

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF GONZALES, STATE OF LOUISIANA TAKEN ON APRIL 24, 2017, 5:30 P.M. AT THE PUBLIC SAFETY CENTER 738 WEST ORICE ROTH RD.

MEMBERS PRESENT:

Mayor Barney D. Arceneaux  
Councilman Harold Stewart  
Councilman Tyler Turner

Councilman Neal Bourque  
Councilman David Guitreau  
Councilman Kirk Boudreaux

MEMBERS ABSENT: NONE

ALSO PRESENT:

Lisa Babin, Administrative Clerk  
Erin Lanoux, City Attorney

Clay Stafford, City Clerk  
Sherman Jackson, Police Chief

Motion by Councilman Kirk Boudreaux, seconded by Councilman David Guitreau to approve the Council Meeting Minutes taken, April 10, 2017.

YEAS: Councilman Harold Stewart, Councilman Tyler Turner, Councilman Neal Bourque,  
Councilman David Guitreau, Councilman Kirk Boudreaux

NAYS: NONE

ABSENT: NONE

Motion by Councilman Kirk Boudreaux, seconded by Councilman Tyler Turner to approve the request of Mr. Drexel Perkins for use Tee-Joe Park on July28-30, 2017 to host a Flag Football Summer Camp.

YEAS: Councilman Harold Stewart, Councilman Tyler Turner, Councilman Neal Bourque,  
Councilman David Guitreau, Councilman Kirk Boudreaux

NAYS: NONE

ABSENT: NONE

Final vote on Ordinance No. 4012:

AN ORDINANCE AMENDING THE CODE OF ORDINANCE  
CHAPTER 22. ZONING SEC. 22-2 ZONING DISTRICTS TO APPROVE  
THE RECOMMENDATION OF THE ZONING COMMISSION TO  
REZONE THE FOLLOWING DESCRIBED PROPERTY FROM ITS  
EXISTING R-8 ZONE TO A B-1 ZONE.

BE IT ORDAINED BY Mayor and Councilman of the City of Gonzales Louisiana:

That the Code of Ordinance Chapter 22. Zoning. Sec. 22-2 Zoning Districts be hereby amended as follows:

Chapter 22. Zoning.

Sec. 22-2 Zoning Districts:

Tract PS, situated on the north side E. New River Street from its existing R-8 zone to a B-1 zone

YEAS: Councilman Harold Stewart, Councilman Tyler Turner, Councilman Neal Bourque,  
Councilman David Guitreau, Councilman Kirk Boudreaux

NAYS: NONE

ABSENT: NONE

Final vote on Ordinance No. 4013:

AN ORDINANCE AMENDING THE CODE OF ORDINANCE  
CHAPTER 22. ZONING SEC. 22-2 ZONING DISTRICTS TO APPROVE  
THE RECOMMENDATION OF THE ZONING COMMISSION TO  
REZONE THE FOLLOWING DESCRIBED PROPERTY FROM ITS

EXISTING R-8 ZONE TO A B-1 ZONE.

BE IT ORDAINED BY Mayor and Councilman of the City of Gonzales Louisiana:

That the Code of Ordinance Chapter 22. Zoning. Sec. 22-2 Zoning Districts is hereby amended as follows:

Chapter 22. Zoning.

Sec. 22-2 Zoning Districts:

Tract A, Tract E, and a portion of Tract X-1, situated on the south side of E. Bayou Narcisse road from its existing R-8 zone to a B-1 zone.

YEAS: Councilman Harold Stewart, Councilman Tyler Turner, Councilman Neal Bourque, Councilman David Guitreau, Councilman Kirk Boudreaux

NAYS: NONE

ABSENT: NONE

Final vote on Ordinance No. 4014:

AN ORDINANCE AMENDING THE CODE OF ORDINANCE  
CHAPTER 22. ZONING SEC. 22-2 ZONING DISTRICTS TO (ADD)  
SEC. 22-4 (d)(3).

BE IT ORDAINED BY Mayor and Councilman of the City of Gonzales Louisiana:

That the Code of Ordinance Chapter 22. Zoning. Sec. 22-2 Zoning Districts be hereby amended as follows:

Chapter 22. Zoning Districts.

(ADD)

Sec. 22-4(d)(3) to read:

22-4(d)(3) *Roofs and Roofing*. All single family residential units shall have architectural-grade overlap shingles, tile or standing seam metal. Roofs shall have a minimum roof pitch of 6:12.

YEAS: Councilman Harold Stewart, Councilman Tyler Turner, Councilman Neal Bourque, Councilman David Guitreau, Councilman Kirk Boudreaux

NAYS: NONE

ABSENT: NONE

Final vote on Ordinance No. 4015:

AN ORDINANCE AMENDING THE CODE OF ORDINANCE  
CHAPTER 8 CRIMINAL CODE. ARTICLE VII OFFENSES  
AGAINST PUBLIC PEACE. (CHANGE) SEC. 8-215(b)(8)  
UNNECESSARY NOISE TO READ:

BE IT ORDAINED, by the Mayor and Councilman of the City of Gonzales, Louisiana:

That the Code of Ordinance of the City of Gonzales be hereby amended as follows:

**CHAPTER 8 CRIMINAL CODE**

**ARTICLE VII OFFENSES AGAINST PUBLIC PEACE**

**Change Sec. 8-215(b)(8) Unnecessary noise to read:**

Sec. 8-215. - Unnecessary noise.

(b)

*Nonexclusive enumeration of unnecessary noise*. The following acts, among others, are declared to be loud, disturbing and unnecessary noises and noises in violation of this section, but this enumeration shall not be deemed to be exclusive, namely:

(8)

*Construction and repairing of buildings*. The erection, including excavating, demolition, alteration or repair of any building in any residential district or section, the excavation of streets or highways in any residential

district or section other than between the hours of 7:00 a.m. and 6:00 p.m. on weekdays and Saturdays, except in case of urgent necessity, in the interest of public health and safety, and then only with a permit from the mayor and city council, which permit may be granted for a period not to exceed thirty (30) days while the emergency continues. If the Mayor and City Council should determine that the public health and safety will not be impaired by the erection, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 6:00 p.m. and 7:00 a.m., and if they shall further determine that loss or inconvenience would result to any party in interest, they may grant permission for such work to be done within the hours of 6:00 p.m. and 7:00 a.m. upon application being made at the time the permit for the work is awarded or during the progress of the work.

YEAS: Councilman Harold Stewart, Councilman Tyler Turner, Councilman Neal Bourque,  
Councilman David Guitreau, Councilman Kirk Boudreaux

NAYS: NONE

ABSENT: NONE

Final vote on Ordinance No. 4016:

AN ORDINANCE AMENDING THE CODE OF ORDINANCE  
APPENDIX A FRANCHISES (ADD) ARTICLE IX STATEWIDE  
CABLE OR VIDEO FRANCHISE TO READ:

BE IT ORDAINED, by the Mayor and Councilman of the City of Gonzales, Louisiana:

That the Code of Ordinance of the City of Gonzales be hereby amended as follows:

**APPENDIX A**

**FRANCHISES**

**(ADD)**

**ARTICLE IX Statewide Cable or Video Franchise**

**Section 1. Grant of Franchise**

Pursuant to the provisions of the Consumer Choice for Television Act of 2008, codified at La. R.S. 45:1361 et seq, any person or entity desiring to provide cable or video services within the City of Gonzales may do so by obtaining a state-issued certificate of franchise authority;

**Section 2. Franchise Fee**

The holder of a state-issued certificate of franchise authority for cable or video service is required to pay a franchise fee to a city in which it operates upon the passage of an ordinance by a city setting such a fee.

All persons or entities providing cable or video services to the citizens of the City of Gonzales pursuant to a state-issued certificate of franchise authority as provided in La. R.S. 45:1361 et seq shall, pursuant to the provisions of La. R.S. 45:1366, pay the City of Gonzales a franchise fee equal to 5% of the cable or video service provider's gross revenues derived from operations within the city limits.

Gross revenues shall be defined as all revenues received from subscribers for the provision of cable service or video service, including franchise fees and all revenues received from non-subscribers for advertising disseminated through cable service or video service and home shopping services. Gross revenues shall not include all of the following items:

- (a) Amounts billed and collected from subscribers to recover any tax, surcharge, or governmental fee.
- (b) Any revenue not actually received, even if billed, such as bad debt.
- (c) Any revenue received by any affiliate or any other person in exchange for supplying goods or services to the cable service provider or video service provider.
- (d) Any amounts attributable to refunds, rebates, or discounts.
- (e) Any revenues from late fees, returned check fees, or interest.
- (f) Any revenues from sales or rental of property, except such property the subscriber is required to buy or rent exclusively from the cable service provider or video service provider to receive cable service or video service.
- (g) Any revenues from services provided over the cable system or other wireline facilities used to distribute video programming services that are not classified as cable services or video services including without limitation revenue received from telecommunications services, information services but not excluding cable services or video services, Internet access services, and directory or Internet advertising revenues, including but not limited to yellow pages, white pages, banner advertisements, and electronic publishing advertising. Where the sale of any non-cable service or non-video service is bundled with the sale of one or more cable services or video services and sold for a single non itemized price, the term "gross revenues" shall include only those revenues that are attributable to cable services or video services based on the provider's books and records.

- (h) Any revenues from sales for resale with respect to which the purchaser is required to pay a franchise fee, provided the purchaser certifies in writing that it will resell the service and pay a franchise fee with respect thereto.
- (i) Any amounts attributable to a reimbursement of costs, including but not limited to the reimbursements by programmers of marketing costs incurred for the promotion or introduction of video programming.
- (j) Any revenues from providing or maintaining inside wiring.

YEAS: Councilman Harold Stewart, Councilman Tyler Turner, Councilman Neal Bourque, Councilman David Guitreau, Councilman Kirk Boudreaux

NAYS: NONE

ABSENT: NONE

The City Council then held discussions on the proposed resolution to place a one-half cent citywide sales tax on the October 14, 2017 ballot. The councilmen announced that in addition to the declared purpose of maintaining and improving fire and police protection in the City of Gonzales, it is their intent to expand the proposed use of the tax to add the construction and maintenance of a new Civic Center to be used in times of emergency and disaster recovery and the construction and maintenance of a Community Outreach Building to host safe activities for youth, and further providing for other matters in connection with public safety.

Motion by Councilman Kirk Boudreaux, seconded by Councilman Harold Stewart to accept and approve the Act of Transfer of the St .Mark's Place water system to Ascension Water Company, Inc.

YEAS: Councilman Harold Stewart, Councilman Tyler Turner, Councilman Neal Bourque, Councilman David Guitreau, Councilman Kirk Boudreaux

NAYS: NONE

ABSENT: NONE

Motion by Councilman Neal Bourque, seconded by Councilman David Guitreau to introduce Ordinance No. 4017:

AN ORDINANCE AMENDING THE CODE OF ORDINANCE  
CHAPTER 22. ZONING SEC. 22-2 ZONING AND DEVELOPMENT  
SEC. 22-3 USE PROVISIONS (22-3)(C)(1)ALL RESIDENTIAL USES  
(CHANGE) SEC. 22-3(c)(1)b.2.a. TO READ:

BE IT ORDAINED BY Mayor and Councilman of the City of Gonzales Louisiana:

That the Code of Ordinance Chapter 22. Zoning and Development. Sec. 22-3 Use provisions is hereby amended as follows:

Chapter 22. Zoning.

Sec. 22-2 Zoning and Development.

Sec. 22-3 Use Provisions

(Change) Sec. 22-3(c)(1)b.2.A to read:

Flush or Semi-flush. Garage or carport is positioned between three (3) feet in front and ten (10) feet behind the front wall plane, extending no more than thirty (30) percent of the width of the building. Garages may extend up to fifty-five (55) percent of the width of the building if at least two (2) of the following architectural features are provided as part of the garage:

- (1) Single carriage house style garage doors.
- (2) Ornamental light fixtures flanking garage doors.
- (3) Arbor or trellis.
- (4) Columns or pilasters flanking garage doors.
- (5) Portico framing garage entrance.
- (6) Roof line changes or variation in eave height above garage

Final vote on the foregoing amendment to be taken at the City Council Meeting scheduled for May 22, 2017.

There being no further business to come before the City Council and upon a motion duly made and seconded, the meeting was adjourned.

Barney D. Arceneaux

Barney D. Arceneaux, Mayor-Administrator

ATTEST:

Clay A. Stafford

Clay A. Stafford, City Clerk