

The Mayor and Council of the City of Abbeville met in regular session on January 5, 2021 at 5:30 P.M., at the A. A. Comeaux Recreation Center located at 300 A. A. Comeaux Drive, Suite 200, Abbeville, Louisiana with the Honorable Mark Piazza, Mayor, presiding.

Members Present: Council Members, Francis Plaisance, Terry Broussard, Brady Broussard, Jr., Francis Touchet, Jr., Mayor Pro-Tem and Roslyn White

Members Absent: None

Also, Present: Ike Funderburk, City Attorney
Jude Mire, Fire Chief
Clay Menard, Public Works Director
Roger Fontenot, Water Plant Superintendent
Darlene Fontenot, City of Abbeville retiree
Charlene Beckett, Main Street Manager
Richard Primeaux, Engineer
Charles Dill, Abbeville Planning Commission
David Ashley, Abbeville Planning Commission
Andrew Dozier, Abbeville Planning Commission
Onezieme Mouton
Natalie Arabie
Gerald Gaspard, Chamber of Commerce, American Legion

Mayor Piazza asked Mr. Charles Dill to lead those assembled in prayer. Mayor Piazza asked Mr. Andrew Dozier to lead the assembly in the Pledge of Allegiance.

Mayor Mark Piazza presented Mrs. Darlene Fontenot a certificate of recognition for her years of service to the City of Abbeville. Darlene worked at City Hall and has retired after 36 ½ years of service. She has been a devoted and faithful employee for many years. She is also the wife of our Water Plant Superintendent, Roger Fontenot.

Mayor Piazza asked if there were any comments from the public on any agenda item prior to action. There were none.

Mr. Onezieme Mouton was requesting a variance from the sign ordinance for his properties located at 115, 117 and 119 Concord Street. He distributed pictures of the properties prior to the renovation of the properties and after renovations were complete. He also distributed pictures of the sidewalk view of the banners and other banners on other historic buildings. Mr. Mouton stated he is here tonight because the banners are not in compliance with the City's Sign Ordinance because of the type of material they are printed on not because of their size or location. As it is, it is considered a banner and has a 14-day limitation that it can be displayed. He put the signs up before applying for a permit due to his negligence because he did not know there was such an ordinance. He did look on the website regarding the historic area but he did not see it there. He knows ignorance is not an acceptable excuse for not complying. It is not the tenants' fault, it is his. Once he was alerted by Mr. Funderburk about the non-compliance, he filed the application for the permit. They were rejected because they are not in compliance with the ordinance because

they are a fabric material. That is why he is here today to present a case and request in the hopes the City will consider granting a variance on these signs in this particular location. There is something happening in this building on Concord Street. He started this project 12 years ago and since that time we have had the most tenants ever in its history. Recently, up until a year ago, we had one tenant occupying the whole building. Once they left, he has had one tenant occupying the downstairs floor for one year and then another tenant started a business that came from her home office to the retail and is on the ground level. She is having a measure of success as a start up business. Even as remarkable as that is, we have a retail business located on the second floor. We have three tenants in the building right now. We actually have a second-floor women's boutique that is doing as well or better than they were on the ground floor in the historic downtown area. It was his hope and inspiration so that these banners could alert the public to the existence of these businesses at these locations in a way that is very tasteful and respectful to the architecture of the building and in some way enhance their building. It is their hard work that is making their business exist. His role is to give them a place and to maintain the building. He put a lot of effort to maintain the historic attributes of the building. Please take it into consideration tonight that these businesses are doing well in a historic building. We need more of that in Abbeville, not less. He is hopeful that is considered tonight. The architecture of these buildings is very permanent. They have been here forever and they will last forever. The nature of the banner is a very temporal thing in nature. They are very temporary. We have them on these steel powder coated flagpoles. It fluctuates in the wind ever so slightly but it causes attention to those passing by. It shows that there is something going on there as opposed to a fixed sign mounted to the building. The retail businesses there need a fluctuation to show there is something fun happening here. It is not like an attorney's office that would have a permanent sign attached to the wall to show they are here permanently. There is very minimal invasion with these banners in terms of the historical façade of the building. It is not permanently damaging the building in any way. It is a way to give these businesses an opportunity to identify themselves and enhance relationships on the people passing by on the street. It is meant to bring in traffic into their businesses. This is not unprecedented in terms of a variance. Ten years ago, we submitted a letter to the State Fire Marshal requesting a variance to scrap the entire national building code and let us adopt the national life safety code because it has a provision in it for historic buildings. The Fire Marshal understood, with this letter, looked at it and realized what we were trying to do. If we try to apply codes that are meant to be applied to modern buildings and try to apply those to historical buildings, it will not enhance what we are trying to do. They understood that we had something special here and they allowed us to take the entire code book, throw it out and adopt another code book that had provisions for historical buildings in it. Thankfully that prevented us from not having to do something very inappropriate for the inside of these buildings to make is compliant with the code. In some regards, we have the same situation here. He understands that codes and ordinances are written to prevent bad things from happening but he thinks, in this case, we might have an ordinance that would prevent something really good from happening. He hopes this is part of the solution for getting more businesses in the downtown buildings. Mr. Andrew Dozier stated their job on the Planning Commission is to look at the application and other documents as the final review. When it came to us, we reviewed the City's ordinance and the one that was adopted in 2014 said no banners. We consulted legal to make sure we had interpreted it correctly and we did. A sign for a business has to be a sign, not a banner. We have no issue about the quality. He loves them. He has been all over the world and you see them everywhere. We based our decisions on the ordinance and now Mr. Onezieme has the right to come before the City Council to request a variance. Councilman Plaisance thanked the Planning Commission for coming tonight. We have these ordinances for signs and businesses have to conform to our ordinances. He is concerned that if we grant a variance then we will set a precedent. The banners are very nice and he has no problem with them but it is a problem with the ordinance. We have to decide to adhere to our ordinances or not. Mr. Andrew Dozier stated

that all five members of the Commission agreed that it did not meet the threshold of the ordinance. They put it back on the table and maybe the ordinance needs to be looked at again. Mr. Charles Dill stated that we put this ordinance in place because of banners. Over a period of time banners can deteriorate and they are not meant to last. Where do you draw the line? If we give a variance here, somebody else may make the same request with banners that are not made of this quality. We have to draw the line somewhere. We based our decision on the ordinance. Councilman Broussard stated that we cannot say enough good things about what Mr. Mouton has done for our downtown. It is never a good thing when an ordinance is either deliberately or accidentally ignored and it sets a bad precedent. Speaking of banners, there are a lot of smart people in our City who spent years developing the sign ordinance. Those people study communities across Louisiana and Ike has presented examples of similar sized communities. We did not adopt a sign ordinance that was extreme either way. We are in the era of banners now. He does not believe it is fair to pick on Mr. Mouton when we have a number of banners down Charity Street with no enforcement. We have many banners on the By-pass that are not enforced. He has the most attractive banners. There has been a lack of enforcement of the sign ordinance and everyone is guilty of that. He hopes that we would look at this opportunity to adjust our ordinance for what is now an era of banners. The classy banners not the trashy banners. Some of these banners have become permanent attachments of businesses even though they are supposed to be up for only 14 days. These are cheap banners. If we are not enforcing those now that distract from our beauty why are we going to try to stop what enhances our beauty. Mayor Piazza stated that he agrees. Charlene Beckett stated she was in the beginning stages of creating the sign ordinances with the Center for Planning Excellence out of Baton Rouge. We spent many hours trying to do the right thing. She has been the Main Street Manager for 25 years and there is a Community Preservation District that does address signage and it is on the website. She and Onezieme have worked together on many projects but she also works with the Planning Commission. She knows how hard and serious they take their jobs. It is very difficult to say the signs are beautiful and we like them but they are going against our ordinance. She is grateful that she doesn't have to make that decision. She has to support the Planning Commission because she works with them on a regular basis and they do their research and they try very hard. She is not against Mr. Mouton, and she thinks he knows that, but the Council has to make a decision as to how the ordinance will read in the future. She has been photographing signs that have been damaged as a result of the hurricanes and they will be coming to the permit office. It will be tough. Mayor Piazza stated he agrees the Planning Commission is there to do a job and they are doing their job and what they have done is that they have brought to light, to the Mayor and Council, a flaw in our ordinances. These banners are very tactful and are very nice looking in our downtown area and they promote our businesses. We want to help do that. Not all ordinances fit all businesses in all areas. The reason we created the ordinance to begin with is because of some of the bigger businesses on the By-pass. It has nothing to do with downtown. He thinks we need to look at changing this ordinance and modify it. The ordinance can be curtailed so that your ordinance is different for different areas of the City. Mr. David Ashley stated a few months back they had a big discussion about signs in regards to what is appropriate and what is inappropriate. We got into a big discussion to see who was going to step up and say what is appropriate. We are doing the same thing here. Mr. Onezieme has put up some very nice banners and that is not the problem but who is to say that someone else wants to put up a banner and recognizes that this variance was granted. If you guys are going to do that, then what is the Planning Commission here for? It is not that it is inappropriate but it is made out of material that is not right. Councilman Touchet believes we should not be making changes to ordinances. If we have to address that with enforcement then we will. If we have issues with things on Charity Street and on the By-pass then we need to turn those things in. He thinks we need to deny the request based upon what the ordinance is saying and if we want to make changes then we adopt something different for this particular area. We can't determine what is nice and what is not nice.

Once we make the changes, it can be brought back to the Planning Commission. Mr. Funderburk stated that he tries to be as neutral to things as possible, but he has told the Planning Commission several times that they are not arbiters of good taste. Just because something is tacky doesn't mean it is not legal. The reverse of that is also true. Just because something is done in good taste doesn't mean that it is legal. We have an ordinance that has been adopted and has been complied with by everybody that has filed a sign application. He has no problem with going back in and fine tuning the ordinance. We didn't do everything right the first time. It took years to figure out some of the formulas we had to have for footage. The three gentlemen here from the Planning Commission are passionate about the work that they do and the other two members that are not here tonight are maybe even more passionate. We need to support them and we need to support our ordinances. Ms. Natalie Arabie is a merchant whose business is in one of the locations on Concord. When she first opened, she had a sticker sign. It wasn't anything that attracted business. This banner is made out of a mesh and can last up to 15 years. Since the banners have been up, we have had a lot more attraction downtown. There are more people in the downtown area. They love the signs and they love seeing business downtown. The banners are the era and they are attracting more people to come downtown. That is important. Councilwoman White asked what would it take to take the signs down. Mr. Mouton stated they are designed to be installed easily and easily taken down. It has potential because they are easily interchanged. Councilwoman White was concerned about how much are we hurting those businesses. Mayor Piazza stated that Mr. Onezieme brings up an interesting subject. Are we in violation of our ordinance with our banners for the Omelette Festival and other festivals? Mr. Funderburk stated no because we have specific allowances for festivals and they are on our telephone poles and they are not permanent. They are not banners for a business. They are banners for either a festival or an event. Councilwoman White asked Mr. Mouton if the cost of material enhanced the decision. Mr. Mouton stated it did as well as the nature of the business. With this type of business this is an appropriate material. Councilwoman White stated she appreciates the volunteer work from the Planning Commission. It is so important. This discussion is not to undermine the Planning Commission's authority. We know more and more businesses are dying in Abbeville and we have buildings across from St. Mary Madgalen Church that are falling apart and we are not addressing that. In this unprecedented time that we are in, we need to give special considerations to the few businesses that are trying to survive in our City. We have a responsibility to make sure we are not killing or creating a hurdle that businesses can't get over and can't operate. It is our job to continue to look at our ordinances as print materials change. She believes in upholding the ordinances but she would like to see us give them a temporary stay while we reconsider the ordinance. If we come to the conclusion that we will not have banners then at that time you would have to take them down and change the material. But if we come to the conclusion that we will allow them, then you haven't hurt those businesses and caused more work for them. Mr. Funderburk suggested that we table this item and then bring it back up after he has had an opportunity to get with the Council and see what they want to do as far as revising our ordinance. Let them continue to fly the banners until we bring it back up.

-01 introduced by Mr. Francis Plaisance and seconded by Mr. Francis Touchet, Jr. to deny the request for a variance from the sign ordinance for 115, 117 and 119 Concord Street as discussed and to move the ordinance back to the ordinance committee for modification.

SUBSTITUTE MOTION: Introduced by Mr. Brady Broussard, Jr. and seconded by Ms. Roslyn White to table any action regarding the request for a variance from the sign ordinance for 115, 117 and 119 Concord Street and to request the City Attorney to meet with the Council to determine if any modifications on the ordinance are needed regarding banners. The substitute motion was put to a vote and the vote thereupon was as follows:

YEAS: 4(B. Broussard, T. Broussard, Touchet, White)
NAYS: 1(Plaisance)

ABSENT: 0
ABSTAIN: 0

Therefore, the substitute motion carried so no vote was needed on the original motion.

Pastor Crystal Randle could not attend the meeting tonight to discuss the upcoming Dr. Martin Luther King, Jr. celebration so Councilwoman Broussard discussed the topic. Councilwoman Broussard shared the information that Mr. Elbert Dawson gave to her regarding the celebration. At 10:00 AM on January 18, 2021 there will be a Stomp Service as in the past. Then there will be a motorcade. The route will be short and Mr. Dawson has already spoken to the Police Department regarding this. From 11:00 AM to 12:30 PM they will be at McKinley Scott Park. Because of COVID they are not going inside the building and will not have the breakfast. Mayor Piazza stated he spoke to Mr. Dawson last night. Mayor Piazza stated there are a couple of things he wanted to be clear on. He is fine with the Stomp Service as long as everyone has on their mask and socially distances. We are calling it a motorcade and not a parade. There is nothing that can be thrown. No candy or any other throws. We will not send people to clean up after this. The City can take very little part in this activity. We cannot be part of something that could possibly spread COVID. We have to comply with the Governor's orders. The Governor's orders say that there is a maximum of 150 people for an outdoor event as long as they can socially distance themselves. You will only be able to let so many people in at a time when you get to the park. You will have to be spread out and we can't have three hundred people gathered at the park. Councilwoman Broussard stated she would notify Mr. Dawson about the requirements discussed.

B. Broussard/Plaisance

Resolution R21-01

A resolution authorizing Charlene Beckett, in her official capacity as Director of Main Street, to apply for a refund from the Treasury of the State of Louisiana.

The motion carried unanimously.

Richard Primeaux, Engineer

- *We are currently bidding out the Flood Reduction Project.*

Ike Funderburk, City Attorney

- *Yesterday, he, the Mayor, Councilwoman White and Councilman Broussard attended the Vermilion Parish Police Jury meeting because there was an agenda item on there wherein we had hoped that the Police Jury would adopt our sign and billboard ordinances to be applied uniformly in the five unincorporated islands within the City limits. These are not part of the City but they are surrounded by the City limits. An electronic billboard recently went up on one of those islands near the intersection of Highway 167 and Highway 14. This would not have been authorized by our current billboard ordinance but since it is not in the City limits, our ordinances do not apply. The Police Jury tabled our request for them to do this so we will be working with the Abbeville delegation to see if we can't find some type of common ground to make this happen.*

Mayor Mark Piazza

- *We have two department heads that are out. One was positive for COVID and the other one is out because her husband was positive with COVID. We have two electrical people that are out. That department is extremely shorthanded. It is still going around City employees so there are a lot of departments that are shorthanded. We are dealing with it the best we can.*

Jude Mire, Fire Chief

- *The Moderna vaccine for COVID was administered to 13 fire department personnel on 12/29/20 and the second dose is scheduled for 1/13/21. Right now, we have 4 out with COVID issues.*

Councilwoman Roslyn White

- *She is upset by the lack of action by the Police Jury and the complete disrespect they showed the Mayor when he spoke on behalf of the City. She was disappointed that none of the Jurors for the City spoke on behalf of the citizens they represent. The motion was tabled therefore no action was taken. She went home and researched and if your property is within 500 feet of a billboard your property value is decreased by \$30,000. To say that people can do what they want with their property and we shouldn't tell them better is a poor excuse because it does affect your neighbors monetarily as well as environmentally and personally. The Mayor did a very good job but it was very obvious very quickly that there was going to be no consideration for it. She was contacted by residents who live in unincorporated islands next to where this billboard went up and they want to write a letter to the Police Jury asking them to follow our ordinance. She encouraged them to do so. We as a City should ask residents to reach out to their Police Juror to let them know if they are for it or against it. We also learned that there is another billboard going up on Highway 167 at Sandpit Road. This affects our businesses.*
- *We will interview for the Digital Media Assistant position immediately following this meeting.*

Councilman Francis Plaisance

- *Unincorporated islands and abandoned buildings are hurting our City.*

Councilman Francis Touchet, Jr.

- *He asked Ike to make the issue of unincorporated islands a priority. See what we can do. We need to do what we can. We have to have control over those particular areas. Ike stated he has done a lot of research on this subject and he has spoken to the Mayor extensively. He would like to have a series of meetings with the Mayor and one or two Council Members at a time where we can get our goals and objectives in order and he can give them the benefit of the research that he has done up to this point. This information would be inappropriate in a public meeting on his part. He invites the Council to find time in their schedule in order to coordinate this so we can move on this quickly. We don't have much time to get this done.*

Councilman Brady Broussard, Jr.

- *Agree with the sentiment that what the Police Jury did was predictable but disappointing. Abbeville, as the Parish seat, is know as Somewhere Special on the River not Somewhere Average on the River. What we fight for is worth fighting for and together we can improve our community for our citizens.*

There being no further business to discuss, Mayor Piazza declared this meeting adjourned.

ATTEST:

APPROVE:

Kathleen S. Faulk
Secretary-Treasurer

Mark Piazza
Mayor