding is available now, and they are discussing all of the options to come up with a solution amongst the Parish and the State to get the water into the Gulf of Mexico. The Federal Government has given the State the money and the State is coming up with the projects for the money to be dispersed. Over \$1.2 billion dollars has been given to the State and the State is drawing down the money to Parish projects. Congress states the money has to be targeted to the Parishes impacted by the 2016 flood first, most impacted parish (MIP). The money goes directly in the MIP or to the source of where the flooding is coming from into that parish. This dispersion process takes a couple of years.
- Representative Chad Brown, stated the State is divided into watersheds and the money is dispersed to the mostly effected watershed areas. The Council submitted 26 projects and at least 2 of them are on the list to receive money. It is difficult to get Corps of Engineers' approval and could take years. DOTD doesn't work directly for Congress, they work for the Secretary of State. He works to develop a good relationship with them to get the work done that he requests.

#### ADJOURNMENT

There being no further business, it was moved by Councilman Markins, and seconded by the Councilman Bradford, to adjourn at 8:17 p.m. The motion was unanimously adopted.

/s/ KIRSHA D. BARKER  
COUNCIL CLERK

/s/ MATTHEW H. JEWELL  
COUNCIL CHAIRMAN