

MINUTES OF A REGULAR MEETING OF THE MAYOR AND COUNCIL, TOWN OF SORRENTO, TUESDAY, NOVEMBER 7, 2017, 6:00 P.M., SORRENTO TOWN HALL, SORRENTO, LOUISIANA

Members Present:

Councilmen: Randy Anny, Wanda Bourgeois, Randi Sutton, Donald Schexnaydre

Mayor: Michael Lambert

Town Clerk: Paige Robert

Absent: Patti Poche

Motion by Councilman Randy Anny and seconded by Councilman Donald Schexnaydre to approve the minutes of the regular meeting of the mayor and council taken Tuesday October 3, 2017. Motion carried. Vote as follows:

YEAS: Randi Sutton, Wanda Bourgeois, Donald Schexnaydre, Randy Anny

NAYS: None ABSENT: Patti Poche

Motion by Councilman Randy Anny and seconded by Councilman Donald Schexnaydre to approve the bills for the month of October 2017 in the amount of \$43,854.77 (Ricky Compton \$2,000 was for 2 months). Motion carried. Vote as follows:

YEAS: Wanda Bourgeois, Donald Schexnaydre, Randy Anny, Randi Sutton

NAYS: None ABSENT: Patti Poche

Mayor Lambert opened a public hearing to discuss Ordinance 17-02, setting the franchise fee to be paid by those entities providing cable or video service within the Town's municipal limits under a state-granted franchise authority and otherwise providing with respect thereto.

Mayor Lambert closed the public hearing

Motion by Councilman Randy Anny and seconded by Councilman Donald Schexnaydre to adopt ordinance #17-02. Motion carried. Vote as follows:

YEAS: Donald Schexnaydre, Randy Anny, Randi Sutton, Wanda Bourgeois,

NAYS: None ABSENT: Patti Poche

Ordinance No. 17-02

ORDINANCE

An Ordinance setting the franchise fee to be paid by those entities providing cable or video service within the Town's municipal limits under a state-granted franchise authority and otherwise providing with respect thereto.

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

WHEREAS, pursuant to the provisions of LSA-R.S. 45:1366, the holder of a state-issued certificate of franchise authority for cable or video service is required to pay a franchise fee to a municipality in which it operates upon the passage of an ordinance by municipality setting such a fee; and

WHEREAS, there are persons or entities which operate or desire to operate cable or video services within the Town's municipal limits.

BE IT THEREFORE ordained by the Town Council of the Town of Sorrento, State of Louisiana, that all persons or entities providing cable or video services to the citizens of the Town of Sorrento pursuant to a state-issued certificate of franchise authority as provided in LSA-R.S. 45:1361 et seq shall, pursuant to the provisions of LSA-R.S. 45:1366, pay the Town of

Sorrento a franchise fee equal to 5% of the cable or video service provider's gross revenues, as that term is defined by the "Consumer Choice for Television Act of 2008," derived from operations within the Town's municipal limits.

BE IT FURTHER RESOLVED, that all ordinances and resolutions in conflict herewith are hereby repealed, except those approving any cable or video franchise agreement in force and effect between the Town and any cable or video service provider.

The foregoing proposed Ordinance approved.

Motion by Councilman Randy Anny and seconded by Councilman Donald Schexnaydre to remove item #8, Public Hearing to discuss an ordinance regarding the change in the fee schedule from the Ascension Parish Clerk of Court and to add item 8a to the agenda, approve the new fee schedule. Motion carried. Vote as follows:

YEAS: Randy Anny, Randi Sutton, Wanda Bourgeois, Donald Schexnaydre

NAYS: None ABSENT: Patti Poche

Motion by Councilman Randy Anny and seconded by Councilman Randi Sutton to adopt the fee schedule from the Ascension Parish Clerk of Court. Motion carried. Vote as follows:

YEAS: Randi Sutton, Wanda Bourgeois, Donald Schexnaydre, Randy Anny

NAYS: None ABSENT: Patti Poche

Motion by Councilman Randy Anny and seconded by Councilman Randi Sutton to remove item 9, vote on fee schedule ordinance, from the agenda. Motion carried. Vote as follows:

YEAS: Wanda Bourgeois, Donald Schexnaydre, Randy Anny, Randi Sutton

NAYS: None ABSENT: Patti Poche

Motion by Councilman Donald Schexnaydre and seconded by Councilman Randy Anny to add item (c) Railroad crossing at Railroad St. to the agenda. Motion carried. Vote as follows:

YEAS: Donald Schexnaydre, Randy Anny, Randi Sutton, Wanda Bourgeois

NAYS: None ABSENT: Patti Poche

Councilman Donald Schexnaydre introduced the Subdivision Regulations Ordinance and called for a public hearing on December 5<sup>th</sup> at 6:00 at the town hall to consider adoption of this ordinance.

Motion by Councilman Donald Schexnaydre and seconded by Councilman Wanda Bourgeois to go into executive session to discuss Hernandez vs. Theriot. Motion carried. Vote as follows:

YEAS: Randy Anny, Randi Sutton, Wanda Bourgeois, Donald Schexnaydre

NAYS: None ABSENT: Patti Poche

Motion by Councilman Donald Schexnaydre and seconded by Councilman Randy Anny to return to the regular meeting. Motion carried. Vote as follows:

YEAS: Randi Sutton, Wanda Bourgeois, Donald Schexnaydre, Randy Anny

NAYS: None ABSENT: Patti Poche

Motion by Councilman Randy Anny and seconded by Councilman Randi Sutton to add item 12A, approving the final judgement payout in Hernandez vs. Theriot. Motion carried. Vote as follows:

YEAS: Wanda Bourgeois, Donald Schexnaydre, Randy Anny, Randi Sutton,

NAYS: None ABSENT: Patti Poche

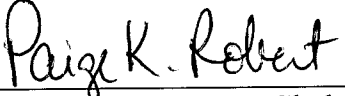
Motion by Councilman Donald Schexnaydre and seconded by Councilman Randy Anny to pay the final judgement in Hernandez vs. Theriot in the amount of \$15,000 award for compensatory damages against the Town and the award against defendants for attorney fees and cost of \$39,899.00 and \$2,025.94 respectively. The total is \$56,924.94. Motion carried. Vote as follows:

YEAS: Wanda Bourgeois, Donald Schexnaydre, Randy Anny, Randi Sutton,

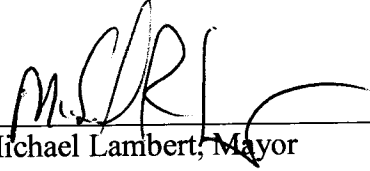
NAYS: None

ABSENT: Patti Poche

There being no further business to be brought before the Mayor and Council, on motion duly made and seconded, the meeting was adjourned.



Paige K. Robert, Town Clerk



Michael Lambert, Mayor

Ordinance No. 17-02

ORDINANCE

An Ordinance setting the franchise fee to be paid by those entities providing cable or video service within the Town's municipal limits under a state-granted franchise authority and otherwise providing with respect thereto.

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

WHEREAS, pursuant to the provisions of LSA-R.S. 45:1366, the holder of a state-issued certificate of franchise authority for cable or video service is required to pay a franchise fee to a municipality in which it operates upon the passage of an ordinance by municipality setting such a fee; and

WHEREAS, there are persons or entities which operate or desire to operate cable or video services within the Town's municipal limits.

BE IT THEREFORE ordained by the Town Council of the Town of Sorrento, State of Louisiana, that all persons or entities providing cable or video services to the citizens of the Town of Sorrento pursuant to a state-issued certificate of franchise authority as provided in LSA-R.S. 45:1361 et seq shall, pursuant to the provisions of LSA-R.S. 45:1366, pay the Town of Sorrento a franchise fee equal to 5% of the cable or video service provider's gross revenues, as that term is defined by the "Consumer Choice for Television Act of 2008," derived from operations within the Town's municipal limits.

BE IT FURTHER RESOLVED, that all ordinances and resolutions in conflict herewith are hereby repealed, except those approving any cable or video franchise agreement in force and effect between the Town and any cable or video service provider.

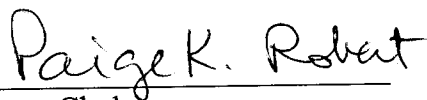
This ordinance having been submitted to a vote, the vote thereon was as follows:

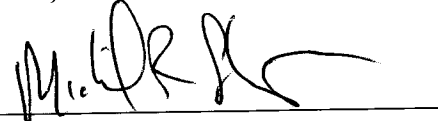
**Yeas:** Donald Schexnaydre, Randy Anny, Randi Sutton, Wanda Bourgeois

**Nays:** None

**Absent:** Patti Poche

And this ordinance was passed on the 7th day of November 2017. I further certify that the above is a true and correct copy of the Ordinance adopted and actions taken by the Town of Sorrento, Louisiana, through its Mayor and Town Council during the public hearing and Town Council meeting held on November 7, 2017.

  
Town Clerk

  
Mayor