



**OFFICIAL MINUTES
PLANNING AND ZONING BOARD
December 12, 2001**

Members present: Clay Breaud, Lloyd Ragas, Melvin Adams, and Marguerite Erwin
Members absent: Bert Boquet
Also present: Councilmen Adley Landry and Dee Richard, Kermit Kraemer, Public Works Director, Delvin Portier, Jr., Administrator and Ruby Maggio

A motion to accept the minutes from the November 14, 2001 meeting was made by Lloyd Ragas and seconded by Melvin Adams, all members were in favor.

The first item of business was to consider a request by Acadia Land Surveying on behalf of J. B. Levert Land Company for approval of map showing .208 acres of land to be donated to the City of Thibodaux and request for .727 acres of land to be re-zoned from R-1 to R-3, located in Section 113, T15S-R16E, City of Thibodaux, Lafourche Parish, Louisiana. Mr. Breaud stated really this is two issues and what he would like to discuss under the Planning Commission the re-division of property, even though the property division may be tied to the zoning, that was an option of the owner, whether he wants to donate, whether it gets re-zoned or not, let's handle the re-division of property first and then we will discuss the zoning issue. Mr. Jules Toups with Acadia Land Surveying came forward and stated that the City had approached J.B. Levert and asked them to donate property to install a bridge across Bayou Lafourche and this was in conjunction with the couplet system. J.B. Levert has obliged the City and they are willing to give 50' for a bridge and road right of way. Mr. Breaud asked if the existing Shop Rite was being leased, right? Mr. Toups replied correct, it was a leased property. Mr. Breaud stated the existing lease line of Shop Rite on the East side is located approximately where? Mr. Toups replied just a little bit off the edge of concrete. Mr. Breaud replied so there's a strip of property between that lease line and the proposed donation of property, right. Mr. Toups replied correct. Mr. Breaud replied and that 50', what is the intent of that strip of property in the future, would that be added on to the lease of Shop Rite? Mr. Andy Andolsek stated he was assuming that if the bridge comes through that they would connect to the right of way if possible. Other than that it would be in the same condition that it is right now, there's nothing he could do with it. Mr. Breaud stated the purpose of this donation at this time, we just recently had some redivision of property and it has been requested by the City for this right of way for the extension of a bridge, is that basically the reason? Mr. Toups replied correct. Mr. Adams stated that was a big area between Becnel's Garage and that Shop Rite. Mr. Toups replied between the Shop Rite and Becnel's Garage we had created two additional tracts, Tract A & B in April of this year. Mr. Andolsek replied that was for the Chamber of Commerce and Duplantis Engineering, they are already lots of record approved by the Planning Commission. Mr. Breaud replied he saw they were giving 50' donation and even though it was donated he would have much rather have seen a 60' right of way but he wasn't going to argue that point in case we've got an open ditch and he didn't think we'd need turning lanes because they're talking about a couplet system here where all the traffic will be in one direction so he didn't ever foresee that we'd need a left turn lane and a through lane, although we could because you are lined up with Davis Drive. Mr. Andolsek replied that they could come back if more property is needed he just didn't want to do more than what they asked for. Mr. Breaud stated that was fine, he was donating the property and they couldn't be too picky on what they asked for. They had included 12' drainage servitude along the West side of the property. Were there any other questions by the Commission? Mr. Adams stated there was a servitude for utilities on the left side, he didn't see anything on the right. Mr. Breaud replied on the right side, he didn't own that property so he couldn't give up that servitude that was a leased lot and unless it was part of the lease agreement they couldn't give that servitude. He didn't see a need unless the City sees a need that they may want to extend the utilities across the bayou at some point in time but he thought they could always get that later. Mr. Toups replied it wasn't shown on here but going through what he thought was Tract A right now there is an existing water line that was already crossing the bayou near this location and you have a servitude for that. Mr. Breaud asked if there were any other questions, if not, he needed a motion to accept the re-division of the tract to be donated to the City of Thibodaux. Mr. Adams asked if the other two where you have already subdivided the lots, will they remain R-1 or they went to R-3? Mr. Toups replied they went to R-2. Mr. Breaud replied they would discuss the zoning in a little while. It has been moved by Mr. Ragas that we accept the donation of the 50' strip and it was seconded by Ms. Erwin, all members were in favor.

On this same item number on the agenda there is a request to rezone the Shop Rite tract from and R-1 to an R-3. Right now Shop Rite is an R-1, the tract being donated for the bridge is a R-1 and the adjacent tract on the East side which is leased by Duplantis right now was rezoned to an R-2 a few months ago. On the West side of Shop Rite there is a drainage canal and on the other side of the drainage canal it's an R-1 and on the North side of 308 it's an R-1 and then Becnel's Garage is also a R-1 and then you're outside the city limits. This request came to us maybe a year ago and the request at that time was for an R-4 zoning. This commission recommended that we do rezone this area to an R-4 mainly because right now the Shop Rite is a non-conforming lot of record. The Shop Rite existed when the zoning came into place and by right that area probably should have been zoned either commercial, R-4 or something to that effect. Mr. Toups or Mr. Andolsek may want to explain his reason for this request at this time. Mr. Toups replied the reason they were requesting an R-3 is once this bridge goes through we're going to have an isolated piece of property. They would have a bridge on one side a state highway on one side, a very large drainage canal on one side and the bayou in the rear. At present with it being an R-1, they don't foresee this ever being a residential lot because of the gas station. The other reason to rezone it if for some reason Shop Rite would stop operating their gas station, in that case if J.B. Levert could not find a tenant within 6 months they would have to go into the business of operating a gas station or this would revert back to an R-1 and they would not be allowed a service station at this location. So what they were asking for was to an R-3, it wasn't permitted in an R-3, but it is conditionally permitted and if they would receive an R-3 zoning on this they would still have to go back to the Board of Adjustments to get it conditionally approved for the filling station. The last time they came the reason they were asking for an R-4 was Shop Rite was looking at putting a car wash and in an R-4 a car wash would be permitted. In an R-3 a car wash would be conditionally permitted so if they would want to put a car wash they would still have to come back to the Board of Adjustments and go back to the Council. They weren't trying to circumvent anything to get into the car wash, they just wanted to get it set to an R-3 zone, where they felt it should be. The other thing, after doing this, they looked at it, they had the 50' wide strip in the middle, which would be a road which would still be an R-1, he thought that should be re-zoned also, it wasn't in this application but looking back at it, it should be an R-3 to match the Shop Rite or and R-2 to match the property on the side, but with the .727 acres they would need that to be an R-3. Mr. Breaud asked if everyone within a 100' of this re-zoning tract notified. Mr. Adams stated from what he was telling him this was leased property, Shop Rite doesn't own it. Mr. Toups replied it was leased, Shop Rite didn't own it, J.B. Levert owns it so if Shop Rite would go out of business and if they couldn't find a tenant soon enough they would have to go into the business of operating a service station and he didn't think J.B. Levert wants to be in that business. Mr. Toups stated that the zoning maps were misleading. Ms. Erwin replied are they, because that was what they were looking at. Mr. Adams asked if a car wash would be permitted in an R-2. Mr. Toups replied no. Mr. Toups stated the zoning map was misleading the City limit line runs on the North side of Canal Blvd., it runs to the Levert house, it goes around the Rienzi Plantation, crosses then follows the Southern side of Highway 308 to the City limits and then turns and goes into the Bayou. Mr. Breaud stated we should try to get a bigger map and bring it to the meetings. Mr. Breaud asked Ms. Erwin if she understood that they were asking for. Ms. Erwin replied yes. Mr. Toups replied another issue that was brought up, if this bridge was ever put in Shop Rite and Duplantis would like to have access to it, not to have the City to have reserve access where they wouldn't allow someone to tie onto the side of it. Mr. Breaud stated one concern that he had, he thought the state highway department has some requirements and he would like to follow the same requirements where we don't get a driveway too close to the intersection, we need to stay back 100' and put some kind of condition where that driveway entrance can't be within 100' of the intersection, he wouldn't have a problem with it. He didn't want driveways too close to the intersection, which would cause traffic congestion and unsafe conditions. Mr. Toups stated that could be worked out they just wanted to state that they would like..... Mr. Portier replied the State wouldn't let them do it any way, right? Mr. Toups replied he didn't know, they have Walgreens, they have it and so does Community Bank. Mr. Kraemer replied he didn't know if it would be a State highway or part of a State highway project. Mr. Breaud stated they would have to follow their rules. Ms. Erwin stated so his request though is to just change that .727 acres to R-3. Mr. Toups replied correct, but after doing that, we looked at it and we have an R-2, then you have a 50' wide strip of an R-1 and then go to an R-3. Mr. Breaud stated he recommended at this time that they either change that strip to either and R-2 or R-3 so that we have some type of continuity. Mr. Breaud stated he thought they ought to go ahead and change the donated property to R-3 also. Mr. Ragas replied he agreed, whatever they rezoned it to it should be complete continuity. Mr. Breaud stated he needed a motion if someone wanted to make a motion. Mr. Adams stated he wanted to first say that he wasn't in favor of spot zoning but they didn't have an alternative the way this thing was separated and he didn't think it would bother anybody and he was in agreement, he thought it should be an R-3. Mr. Ragas made a motion that they re-zone the Shop Rite lease and the 50' donated property from an R-1 to an R-3 and that was continuous between the canal on the West and the right side of the East side of the right of way, the motion was seconded by Mr. Adams, all members were in favor.

The next item on the agenda was to consider a request by the Acadia Land Surveying on behalf of J. B. Levert Land Company for final approval of Plantation Acres V Subdivision located in Section 44 and 114, T14S-R16E, City of Thibodaux, Lafourche Parish,

Louisiana. Mr. Breaud stated as you recall they came in front of us for sketch and preliminary approval on this subdivision, which was adjacent to North Canal Blvd. , and it looks like they have finished all the construction and all the utilities have been constructed and tested and accepted. Mr. Jules Toups came forward and stated that the only thing he knew of that was being done lately was the telephone line was trenched and put in yesterday and he didn't know if they put it into service yet, but the sewer, water and gas and all other utilities are in. Mr. Breaud stated Mr. Kraemer, as far as you know, that's all been accepted by the City? Mr. Kraemer stated it was hard to test the sewer pumps and force mains when there's nothing to it presently but they are in acceptable condition. Mr. Breaud asked if they had worked out the details with the gas line and the light standards, we've got the lights every third light or whatever. Mr. Kraemer replied that was a condition set upon by the Planning Commission. Mr. Breaud stated looking at the plat Jules, I have a question, what was the servitude width on Lot 5, Blk. 10 on the East side, it shows a servitude but we don't call out the width. Mr. Toups replied it would be an 80' drainage right of way; the drainage right of way went from the Eastern side of Canal all the way across the property, across Rosedown and followed the Rienzi Canal North to the City limits. Mr. Breaud stated the only problem he had he thought they needed to tie it down to the property line right now, the drainage servitude, it looked like they had some overlapping servitudes which he wasn't going to address at this time because he thought they would address it at a later date on this 80' and 60' right of way, a 60' pipeline right of way and then you've got an 80' drainage right of way and it looks like they overlapped the two. You can't dig the drainage canal on the pipeline right of way so any widening off the ditch would be on the Southern side, but we're not addressing those issues right now. He would just like to see the width of that servitude be tied down and noted. Mr. Andolsek replied Clay the only thing is that where that lot is there is really no water passing. Mr. Breaud stated they weren't planning on widening that one, but as far as the back goes we would use that for access if they needed to. Mr. Andolsek replied other than that, we could widen the back of it. Mr. Breaud stated he saw that all the culverts in the ditch along Canal were removed with the exception of the one all the way by the East/West ditch. Mr. Andolsek replied that they had left it for a reason, because if you look at it, there's a concrete head wall that the highway department put in right there and he thought they would have a major erosion problem if you pull that culvert out, when that water starts rushing in behind that head wall right there. He stated that culvert feeds into that canal past the head wall and they looked at it hard, that culvert gives you access to the canal instead of having to tract in all the lots, number one and secondly if they pulled it he thought they would have more problems down the road. Mr. Breaud stated his only concern was that if it was of adequate size because we're draining everything on that side the ditch from Glenwild to here. He asked Mr. Andolsek if he remembered what size culvert that was. Mr. Andolsek stated he didn't know, it was a decent size but if it was 18 or 24, he would be lying if he told them. His experience, he's never seen water piling up in that area and it piles up by the park down there in the back but he's never seen it really. Mr. Breaud stated that they shown driveway culvert sizes on all these lots so that the City would know what sizes to put in but he guessed Jules kind of corrected him that this was a State highway and it was the State's jurisdiction and he didn't guess the City would be installing culverts in the State right of way, is that true Kermit? Mr. Kraemer replied not necessarily, they did install them, you have to get a permit from the State however. Mr. Breaud stated but most of the time the State doesn't look at drainage. Mr. Kraemer replied they were not the least bit interested. Mr. Breaud stated then it would be beneficial to the City instead of you all guessing or trying to do drainage calculations Kermit, to have the size culverts on this plat. Mr. Kraemer replied definitely. Mr. Breaud stated then he would offer that as a condition, that your engineering firm has the capability to come up with culvert sizes and he'd like for them to put that on this plat so that the City doesn't have to start guessing at what size they need. Mr. Adley Landry stated, Mr. Chairman, the driveway culvert should be the same size as if you were going all the way across the lot, according to the subdivision ordinance. Mr. Breaud stated if we allow people to start filling up their ditches in their front yard which is a political nightmare to him, but he didn't recommend that they allow that to happen without engineering approval or engineering calculations because it is happening right now in Banker subdivision and we're creating our own problems when we do that. Mr. Kraemer stated he thought what Mr. Adley as saying is that the culvert size needs to be such that if there are ever culverted across the entire area, that should be the same size. He's not saying he advocates it, he's advocating that you don't have an 18" culvert for a driveway and then you've got to have a 36" culvert for the remainder of the lot. Mr. Breaud stated he realized what he was saying but it affects the size quite a bit and if it's not the intention to allow that to happen, we could get by with the other size but he agreed, if the council or the administration is going to take the position that we are going to allow people to fill their front ditch for the whole length of the lot, we definitely need to look at that because we're causing ourselves problems. Mr. Toups stated you would need over-sized culverts if they did that. Mr. Breaud stated it would cost the landowner more money to install those culverts but if that's what we want to do. Mr. Adley Landry stated sometimes they'd be the same thing, other times it's just one size larger. Mr. Breaud stated sometimes they're 2 to 3 sizes, it depends, the friction factor of a corrugated metal pipe is 3 times the friction factor of concrete or open ditch drainage. He was well familiar with drainage calculations and he knew the effects it could have. So let's go ahead for this sake here, size the culverts based on continuous pipe from point A to point B, we may end up having some big pipes, you may end up having to have some arched piping in here. Mr. Toups asked who would be responsible for installing them. Mr. Breaud replied well the property owner is, but he thought the City installs them. Mr. Kraemer stated that the City

normally installs them and the property owner provides the culvert. Mr. Toups replied by doing that it may cause the ditches to be re-dug again. Mr. Breaud stated that's why he was saying you would have to go with arched pipe because you don't want to start ... no you never dug those ditches. Mr. Andolsek replied they cleaned them, it was never re-dug, it was a swale more than a ditch. Mr. Breaud stated that was the other critical thing, the flow line of the culvert, we can put all the size culverts we want but if the culverts are too high they don't carry any water, it doesn't do any good. So that's why he was saying it needs to be designed and he wasn't asking them to do that. Mr. Toups replied they were asking them to do it. Mr. Adley Landry stated he had requested that the Mayor swale the West side of Canal Boulevard and it looks good and he's asked him to do the same thing on the East side in the State project. Mr. Kraemer stated they were presently getting F.G. Sullivan to clear those ditches continuous all the way to the end of the three lane. Mr. Breaud stated he didn't want to get off the subject but is there any reason why the culvert sizes decreases from Wal Mart going towards Chackbay in some cases when the flow of water is in that direction. Mr. Adley Landry replied the flow of water can go both ways, some of it is coming back to the East/West Canal right behind the old subdivision and some of it goes the other way. Mr. Breaud stated he didn't mean to get off the subject but that's a touchy, sometimes we think we're doing right but he didn't agree with that. Mr. Toups stated back on here, you are asking us to go back and re-engineer it, putting in the culvert sizes, he just wanted to make that clear. Mr. Breaud stated he didn't know if he could ask him to go ahead and set flow lines of it, because he didn't know if the City has the capability to set the culverts to a flow line. Mr. Toups stated but to do the calculations you're going to have to do a set of ... Mr. Breaud replied well to do the calculations you design on full flow capacity to make sure that you've got a full barrel. Mr. Ragas stated let me ask you something, if that's the case and you're having trouble flowing North, what's going to happen when we add all these subdivisions that we're planning to add down here? Mr. Breaud stated well we've got this big canal here, this North/South Canal, so everything is coming into this ditch here, there's nothing else to be added. Mr. Toups replied they weren't adding any more than what is going into it already. Mr. Breaud asked if there were any other comments by the Commission, any comments from the public? He stated the only two issues that we asked for conditional final approval would be the culvert sizes and the servitude width, he would ask that some one make a motion to accept final approval of the Rienzi V Subdivision on the condition that the driveway culverts sizes be shown on the plat and those sizes be sized such that the ditch in front of the lot is completely covered and that the servitude on Lot 5, Block 10, North side be dimensioned. Mr. Toups asked if they were going to be responsible for going back and getting this permitted with the State, or will the property owner still be Mr. Kraemer replied the property owner Mr. Toups stated he just wanted to make sure he was clear. Mr. Breaud replied this was if they come to the City and somebody wants to know what culvert size, the City can pull this plat out and say this is the size culvert you need. Mr. Toups stated right, but they still have to file a permit, he just wanted to make it clear that they weren't filing permits for them. Mr. Breaud replied no. So that was the motion, it was made by Ms. Erwin, seconded by Mr. Adams, all members were in favor.

The next item on the agenda was to consider a request by the City of Thibodaux Public Works Department for the addition of a tracer wire requirement in the design standards contained within the Subdivision Ordinance, Chapter 18, Article IV, Section 18-83, Section (2) - Sewerage Systems, (a) Design Criteria, by the addition of item number (7) as follows: **"7. Developers shall be required to install tracer wires to traverse the length of the sewer line installed on property to be developed and bring it up to the six inch (6") clean out cover."**

Also, Section (3) – Water Systems, (a) Design, by the addition of the wording: **"Developers shall be required to install tracer wires to traverse the length of the water line installed on property to be developed."**

Also Section (4) – Gas System, (a) Design, by the addition of the wording: **"Developers shall be required to install tracer wires to traverse the length of the gas line installed on property to be developed."**

Mr. Breaud stated at our last meeting we spoke about tracer wires on the lots for sewer, and we can take all three of them, we're asking for tracer wire for sewer, water and gas, is everybody familiar with what they are talking about. Mr. Adams stated that was from the house to the clean out in the street. Mr. Breaud asked Mr. Kraemer if that was over the mains too? Mr. Kraemer replied that was correct, to the service, that way the line will be completely covered since they are all covered on the lots, they will also be now covered in the subdivisions so it would be a continuous tracing above ground of all the underground utilities in the City on all new developments. Mr. Breaud asked if any of the Commission members had any questions, any questions by the public, if not, motion was made by Mr. Ragas, seconded by Ms. Erwin, all members were in favor.

The next item on the agenda was to consider a request by the City Council of Thibodaux that the Planning and Zoning Commission review the City's regulations relative to the construction and location of wireless communication towers. Mr. Dee Richard came forward and stated that he guessed he was the one who brought this up to the Council and what he

would like for them to do was to look at the regulations and it was kind of personal, he guessed Lloyd could appreciate it also, living in the vicinity. When the two towers were put up in the City's lot off of Tetreau Street, he happened to be reading a couple of months ago in the Morning Advocate and in another parish their council amended their laws as far as communication towers and they put in an amendment to say you have to build it 110% of the height of the tower away from the next property line. In other words that way if you build 100 feet, it's got to be at least 110 feet away from the next property line so it won't fall on somebody's property. So he was going to ask if they would look at that and study it and ask them to amend. Mr. Breaud stated Dee based on that if we went the 110% rule, if we've got a 100 foot tower we would need a tract of land at least 220' or 250' by 250' wide. Ms. Erwin stated aren't the towers limited to City property? Mr. Breaud replied not limited but it was designated and they have to get approval if they don't. Mr. Ragas stated the towers he was talking about was property across the street from people's houses. Mr. Richard replied right and they've got a second one there and he was sure they would put a third one there. Mr. Breaud stated he thought what that would do is every designated area that ... Mr. Richard stated it would limit you from putting five on a lot like he would think the City is probably going to do there. Mr. Breaud stated but it wouldn't allow them to put one, right, you couldn't put another tower on none of these sites. Mr. Richard replied it depends on how big the site is. Mr. Richard stated he was just saying if other communities could do it, he didn't know why they couldn't. Mr. Adams replied in reference to property lines or the existing buildings. Mr. Richard replied property lines, that is how they have it written. Mr. Portier stated the problem with that was these other places you're reading about probably is a big town with a lot of area and they've got room to do it. The City doesn't have room and you can't stop them from coming into the City because it's a federal law that you have to allow them in and that's why we wrote that ordinance and we spent a lot of time drafting it. We had to write an ordinance because we didn't have one and without an ordinance they would be able to put them any where if we didn't have one. Ms. Erwin replied so that was the reason behind the ordinance. Mr. Breaud stated right now the setback requirements if the same as the setback of a building in any zoned area, so in some cases you could have a tower five to ten feet away from a building or residential structure. Mr. Portier replied but they don't do that any more. Mr. Ragas replied these are 50'. Mr. Breaud asked what has been going on, how many towers do we have since this ordinance was adopted. Mr. Portier replied three, they leased one site 80' x 80' , one was 50' x 50' and the other one was 100' x 100'. They usually put these things in the middle or to the back side, but mostly to the middle and they build all their mechanical rooms around it. That's why they asked for 100' x 100' so they'd have plenty room. Mr. Ragas replied the one he was talking about was on the corner. Mr. Portier stated yes, there's one in the corner, there's 2 of them. Mr. Ragas stated they put a second one and they have room for probably 2 to 3 more in the same section. Mr. Breaud stated he thought they only had one monopole.... Mr. Richard stated that the city owned property on both sides so where he's talking about wasn't a different property and you're away from the private property. Your ordinance says you can put these in public school areas and stadiums, you've got plenty room there also, why does it just have to be catered to the City's property, is that the business that we are in, is to rent these things out? Mr. Portier replied no, but that's where they want to be at. Mr. Richard stated if we don't stop it, to him you will have 10 of them right there in that lot. Mr. Portier stated it just so happens that is where they want to be at, it just so happens that the barn is a central area. Mr. Ragas stated what about the people that live there, they've been living there for years. Mr. Kraemer replied he agreed but the City designated those areas. Mr. Richard stated they also designated other areas, not just City area. Mr. Breaud replied the areas that are designated in the ordinance are areas that can have administrative approval and they don't have to come in front of this commission, any other areas could still be, but they have to come in front of the commission for approval. Mr. Portier stated we've got a lot of other property, Dee. Mr. Richard replied the property around Peltier Park, you all mentioned all that when the ordinance was brought up. Mr. Portier stated they have a lot of other properties, but they just chose that spot because they liked the central location around the City. Mr. Ragas stated that was fine, but why do they make the final decision, the City should make the final decision, not them. Mr. Richard replied that was right, that was his point, to protect the City and the people's property. Mr. Portier stated but in our ordinance we've got an Overlay District 1 and Overlay District 2. In Overlay District 1 they can do it any where in Overlay District 1, it was written where we could go ahead and permit them our of the office, if they go to Overlay District 2, then it has to go before the Planning and Zoning Commission. You can't stop them from coming into the City. Ms. Erwin replied but it was up to the City whether or not they lease them that property, is that correct? Mr. Portier stated if they wouldn't go there they would go to another overlay district and they are all within residential areas. Mr. Breaud asked who's making the decision whether the City leases that property, is that coming from administration, the Mayor's office? Mr. Kraemer stated the City is not exactly happy with leasing them but there is a demand, they wouldn't be building these towers if there wasn't a demand for it. Mr. Breaud stated but you aren't forced to lease them, if the City doesn't want to lease, they don't have to lease it. Mr. Kraemer replied no they didn't. Mr. Breaud stated he had to ask this question again, when he remembered the ordinance they required monopoles and that we force them to co-locate on a pole, now you are telling me they've got 3 poles. Mr. Portier replied the first one next to the barn was full, the other one has two located on it. Mr. Breaud asked how many antennas is full? Mr. Ragas stated it wasn't relevant if the other one was full, they could have put it somewhere else. Mr. Breaud asked what does co-locate mean, he thought you could put many different ones on one

pole. Ms. Erwin replied you can only put so many on one pole. Mr. Portier replied full was 3 antennas, the first one, Bell South was full. Mr. Ragas stated quite frankly you've got some sections right in that area next to the barn where the trash pickup used to be where they store their trucks, that was big enough for a pole right there, way at the other end, but you've got place in Peltier Park, you've got place by Thibodaux High School, you've got property for the City. Mr. Portier replied the problem is, you've got to understand, is the location of the pole and the antenna to cover the required area, if you put one by Nicholls, they would have to put another one in the City to jump from one to another because Mr. Kraemer stated they had refused to lease them, for the last one that was just erected, we refused them two sites that they wanted on City property because of where they wanted to locate. Don't get me wrong, it was all in that same area, one was across the street where the round sewer station was at one time, the clarifier unit and the other one was in the middle of the barn lot, that was the two locations and we said, no, if you want to locate in this area, the only spot you can have is right next to the one that is presently there. Mr. Richard replied that didn't make any sense. Mr. Adams replied he thought that one was placed too close to those residents, that should have been put in the middle of the lot. Mr. Kraemer stated it was located immediately next to one that was already there. Mr. Ragas stated the first one should have been put where the gate is. Mr. Kraemer stated we had refused them two other sites... Mr. Ragas stated so they are going to put 3 or 4 or 5 in that one spot, that doesn't make any sense. Mr. Kraemer replied well not in the way of the City. Mr. Ragas stated he could care less about the City, he cared about the people that lived there, that's what they had this Board, for the City too, but for the families, the people that live here for the next 20 or 30 years. Mr. Kraemer replied you have to understand that has to be changed by others, he didn't have the right to change that. Mr. Breaud asked if that was the complaint right now, would it be of any benefit to say we won't allow more than one monopole per location. Mr. Portier replied if you want to change the whole ordinance. Ms. Erwin stated she would rather them group together in one area than to have them clear across the City. Mr. Richard stated would you say that if you lived across the street? Ms. Erwin replied what she was saying if you have one or if you have a bunch, maybe we should have written the ordinance to where it wasn't next to residential, if that's what the problem is. Mr. Richard stated those people, they had no say so, they didn't know where these towers were going when they were built, he didn't know if they would have had a say so any how but it was just like when you have issues that cover property from your committee you like people that are affected by it. Ms. Erwin stated that we have to have them in the City. Mr. Richard stated he understood that but they still should have say so where they go and at least can say how far you build them from property lines, if you can't put them 110% maybe we could put a stipulation but he thought it was something they needed to control. Mr. Adley Landry stated he didn't see a problem with putting multiple towers in any area if it meets the requirement that it is not going to fall on a house next door. So if you went to Acadia or Peltier Park or any other piece of property we might have, you could put four if need be but they wouldn't fall on any thing is what they are talking about. If those things would fall those little houses would be in the way. Mr. Breaud asked if their concern was of the towers falling on the house or was it an aesthetic thing, these towers are designed to withstand 200 mile an hour winds, the house would go before the tower would, is that the concern? Mr. Richard stated he thought it was both. Mr. Kraemer stated they are shielded from the residents on the ground and they are now also following the landscape ordinance that is in effect, they are landscaping around the fenced area. The newest one put slats in the chain link fence so the ground area is not necessarily visible but you do have, above the fence you see the tower, you see this monopole going up. Mr. Landry replied you see a water tower also. Mr. Kraemer replied that's what you see, you don't see any of the electrical works or the transmission building or any of those things underneath, what you see is this monopole going up into the air and of course if you look 200' up in the air you see the array up there. He wasn't arguing against what Dee is saying, he was just telling you that was enacted, we have to follow what is there, personally, and there is agreement and disagreement, he would rather see them located all in one area than having them spread around the City. The City has the piece of ground there that was adjacent to the other site and that was the only one they would lease this particular operator at this time in the general area that they wanted to be. The didn't want to be at Martin Luther King Park, they didn't want to be in Peltier Park, they wanted to be right where the clarifier was, and we just refused to let them have that space. Mr. Ragas stated if you refused one you could refuse the next one. Mr. Richard stated he was just asking why does it have to be in that particular spot? Mr. Kraemer replied it has to do with the grid and actually they didn't want to be that close to the other tower, for whatever reason, interference or whatever, but if you notice, their array has a slightly different orientation as opposed to the one next to it, they are slightly askew from one another, but why he didn't have a clue, he was sorry. Mr. Richard asked why was that one put there. Mr. Kraemer replied that was Nextel that put that one there, he didn't know why they wanted to be there either. Ms. Erwin stated that Nextel has a different way that they do it, their towers have to be much closer. Mr. Richard stated it was like this, how are you every going to dictate for everybody to put what they want in one location, that will never happen. That would be nice in the right location, but he guessed it wouldn't happen. Mr. Breaud stated what is the difference from an aesthetic standpoint if the tower is 50' away from a house or 100' feet away, does that really make a difference. Mr. Richard he didn't think it was aesthetic at all, from what his neighbors said, they fear for the safety. Mr. Ragas asked if these towers were owned by individual companies? Mr. Kraemer replied yes. Mr. Ragas stated if this company goes out of business, are they going to take that tower down. Mr. Breaud stated there was something in the

ordinance relevant to that. Mr. Ragas stated but they can't leave it up there if they're out of business, that tower has to come down. Mr. Kraemer replied correct. Mr. Breaud stated the water tower that is on Canal Boulevard that is right in the middle of all these residents.... Mr. Kraemer stated if it comes down you are going to make a hell of a mess. Mr. Landry replied it would be more a problem with water. Mr. Breaud stated Dee if we amend the ordinance or make a recommendation to amend the ordinance to make a minimum requirement of maybe 80' would that be satisfactory? He just felt that 110% would be too much to be able to fit into any of the lots in town. Mr. Portier stated the max they can put is 190'. Mr. Kraemer stated his only question to them would be if it affects these towers, what would it do to water towers since they were getting ready to put up a water tower in the Northern end of town, next to a residential lot. Mr. Breaud stated everyone was talking at the same time, Marguerite you've got the floor, what was the point you were trying to make? Ms. Erwin stated before we say 80' or 80%, is that even viable to do with the present locations that are cited, is that even possible to do? Mr. Kraemer replied the other locations that are presently permissible without any variance. Ms. Erwin replied right. Mr. Breaud asked Mr. Portier if he had any feel for that, what size property does the City own on these other tracts? Mr. Portier replied it wasn't only the City, it was all over Thibodaux. Mr. Breaud replied, ok, how big are those tracts, do we have any idea. Mr. Portier stated they had large tracts and small tracts and sometimes they only need like 50' x 50'. The first tower that was put in there was South Central Bell and that was done without an ordinance. We had to write an ordinance because without an ordinance in place there is a federal law saying that the City cannot stop towers from coming in, they could have went put it any where in the City of Thibodaux. So they wrote the ordinance because of the federal government, you had to have one in order to control where they wanted to put them. Since the ordinance was adopted we have only had two towers, he had said three but it's only been two since the first one was done without the ordinance in place and that's why we did it. If you do this you won't let anybody in again and if you don't let anybody in again the federal government regulates that and we're going to have some problems on our hands with that because if you write an ordinance where you're not going to let them in at all. You can write an ordinance where you can put them all in one spot if you want. Mr. Breaud replied their ordinance could say 80' from the tower to any structure, that's not stopping them from coming in and finding a lot that would fit that even though it's not one of the designated one's that we've got on the books, they could find something. Mr. Portier stated that was from property line? Mr. Breaud stated from the tower to the property line. Mr. Portier replied all right if you cross the street from the next property from where the tower is at, they are pretty close to 80'. They are 100' x 100' and in the middle, so they're 50' from there and if you take the street involved and the right of ways, you are at 80'. Ms. Erwin stated there's a part in the ordinance here on tower citing conditions, if they don't comply they actually have to come to the Planning and Zoning Commission and they could restrict and enforce even aesthetics to coordinate with the surrounding areas. So maybe one of the answers is to reduce the number of approved sites and let them come in and stated their peace and make sure that aesthetically doesn't ... Mr. Breaud stated why don't we ask Delvin to research those sites that we have available here and give us some ideas on their size. Mr. Portier replied he didn't know all the sites. Mr. Kraemer replied he needed to lay it out for the Planning Commission. Mr. Portier stated he thought we had an overlay map, you didn't get a copy of it? Mr. Kraemer replied he still needed to do it again. Mr. Portier replied he would give them a map of the overlay of all the locations where they are allowed. Mr. Breaud stated why don't you do that for our next meeting, that you kind of give us some ideas so that we know what we're getting into if we do lease some of these sites and what is available. He just threw out the deal about 80'. Ms. Erwin stated she didn't know if they realized that in the ordinance the Planning Commission actually could impose conditions if it doesn't comply. Mr. Breaud stated but what is happening right now, they are all complying. Ms. Erwin replied right, so maybe we need to reduce the sites from residences or at least look at it, she certainly didn't know where all the sites were or what the sites look like. Mr. Portier replied he could give them a map and mail it to them and they could go ride and look at each site. Mr. Kraemer stated one thing he wanted to mention to them, the City several years ago did employ an agent to find people to locate in the City and we still have that agent. We're not going out and seeking these people, these people are coming and seeking sites in the City. Mr. Portier replied well with the big demand they've got now, they said this was coming, the people that they hired, what they did was manage the sites for us. They hired them to run it and get it set up and take care of the leases and everything else, all the City does is says if you're in our City you can have that one, they might go to a school and let them deal with the schools, all we would do is permit them. Mr. Kraemer replied they have to locate in the spots that are eligible unless they want to come to the Planning Commission but trust me, they know those sites better than we do, they know what fits their grid pattern. If they alter it so many degrees, they have to alter the whole thing. Mr. Portier stated I'll give you an example, we've got one for Verizon that we have already in the City and they've got so much of a base right now they need to put a jumper tower somewhere. They were looking for a site towards the end of St. Mary and I told the guy there was no property on that end for them and they tried Caldwell and they just can't find any property. Mr. Breaud stated he would make a motion to authorize Delvin to do a research for them on the property that was available to give them an idea of the size of the lots and come back to them at the next Commission meeting and they would discuss this further and make some recommendations at the next meeting, it was moved by Mr. Ragas, seconded by Ms. Erwin, all members were in favor.

The next item on the agenda Delvin had requested from our City Attorney back in May, 1991 about the possibility of alternate members to the Planning Commission in order to ensure that we had a quorum for the meetings and before our City Attorney resigned, on December 11th he responded and said that the Commission is comprised of appointees as set forth in the City Charter. The City Charter makes no provisions for the appointment of alternate members, therefore alternate members cannot be appointed. If you so desire you would have to have the ordinance amended so that it reflects that alternates are permissible at which point you could do so. If he's saying this is in the Charter, Kermit he didn't know if they addressed this. If it's an ordinance we could ask the City Council to pass an ordinance if we wanted alternates so let's give this some thought by our next meeting, if we do want to appoint some alternates he thought they could do so by ordinance. Mr. Ragas replied he wanted to make a statement on that first off, we've got five members and a quorum is three and if we can't get three members from the members we have on this board right now we need to replace those that don't come. Mr. Breaud replied he agreed with that. Mr. Ragas stated why do we need alternates to replace two people who don't come to the meeting when all we need is three, so we don't need more people that might not come, we need people that are going to come. Ms. Erwin stated since they had instituted the absenteeism she didn't think they had one that didn't have a quorum. Mr. Portier replied yes, they did have one. Mr. Breaud stated what kind of brought this up, the Board of Adjustments does have two alternates and when people call and let them know they don't have a quorum they get on the phone and they call up the alternates to make sure they have a quorum. Ms. Erwin asked when was the last time they didn't have a quorum. Mr. Breaud stated when they tried to rezone this the first time, which was about a year ago. Mr. Ragas stated several times they had to beg and plead to get three. Mr. Kraemer replied yes, they called a lot of numbers and we even had the police department go by people's houses. Mr. Breaud stated let's give this some thought and let's put this on the agenda again next month and we'll make a decision yes or no whether they want it or not, was that alright? Mr. Ragas asked if he was making a motion. Ms. Erwin asked if we was making a motion because there are two in disagreement with it. Mr. Breaud was asking them to table it until next meeting to give them more time to think about it. It wasn't really an agenda item.

Mr. Breaud stated one other issue he had brought up at the last meeting about conditional approvals that when it goes in front of the Council, the Council is making approvals without the conditions and basically what that is doing is wiping out all our conditions. So he would request that when we make conditional approvals and it goes in front of the Council that those conditions get carried forward until the conditions are met. He had been to some meetings, like tonight, it would be in front of the Council that we accept Plantation Acres Phase V, the Council is going to say "boom" moved, what happened to all the conditions that were attached to it, you just over-rode them with your approval. So he would ask that the conditions get forward until the conditions are met and the plat does not get signed until all the conditions are met. Mr. Landry stated should it come to the Council until you do everything you've got to do with it. Mr. Breaud stated well they were always trying to save time for the developers and help them out and he didn't have a problem doing that but he was going to refuse to sign a plat until the conditions are met. Now sometimes we are making conditions based upon issuance of the permit or the other day we made a condition based upon occupancy of the building because the road wasn't built yet, we keep on bending our rules but what happens is the Council makes an approval and they just over-rode all the conditions that we just made. Mr. Landry stated when it comes to the Council does the Council know that it's conditional? Mr. Kraemer stated those issue are transmitted to the City Clerk. Mr. Richard replied well they don't get them. Ms. Erwin asked Clay if it was because the developers weren't complying with the conditions. Mr. Breaud replied to a certain extent that was true, Andy was in a predicament he had a guy that wanted to sign a lease and he's got "X" amount of time to get this lease and the building built and he guessed the Commission wanted to help him, they didn't want to deter development. He didn't mind having special meetings if we've got to, but in this case here we kind of went overboard and bent the rules on allowing this construction to go on without the road being built. Now the condition we placed on this thing is that you cannot occupy that building until the road is built and approved and you've got to come back in front of this Planning Commission for approval, so you can't occupy the building, so we've got some conditions, but if the Council goes over there and just approves it, well they've over-ruled all the conditions that we placed on it. Mr. Breaud stated all the conditions are furnished to the City Clerk but they're not being forwarded on the agenda and that's what he wanted to see, he wanted to see it forwarded on the agenda that the conditions be brought forward. Mr. Kraemer replied he didn't know that you had to mention them, just say it was approved with conditions. Mr. Breaud replied conditions as recommended by the Planning and Zoning Commission. Mr. Richard asked why is it that it takes him 6 weeks to get something on your agenda and yet by the time they get something to approve they have no minutes, nothing to go by you of what you are speaking of as far as conditions, we approve it because you approve it, they didn't have enough homework. Before the approve it maybe it should take them, or you should get it to us by a certain time. Mr. Breaud stated he needed to talk to Tommy because Tommy is getting that information and he's not transferring it to them. Mr. Richard replied miscommunication is a problem, he agreed. Mr. Breaud stated he had a copy of the e-mail that was sent to the City Clerk with the conditions on it and they're not being communicated to the Council. Mr. Landry stated his understanding was that they were only approving what they agreed on. Mr. Breaud replied but the thing was that was not what they

were approving, because they were approving it with conditions and they were not. If he happened to be at a meeting and it was a public meeting he would say something but he didn't make all the meetings. Mr. Breaud stated he would ask that Kermit talk to Tommy and make sure that communication line gets transmitted down to the Councilmen so that when they are voting, like Dee said, they are educated and they know ... there is a lot of discussion that goes on up here among the Commission and we're not bearing our gums to death and going through all this stuff for you to turn around and say ok, the Planning Commission approved it where they might have approved it, but they approved it with many conditions attached to it. Mr. Kraemer replied he had read the minutes from the last meeting and he and I already had a discussion and he said all you have to do is tell them what the conditions are Tommy, you know what they are, so that has been communicated to him already since the last meeting. Mr. Richard stated how about if they redirect Tommy to make sure we get any conditions and then also, especially the minutes. Mr. Landry stated they were approving the actions of the Planning Commission then they are approving them with their conditions. Mr. Kraemer stated if it was worded that way yes, but that is not how the ordinance is drafted, the ordinance is drafter approving the subdivision and accepting the dedications. Mr. Breaud stated what they should be doing probably is ratifying the minutes of the meeting which those conditions will be part of the minutes. Mr. Kraemer stated but you still have to pass an ordinance to accept the dedication. Mr. Landry stated so you can't do it until you're complete. Mr. Breaud replied you could do it but you can still have the ordinance with conditions and what happens is it gives the administration the authority after that that the conditions have to be met before this Mr. Landry stated he wasn't here to argue with him but when you pass an ordinance that's law and we shouldn't be passing laws until they know what they are passing. Mr. Breaud stated if that was the position they wanted to take that was fine with him, they would hold up developers for ... Mr. Kraemer replied there are three things you can do with what the Planning Commission sends you, you can take no action, you can amend the action of the Planning Commission or you can approve it as it was sent to you, but the ordinance does not clearly designate which one of those actions you are taking. If you are taking it and amending what they are saying and saying we accept it, or you are taking the recommendation as it was made by the Planning Commission with the conditions, obviously if you've passed the ordinance you've taken action, so that one doesn't comply. Basically the other two actions, the ordinance doesn't specifically state whether you are taking it with the conditions are you are just taking it. Mr. Breaud replied that was the only thing he was asking for, clarification on there, he didn't want all their work up here to go for naught.

A motion for adjournment was made by Ms. Erwin and seconded by Mr. Ragas, all members were in favor.