



**OFFICIAL MINUTES
PLANNING & ZONING COMMISSION
June 9, 2010**

Members present: Clay Breaud, Melvin Adams, Marguerite Erwin, Mark Kearns and Robert Mire
Members absent: None

Also present: Eric Fauchaux, Public Works Director, Errol Price, Zoning Administrator and Ruby Maggio, Secretary

Mr. Breaud stated we've been furnished an abbreviated version of the minutes for the March 10th meeting, Ms. Erwin moved to approve the minutes as mailed, the motion was seconded by Mr. Kearns, all members were in favor, motion carried.

The item on the agenda was to consider a request by Councilman Chad Mire for the Planning & Zoning Commission to make a recommendation to the City Council to rescind Article XX, Section 2004 (11) of the City of Thibodaux's zoning ordinance. Councilman Chad Mire, 202 Elm St. came forward and stated that as some of you may or may not know we had a situation with a sign that was brought before the Council probably about 30 or 60 days ago at one of our meeting where someone put up a political sign and was possibly asked to take it down, I'm not sure but right now our ordinance basically says that you cannot put up political signs prior to 120 days before an election. At that meeting they brought forth some cases where it was shown that it is a violation of the first amendment rights of individuals for political free speech to say that someone cannot put up a political sign. We also and you all should have received a copy of the letter from the A.C.L.U., I actually don't have a copy but I know you all should have received it, reaffirming Mr. Chris Riviere, who was actually an attorney that was consulted, his recommendation that the ordinance was in violation and all of that. At that meeting it was found out that in 1994 the ordinance was changed to where it did not affect residential areas; however our ordinance does say 120 days. What I'm here for tonight for is just to ask the board because it has to come from a recommendation from Planning and Zoning to the Council in order for us to change it so that we eliminate the 120 days in that section of the ordinance is basically what I'm asking of you all to send us a recommendation to do. Mr. Kearns stated I've got a quick question, Chris Riviere, he was serving as an attorney for the Council? Mr. Mire replied no, he was serving as an attorney for the subject that had the sign in his yard. Mr. Kearns replied ok, all right. Ms. Erwin stated have we sought legal opinion for the Council, I wonder whether or not that was really in violation. Mr. Mire replied no, ma'am all I did was I had cases that were cited by Mr. Riviere and we also received a letter from the A.C.L.U. I did speak personally, not as a Councilman with several other attorneys in town asking them what their opinion was and they told me that they felt it was the same way, that was a violation so that is basically it. Mr. Breaud stated let me ask you a few questions, Chad because I went through this and read this, if you want to respond you can, if you don't want, just say you don't want this is just some questions and comments that I have. Do you support zoning for the City of Thibodaux and the reason why I am asking this is because this is the mechanism that allows us to have a sign ordinance. Do you support zoning for the city? Mr. Mire replied yes. Mr. Breaud stated do you think it is a good idea? Mr. Mire replied yes. Mr. Breaud asked do you think the city should have a sign ordinance? Mr. Mire replied yes, I actually served on the committee that created the sign ordinance so yes, I'd better say yes to that. Mr. Breaud stated all right, should the sign ordinance apply to all the citizens and businesses or only to a select group, you know I heard one councilman say that a person should be able to do what he wants on his property, his private property well zoning doesn't allow this, zoning controls what people build on their lots, what size and the placement of it so this is what zoning is all about and this is what has allowed us to have a zoning, a sign ordinance, so you are in support of the sign ordinance. Mr. Mire replied I support the sign ordinance. Mr. Breaud stated you know all the businesses have restrictions on how many signs, the size of the signs, the locations of signs, do you believe that politicians should be given special treatment and allow them to put any size sign, any location at any time, can we tell these businesses and all. Mr. Mire replied personally I wish we had an ordinance saying you can't even have political signs. Mr. Breaud stated I'm just asking these questions because you know we're telling the businesses they can't do this and we hear from businesses all the time, we control the size of the signs and the location but yet we're going to come out and tell politicians they can do what they want, when they want and how they want so in my mind I don't see that comparison either where we can allow one to out do the other. You know the reason why the ordinance was modified like you say in 1994 was because we were having

problems with political signs, we were having political signs blocking sign vision, they were staying up all year, some signs were so big that they were unsafe, some were on the public right of way and so on; so the commission made the recommendation to the City Council back in 1994 which the Council accepted to put in this ordinance, this was done in a non-election year if I recall because I was on the board, I know Melvin was on the board and I'm pretty sure Marguerite was on the board because Marguerite is big into signs. I think it is the responsibility of this commission and the City Council to promote the health, safety and welfare of the community. None of these political signs need to meet any kind of wind codes and they become projectiles whenever we've got wind, they stay up all year and they're flying all over, if we get a hurricane we'll have them through windows and everything else in a house and it creates a hazardous condition. In the present ordinance that we've got right now the political signs were given an exempt status, which pretty much means that they were allowed to be placed anywhere provided that they were the proper size and within the proper time frame. As far as the A.C.L.U. coming up and citing certain things that says this is unconstitutional you know I'm like Marguerite, let's get a legal opinion from our legal attorney to tell us that this is wrong because I really believe that the Home Rule Charter allows us to do anything that is not contradictory to the constitution, I think it allows us to be more restrictive and to put these signs in there. So I'd like to get an opinion from our legal attorney and see if this sign ordinance is really illegal because I really feel like we need a sign ordinance and we need some control over political signs because we control everybody else, we sit up here every meeting and we have people complaining about our sign ordinance well we feel good about our sign ordinance because we think we've got a clean city, we don't have billboards up and down Canal Boulevard like you see going to Houma and all and I think if we're going to control those people we need to put some control on politicians also. We're supposed to be a non-biased board, we don't run for election so it is our duty to protect the health, safety and welfare of the community and not necessarily politicians and we're not supporting, I don't know all what went on with this sign and we're not supporting any sign and I'm not supporting any politician. Mr. Mire stated well I think you have to watch saying that you're controlling politicians because you're not controlling politicians on the signs because the politicians are not the ones that are actually putting the sign, it could say anybody's name, that is the individual that owns that property that is putting the sign, you're controlling the individual property owner's right to have a sign to do freedom of free speech, political speech and like I said that was the only thing, that is why I'm here. Mr. Breaud stated the zoning kind of controls that, you know that same person that you're talking about, he can't go and build a house bigger than his lot size, he can't put his house 3' from the property line. You know they're all kind of restrictions on private people that zoning restricts and this is just one more restriction to control. I believe we are being fairly lenient I mean why do we need political signs more than 3 months before an election and why can't we force them to take them down rather stay up all year, why can't we control the size of it rather than have a big sign that blocks sight view on residential lots. I think R-1's don't even allow it, this area that you talked about I'm not sure if it is R-2 or R-3. Mr. Mire replied no, now any residential can have it, the only thing that was in, the last thing that we brought up when we discussed it that night was that it was amended where it only affected commercial zones and industrial zones. Mr. Price stated I want to respond because I've been doing some research with Germaine on this, if you are enforcing the change in 1994 and it well states that the sign ordinance applies to a C-2, C-3, M-1 and M-2 and be it further ordained that all other zoning districts shall continue to follow the sign regulations as outlined in Article 5 of the Thibodaux Zoning Ordinance, R-1 doesn't allow them. Ms. Erwin replied I agree. Mr. Price stated only to sell your house. Ms. Erwin replied right, only to sell your house, I was going to bring that up so, Article 11, the Sign Ordinance does not pertain. Mr. Price stated ok, let me explain a bit more if you all don't mind, #11 is supposed to be just for C-2, C-3, M-1 and M-2 but my information I'm getting from the attorney is that if any judge looks at this and you have it written that "political signs on private property provided such signs shall not exceed 32 square feet in area, 6 feet in a residential district" well once you put the word residential you've got a conflict so an attorney or judge or somebody can look at it and say wait, residential is mentioned in here. Then if you go to number, and we researched the whole sign ordinance and there's two places that this is brought up which would have to be corrected, Section 2005.2.1, "Temporary signs on private single family residential property are permitted at the property owners discretion," well you're back in a commercial sign that is only supposed to apply to C-2, C-3, M-1 and M-2 with residential written in it, so what Germaine is telling me if anything takes place you would have to look at the whole sign ordinance. Mr. Price stated if it was created in 1994 you've got to clean it up to take out, you can't have the words residential written in here. Mr. Kearns stated you'd have to clean it up. Mr. Mire replied so the whole thing needs to be... Mr. Price stated well I'm not saying the whole thing but it needs to be looked at. Mr. Mire replied I'm just saying looked at to make sure that it doesn't counteract... Mr. Price stated because when you all start talking about going to court well then all the attorneys can look at every word that is going to be written and one other thing I want to bring up in your district regulations #5 says and most of them are all the same except for R-1, R-2, R-3 and R-4 says only one on-site sign not illuminated internally and not to exceed 15 square feet in surface allowed per non-residential use or establishment, so that doesn't include houses. Ms. Erwin stated but I think it was designed for a business in an "R" district. Mr. Price stated so the thing is if you want to have signs on residential property somebody legally or hire somebody or something to look at all of these issues. Mr. Adams stated you mentioned R-1 in your first part of your discussion. Mr. Price replied R-1 is only to sell your house, 9 square feet, that is all you can have in R-1, you're not allowed any other signs at all. Ms. Erwin stated one of the things that I've always thought there is a big problem with the sign ordinance is that you had some under your

zoning ordinance and then you had some in your sign ordinance, I would love to see, take it completely out of the zoning ordinance and just have one sign ordinance and then just go through here is this district, this is what is allowed, you know here is R-1 this is what is allowed, here is R-2, just in your sign ordinance and I know you would like that too, I think it would be easier. Mr. Price stated the whole sign ordinance for the City of Thibodaux need to be looked at if you want to even get involved with changing that as far as each district. Ms. Erwin stated I just think it would be easy, I know that people come to you and ask for the sign ordinance and you have to give them... Mr. Price stated whenever you all decide and the Council passes I will enforce but these are the issues that exist and this is where I have a problem with enforcing it and the issue is now is the time that we have to enforce it so should I go around and tell everybody in a residential property in R-1, no you can't have any signs because in the past the procedure was that we allowed people to put up political signs in their yard, can you just change the rules with the procedure that is taking place until we can solve this legally? Mr. Breaud stated is the issue right now a clean up item or is the issue political, are we all agreeable that we want some kind of ordinance controlling political signs or not, what is the consensus of the group, I mean Chad what are you asking that we get rid of political signs, that we clean up the ordinance the way it is now so it is enforceable? Mr. Mire replied the only thing I'm here for tonight is to ask to remove the 120 days; that was it, that was the only issue that was addressed with the letter that was sent and everything basically was that we were limiting people because of the 120 days. Mr. Breaud stated if you remove the 120 days, what do you want, year round? Mr. Adams stated when we first started with this thing we had 60 days and then we amended it and made it 120 days. Mr. Price stated but I'm back to my original question are you going to enforce it in residential or you enforce it just in commercial, the sign ordinance is supposed to fall only under commercial if we follow this 1994 and that is clear. Mr. Kearns stated I'll tell you I would personally because the more we talk the more muddy the water becomes and I think personally before we would do anything I would rather get a, that is what I was asking you about Chris, was he representing you all or, I would rather get a legal opinion on this. I think we could run into problems with the R-1's because we are jeopardizing freedom of speech if we tell someone that they can't put a political sign up and the A.C.L.U. is saying that but we all know that in any court situation lawyers are going to pile up case law on their side and then the other lawyers are going to pile up case law on their side and that is what you end up going to court for so I think before I would be comfortable in voting for anything I would want some opinion. Mr. Breaud stated I agree with that and I guess we could get our legal attorney to do that, you know when they start saying that we're controlling the freedom of speech by controlling political signs you can bring that argument to advertise whatever commercial business that we're telling them that we can't do some so I'm not a lawyer but I think that is very defendable in court. Mr. Price stated well I was advised by the city's legal counsel to make sure that I don't stop somebody in an R-1 from having signs; the odds are 90% or 99% against us that is what was advised. Mr. Kearns stated I would think so too. Mr. Price stated if anybody would bring this to court that a judge would say yes, you're allowed to have at least one sign. Mr. Breaud stated but because of the way the law is written now you're saying not because of political speech. Mr. Price replied I cannot answer that, that is something you would have to discuss, she just told me to make sure for this campaign that I do not make somebody take up signs in a residential area. Mr. Breaud stated I don't think we're going to resolve anything for this campaign, I think we're doing this for future. Mr. Adams stated but we're not restricting them putting it up we're just limiting the time, 120 days before and 14 days after, you can put it up as long as you follow the guidelines of the ordinance. Mr. Breaud stated do we have any public comments, Mr. Mayor I see you are in the audience, do you want to comment on this. Mayor Caillouet came forward and stated you're correct about this election; you're inside the 120 days right now and the mire fact that the A.C.L.U. sends you a letter doesn't make it law. The issues that I talked to Germaine about it this afternoon that every case and this is a U.S. Supreme Court case, they had a case that said 90 days is suppression of freedom of speech and it only applies to the facts of that case, I don't know that they've gotten anything more or over 90 days, so in theory if you want to know if this was constitutional or not constitutional you'd have to take this one to the U.S. Supreme Court. Now this is what she's telling me, I have not done any research on it you know because that is an interpretation of the U.S. Constitution Freedom of Speech, they turn it into political speech and freedom of speech so for them it doesn't apply to political it applies to a lot of other things too but you could put restrictions. In other words you cannot yell fire in a crowd theatre that is freedom of speech why can't I yell fire, you know because it threatens people in there so I don't know even if you could get an opinion from the City Attorney unless there is a case that had 120 days or 150 or something longer that would be definitive. Mayor Caillouet stated again it is going to be an issue of what does the City want to do, personally I'm in favor, I like it, 120 days I think is more than sufficient and take it down but it may be unconstitutional, that I don't know, but you won't know that answer either until you take it to the Supreme Court. The A.C.L.U. will only, I don't think they're going to go forward with a suit because what they would do is go forward with an injunction, if somebody let's say the City would have cited Harley Gros for that, they may have come in to enjoin the City from citing him because it was outside of 120 days and then the court would make a ruling at that point, that is going to be at the district court level anyway and that usually goes up the ladder. You know you don't like to be the one that takes something all the way to the Supreme Court because you've got to foot the bill for it but that is the only way you'll get a final answer to whether or not our ordinance is constitutional. The second thing is and I agree if you're going to , I'm a big advocate against taking one section out without a thorough examination of how it affect everything else and I don't know if the City Attorney is able to do that either. You know right now we're trying to get the zoning

ordinance studied by South Central Planning and they're running into complications trying to get all of this stuff done so it is not an easy thing to do one way or the other but again right now that is my only thought about it if this is because of the issue of this election, we're inside of the 120 days now so it really is not, it would be a moot issue as far as this, it would be a genuine issue for another election that may come up. You know if somebody and City and we site him or whoever is supposed to site him for being in violation of 120 days, they would then have the right to go to court and say I think it is unconstitutional, maybe the A.C.L.U. comes in and defends them, maybe they do it on their own, but I can tell you this much from the time that I've been in office, we've always abided by the 120 days and again I just think that is right but that doesn't make it constitutional because I think it is right but I think there is some limit and Clay as you pointed out, we tell everybody else about what signs they can put up and I think our whole sign ordinance is upside down where you've got billboards as big as skies that advertise everything in Houma and you tell the super Wal Mart you can only put a sign this big and a monument sign. So you know we've had some sign issues and they're always going to be a problem and actually if you want to get a new term it is called "Freedom of Expression Signs" which political signs may become part of that, I'm just stating what Germaine is telling me because she's done some looking into this and that is like Support Our Troops, what is that sign, you know it is just a freedom of expression, I'm just saying Support Our Troops, right now is that something we have in the City that you can put up 365 days or is there some limit on that sign, you know you have to study the sign ordinance again. So again it is the issue, in my mind the issue of just taking one section and removing it without knowing how or what that might affect, or if it even is necessary to remove it because the Council would have to decide eventually if we want 120 days in there and if we want 120 days then somewhere along the line if it is enforced somebody would have to take it to court and eventually if it went all the way up then the Supreme Court would rule that 120 days is or is not a sufficient burden that we could go forward with it or no we'd have to take it down and we could not enforce it. So it is not going to be a simple thing as far as just removing this or a time period or anything on it right now. Mr. Breaud stated you know one approach and maybe you can get Germaine to study this and give us some legal advice just to clean this up but one approach is for us to go ahead and make a recommendation to the Council and if the Council adopts it then it is the other party that has to come back and file suit against us saying it is unconstitutional rather than the City spending their money going to get a determination from the attorney general whether it is constitutional, let somebody challenge it. We will put it in there based upon what we feel is correct and with Germaine's input and let somebody come back and challenge it. The same thing happened with the zoning on LA 1, it went all the way up to the Supreme Court and we held our position, it cost the City some money to defend us but we weren't the ones challenging it to find out if it was constitutional, they had to take it to the Supreme Court and we can take that same approach with this. Personally I think we are all agreeing right now that we want some control over political signs, I don't think we want to open this thing up to have any kind of signs anywhere, anytime. I don't think that is in the best interest of the citizens of the City, so the approach that we probably ought to take is yes, we've got a lot of problems with it, let's clean it up. We can clean it up with some help from Errol and Germaine maybe and Marguerite if you want to kind of get in on that committee, maybe we can make a committee between you and Errol and Germaine to clean it up since you're the sign expert. Mr. Fauchaux stated where does the, like when you go around and you see these cheerleader signs, you know somebody has a child that is a cheerleader, you know that stays up year round or a football player, where is that, is that school spirit maybe? Mr. Kearns stated that is what the Mayor is talking about Freedom of Expression, there you go. Mayor Caillouet stated that is what they call now Freedom of Expression Signs. Ms. Erwin stated I have one in my yard. Mayor Caillouet stated it is not an easy issue, it is not something that you can just do and pin point everything because the whole premise of this is going to be whether or not our ordinance is U.S. constitutionally acceptable. Mr. Breaud stated should we determine that or should we just let somebody challenge us. Mayor Caillouet stated well what I'm saying is this, you know it is a situation now that the A.C.L.U. wants to challenge it but it has no standing because we didn't enforce it all right. If in fact in the future if nothing changes, let's just say that this is a test and the next election comes up and somebody puts a sign out let's say 160 days ahead of time and I think it actually goes through Errol as the administrator, that they go out and site him for a violation of the ordinance, then that person would have the right to take it to court because ultimately and Clay and you're absolutely right and I'm just using Chris he just happens to be the one, but an attorney can argue one way on a case and get the next case on the other side and come up with the same arguments going the opposite way. So again just because it is an attorney that said it or even because it was Germaine that said it, the only difference for you guys is that Germaine is your attorney, she represents the City of Thibodaux, she represents your board, your commission, whereas an outside attorney does not, A.C.L.U. does not and you generally tend to take the advice of your attorney. I mean you certainly could reject the advice but that is the only difference that I see right now and I just don't think it is going to be an easy question to decide if our ordinance as it states now with the time limit and that is primarily what we're talking about is the time limit, is constitutional or unconstitutional, I don't think Germaine will be able to tell you. I think she'll be able to tell you that according to Supreme Court cases that it has never been ruled on that 120 days is unconstitutional; you know I wish the Supreme Court would come out and say something like that, all political signs are eligible to be put up 100 or 365 days a year, then that answers that question you know it doesn't matter if it is 120 days or 200 days or what time period you have in there. So again it is one of these situations where I don't think you're going to have any easy answer to that which is the original initial question that you had, if you want to make a

decision on it to take it out or not take it out on, it is up to whether it is constitutional or not. If it is constitutional the Council can still take it out because we're Home Rule Charter but our Home Rule Charter falls under the U.S. Constitution, we start on that premise so we need to know what we're doing would be constitutional. You're not going to get, according to what Germaine is telling me, an answer to that unless it goes to court. Mr. Breaud stated I guess one big difference is the type of signs, these signs are exempt on-site signs, they don't require a permit, they don't have to come to you to get a permit like all the other people that are advertising and all, they've got to come to get a permit, these people don't come and get a permit. Mr. Price replied that is correct. Mr. Breaud stated so they go and put their sign up and then you're the watch dog or whoever who decides that hey, this outside the ordinance and then we take some kind of action at that point. That is the way the exempt status is and the exempt status you know it tells you pretty much that you've got to meet all of these applicable codes and regulations, it talks about the size and timing and special event signs like we talked about the cheerleader, you don't have to go and get a permit to go and get those and put them up as long as they meet the size and all then the City doesn't have a problem enforcing it but I guess in this particular application I'm not even sure what was the problem with it, it was the time frame. Mr. Mire replied it was just time frame that was the only issue. Mr. Kearns stated well the more we talk the more problems we uncover I mean it needs to be worked, it needs to be cleaned up, what about the signs, what about the E.D. White football player signs, what about the banners supporting Nicholls State, you know what about any of this? How can we possible stick to our guns on one side and then on the other side just look blind, I mean if we're going to clean it up then let's clean it up. Mr. Breaud stated we've done, believe me, I know you just got on the commission but there was many, many hours put together on this sign ordinance and committees put together to study this thing and basically this is where we are at right now and every time something comes up we try to address that particular item but to go back and re-do the whole sign ordinance again right now, you know I don't have a problem with what Marguerite said take the sign ordinance and put it in the sign ordinance by itself and take it away from the zoning ordinance may be a way to somehow clean it up. Mr. Mire replied I would definitely agree with Marguerite on that because the biggest problem you have is that you have the sections, different pieces, amendments to this ordinance and amendments to that ordinance and everybody starts digging and all of a sudden something pops up... Ms. Erwin stated and that is what happened here, you read the political signs in the sign ordinance and you read the temporary sign ordinance in the sign ordinance, unfortunately none of the sign ordinance pertains in R-1 to C-1 and so it is just contradictory and I just think that whatever is required that we probably do need to clean up the sign ordinance. Mr. Breaud stated the agenda is asking to make a recommendation to the City Council to rescind Article XX, does somebody want to make that motion or does somebody want to make a substitute motion to take other action so unless we've got any other public comments that somebody want to make I'd entertain a motion to take some action on this thing, if somebody wants to make it. Are there any public comments, does anybody else wants to say anything before? Mr. Fauchaux stated what would a flag be? Ms. Erwin stated well you're talking about in residential? Mr. Fauchaux replied yes, like if somebody wanted to put a flag pole up with a rebel flag or something like that. Mr. Price stated flags are allowed as long as you're not advertising anything. Mr. Erwin replied right. Mr. Breaud stated it has an exempt status under number 5 flags or insignias for religious, charitable or fraternal organizations... Ms. Erwin stated but streamers or banners or flags like that are... Mr. Breaud stated they're limited to 50 square feet in total area. Ms. Erwin stated but of course that doesn't pertain to R-1 to C-1, ok I just want to correct that, that only pertains to C-2 and on; so actually I don't want to make a motion to rescind it but I would like to make a motion to request whatever is required that we go and review the sign ordinance and make it more in compliance with itself. Mr. Breaud stated who are you making that request to, the administration and legal to review? Ms. Erwin replied well yes to review. Mr. Breaud stated do you want to form a committee to do that? Ms. Erwin replied yes that is what I want to do Clay is to form a committee. Mr. Breaud stated make that motion. Mr. Kearns stated well do we need to table this? Ms. Erwin stated well it failed without a motion. Mr. Mire stated I'd rather that you all take a vote and just vote it down because what happens is it gets stuck in limbo and if you vote it down then you're denying the request that I had so then it is finished. Mr. Breaud stated well his request is to rescind it and I don't know if we... Mr. Adams stated I think we need to talk to our legal advisor before we decide to vote to change it. Mr. Breaud stated to change it but what about to rescind his request do we want to do that and we can make a separate motion to form a committee to review it and make recommendations and put it on next month's agenda to review it again if you want to do that. Mr. Breaud stated I think we all agree that we don't want to rescind it but we all agree that we want to make some revisions to the present ordinance. Mr. Price stated I think it is going to take some time though. Ms. Erwin stated thank you. Mr. Breaud stated next month would only be to form a committee to take action, not to change the ordinance it would be something separate. Mr. Breaud stated you didn't finish the motion. Ms. Erwin stated right now we're still under Item #4, right, but I do move to have administration review the sign ordinance and also to form a committee for review of the ordinance, so that the entire sign ordinance for the City of Thibodaux complies with itself, that has nothing to do with the part under Article #4. Mr. Breaud stated the action we want to take right now is to act on Article 4 if you want to make that motion after we do something on Article 4 we can do it but I need direction on Article 4 and that was what was advertised on the agenda, does somebody want to make a motion? **Mr. Kearns stated I'll make a motion that we deny the request of the Council to rescind the 120 days. Mr. Breaud stated ok it has been moved by Mr. Kearns and seconded by Ms. Erwin to deny the request to rescind Article XX Section 2004.11 of the City**

of Thibodaux Zoning Ordinance. Mr. Breaud stated all right let's have a roll call, a vote for is to rescind and a vote against is to not rescind it. Mr. Mire stated not the way he made his motion. Mr. Breaud stated the motion was to what? Mr. Kearns stated the motion was to deny. Mr. Breaud replied ok, a vote for would be to deny to rescind it, ok. Mr. Mire stated a vote for is going to deny my request. Mr. Breaud stated a vote for would be to deny his request, does everybody understand the motion and the second, are you good with the second, Marguerite? Ms. Erwin stated yes, I second. Mr. Breaud stated all right roll call, all members were in favor, ok it is unanimous that we deny his request to rescind Article XX. Mr. Breaud stated does anybody want to make a motion or bring up something at next month's meeting to address this issue. Ms. Erwin stated I just want the sign ordinance to be reviewed and corrected where it conflicts with each other, I mean what is the proper... Mr. Breaud stated we have to advertise it as an agenda item, so what we'd have to do is put this on the agenda for next month's meeting. Ms. Erwin stated in order to form a committee to review. Mr. Breaud stated on the next month's agenda you put a notice to review the present sign ordinance and make possible recommendations and we'll come back next month and if you want to make that same motion, we can do that. Ms. Erwin stated we're just requesting it to be put on the next month's agenda. Mr. Price stated I don't know if you even need a motion for that. Ms. Erwin stated I didn't think so but... Mr. Kearns stated I thought you were making a motion to establish the committee. Ms. Erwin stated I don't think I can. Mr. Breaud stated well who can put stuff on our agenda, anybody can make a request to put it, I guess so. Mr. Price stated it comes to me and I look at it if it falls into zoning. Mr. Breaud stated ok, well Marguerite made the request. Ms. Erwin asked Errol, do I even need this in order for us to form a committee. Mr. Price replied you're talking about for me to review it? Ms. Erwin replied no, I know that it needs to be reviewed, there are several things in it but do we need a motion in order to, I mean does it have to be on the agenda before we can form a committee to review it? Mr. Price replied no, I don't see why you can't form a committee now. Ms. Erwin replied ok, I don't seek why I have to continue making motions to... Mr. Breaud stated well you can't make a recommendation to the Council without having some advertisement in the paper. Mr. Price replied well all she wants to do is form a committee to look at the sign ordinance. Mr. Kearns stated so once that information; once she is in possession of that information they boil it all down and then she will come back and put it on the agenda to present it to the zoning board. Mr. Price stated what she is asking, she wants to be chairman of the committee and she is going to get people to get on the committee and call the meeting. Mr. Breaud stated I think to form the committee ought to be the action of this commission. Ms. Erwin replied ok then it has to be on the agenda. Mr. Breaud replied that is right, if we're going to form a committee it needs to be advertised. **Ms. Erwin replied ok, I'm requesting on the next agenda that a sign ordinance review committee be adopted by the zoning commission for the purpose of the review of the sign ordinance.** Mr. Breaud replied ok, we have a motion by Ms. Erwin do we have a second? The motion was seconded by Mr. Kearns, all members were in favor, motion carried. Mr. Breaud then asked if there was any further items to discuss. Mr. Fauchaux came forward and stated I think we all agree that there are some issues here that, the Public Works Department was put in a position by Mr. Tommy Eschete as far as coming up with an opinion and we didn't give him an opinion because it wasn't that clear as you can see. So I just wanted to make a statement that in his email he said ok guys, it is obvious that you are dragging your feet you know and really putting Public Works in a position that you know that we were trying to harm his campaign and biased and by no means were we doing that, we really just didn't have an answer due to the complications. So I just really resent that fact that he put us on the spot and I'm sticking up for my department, you know we do a great job, I think that we do, especially Errol, so I just wanted to make that comment. Ms. Erwin stated we certainly would agree. Mr. Breaud stated I think you took the right approach Chad, even though we denied your request I think it was the right approach. You know it is always harder to discuss these issues in a political year, if we did this next year with no elections going on the results may even be different but you bring up a good point because we've got some stuff that needs to be cleaned up and we tell Errol all the time with the subdivision regulations, when problems come up, bring them to us and we'd like to get them resolved and if we can't do it, South Central Planning is supposed to be trying to clean up some stuff for us right now, so... Ms. Erwin stated is it a state law that requires the removal of political signs after a certain time period. Mr. Adams stated there is one but I don't remember what it is because when I ran for sheriff I had to take them down. Mr. Breaud stated there was one. Ms. Erwin stated I think there is. Mr. Mire replied I think, Melvin was that a parish law because I don't think there is a State law that says you have to take political signs down, I think it is a parish. Mr. Breaud stated wasn't there something about public right of ways. Mr. Mire stated well you can't have them on public property because they own the right of way, just like telephone pole and all of that, you can't put any on all that kind of stuff either. Ms. Erwin stated I thought that there was something and it may a parish law that stated so many days after an election, so wouldn't that be a violation of freedom of speech. Mayor Caillouet stated and there may be but I think it is going to be by jurisdiction, whether it be parish wide or city wide, you know anybody that has like a municipality and our Home Rule Charter allows us to do that. My only question is whether or not it is constitutional or not constitutional but if it is constitutional we have all the rights in the world and if it is constitutional it is not such a big deal, I mean we could say we want it 365 days a year. Our Home Rule Charter gives us the right to establish no time period or a time period that would be constitutional so that is where it comes from and I agree with Clay it is really tough. I guess it doesn't come up because it is not an issue but it comes up because during a political year, an election year which is really the wrong time to discuss it because everybody says well you're saying it because you're doing this but what I'm saying now

is not because I'm running for office, it is because I just think that we don't need signs up 365 days a year. So with that being said it would be probably be best, we're inside of 120 days right now, it is not going to affect this election; go ahead and have some type of review done and sometime after the election you know put into place whatever the recommendations might be, it may take that long to get the recommendations. These committees, they don't get together in one night and then all of a sudden it is all over or it may even be to the extent that we may have to go outside, out source it and get somebody to come in and do it for us. You know we've got a lot of volunteers you know like you guys up there, again it is just sometimes you need professional assistance because like I said I never heard of this term "personal expression signs" but it makes sense or "freedom of expression signs" that is just a term they use now and I was never aware of it so if that is something that they're using in sign ordinances now and we don't have that in ours. That is the thing about all of these ordinances, they are always changing you now but again we're not in a position, we're not a New Orleans or Baton Rouge or New York where you have a full time staff who all they do is watch these things and when things change you know you go in and change them. We usually get them when it becomes, not necessarily a critical issue but at least an issue and then we've got to make decisions and if we make decisions on these things by simply adjusting one issue, one point, one word without knowing how it affects the rest of it, that is going to make a big difference because the next time it will come up because the critical issue will be because there is a conflict so again like I said this only came up this year because as long as I've been here, I've been here 12 years and it has always been 120 days and 14 days and it has never been, everybody kind of abided by that so I agree we need to review it. In fact we're reviewing the zoning ordinance, it is just things have changed. Mr. Kearns stated well we're finding confusion in there because it is in those different places. Mr. Adams stated when we set it up we weren't limiting the freedom of speech but it is our guideline just like the whole thing is, we just limited it to a certain time and you've got to go by our guidelines on it, that is why we've got an ordinance. Mayor Caillouet replied well that is what I'm saying our ordinance is constitutional as far as we're concerned until a court tells us it is not. Again that is what I'm saying it is that type of thing so, I know whatever Chris cited and I forget the days but it was something short of 120 days. Mr. Mire replied yes it's got 190 and he's got 145, he's got several cases. Mayor Caillouet replied Germaine said she you didn't find anything past 90 but that doesn't mean the Supreme Court wouldn't say 120, they may say that is unconstitutional. Remember all cases are decided upon the facts of that case and everything else in there is what they call victus, it is not binding it is just the facts of the case, so if we had 90 days in it I'd tell you that we are unconstitutional but you don't have at least according to what Germaine was telling me today. Mr. Breaud stated Chad you can bring this request to the Council, I think the Council can override our decision. Mr. Mire replied no we can't, that is why I'm here. Mr. Breaud asked not even with a two-thirds vote. Mr. Mire replied no sir, the ordinance is written, the zoning ordinance is written that it has to come from you all and the only thing we can do, if you make a recommendation the only thing we can do is deny the recommendation or approve the recommendation, we can't alter the recommendation the way the zoning ordinance is written, so no the Council can't do anything with this. Mr. Kearns replied well I think this would be to their benefit anyway to have the confusion taken out. Mr. Breaud replied we always take the political heat. Mr. Mire replied oh but when we got sued, we went to court and I went testify. Mr. Kearns stated but you see just like the Mayor is saying you've got all these things changing and you need to come back and look at it again to see if you're not opening up the door to problems from a direction that you never dreamed it would come from. Mr. Adams replied yes if we go to changing one we're going to have problems changing all of the rest. Mr. Kearns stated well then now you're starting to shift the problems down you know from one spot to another spot and I don't think any of us want to do that. Mr. Breaud replied ok, is there any further action, meeting adjourned.