

Natchitoches City Council will have a pre-council meeting beginning at 5:00 p.m. and ending at 5:30 p.m. to discuss non-agenda items. The City Council meeting will begin promptly at 5:30 p.m. on the second and fourth Monday of each month and will be reserved to only items on the Agenda. The public is invited to both the pre-council meetings and council meetings with the understanding that items not on the agenda will not be discussed at the scheduled council meetings, but the public is welcome to discuss any topic at the pre-council meetings.

**NATCHITOCHEs CITY COUNCIL MEETING
MARCH 25, 2013
5:30 P.M.**

A G E N D A

1. **CALL TO ORDER**
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **READING AND APPROVAL OF THE MINUTES OF MARCH 11, 2013**
5. **Appeal:** Appeal by Matthew A. Ellefson requesting a review of the decision of the Planning and Zoning Commission of March 5, 2013 that denied the application to subdivide the following: Lot 3 Containing 9.06 Acres of Shadow Bay Subdivision in Section 47, Township 9 North, Range 7 West to create (3) three lots. (256 Peninsula Dr.)
After discussion Mr. Nielsen made a motion to table this appeal which was seconded by Ms. Morrow, the motion to table was presented for a vote and the vote was recorded as follows:

AYES: Payne, Nielsen, Mims, Stamey, Morrow
NAYES: None
ABSENT: None
ABSTAIN: None
6. **PROCLAMATIONS:**

#013 Morrow Proclamation Declaring April 2013 As Relay For Life Month
#014 Mims Proclamation Declaring April 1, 2013 As Joe Sampite Day
7. **ORDINANCES - INTRODUCTION:**

#009 Stamey Ordinance Authorizing The Mayor Of The City Of Natchitoches, Louisiana, To Enter Into A Cooperative Endeavor Agreement With Cane River National Heritage Area, Inc., Whereby The City Of Natchitoches Will Provide Employees To The Cane River National Heritage Area In Exchange For The Services And Benefits That The City Receives From The Operations Of The Cane River National Heritage Area

#010 Nielsen Ordinance Adopting The Budget For The City Of Natchitoches For The Fiscal Year June 1, 2013 Through May 31, 2014
8. **OTHER BUSINESS:** Councilwoman Sylvia Morrow – After School Program Charter Information
9. **ANNOUNCEMENT:** City offices will be closed Friday, March 29, 2013 for Good Friday

NOTICE TO THE PUBLIC

In accordance with the Americans with Disabilities Act, if you need special assistance, please contact the City Clerk's Office at (318) 352-2772 describing the assistance that is necessary.

If you wish to address the Council, please complete the "Request to Address City Council" form located on the entrance table.

**PROCEEDINGS OF THE CITY COUNCIL
OF THE CITY OF NATCHITOCHES, STATE OF LOUISIANA,
REGULAR MEETING HELD ON
MONDAY, MARCH 25, 2013 AT 5:30 P.M.**

The City Council of the City of Natchitoches met in legal and regular session at the Natchitoches Arts Center, 716 Second Street, Natchitoches, Louisiana on Monday, March 25, 2013 at 5:30 p.m.

There were present:

Mayor Lee Posey
Councilman At Large Don Mims, Jr.
Councilmen David Stamey, Dale Nielsen,
Councilman Larry Payne
Councilwoman Sylvia Morrow

Guests:

Absent: None

Mayor Lee Posey called the meeting to order and welcomed everyone for coming. Michael Braxton was asked to lead the invocation and Don Mims was asked to lead the pledge of allegiance.

Mayor Posey then called for the reading and approval of the minutes for the March 11, 2013 meeting. Mr. Mims moved that we dispense with the reading of the minutes and approval of same. Seconded by Ms. Morrow. The roll call vote was as follows:

Ayes: Payne, Nielsen, Mims, Stamey, Morrow.
Nays: None.
Absent: None.

RECEIVED

MAR 13 2013

OFFICE OF THE MAYOR

Christine G. Ellefson
255 Taylor Road
Natchitoches, LA 71457
(318) 354-0434 (318) 527-1390

March 11, 2013

To: Mayor Lee Posey & City Council of Natchitoches
Re: City Planning and Zoning Commission Appeal VIII

Dear Mayor Posey & City Council,

This is my formal appeal for a review of the proposal presented to the City Planning and Zoning Commission that was denied on 3/5/13. The proposal presented requested a division of Lot 3 of Shadow Bay Subdivision in Section 47, Township 9 North, Range 7 West, containing 9.06 acres. Included with this appeal is a copy of the proposed surveyed land prepared by Davis Surveyors of Natchitoches.

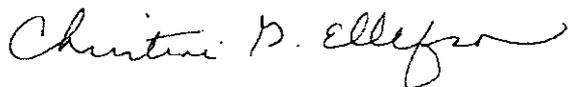
It is my understanding, based on discussions during the Planning and Zoning Commission meeting that my request was denied based on subjective and personal preferences of the individual members of the Commission. Specifically, the request was denied because some members on the Commission felt the proposed lots were irregularly shaped and too small for the original intent of the overall subdivision.

My counter argument to the shape of the lots is simply that there is no other way to reasonably subdivide the property and still meet the city requirement that each lot has frontage on Peninsula Drive. These would not be the only lots of irregular shape in the subdivision. The lot next to this property (Lot 2) originally contained two lots of 3 acres each that are both irregular in shape. Furthermore, if the irregular shape is an issue or I am left with unbuildable lots then my long term problem would be that the lots would be unmarketable.

My argument to the size of the lots in relation to the overall intent of the subdivision has two points. As mentioned, Lot 2 in the subdivision was previously two lots of 3 acres each. Lot 1 in the subdivision also consists of two 3 acre properties. Lot 1 was previously owned by John Torrent of Natchitoches, consisted of 6 acres and was split and sold as two 3 acre properties to two different parties. My point is that subdividing a property in the Shadow Bay subdivision has occurred and been allowed in the past. My second argument to the overall intent of the subdivision references the Home Owner's Association bylaws, which state the subdivisions can occur but the resulting lots must be at least 3 acres. This leads me to believe that my proposed plan coincides with the original intent of the subdivision. Additionally, the north side of Peninsula Drive, known as Shadow Bay Subdivision II, has been subdivided into twelve one acre lots.

The last point I would like to make is that the proposed subdivision meets both the criteria outlined in the City ordinances. Each proposed property front Peninsula Drive and meet the required minimum lot size of 7500 square feet. These properties will have private driveways and will not burden the city for upkeep. I have been proactive in sharing my plan with the Natchitoches Health Department, Natchitoches Water Department and SWEPCO and have received favorable comments from all in regards to my plan. Thank you for your kind consideration of my appeal.

Sincerely,

A handwritten signature in cursive script that reads "Christine G. Ellefson". The signature is written in black ink and is positioned above the printed name.

Christine G. Ellefson

SURVEY SHOWING

A SUBDIVISION OF LOT 3 OF SHADOW BAY SUBDIVISION

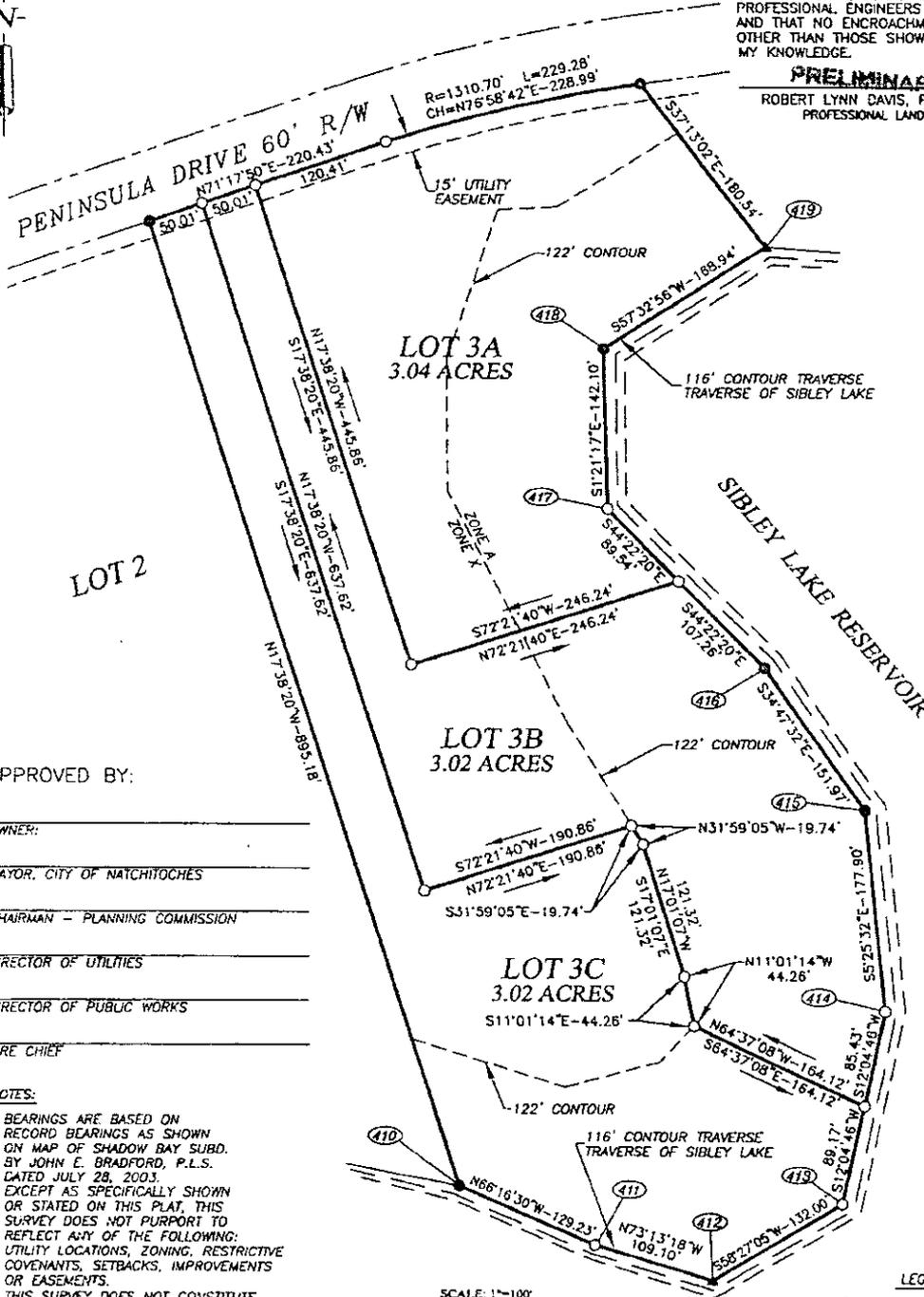
LOCATED IN SECTION 47, T9N-R7W, LOUISIANA MERIDIAN
IN THE CITY OF NATCHITOCHEs, NATCHITOCHEs PARISH, LOUISIANA

FLOOD STATEMENT:
PORTIONS OF THIS PROPERTY ARE LOCATED IN ZONE A, SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100 YEAR FLOOD, THE REMAINDER OF THE PROPERTY IS LOCATED IN ZONE X, AREAS OUTSIDE THE 500 YEAR FLOOD PLAIN, ACCORDING TO FIRM PANEL No. 220129 0175 C, DATED DECEMBER 8, 1998.

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE UNDER MY SUPERVISION AND IS IN ACCORDANCE WITH THE CURRENT APPLICABLE STANDARD OF PRACTICE FOR A CLASS "C" SURVEY, AS REQUIRED BY THE LOUISIANA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS & LAND SURVEYORS AND THAT NO ENCROACHMENTS WERE VISIBLE OTHER THAN THOSE SHOWN TO THE BEST OF MY KNOWLEDGE.

PRELIMINARY

ROBERT LYNN DAVIS, P.L.S. No. 4820
PROFESSIONAL LAND SURVEYOR

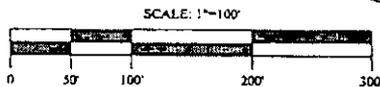


APPROVED BY:

- OWNER: _____
- MAYOR, CITY OF NATCHITOCHEs _____
- CHAIRMAN - PLANNING COMMISSION _____
- DIRECTOR OF UTILITIES _____
- DIRECTOR OF PUBLIC WORKS _____
- FIRE CHIEF _____

NOTES:

1. BEARINGS ARE BASED ON RECORD BEARINGS AS SHOWN ON MAP OF SHADOW BAY SUBD. BY JOHN E. BRADFORD, P.L.S. DATED JULY 28, 2003.
2. EXCEPT AS SPECIFICALLY SHOWN OR STATED ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING: UTILITY LOCATIONS, ZONING, RESTRICTIVE COVENANTS, SETBACKS, IMPROVEMENTS OR EASEMENTS.
3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THIS SURVEYOR.
4. THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.



LEGEND:

- = FND. 1/2" IRON ROD.
- = SET 1/2" IRON ROD.
- ▲ = FND. 1/2" IRON PIPE.
- ④19 = 116' CONTOUR POINTS ON SIBLEY LAKE TRAVERSE.

FOR:

MATTHEW ELLEFSON

PROJECT No.	21512B
DRAWN BY	JRD
CHECKED BY	RLD
DATE	DECEMBER 10, 2012

DAVIS SURVEYING & MAPPING, L.L.C.
926 THIRD STREET
NATCHITOCHEs, LA 71457
PH. (318) 356-9050

SURVEY SHOWING

A SUBDIVISION OF LOT 3 OF SHADOW BAY SUBDIVISION

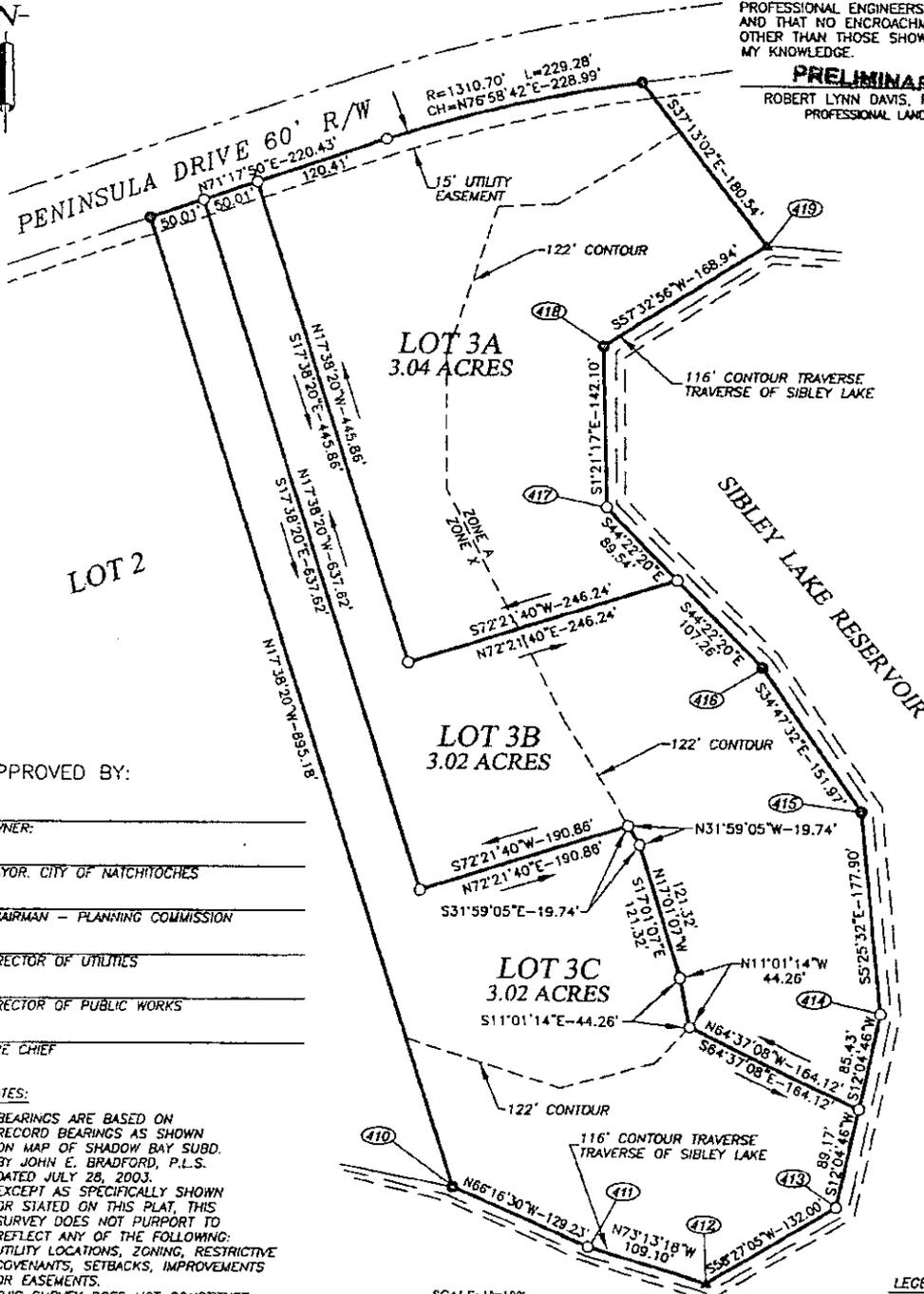
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I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE UNDER MY SUPERVISION AND IS IN ACCORDANCE WITH THE CURRENT APPLICABLE STANDARD OF PRACTICE FOR A CLASS "C" SURVEY, AS REQUIRED BY THE LOUISIANA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS & LAND SURVEYORS AND THAT NO ENCROACHMENTS WERE VISIBLE OTHER THAN THOSE SHOWN TO THE BEST OF MY KNOWLEDGE.

PRELIMINARY

ROBERT LYNN DAVIS, P.L.S. No. 4820
PROFESSIONAL LAND SURVEYOR



APPROVED BY:

OWNER: _____

MAYOR, CITY OF NATCHITOCHE _____

CHAIRMAN - PLANNING COMMISSION _____

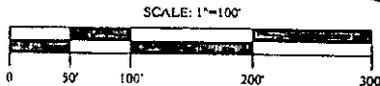
DIRECTOR OF UTILITIES _____

DIRECTOR OF PUBLIC WORKS _____

FIRE CHIEF _____

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FOR:

MATTHEW ELLEFSON

PROJECT No.	21512B
DRAWN BY	JRD
CHECKED BY	RLD
DATE	DECEMBER 10, 2012

DAVIS SURVEYING & MAPPING, L.L.C.
926 THIRD STREET
NATCHITOCHE, LA 71457
PH. (318) 356-9030

Excerpt from

CITY OF NATCHITOCHEs
PLANNING & ZONING COMMISSION
MINUTES OF MARCH 5, 2013

The minutes of this meeting have not been adopted by the Planning Commission which will meet on April 2, 2013.

The Planning and Zoning Commission of the City of Natchitoches, Louisiana, met in regular session on Tuesday, March 5, 2013 at the Natchitoches Arts Center, 716 Second Street, and Natchitoches.

Members Present: Chairman Charles Whitehead, III, Rickey McCalister, Betsy Widhalm, Dr. Thomas Burns, Jamie Flanagan & Bobby Claiborne

Members Absent: Eric Davis & John Bonnette

Staff Present: Juanita Fowler and Nicole Oakes

The meeting was called to order at 5:30 p.m. by Chairman Charles Whitehead, III. A quorum was established through a roll call.

Dr. Thomas Burns moved to waive the reading of the minutes of February 5, 2013 regular meeting and accept them as presented; Bobby Claiborne seconded; motion carried unanimously.

Old Business

- A. Application by Matthew A. Ellefson to subdivide the following location: Lot 3 Containing 9.06 Acres Of Shadow Bay Subdivision In Section 47, Township 9 North, Range 7 West. (256 Peninsula Dr.)

Mrs. Fowler gave an overview of the previous application. In January the Commission reviewed the request from Mr. Ellefson to subdivide a 9 acre parcel. He proposed to create 3 lots but wanted to provide an easement for access versus a dedicated street. A lengthy discussion was held about the City's ordinance as it relates to every lot abutting on a dedicated street. The commission tabled the request Mr. Ellefson presented an application again in February with plans to develop an easement that would have fire hydrants to meet the criteria that he was concerned about giving his landowners access. A letter was provided by Fire Chief Dennie Boyt recommending that the subdivision standard be maintained. The application was denied. Mr. Ellefson appealed to the City Council. He withdrew his request at the meeting. Mr. Ellefson has returned with a new proposal. The proposal is for 3 lots with a new configuration. Property owners were notified again. A letter was received from James Smith discussing his concerns for the project.

Mrs. Fowler referred to maps of the proposed site to orient the Commission about the location. She noted that Shadow Bay Unit #1 was originally 3 lots. Two of the lots were subdivided on different occasions for which plats were provided to show how the lots were reconfigured. Mrs. Fowler noted that Mr. Thibodeaux's house was reflected on the aerial photo provided as well as Mr. Smith's property and another adjoining tract. Mr. Thibodeaux's lot was subdivided in an irregular shape but the lots both have frontage on Peninsula. Mr. Smith lot was subdivided prior to his ownership into two lots.

Mrs. Fowler confirmed that by review of the plat presented by Mr. Ellefson that each lot abutted on the dedicated right-of-way, that there was not a minimum frontage requirement, and that each lot exceeded 7,200 sq. ft.

Mrs. Fowler stated that the criteria in our Subdivision Ordinance allowed the Commission to consider the proper arrangement and width of streets, to provide adequate and convenient open spaces, vehicular parking and to consider recreation

light and air for the avoidance of the congestion of population which is the criteria used to define what applies to division of land.

Dr Burns asked if a turnaround for firefighters was still planned.

Aaron Johnson who was present to represent Mr. Ellefson stated that to no turnaround was planned to his knowledge. He did not believe that for a private drive a turnaround for a fire truck is required.

Mrs. Fowler stated that with each of the lots having frontage on dedicated street a turnaround would not be required. It would be same as Mr. Thibodeaux having a long driveway. Fire protection comes from Peninsula wherever the hydrant is located.

Dr. Burns questioned whether firefighting apparatus would be brought down the long driveway which is only 20 feet wide and what the fire chief had to say about the plan.

Mrs. Fowler stated that she did not get any comments from the fire chief this time. In his original letter the concern was that the subdivision standard be met for any street that would be built.

Mrs. Ellefson stated that they wanted to first get the land subdivided because they plan on living on the end spot. They talked to the fire chief and if they opt to build on the lot at the end and wanted to have fire protection they would need to construct two plugs because of the footage of the footage.

Betsy Widhalm referred to Mr. Smith's letter that lot 3 has been the site of extensive bulldozer work; the removal of numerous trees and subsequent leveling of surrounding grounds since the initial survey was completed on December 10, 2012. As a result the actual location of the 122' elevation line has been alter. The initial plat plan is no longer an accurate indicator of the current existing elevations on Lot 3.

Aaron Johnson stated that trees have been removed in preparation for subdivision that has included some bulldozer work; nothing extensive. There were large fire pits that were dug but those have been filled back in.

Mrs. Fowler stated that she contacted surveyor, Robert Davis because she wanted to be clear about the 122' line which had been shifted a little bit on the North side of the lot. Mr. Davis He referred to the original survey for Shadow Bay Unit #1. He indicated that the surveyor at that time only indicated an approximate 122' line. When Mr. Davis did his work he certified the new 122' contour for that portion of lot 3A. Nothing changed on the rear of the lot. The 122' line exists as it was in the original survey.

Mrs. Fowler referred to Mr. Smith's letter. He discussed the covenant. It was clarified that the Commission does not have the authority to deal with the restrictions of the covenant and that it is a civil matter. Those things that he pointed out in the office that he wanted to bring out were more so about what the homeowners bought into as far as visibility which would restrict their view of the lake. Mrs. Fowler stated she told Mr. Smith she'd make sure the Commission looked at his letter.

Chairman Whitehead stated he would go over the letter because he didn't want Mr. Smith to say he was shorted or show up in appeal and say we did not address it. . So I am going to address that very quickly at the end of the opposition.

Mrs. Widhalm asked Dr. Thibodeaux if he wanted to speak.

Dr. Thibodeaux took a look at the plat and stated that he would be looking at the second house if it were built where pointed out on the plat.

Mrs. Ellefson: Will be on an oblong lot.

Mrs. Widhalm: Where is it going to be position?

Chairman Whitehead: It will be Lot 3C, then 3B and 3A at the front. I just wanted Dr. Thibodeaux to see and get a general idea. Of course, once again you are going to be hung as a geometry problem with the placement of the house, the sewer system and the straight-aways.

Mrs. Widhalm: And y'all are going to build on the end.

Mrs. Ellefson: Yes, I think so.

Dr. Thibodeaux clarified that his lot was subdivided in an irregular manner. When he bought the property the previous homeowner tried to sell him the lot at the very end without any front lawn and he thought that was absolutely ridiculous, to have a big piece of land and not have the whole thing. So, he bought both lots and has no intention of selling. I do own two lots technically. But I have no intention of selling. He stated that his six acres are actually two, 3 acre lots.

Mr. McCalister questions whether the lots were side by side and not in front of one another which would make one of the lots landlocked.

Dr. Thibodeaux stated that the lots were two irregular shaped lots that sat side by side. He has no intention of ever selling the front lot.

Mrs. Fowler clarified that Dr. Thibodeaux did not subdivide the lots that he currently owns and that the subdivision of the lot did come before the Commission and not the parish.

Chairman Whitehead stated that the parent lot of Shadow Bay Subdivision was developed under parish authority.

Mrs. Fowler stated that two lot divisions did come before the Commission; the one Dr. Thibodeaux bought from Garnier and the one Jim Smith bought which was lot 1 and which was later subdivided.

Mrs. Widhalm asked Dr. Thibodeaux what his feeling was on the application.

Dr. Thibodeaux stated he has no animosity towards the Ellefson. He wants them to be their neighbors. The idea of three houses is not something they had planned on but does not want to cause any harm to the Ellefsons. He had not planned to speak because Mr. Ellefson had decided to change the configuration and not build the road, which is something they didn't really want. He thought it was going to wind up being two lots but three lots would be. He just wanted to see how it would turn out you know it is kind of an ongoing thing.

Chairman Whitehead stated that he would briefly run through the letter from Mr. Smith to address all comments and get the commissioners input to identify relevant concerns for the subdivision application.

Discussion followed with comments by the Commissioners.

Dr. Burns stated that his problem with the application is that it is an unconventional arrangement in what looks to be a planned subdivision. Everything is oriented for one resident not with driveways going down with houses all facing basically on to the street. It is different than anything out there and he has a problem with that.

Mr. McCalister stated he agreed that it is a subdivision within a subdivision. Basically, it would be taking the subdivision and breaking it into little bitty pieces.

Chairman Whitehead state that perhaps the Commission would have addressed the project differently if it had been involved from the beginning but the Police Jury did so and then handed it to the Mayor and the City Council who annexed it into the city.

Mrs. Widhalm stated her concern is that there is a vehicle for the residents of this area to address the issues that Mr. Smith raises and they have chosen not to pursue it and they want the Commission to make the ruling which we they are not in power to make.

Chairman Whitehead stated that the property owners have known about the violations to the covenant since January and have not done anything to address it.

Mrs. Widhalm stated the owners have a vehicle to address this among themselves and their covenant group and they have chosen to not do it. She does agree with Mr. Burns it does look a little unconventional although not totally. Mrs. Widhalm stated that Dr. Thibodeaux has been to all of the meetings and now says that he has no opposition.

Dr. Thibodeaux stated he guessed not. He really wants the project to work for the neighborhood. The only thing would be if the Ellefson's chose not to build after all of this and all of sudden this would be somebody else's headache. That would be his only concern. He did not think that is going to happen. If it was his land, he would not like people telling him what he can and cannot do with the land even though this is not the way he would have chosen to subdivide the property. He did not want to stand in opposition.

Mrs. Widhalm stated she understood but he does have the right to dictate to a certain degree what other people do with their land and that is why we have a Planning & Zoning Commission, to make sure we can all live peaceable together and come to a good resolution so based on that she would vote to approve.

Mr. McCalister made a motion to deny the application. Mrs. Flanagan seconded.

Chairman Whitehead called for a roll call vote:

Betsy Widhalm – Nay
Bobby Claiborne – Yea
Jamie Flanagan – Yea
Ricky McCalister – Yea
Thomas Burns – Yea

The motion was denied by a 4-1 vote.

Aaron Johnson asked each commission member to please give a reason for the denial.

Mr. McCalister said he had considered the intentions of the owners and what his personal preference would be.

Dr. Burns said it would be an unconventional subdivision in an established subdivision. In essence, it's a subdivision within a subdivision. If he were one of the people there he would not want that.

Mrs. Flanagan said she had concerns with the flood lines. Also, lot 3B is crammed in the middle. If she were living there, she would not want to be crammed in. He just did not feel comfortable with the layout. She was confused by it and it's just not a good situation. It's unfortunate, because the Ellefson's already paid for the property.

Mr. Claiborne appealed to the integrity of the neighborhood. The Ellefson's still have the option to build a single home and be consistent with the neighborhood.

New Business

Transcription pending.

Other New Business

None

Report of Office Activities

Mrs. Fowler stated she would defer the report of office activities until the next meeting.

Mr. Claiborne made a motion to adjourn the meeting. Dr. Burns seconded. The meeting was adjourned.

Chairman Charles Whitehead, III

CITY OF NATCHITOCHEs
Planning & Zoning Office
700 Second St.
Natchitoches, LA 71457
318-357-3840 Fax 318-357-3837

March 6, 2013

APPLICANT: Matthew A. Ellefson

MAILING ADDRESS: 255 Taylor Rd., Natchitoches, LA 71457

TYPE APPLICATION: To subdivide the following: Lot 3 Containing 9.06 Acres Of Shadow Bay Subdivision In Section 47, Township 9 North, Range 7 West (256 Peninsula Dr.)

PURPOSE: To create (3) three lots.

MEETING DATE: March 5, 2013

ACTION TAKEN: Denied. (See Comments)

COMMENTS: The Commission denied the application.

Juanita Fowler, Director
Planning & Zoning Department

March 17, 2013

To the Mayor and Members of the City Council:

We, James and Nina Thibodaux, owners of Lot 2 in Shadow Bay subdivision respectfully request that the City Council uphold the decision of the Planning and Zoning committee to deny this specific subdivision of lot 3 in Shadow Bay subdivision as applied for by Matthew Ellefson.

While we recognize Mr. Ellifson's right to subdivide his property, we feel that the manner in which he plans to subdivide into three irregularly shaped lots does not conform to the current layout of the subdivision. This property does not easily divide into 3 separate lots because it lacks adequate acreage above 122 feet of elevation on which to build. Most of the high ground on the applicant's property is located within 100 feet of our property line. The resultant lots of the proposed subdivision would require that the houses built be stacked up along the property line, with the front of the houses facing our property instead of facing Peninsula Drive, like all of the other houses in the subdivision. Obviously, this represents a significant loss of privacy for our family. Also, since the plan calls for two driveways along the property line, a significant portion of the buildable land is used up for access, further limiting the amount of land available on each lot for buildings and sewage.

Mr. Ellefson has presented two separate plans to subdivide this property into three lots on two separate occasions and has been denied twice by the Planning and Zoning Committee because of the concerns listed above, but also because allowing such an unconventional split of a neighborhood property against the wishes of all of the other landowners in the subdivision is a poor model to follow for future land development.

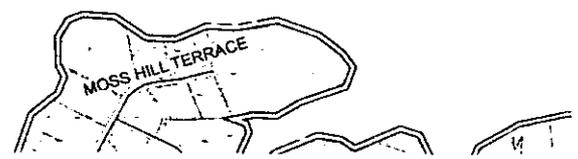
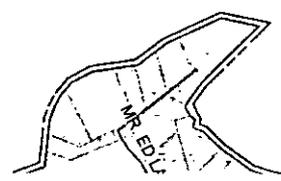
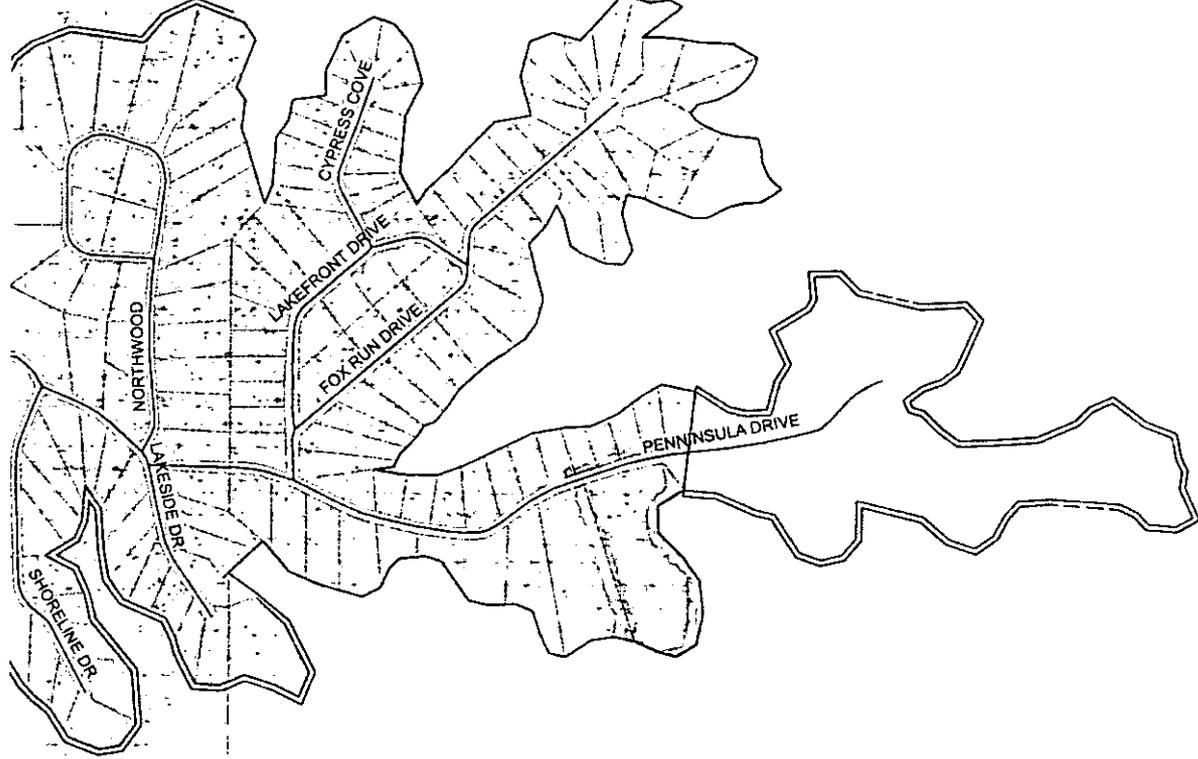
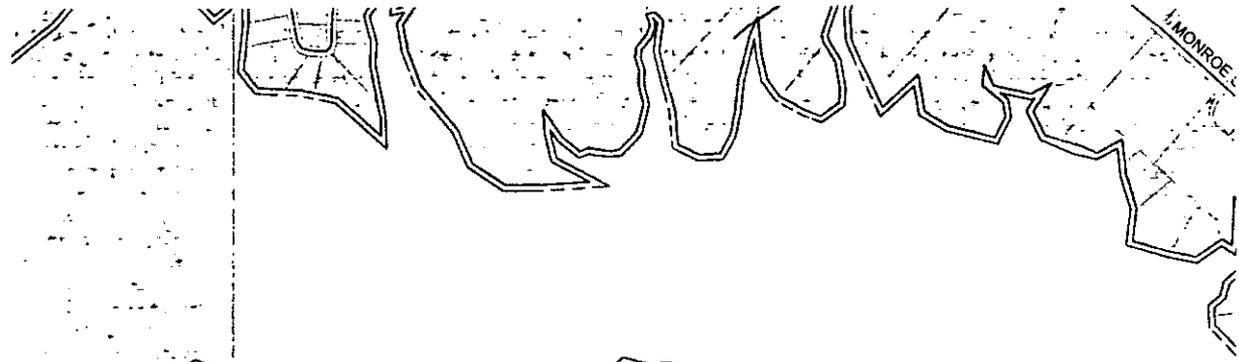
We are not opposed in principle to the subdivision and development of Mr. Ellifson's property and are very open to this lot being subdivided into two large tracts. Such a proposal would keep with the current layout of the subdivision, alleviate our privacy concerns, allow adequate space for both home sites and sewage, and give Mr. Ellefson an opportunity to recoup a large portion of his investment in the property.

We appreciate the council's consideration of our opinion in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "James Thibodaux", with a long horizontal flourish extending to the right.

Dr. and Mrs. James Thibodaux



27 February 2013

RECEIVED
CITY OF NATCHITOCHEs
PLANNING & ZONING DEPT.
DATE: 2-27-13

To: *Juanita Fowler , Director City of Natchitoches, Planning & Zoning
Ladies and Gentlemen of the Planning & Zoning Committee*

From: *James R. Smith
230 Peninsula Drive
Natchitoches, Louisiana 71457*

Ladies and Gentlemen,

Due to circumstances beyond my control, I will not be able to attend the Planning & Zoning Commission meeting scheduled for 04 March 2013. One of the agenda items will be a proposal by Mr. Matthew A. Ellefson to subdivide Lot 3 of Shadow Bay Subdivision into 3 separate lots.

As one of the homeowners of Shadow Bay Subdivision, I do have concerns about this proposal, and I do stand opposed to the subdivision of Lot 3, as it is presently proposed. I have listed my objections and concerns herein.

I respectfully request that my concerns be voiced and considered as a result of this written request, just as they would be if I could attend in person.

I thank you for your consideration in this matter.

Respectfully, James R. Smith



SUBDIVISION OF LOT 3 OF SHADOW BAY SUBDIVISION

By: Matthew A. Ellefson Ph. 354-0434

RECEIVED
CITY OF NATCHITOCHEs
PLANNING & ZONING DEPT.
DATE: 2-27-13

Objective : to subdivide a nine acre lot into 3 lots of 3 acres each.

Problems associated with this proposal:

- 1) *This proposal will effectively create a separate subdivision within Shadow Bay, creating numerous undesirable effects to current owners living in Shadow Bay, and to future owners of the proposed Lots 3-A, 3-B & 3-C.*
- 2) *The restrictions associated with Shadow Bay Subdivision, were designed to ensure that the lots within Shadow Bay would always be large lots, limited in number, and fronting on Peninsula Drive with the rear of the lots facing Sibley Lake.*
- 3) *The covenants are also highly restrictive, ensuring privacy while providing a beautiful view of the lake to all of the homeowners, as well as perpetuating the beauty of our subdivision.*
- 4) *All of the current home owners, purchased their property with the intent to abide by these restrictions, to respect the rights of our neighbors, as contained within the restrictions, and in turn, expecting the associated protections that the restrictions would provide. This would help to maintain our property values, and protect the future of our subdivision.*
- 5) *Subdividing Lot 3 as Mr. Ellefson proposes would create 3 new lots that that will be positioned in a North/South orientation, as opposed to all of the other lots on Peninsula Drive which are positioned in an East/West orientation.*

RECEIVED
CITY OF NATCHITOCHEs
PLANNING & ZONING DEPT.
DATE: 2-27-13

Page 2

- 6) *Only one of the new lots would actually contain 3 acres (the minimum size under our restrictions). That is lot 3-A. Lot 3-B is actually a 2 ½ acre lot connected to Peninsula drive via a ½ acre right of way, Lot 3-C is in reality a 2 ¼ acre lot connected to Peninsula drive via a ¼ acre right of way.*
- 7) *Any home built upon lot 3-B would , because of the limitations built within Mr. Ellefson's proposal, cause it to be built in a location upon the proposed lot, that would violate the subdivision covenants, by restricting the view of other homeowners to the lake.*
- 8) *Lot 3 has been the site of extensive bulldozer work, the removal of numerous trees, and the subsequent leveling of the surrounding ground, since the initial survey was completed on 10 December 2012. As a result, the actual location of the 122' elevation line has been altered and the initial plat plan is no longer an accurate indicator of the currently existing elevations on Lot 3.*
- 9) *Mr. Ellefson's proposal seems to be driven by several factors:*
 - 1) *The limited amount of overall acreage in lot 3 (9 acres).*
 - 2) *A desire to subdivide into a minimum of 3 new lots.*
 - 3) *The location of the 122' elevation line on Lot 3.*
 - 4) *The actual shape of lot 3, with severely limited frontage onto Peninsula Drive.*

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CITY OF NATCHITOCHES
PLANNING & ZONING DEPT.
DATE: 2-27-13

Page 3.

- 10) *Mr. Ellefson's proposal to subdivide as he intends to do, if actually approved, will create significant problems for the future owners of these 3 new lots, including, but not limited to, elevation problems, (the need for large quantities of suitable fill to meet the elevation requirements), drainage problems(created by parallel right of ways) and covenant problems involved with meeting the existing Shadow Bay covenants.*
- 11) *The proposed subdivision would greatly impact the natural beauty and aesthetics of our Subdivision, and almost certainly negatively impact the property values of the homeowners currently residing in Shadow Bay.*
- 12) *The other property owners in Shadow Bay have met with Mr. Ellefson. We proposed that Lot 3 be subdivided into 2 (two lots) instead of 3 (three lots), with the two lots oriented in an East/West direction, compatible with the other lots in Shadow Bay Subdivision. Our proposal was rejected.*

The above proposal (Line 13) would maintain the beauty and flow of our subdivision, provide Lot 3 ample frontage onto Peninsula drive, maintain an East/West orientation of our subdivision, and eliminate all of the future covenant issues that we can foresee.

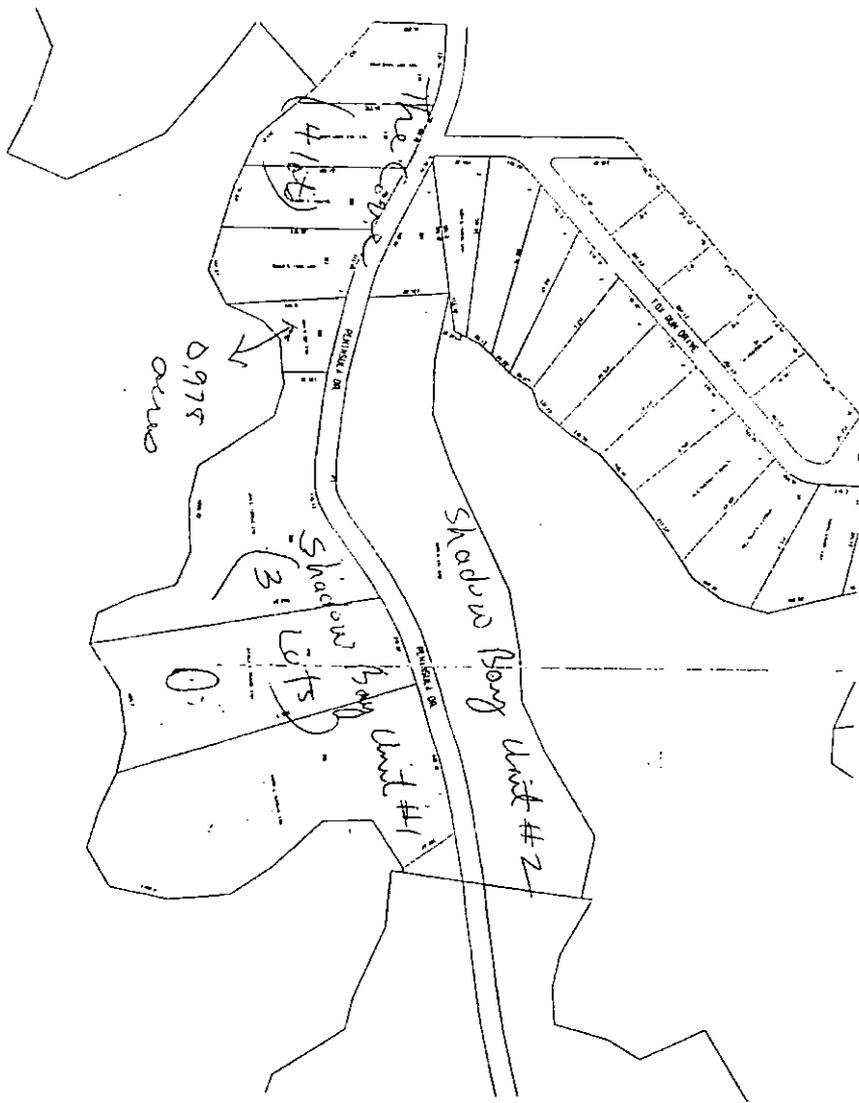
In order to fully visualize the impact of Mr. Ellefson's proposal, the Plat plan which Mr. Ellefson has provided, needs to be viewed in connection with a plat plan of all the lots located within Shadow Bay Subdivision. I also suggest a drive thru Shadow Bay to fully get a first hand view of our community and to more fully understand our concerns.

Yours Truly,

James R. Smith

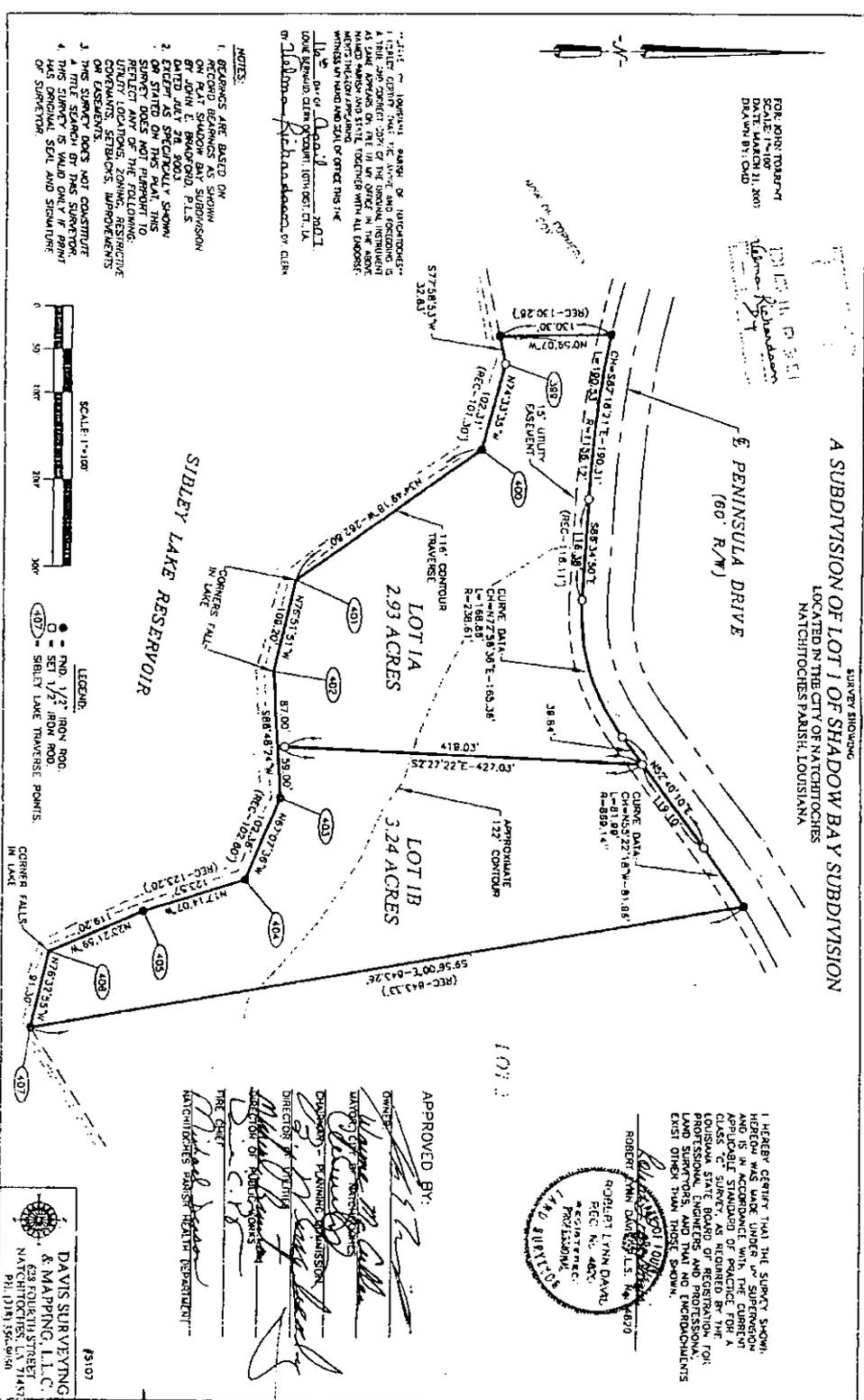
230 Peninsula Drive

Natchitoches, La. 71457



FOR JOHN TOLBERT
 SCALE 1"=100'
 DATE MARCH 11, 2003
 DRAWN BY: GAO

A SUBDIVISION OF LOT 1 OF SHADOW BAY SUBDIVISION
 LOCATED IN THE CITY OF NATCHITOCHES
 PARISH, LOUISIANA



- NOTES:**
1. RECORDS ARE BASED ON RECORD BEARINGS AS SHOWN BY JOHN T. BOGARDON, L.L.C. DATED JULY 28, 2003.
 2. EXCEPT AS SPECIFICALLY SHOWN OR STATED ON THIS PLAN, THIS SURVEY IS CONSIDERED TO REFLECT ANY OF THE FOLLOWING: UTILITY LOCATIONS, ZONING, RESTRICTIONS, COVENANTS, SETBACKS, IMPROVEMENTS OR EASEMENTS.
 3. THIS SURVEY DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY.
 4. THIS SURVEY IS VALID ONLY IF PRINTED WITH ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.

I, the undersigned, being a duly qualified and licensed Surveyor in the State of Louisiana, do hereby certify that the above and foregoing is a true and correct copy of the original instrument as filed with me on the 11th day of March, 2003, and that the same has been duly recorded in the public records of this Parish, to-wit: in Book 11, Page 11, of the records of the Parish of Natchitoches, Louisiana.

Witness my hand and seal of office this 11th day of March, 2003.

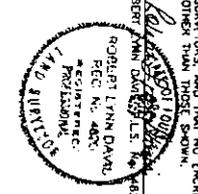
Robert Lynn Davis, Surveyor
 State of Louisiana

APPROVED BY:

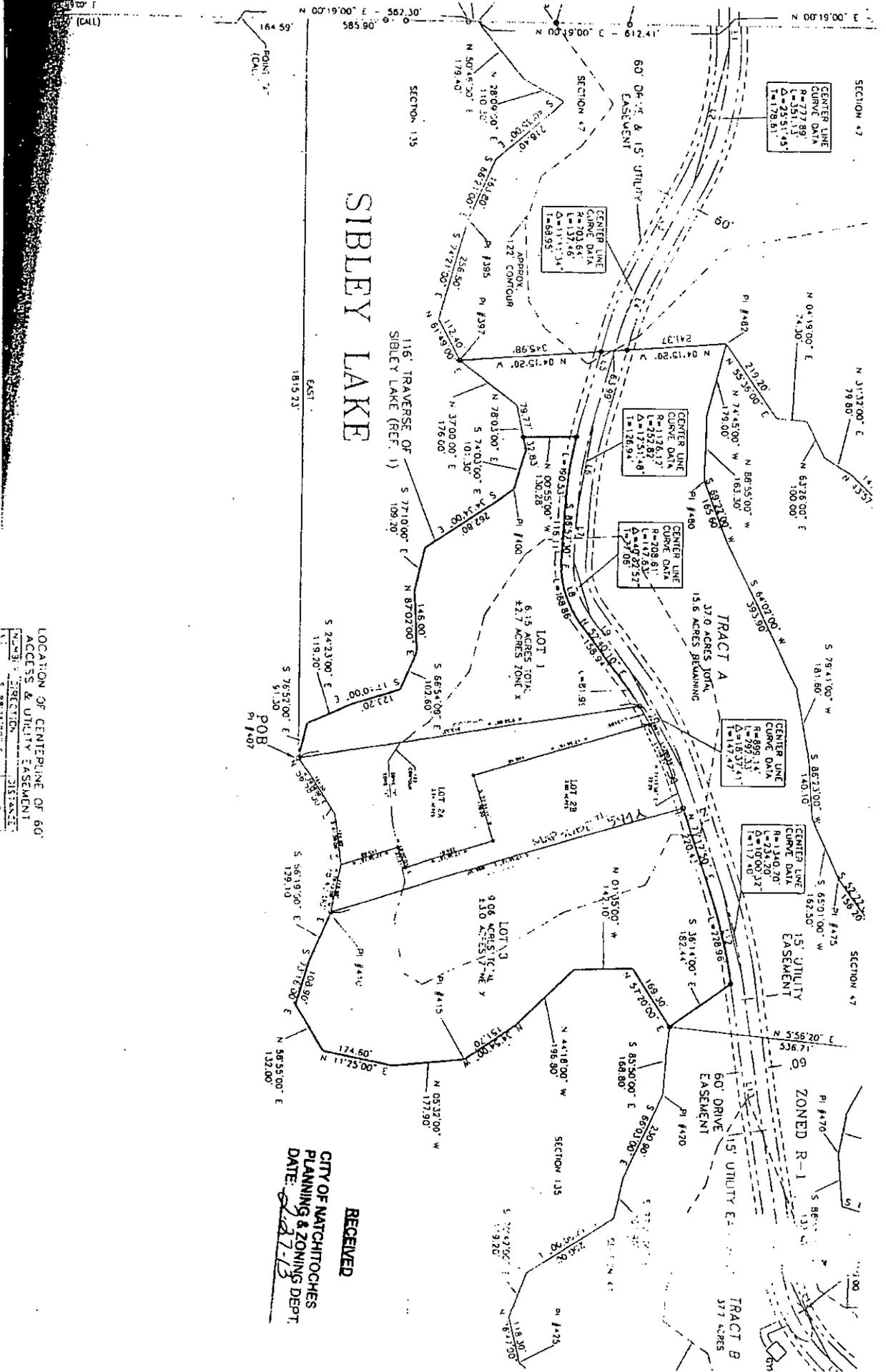
[Signature]
 DIRECTOR OF PUBLIC WORKS
 NATCHITOCHES PARISH, LOUISIANA

1. HEREBY CERTIFY THAT THE SURVEY SHOWN HEREOF WAS MADE UNDER MY SUPERVISION AND IS IN ACCORDANCE WITH THE CURRENT AND APPLICABLE LAWS OF THE STATE OF LOUISIANA. I AM A LICENSED SURVEYOR IN THE STATE OF LOUISIANA AND AM A MEMBER OF THE LOUISIANA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND PROFESSIONAL LAND SURVEYORS, AND THAT NO EMPLOYEES OR ASSISTANTS WERE EMPLOYED IN THE PERFORMANCE OF THIS SURVEY.

ROBERT LYNN DAVIS
 REG. NO. 400
 *REGISTERED PROFESSIONAL SURVEYOR



DAVIS SURVEYING & MAPPING, L.L.C.
 638 FOURTEEN STREET
 NATCHITOCHES, LA 71401
 PH: (504) 536-1150



SIBLEY LAKE

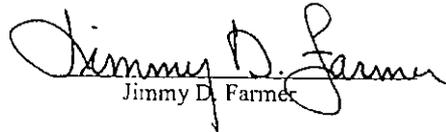
LOCATION OF CENTERLINE OF 60' ACCESS & UTILITY EASEMENT

RECEIVED
 CITY OF MATCHTOWCHES
 PLANNING & ZONING DEPT.
 DATE: 2/27/13

The following are the property owners within 300 ft. of the following described property as listed on the current records of the NATCHITOCHEs Parish Assessor's Office.

**LOT 3 CONTAINING 9.06 ACRES OF SHADOW BAY SUBDIVISION IN SECTION 47,
TOWNSHIP 9 NORTH, RANGE 7 WEST**

COX, JERRY D. & LINDA N. - 388 PENINSULA DR., NATCHITOCHEs LA 71457
DAVIS, DARREN - 247 PENINSULA DR., NATCHITOCHEs LA 71457
HARDIN, GRAHAM & RACHAL - 265 PENINSULA DR., NATCHITOCHEs LA 71457
HOARE, WILLIAMS J. - 100 MELROSE AVE., APT 314, NATCHITOCHEs LA 71457
KLOESS, RONALD T. & ADRIANA MEDINA-MUGUIRO - 2180 NW VIOLET AVE., ALBANY OR
97321
PORTER, JAMES W. & KAREN H. - 61004 NORTH MILITARY RD., SLIDELL LA 70461
RICHARD, MICHAEL L. & JENNY H. - 4040 SOUTH TUMBLEWEED AVE., YUMA AZ 85365
THIBODAUX, JAMES P., JR. & NINA M. - 248 PENINSULA DR., NATCHITOCHEs LA 71457


Jimmy D. Farmer

Dated, this 12th day of December, 2012.

NOTE: This is as accurate as we can determine from our records.

18 March 2013

**To: Mayor Lee Posey
Ladies and Gentlemen of the Natchitoches City Council**

**From: James R. and Billie Sue Smith
230 Peninsula Drive
Natchitoches, Louisiana 71457**

Ladies and Gentlemen,

On 25 March 2013, the Natchitoches City Council is scheduled to rule on an appeal by Mr. Matthew Ellefson. He seeks for the City Council to overturn two separate rulings by the City Planning and Zoning Committee, in which he was denied a permit to subdivide Lot 3 of Shadow Bay Subdivision into three (3) separate lots.

In order to provide you in advance with a list of our objections and concerns, regarding this matter, and to allow you the time to more fully understand the situation, we are providing you with a written list of our concerns, along with a plat plan of Shadow Bay Subdivision, and a plat plan of Mr. Ellefson's proposal.

Thank you in advance for your attention to this matter, until we meet on the 25 March, 2013,

we remain respectfully your,

James R. Smith

Billie Sue Smith

SUBJECT:

PROPOSAL TO ALLOW THE SUBDIVISION OF LOT 3 OF SHADOW BAY SUBDIVISION (By Matthew A. Ellefson), in particular, a meeting of the City Council to be held on 25 March 2013, to rule on the appeal to the City council to overturn the denial by the Planning and Zoning Council to allow Mr. Ellefson to subdivide 3 into 3 separate lots of 3 acres each.

Problems/Concerns associated with overturning the Planning/Zoning Committee decision :

- 1) Mr. Ellefson's proposal will effectively create a separate subdivision within Shadow Bay, creating numerous undesirable effects to current owners living in Shadow Bay, and to future owners of the proposed Lots 3-A, 3-B & 3-C.**
- 2) The restrictions associated with Shadow Bay Subdivision, were designed to ensure that the lots within Shadow Bay would always be large lots, limited in number, and fronting on Peninsula Drive with the rear of the lots facing Sibley Lake.**
- 3) The covenants are also highly restrictive, ensuring privacy while providing a beautiful view of the lake to all of the homeowners, as well as perpetuating the beauty of our subdivision.**
- 4) All of the current home owners, purchased their property with the intent to abide by these restrictions, to respect the rights of our neighbors, as contained within the restrictions, and in turn, expecting the associated protections that the restrictions would provide. This would help to maintain our property values, and protect the future of our subdivision.**
- 5) Subdividing Lot 3 as Mr. Ellefson proposes would create 3 new lots that that will be positioned in a North/South orientation, as opposed to all of the other lots on Peninsula Drive which are positioned in an East/West orientation.**

- 6) *Only one of the new lots would actually contain 3 acres (the minimum size under our restrictions). That is lot 3-A, Lot 3-B is actually a 2 ½ acre lot connected to Peninsula drive via a ½ acre right of way, Lot 3-C is in reality a 2 ¼ acre lot connected to Peninsula drive via a ¾ acre right of way.*
- 7) *Any home built upon lot 3-B would , because of the limitations built within Mr. Ellefson's proposal, cause it to be built in a location upon the proposed lot, that would violate the subdivision covenants, by restricting the view of other homeowners to the lake.*
- 8) *Lot 3 has been the site of extensive bulldozer work, the removal of numerous trees, and the subsequent leveling of the surrounding ground, since the initial survey was completed on 10 December 2012. As a result, the actual location of the 122' elevation line has been altered and the initial plat plan is no longer an accurate indicator of the currently existing elevations on Lot 3.*
- 9) *Mr. Ellefson's proposal seems to be driven by several factors:*
 - 1) *The limited amount of overall acreage in lot 3 (9 acres).*
 - 2) *A desire to subdivide into a minimum of 3 new lots.*
 - 3) *The location of the 122' elevation line on Lot 3.*
 - 4) *The actual shape of lot 3, with severely limited frontage onto Peninsula Drive, and equally limited area above above the 122' elevation line.*

- 10) *Mr. Ellefson's proposal to subdivide as he intends to do, if actually approved, will create significant problems for the future owners of these 3 new lots, including, but not limited to, elevation problems, (the need for large quantities of suitable fill to meet the elevation requirements), drainage problems(created by parallel right of ways) and covenant problems involved with meeting the existing Shadow Bay covenants.*
- 11) *The proposed plan to subdivide Lot 3, would create some very strangely shaped lots, greatly impact the natural beauty and aesthetics of our Subdivision, and almost certainly negatively impact the property values of the homeowners currently residing in Shadow Bay.*
- 12)*The other property owners in Shadow Bay have met with Mr. Ellefson. We proposed that Lot 3 be subdivided into 2 (two lots) instead of 3 (three lots), with the two lots oriented in an East/West direction, compatible with the other lots in Shadow Bay Subdivision. Our proposal was rejected.*

The above proposal (Line 12) would maintain the beauty and flow of our subdivision, provide Lot 3 ample frontage onto Peninsula drive, maintain an East/West orientation of our subdivision, and eliminate all of the future covenant issues that we can foresee.

In order to fully visualize the impact of Mr. Ellefson's proposal, the Plat plan which Mr. Ellefson has provided, needs to be viewed in connection with a plat plan of all the lots located within Shadow Bay Subdivision. I aslo suggest a drive thru Shadow Bay to fully get a first hand view of our community and to more fully understand our concerns.

*Yours Truly,
James R. and Billie Sue Smith
230 Peninsula Drive
Natchitoches, La. 71457*

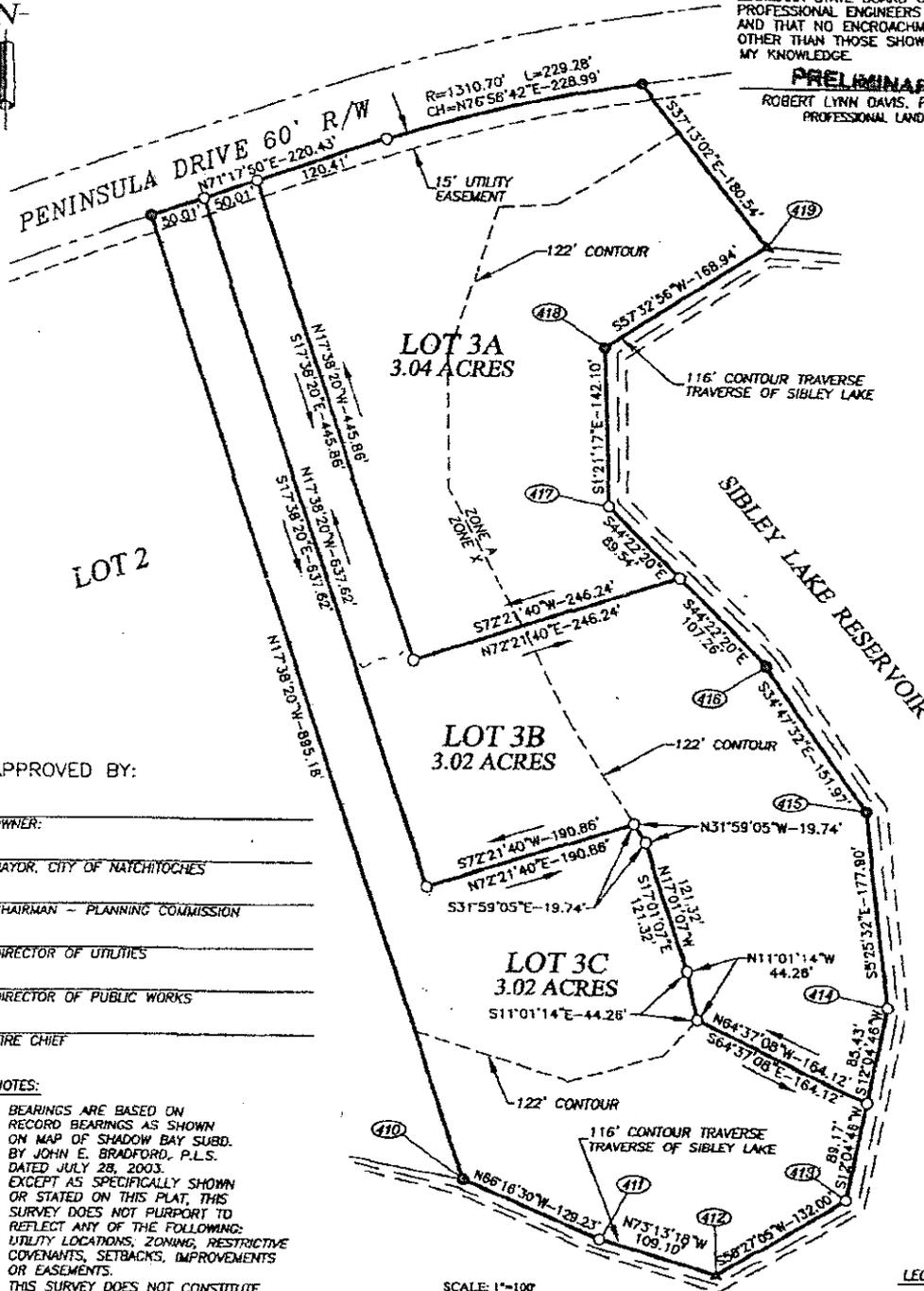
**A SUBDIVISION OF LOTS 3 OF
SHADOW BAY SUBDIVISION**
LOCATED IN SECTION 47, T9N-R7W, LOUISIANA MERIDIAN
IN THE CITY OF NATCHITOCHE, NATCHITOCHE PARISH, LOUISIANA

FLOOD STATEMENT:
PORTIONS OF THIS PROPERTY ARE LOCATED IN ZONE A, SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100 YEAR FLOOD, THE REMAINDER OF THE PROPERTY IS LOCATED IN ZONE X, AREAS OUTSIDE THE 500 YEAR FLOOD PLAIN, ACCORDING TO FIRM PANEL No. 220129 0175 C, DATED DECEMBER 8, 1998.

I HEREBY CERTIFY THAT THE SURVEY SHOWN HEREON WAS MADE UNDER MY SUPERVISION AND IS IN ACCORDANCE WITH THE CURRENT APPLICABLE STANDARD OF PRACTICE FOR A CLASS "C" SURVEY, AS REQUIRED BY THE LOUISIANA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS & LAND SURVEYORS AND THAT NO ENCROACHMENTS WERE VISIBLE OTHER THAN THOSE SHOWN TO THE BEST OF MY KNOWLEDGE.

PRELIMINARY

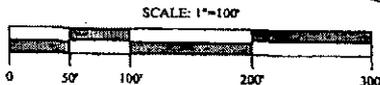
ROBERT LYNN DAVIS, P.L.S. No. 4820
PROFESSIONAL LAND SURVEYOR



APPROVED BY:

- OWNER: _____
- MAYOR, CITY OF NATCHITOCHE _____
- CHAIRMAN - PLANNING COMMISSION _____
- DIRECTOR OF UTILITIES _____
- DIRECTOR OF PUBLIC WORKS _____
- FIRE CHIEF _____

- NOTES:**
1. BEARINGS ARE BASED ON RECORD BEARINGS AS SHOWN ON MAP OF SHADOW BAY SUBD. BY JOHN E. BRADFORD, P.L.S. DATED JULY 28, 2003.
 2. EXCEPT AS SPECIFICALLY SHOWN OR STATED ON THIS PLAT, THIS SURVEY DOES NOT PURPORT TO REFLECT ANY OF THE FOLLOWING: UTILITY LOCATIONS, ZONING, RESTRICTIVE COVENANTS, SETBACKS, IMPROVEMENTS OR EASEMENTS.
 3. THIS SURVEY DOES NOT CONSTITUTE A TITLE SEARCH BY THIS SURVEYOR.
 4. THIS SURVEY IS VALID ONLY IF PRINT HAS ORIGINAL SEAL AND SIGNATURE OF SURVEYOR.



- LEGEND:**
- = FND. 1/2" IRON ROD.
 - = SET 1/2" IRON ROD.
 - ▲ = FND. 1/2" IRON PIPE.
 - ⊙ = 116' CONTOUR POINTS ON SIBLEY LAKE TRAVERSE.

FOR:	MATTHEW ELLEFSON		PROJECT No.	215128	DAVIS SURVEYING & MAPPING, L.L.C. 526 THIRD STREET NATCHITOCHE, LA 71457 PH. (318) 356-9050
			DRAWN BY	JRD	
		CHECKED BY	RLD		
		DATE	DECEMBER 10, 2012		

Mr. Mims stated there was an appeal from Planning and Zoning by Mr. Matthew Ellefson regarding the division of property on Peninsula Drive. He asked Mr. Ellefson to address the Council and give them information about his request. Attorney Dyess had been asked to represent Mr. Ellefson, therefore coming to the podium and stating the property was annexed into the city approximately a year ago. He stated the Ellefson's had since purchased property and are appealing a decision by the Planning & Zoning Board. He asked Mr. Cox to brief the Council and the Mayor on how this property was situated to begin with. Mr. Cox stated when he bought the property it was in the process of being subdivided there was a 21 acre point on Peninsula Drive and originally there were 3 lots. Lot 1 and Lot 2 each were a little over 6 acres and Lot 3, the tract being discussed tonight, a little over 9 acres. When we developed the property, what we had in mind was if someone wanted a large lot it would be available. However, not everyone wanted that much property so we drew up a covenant that allows people to subdivide the lots as long as no lot is less than 3 acres. The most houses you could have on that 21 acres was 7 houses and that way it gave people incentive to buy the large lots and if they did not want that much land they could subdivide it. The owners of Lot 1 and Lot 2 previously requested the lots be subdivided and it was approved. Since I have sold this tract, it has resold and the Ellefson's have bought the property now wanting to subdivide it into three, 3 acre lots, building on one and selling the other two. Mr. Cox feels we should not be telling people what to do with their property as long as they are following the rules. Everyone that owns property in the subdivision of Lots 1 & 2 had been subdivided before they bought their property. It is reasonable to assume that Lot 3 would be subdivided. He stated just because I do not want someone living beside me or want more privacy is not a valid reason not to allow them to subdivide their property. Mr. Cox stated if he thought it would devalue the property he would be the first to stand up and say something, but this is not the case. Mr. Stamey stated it is very important in this process to understand the intent. He stated our duty is not to the subdivision covenants, but if the subdivision covenants state or intend something and we know that is incorrect unless you tell us your intent. He then stated in Section 4 - Subdivision of a Lot it states "Upon approval from the governing planning and zoning commission, which he did not receive, lots can be subdivided once, but any and all resulting subdivided lots must be 3 acres in size." Mr. Stamey asked, when it says once that is my biggest question what does once mean? Mr. Cox stated it was intended to mean each lot, Lot 1, Lot 2, and Lot 3 could be subdivided as long as no lot inclusive was less than 3 acres. He then stated his intention was not to limit the number of divisions, but to make sure everyone was protected and the smallest lot could be no less than 3 acres. He stated he was not here to choose sides, but his motivation is strictly to stand up for what is right.

Mr. Dyess then asked Mr. Ellefson what process have you and your wife gone through to obtain approval of the division of your 9 acre tract property? Mr. Ellefson stated he purchased the property on Peninsula Drive after much research. After speaking with his realtor, a banker, and Mr. Cox he felt a good investment had been made. Mr. Cox informed Mr. Ellefson he would have to go before the Planning and Zoning Commission, but he could subdivide his lot. After going to the Planning and Zoning Commission with his first proposition, realizing his opposition with the neighboring homeowners, he changed the original plan and was denied approval by the commission. During the appeal process he met with several Council Members and decided to rescind his appeal. He then revised the plan again, went before the Planning and Zoning Commission, and was once again denied approval. Mr. Dyess stated Mr. Ellefson now has a drawing of the Shadow Bay Subdivision of Lot 3 which provides (2) 50 ft frontages on Peninsula Drive and that was a requirement of the Zoning Commission so that each lot would have its own frontage to abut to Peninsula Drive for access. Mr. Ellefson stated he created the frontages to get rid of the rights of passage that caused problems because the lots did not abut to Peninsula Drive. Mr. Dyess asked Mr. Ellefson if the reason he changed his plan was to please the neighbors. Mr. Ellefson stated he wanted to get a plan that would fit the ordinances and would not cause contention with the neighbors. Mr. Dyess stated there was question that Lot 3 B would not have much room because of the updated plan and asked Mr. Ellefson to explain. Mr. Ellefson stated this is just a point of view of someone not realizing the scale of the property, but there is almost an acre out of the flood zone to build a house on that lot. Mr. Dyess then asked Mr. Ellefson if his proposal complied with rules, regulations, and ordinances and he agreed.

Ms. Morrow stated she read over the material Mrs. Ellefson submitted and asked if the proposal of the subdivision meets the criteria outlined in the city ordinances, which Mrs. Ellefson agreed. Ms. Morrow then asked if the counter argument in reference to the shape of the lots is simply there is no other way to subdivide the lots and still meet the requirements unless each lot has a frontage to Peninsula Drive which Mrs. Ellefson agreed. Mr. Ellefson stated the lots would not be the only lots in the subdivision that have irregular shape, but other lots as well.

Dr. James Thibodaux approached the podium and stated he owns the lot right next to Mr. Ellefson. He stated we do not have an issue with Mr. Ellefson's right to subdivide his property, but we want him to be within what we consider normal and regular in our subdivision. The subdivision was set up with big large, flowing lots so everyone could have space and privacy. This is a large neighborhood and we feel like the shape of the lots pushes all the houses up towards the lake right next to us. Dr. Thibodaux has come forward with a counter proposal that would allow Mr. Ellefson to have lots that are more ordinarily shaped. The covenant of the subdivision does call for 3 acre lots, but Mr. Smith, Mrs. Porter and I are willing to waive that in order for Mr. Ellefson to have more regularly shaped lots. He wants to get everyone together on a proposal that would be agreeable. He knows Mr. Ellefson's has concerns about wanting it done the way he put forward and I agree his concerns should be noted, but the neighbor's who lived their first have rights too. He stated they feel like the subdivision is theirs and he wouldn't do anything to his property that he knew would make his neighbors aggravated and put us at odds with one another. That is why it is important that all parties involved are satisfied. He is not interested in telling Mr. Ellefson what he can or cannot do, but it would be much better if everyone involved could come together on a compromise.

David Stamey stated he appreciates Dr. Thibodaux and his efforts. One of our options as the Council is to discuss a modification, but one thing we do not want to do is put Matt & Christine in another prolonged waiting situation. We do have the option to accept a modification if there is one, vote on it tonight, and approve the modification.

Mr. Corkern stated if the parties do not agree on the proposal tonight, the Mayor and Council could table it for 2 weeks and then pass the agreed proposal.

Mr. Nielsen stated all parties have put a lot of time and effort in this matter. He stated it seems your goal was to hit the City ordinance code without violating the neighborhood covenant which is a pretty tough task. Now you have got the other parties in your neighborhood who are willing to adjust the covenant one time to allow the deviation to get a better flow of the three lots. Mr. Nielsen stated he would like to see everyone happy.

Mr. Payne stated he would like to remind the Council over the past years one of the things we have done is to look at what the majority of the neighborhood wants. We have usually moved and voted in that direction. Even though there is only four people that is still the majority saying we want to work with you on a change. It seems the decision has already been made and as far as making a concession it seems it does not want to be done. If Mr. Ellefson does not want to make changes then we need to move forward. The parties involved need to look at this and say what can we do to make this work.

Mr. Thibodaux stated he is not immune to Mr. Ellefson's financial concerns, but he knows how much money it costs to live out here and it is expensive. He stated he really thinks the odd configuration of lots that were proposed initially, especially the middle lot, will be tough to sell. He really thinks the redrawing with the more conventional scheme will allow Mr. Ellefson to sell his lots easier and with such a tight knit subdivision a different plan would be better.

Mr. Mims stated after looking at the drawings he realized the point of Mr. Ellefson's drawings based on the 3 acre lot. As a nonagent, homeowner, or homebuyer the layout of this plan (Dr. Thibodaux's) is a sellable plan and also gives Mr. Ellefson a heck of a lot on the front without being a side view over his neighbors' property. He stated it is his prerogative on how he wants to divide it up, but looking at it as a non real estate person, this is a more sellable natural.

Mr. Dyess stated on two prior occasions they divided land with 3 acre lots and it was approved. Now we have neighbors who say I don't like this or that about Mr. Ellefson's proposal. Back when they had the Planning and Zoning Meeting, Dr. Thibodaux said if it was his land he would not like people tell him what he can or cannot do with his land even though this is not the way he would have chosen to subdivide the property. He would not want to stand in opposition, but now he stands in opposition. I know the Council and the Mayor want the neighborhoods to get along and work together, but here we have a man that says there is a covenant that says 3 acres. One of the things that would have to happen is for him to say I am okay with not having that rule. Mr. Cox stated this plan has caught him off guard because he was not in the loop on that. I am not saying that I would not go along with that plan. He then stated he owns the rest of the peninsula that butts up to the 9 acres. His plan was if he ever subdivided that land he would not have any lots less than 3 acres and that is why he put that in the covenant to maintain the value of that property on that side.

Mr. Nielsen asked Mr. Cox what his reasoning was for separating in to 3 different covenants instead of 1 covenant. Mr. Cox stated he felt there was a market for 6 acre tracts, but after it had taken so long to sell those 9 acres and the two 6 acres he decided most people in Natchitoches don't want or can't afford that much land. He stated by the time you buy your land, build the house, and meet the covenant specifications for the house, which is larger in Phase 1 and the covenant in Phase 2 allows a smaller house, there is more of a market for that. He stated overall it is just an economic thing and you are only going to sell so many 6 acre lots therefore the reason the covenant allowed for subdividing the lots. In terms of configuration, take a look at Oak Point Estates, at the end of Fox Run. You have 5 driveways side by side on a pie shaped lot where the driveways literally touch each other. He asked, why is that okay, but this is not. He then stated he likes everyone here and he is not going to offend anyone or allow them to lose value to their property, but how can some people do something and how can some not.

Mr. Stamey stated all the Councilman realize if we are forced to vote today we have to follow the rules and protocol, but we are looking for compromise. If there is no compromise, we know what we have to do. Mr. Dyess stated this is the last step of administrative remedy and he does not want to file suit against the City of Natchitoches as it relates to this issue. He stated Mr. Ellefson has been before the Zoning Commission, has gone back to his surveyor, and has done everything he knows to do to remedy this situation. He stated he knows it would be better to come to a compromise and he will talk to his clients about it, but by the same token according to the constitutional state, as well as federal, a person has a right as long as they do not offend their neighbors to do what they want with their property.

Mrs. Juanita Fowler stated she represents the Planning and Zoning Commission as a liaison. The members of the commission looked at the proposal by Mr. Ellefson on three different occasions. It was first introduced in January and the application was tabled. The proposal was for easements to support the 3 lots he wanted to create by City ordinance. The lots would need to abut on a dedicated street for each lot or he would request a variance which is what he did. The Planning Commission tabled the application and he came back in February with a new proposal of 3 lots each having frontage on Peninsula Drive. It was the configuration of the lots that the Commission was most concerned about which has also been the topic of discussion tonight. She stated she gives the Commission credit for spending a lot of time trying to review and discuss some of their concerns with Mr. Ellefson with regard to the layout of the property. One thing the Commission did not have in our records was conversation by Mr. Cox. In making their decision the covenant was not looked at as far as the intent of the developer. She stated it is not their authority to determine what is appropriate or not in the covenant. If there is a conflict in the covenant where the City ordinance exceeds the covenant we have cause of concern, but if the covenant is of less restriction, it is between the property owner and the developer what they do with the covenant. Our chairman was adamant about leaving the covenant out of the decision making process and addressed the application based on what was in the subdivision ordinance.

Mr. Smith stated there are a lot of good points and a lot of bad points that have been made in his opinion. He stated he would like to point out some of the problems he has had since day one. Mr. Ellefson's proposal is going to affectively create a separate subdivision within Shadow Bay and going to create some problems for the current residents and those who may purchase lots in the future. One of the main problems as homeowners we have is subdividing these lots is going to create 3 new lots that are going to be oriented in a north south orientation while all other lots in the subdivision are in an east west orientation with one side on Peninsula Drive and the other on the lake. He stated covenants are considered a legal document and all current homeowners purchased the property after reviewing the covenants. Our intentions when purchasing the property were to abide by the covenants and to respect the wishes, privacy, and well being of the neighbors. In return, we expected certain protections for our property. In the covenant, Article 19, states the above restrictive covenants conditions and restrictions shall run with the land to be binding on all parties and persons claiming under them for a period of 25 years from the date these covenants are recorded. The covenants shall then be automatically extended for successive periods of 10 years, however, during or any extension thereof these covenants can be changed or amended in whole or in part by a written and recorded instrument by the majority of the then owners of the lots agreeing to change such covenant in whole or in part and determining whether or not the majority of the owners have agreed to change the covenant of the areas of the lot shall be taken into consideration and the final decision shall be arrived by computing the actual area and square feet for the change of the covenants. Article 4 states upon approval of the Planning and Zoning Commission, lots may be subdivided once, but any and all resulting lots must be at least 3 acres in size. Mr. Smith stated when he read that before he bought his property he read that each lot may be subdivided once and in half. He did not realize, nor did the other homeowners realize this is not what Mr. Cox intended. He stated, our argument hinges upon Article 4 of the covenant and therefore we have a dilemma based on that. The proposal the Thibodaux's have brought forward is a good proposal and I support it. It does one major thing and takes the slice and dice subdivision and puts in something that everyone can live with. We have made a good faith compromise by giving Mr. Ellefson what he wants and protecting our subdivision in the process.

Mr. Mims asked if Mr. Ellefson still wants to pursue a decision on the current proposal. Mr. Ellefson stated the proposal from the get go has been one big compromise. He stated, he has tried to compromise to make someone happy and make his proposal fit within the letter of the covenant. He doesn't understand Dr. Thibodaux's vision on how he is cramming houses close to his house when you can see how spaced out they are. When you drive in from Peninsula Drive you are not going to see the property lines you will see one big 9 acre piece of property with 3 houses evenly spaced. He then stated, it is not esthetically unpleasable and he does not want to ask Mr. Cox to change what he has set up in the covenant. He feels compromising seems to have gotten him nowhere.

Ms. Morrow asked Mr. Ellefson if he would be willing to get with the neighbors to come up with a final solution. Mr. Ellefson stated, he has tried that and they have now changed their minds once again.

The Mayor stated everyone has brought forward good points and asked Mrs. Porter if she had anything to present. Mrs. Porter stated this is a potential retirement spot for her and her husband. She is concerned and definitely recognizes Mr. Ellefson's right to subdivide the property, but feels for his own marketability one of his 3 lots should be slightly less than the 3 acres if that means getting him into more rectangular shaped lots. She stated she thinks this will help him market the lots much sooner.

The Mayor stated if it was not for Planning and Zoning being on the Council would be easy, but these are the tough decisions. He stated everyone has made great points and remained professional tonight.

Mr. Dyess stated he would like his client, the surveyor, and neighbors involved to schedule a meeting and work this out. He then suggested the decision be tabled tonight and come to the next City Council meeting with a plan.

After discussion, Mr. Nielsen made a motion to table this appeal which was seconded by Ms. Morrow, the motion to table was presented for a vote and the vote was recorded as follows:

AYES: Payne, Nielsen, Mims, Stamey, Morrow

NAYES: None

ABSENT: None

ABSTAIN: None

The following Resolution was introduced by Ms. Morrow and Seconded by Mr. Nielsen as follows, to –wit:

RESOLUTION NO. 013 OF 2013

PROCLAMATION DECLARING APRIL 2013 AS RELAY FOR LIFE MONTH IN THE CITY OF NATCHITOCHES

WHEREAS, Relay for Life is the signature activity of the American Cancer Society and celebrates cancer survivors and caregivers, remembers loved ones lost to the disease, and empowers individuals and communities to fight back against cancer; and

WHEREAS, money raised during Paint the Town Purple and Relay for Life of Natchitoches supports the American Cancer Society’s mission of saving lives and creating a world with less cancer and more birthdays – by helping people stay well, by helping people get well, by finding cures for cancer and by fighting back; and

WHEREAS, the American Cancer Society funded more than \$150 million in cancer research last year through money raised in communities across the United States; and

NOW, THEREFORE, BE IT RESOLVED, that I, Lee Posey, Mayor of the City of Natchitoches, do hereby proclaim April 2013 as:

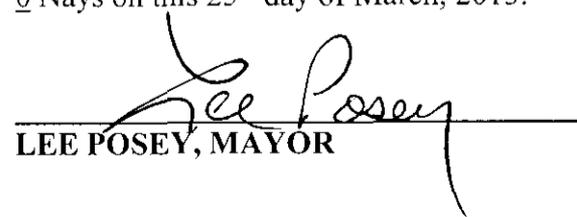
“RELAY FOR LIFE, PAINT THE TOWN PURPLE DAYS”

in Natchitoches and encourage citizens to participate in the **PAINT THE TOWN PURPLE** activities, **RELAY FOR LIFE FUNDRAISERS**, and the **RELAY FOR LIFE EVENT** at Northwestern State University’s Tailgating Field on April 26th and 27th, 2013 from 6:00 pm – 6:00 am.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES: Payne, Nielsen, Mims, Stamey, Morrow
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, Mayor Lee Posey declared the Resolution passed by a vote of 5 Ayes to 0 Nays on this 25th day of March, 2013.



LEE POSEY, MAYOR

Mayor Posey asked Lindsay Maggio-McElwee to come forward and accept the proclamation on behalf of Relay for Life. Ms. Morrow presented and thanked Lindsay for coming out to accept the proclamation on behalf of the organization. Lindsay thanked the City of Natchitoches for what they are doing this year and what they have done every year. The City has always been supportive of the American Cancer Society and the Relay for Life event. Lindsay stated a special thanks goes to Mayor Lee Posey, the City of Natchitoches, the City Council and the Department Heads for being behind the Relay For Life event and forming a team this year. She encouraged everyone to do as the City of Natchitoches has done and get involved with Relay for Life. She invited everyone to come out and join them on April 26, 2013 from 6:00 p.m. to 6:00 a.m. on Northwestern's campus at the tailgating field. Mayor Posey stated this is a great event for the City and so many people are battling cancer or have lost someone to cancer. He also stated this event is great for our community and we really appreciate what you all are doing. Mayor Posey announced on, Friday April 5th the City will be selling BBQ Chicken & Sausage dinners for \$8.00 from 11:00 a.m. to 1:30 p.m. on the riverbank. We encourage you to come out and support us as this fundraiser will be a portion of our donation to the American Cancer Society. The City is also selling raffle tickets for \$1.00 for your chance to win one of four prizes. Those prizes include: a weekend stay at the Natchez Grand Hotel in Natchez, Mississippi, a weekend stay at the Wildwood Resort in Zwolle, a \$50 gift card to The Landing Restaurant, or a \$25 gift card to Cypress Knee Outdoors.

The following Resolution was introduced by Mr. Mims and Seconded by Mr. Payne as follows, to –wit:

RESOLUTION NO. 014 OF 2013

PROCLAMATION DECLARING APRIL 1, 2013 AS JOE SAMPITE DAY IN THE CITY OF NATCHITOCHES

WHEREAS, on May 18, in the Year of our Lord, Two Thousand and Twelve, our Heavenly Father called to rest Joseph Michael Sampite; and

WHEREAS, Sampite’ received a business education degree from Northwestern State University in 1959. He served in the National Guard and U. S. Air Force before beginning a career in teaching and coaching; and

WHEREAS, Sampite was instrumental in helping form the Natchitoches Dixie Youth in 1980, he devoted his life to coaching the youth and in the game of life; and

WHEREAS, after retiring from his career in education, Sampite’ became one of the most effectual and vibrant Mayors in Louisiana. Sampite’ served five terms as Mayor of Natchitoches from 1980 until his retirement in 2000. He was well-known for wearing white socks and for the “I Love Natchitoches” stickers; and

WHEREAS, Sampite’ was instrumental in bringing the filming of the movie “Steel Magnolias” to Natchitoches and was at the forefront of downtown revitalization and the development of a vibrant tourism industry in the city; and

WHEREAS, during Sampite’s tenure as Mayor, The City of Natchitoches was recognized in national publications as a leading site for tourism in Louisiana and the South as one of the nation’s most attractive communities for retirees; and

WHEREAS, Sampite’ served as President of The Louisiana Municipal Association and was the first recipient of the statewide organization’s President’s Award. Inducted into the Louisiana Political Hall of Fame in Winnfield in 2002, Sampite’ was also inducted in 2000 into the Northwestern State University Hall of Distinction, or Long Purple Line, the university’s highest honor for alumni; and

WHEREAS, he received several honors, including Man of the Year Award from the Natchitoches Parish Chamber of Commerce, Natchitoches Jaycees, Kiwanis, and the Louisiana Parks and Recreation Association. He was a life member of the Chamber of Commerce, Knights of Columbus, American Legion and Founders of Natchitoches; and

WHEREAS, during his political career, Sampite’ was profiled in the prestigious magazine, “The Oxford American,” in an article entitled “No Ordinary Joe.”

WHEREAS, Joe Sampite’s life has been one of service to God, family and community, and was a powerful influence in the growth and progress of the City of Natchitoches and an inspiration to all; and

WHEREAS, the understanding and caring to which he gave to others will stand as a monument to a truly fine person, his life and example inspired all who know him.

NOW, THEREFORE, I, Lee Posey do hereby proclaim April 1st, 2013 to be

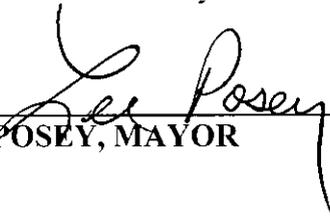
JOE SAMPITE DAY

In our community and urge all citizens to wear **WHITE SOCKS**, and extending to his fine family and friends on behalf of the entire City Council and all citizens of Natchitoches, do hereby tender to **Joe Sampite** this certificate of public recognition, extending to him our deep appreciation for his distinguished services to the City of Natchitoches and highly commend him for the contributions to our beautiful city.

This Resolution was then presented for a vote, and the vote was recorded as follows:

AYES: Payne, Nielsen, Mims, Stamey, Morrow
NAYS: None
ABSENT: None
ABSTAIN: None

THEREUPON, Mayor Lee Posey declared the Resolution passed by a vote of 5 Ayes to
0 Nays on this 25th day of March, 2013.



LEE POSEY, MAYOR

Mayor Posey stated Joe Sampite passed away on May 18th last year so discussion was started on what could be done to honor Joe. We thought what a better way to honor Joe than to rename the Dixie Youth Fields as "Sampite Park". On Monday, April 1st, 2013 we will have a dedication during the opening ceremonies for USSA Baseball known as Joe Sampite Day at 6:00 p.m. We have invited the City of Natchitoches and his family out to attend and we will be passing out the "I Love Natchitoches" stickers Joe always passed out. We encourage you this day to give as much tribute to Joe so we are also asking everyone to wear white socks that day in his honor. As the complex takes on the identity of "Sampite Park" this will give Joe the recognition and tribute he deserves for all he did for our community.

The following Ordinance was Introduced by Mr. Stamey at the Natchitoches City Council meeting held on March 25, 2013 as follows:

ORDINANCE NO. 009 OF 2013

AN ORDINANCE AUTHORIZING THE MAYOR OF THE CITY OF NATCHITOCHEs, LOUISIANA, TO ENTER INTO A COOPERATIVE ENDEAVOR AGREEMENT WITH CANE RIVER NATIONAL HERITAGE AREA, INC., WHEREBY THE CITY OF NATCHITOCHEs WILL PROVIDE EMPLOYEES TO THE CANE RIVER NATIONAL HERITAGE AREA IN EXCHANGE FOR THE SERVICES AND BENEFITS THAT THE CITY RECEIVES FROM THE OPERATIONS OF THE CANE RIVER NATIONAL HERITAGE AREA.

WHEREAS, the City of Natchitoches (sometimes hereinafter referred to as the “City”) is a Municipality located in the State of Louisiana, Parish of Natchitoches governed under a Home Rule Charter and a Code of Ordinances adopted by Ordinance No. 5 of 1977; and

WHEREAS FURTHER, the City of Natchitoches is specifically authorized under Section 1.06 of the Charter of the City of Natchitoches to provide for the general welfare, safety, health, peace and good order of the City, and further authorized under Section 1.07 of the Charter of the City of Natchitoches to enter into Joint Service Agreements or Cooperative Efforts with other governmental agencies; and

WHEREAS FURTHER, the Cane River National Heritage Area (sometimes hereinafter referred to as “Heritage Area”) was established by Public Law 103-449 as a means by which the cultural heritage of the Cane River area may be recognized, preserved, promoted interpreted, and made available for the benefit of the public; and

WHEREAS FURTHER, the Public Law 103-449, (Section 401c) and the Cane River National Heritage Area Management Plan identify the national heritage area as (1) an area of 116,000 acres, stretching from Interstate 49 to the Red River; (2) those properties within the Natchitoches National Historic Landmark District which provide important education and interpretive opportunities relating to the heritage of Cane River and facilitate the preservation of important historic sites and structures; (3) the Los Adaes State Historic Site; (4) the Fort Jesup State Historic Site; (5) the Fort St. Jean Baptiste State Historic Site; and

WHEREAS FURTHER, the Public Law 103-449, Sections 402c and 402d authorizes the Cane River National Heritage Area (sometimes hereinafter referred to as “CRNHA”) to develop cooperative agreements with property owners, preservation groups, educational groups, the State of Louisiana, the City of Natchitoches, universities, tourism groups, other groups, public or private individuals or entities for research, historic preservation and education purposes; and

WHEREAS FURTHER, the Public Law 103-449(d), subsections 1,2,4 and 7 specifically authorize CRNHA to accept services from the City of Natchitoches and reimburse the City of Natchitoches for such services, give or accept services to or from other entities; and

WHEREAS FURTHER, Cane River National Heritage Area, Inc., a Louisiana not for profit corporation, (sometimes hereinafter referred to as “CRNHA, Inc.”) has been created to carry on the duties and activities of the Commission, and the transfer of responsibilities which occurred during the prior agreement; and

WHEREAS FURTHER, CRNHA, Inc. is authorized to enter into a Cooperative Endeavor Agreements with the City of Natchitoches; and

WHEREAS FURTHER, CRNHA, Inc. has projects and programs that focus on historic preservation, cultural conservation and economic development primarily related to heritage tourism, and these projects and programs benefit the City through the development of the tourism infrastructure in the region, leading to increased visitors, longer length of stay, all of which results in higher tax revenues for the City; and

WHEREAS FURTHER, among the beneficial programs and projects which CRNHA has participated in partnership with the City is the following, to-wit:

1. The Cane River National Heritage Area (CRNHA) partnered with Main Street to develop an exhibit for the foyer of the Natchitoches Events Center. These entities partnered on a grant that received approximately \$18,000.00 from the State of Louisiana. In addition to that, the Commission funded over \$37,000.00 in design and implementation costs. Staff time dedicated to research and support of the project is not included in this figure, but it is significant, as well. The Commission also developed electronic kiosks that promote Natchitoches tourism located at the Fort St. Jean Baptiste Visitor Center, Natchitoches Events Center, Natchitoches Area Convention & Visitors Center and Cane River Creole National Historical Park.

2. CRNHA led the joint effort to stabilize the Texas and Pacific Railway Depot located in Natchitoches. To date, the Heritage Area and the City of Natchitoches have cooperated on successful funding applications totaling \$325,000 to preserve the structure. A joint application for transportation enhancement funding in the amount of \$283,000 is pending. The Heritage Area has provided grant funding to the City, developed a preservation plan for the historic property at a cost of approximately \$20,000.00, and has reserved approximately \$40,000 in matching funds for a feasibility study. In addition, Heritage Area funding (\$7,000.00) has supported academic research of the T & P Depot for possible use in interpretation and marketing.
3. The City of Natchitoches received grants from Cane River National Heritage Area for preservation of the Texas and Pacific Railway Depot (\$8,000.00), the Main Street Summer Camp (\$750.00), land-use planning along the Waterwell Road Corridor (\$25,500.00), and Green Market assessment and planning (\$3,000.00). Also, the American Cemetery Association received a \$35,000.00 grant to erect an iron fence at the American Cemetery and is projected to receive additional support for the implementation of improvements to the walking trail and landscape within the cemetery. In 2008, the Heritage Area funded a site review and assessment of the walking trail (Moore Planning Group, \$3,000.00).
4. Other properties within the Natchitoches National Historic Landmark District have benefited from CRNHA funding and technical assistance, including the Roque House, the Judge Porter House, Hankins House, the Cunningham Building, Prudhomme-Rouquier House, Old Courthouse Museum, Historic Trinity Episcopal Church, Catholic Church Cemetery and American Cemetery.
5. In 2004, the Cane River National Heritage Area partnered with the Historic District Development Commission to document the buildings on Front Street with the Historic American Buildings Survey of the National Park Service. The total project was valued at over \$80,000.00 with the local contribution amounting to half of that.
6. Cane River National Heritage Area partnered with the City of Natchitoches Main Street Manager to designate the Natchitoches region as a *Preserve America Community*, a National Trust for Historic Preservation *Distinctive Destination* designation and a *Great American Main Street* and a *Preserve America Presidential Award*. These awards, based on the successful relationship between heritage area, tourism, economic development, and historic preservation, make the City eligible for future funding through these entities.
7. CRNHA funded travel and associated costs for Jeff Dawson, a graphics design professional, to address the Natchitoches Economic Development Commission's Branding Committee. Expenses for this presentation totaled \$3,000.00. This project led to a successful application for \$59,000 in marketing funds from the Louisiana Department of Economic Development. Dawson, lead designer for the Heritage Area marketing & branding initiative, has continued to consult on City projects while making scheduled site visits to the Heritage Area.

8. CRNHA and the City Main Street Manager lead the development of a Regional Marketing Plan in conjunction with the National Trust for Historic Preservation. Other partners include NSU, the Natchitoches Tourist Commission, the Historic District Development Commission and Cane River Creole National Historical Park. The project resulted in a regional marketing plan based on research and a workshop held at NSU, training for tourism employees in stores and hotels in Natchitoches, and a transportation study. CRNHA supported the project with a \$5,000.00 cash contribution and significant staff time dedicated to coordinating the project.
9. During the 2008-09 restoration of Historic Front Street, CRNHA funds (\$2,500.00) supported the purchase of display cases, interpretive signage and media to promote the preservation efforts of the City and LA DOTD. In-kind technical support for interpretation included CRNHA staff and advisors.
10. In 2009, Sarah Prud'homme, CRNHA Project Coordinator, teamed with City staff to provide technical assistance with the "Get Fit Natchitoches" initiative that included a successful Rapides Foundation grant request, development of a wellness program and media releases. Prud'homme was also funded by CRNHA to offer healthy eating demonstrations during the Cane River Green Market in 2009. Heritage Area support was approved for the City's marketing and advertising of the 2009 Meat Pie Triathlon (\$2,500.00). In 2012, matching funds from CRNHA supported advertising for the City Green Market.
11. In 2009, CRNHA contracted with Auburn University to conduct a native plant inventory of the Historic Landmark District and Cane River Creole National Historical Park. This multi-year project will result in a listing of native and heirloom plant species, their uses and possible origin. This information will be formatted for the general public to provide an enhancement to the City walking trail and the Heritage Area visitor experience. Information will be shared with the general public through a publication and website. The data collected will add another resource for residents, City planners, academic research, and heritage tourism. The contracted inventory cost of \$58,000 is a shared expense between Cane River Creole National Historical Park and CRNHA.
12. CRNHA is engaged in a comprehensive signage initiative that has resulted in an interpretive and wayfinding signage program including Highway 6, the Natchitoches National Historic Landmark District, and the roads along Cane River south of town. In-town signage for the Cane River Walking Trail and thematic interpretive plaques were major components of the signage package. Heritage Area funds supported the design of the Red River Campaign plaque and provided for text development and editing. Interstate signage is being developed to appear at multiple exits stretching through Natchitoches Parish. Design, fabrication, and implementation cost for the comprehensive project funded by CRNHA exceeds \$250,000.00.

13. Complementing the Heritage Area and Historic District, the Cane River National Heritage Trail was designated by the State of Louisiana Legislature in 2010. This new Louisiana Scenic Byway placed the City of Natchitoches as the central hub of the trail system that stretches from the Allen exit along Highway 485 to Highway 6 through the City and extends along Cane River Lake to the southern end of the parish. CRNHA provided the funding and staff to lead the effort to complete the application and secure the designation for the byway, adding one more dimension to the tourism market for the City of Natchitoches and the potential for future funding.
14. In 2010, CRNHA began a project to conserve and update the documentation of the Natchitoches Historic Landmark District; all records have been scanned, transferred to electronic file format and copied to archival-quality CD-Rom to provide secure copies of these important records at no cost to the City of Natchitoches. Original copies [both electronic and paper] are on file with the Office of Planning and Zoning. A request for proposals is being developed for circulation to update the records with a complete re-inventory of the City's Historic District. Funding partners include the City of Natchitoches (\$5,000.00-ask), Historic District Development Commission (\$25,000.00-approved) and the Heritage Area (\$30,000.00-reserved). Project was completed 2012.
15. In 2010, the first phase of a comprehensive military heritage study was completed. This technical report funded by CRNHA (\$25,000) and completed by the Cultural Resource Office, Northwestern State University, provides the base data to begin a multi-phase tourism package designed to coincide with the Sesquicentennial of the Civil War. Marketing for the tour will be part of a national media campaign linking to the Red River Campaign and Natchitoches. Subsequent funds will be committed to develop brochures, maps and web-based information highlighting the military heritage and resources from the Colonial Era to modern day of the Cane River region.

WHEREAS FURTHER, the City Council of the City of Natchitoches acknowledges that all of the above projects and programs were and are beneficial to the City of Natchitoches; and

WHEREAS FURTHER, under the terms of a Cooperative Agreement entered into February of 2001 by the City and the Commission, the Commission has reimbursed fully the City for salaries and related benefits paid for the employees that provided services to the Commission in partial exchange for the promotional and economic benefits derived from the activities of the Commission; and

WHEREAS FURTHER, the arrangement between the City and the Commission was extended by a Cooperative Agreement dated February of 2006, and was amended in 2008; and

WHEREAS FURTHER, the City of Natchitoches and CRNHA, Inc. have agreed to enter into a new Cooperative Endeavor Agreement to as set forth in the attached Cooperative Endeavor Agreement, with the following terms:

- (1) The City does hereby contract with CRNHA to provide employees to the Heritage Area as contemplated under this and prior Cooperative Endeavor Agreements. The employees assigned by the City to CRNHA under this Cooperative Endeavor Agreement will provide services at the direction of CRNHA.
- (2) CRNHA will continue to fully reimburse the City for the actual cost of the employees under this Cooperative Endeavor Agreement, which said reimbursement shall include the cost of salaries and related benefits including retirement, sick leave, vacation, comp time, and premiums for worker's compensation, health insurance, etc.
- (3) CRNHA will pay an annual administration fee of \$5,000.00 per full time employee, which will offset some of the costs to the City and to establish an escrow for future claims that may be made by the employees assigned to CRNHA under this Cooperative Endeavor Agreement or for actions of the employees assigned to CRNHA under this agreement.
- (4) The City will amend its general liability insurance policy, to include coverage for injuries, death or loss of property, associated with the actions of the employees assigned to CRNHA under this Cooperative Endeavor Agreement.
- (5) The City agrees that the benefits provided by CRNHA to the City, as more fully set forth above, are consideration for the services provided to CRNHA.
- (6) CRNHA further agrees to continue to participate in and provide services which are beneficial to the City and Parish of Natchitoches, Louisiana.
- (7) This agreement shall be in effect until November 30, 2017, as long as CRNHA continues to provide services that are beneficial to the City of Natchitoches, Louisiana, and reimburse the City for the employees assigned to CRNHA under this Cooperative Endeavor Agreement on the same terms as detailed in (2) above. In the event that CRNHA fails to provide the services that are beneficial to the City of Natchitoches, Louisiana, or reimburse the expenses set forth in paragraph (2), then the City may terminate the agreement with thirty days written notice. This Cooperative Endeavor Agreement may be extended under the same terms and conditions for two additional two-year periods by agreement of the parties hereto.
- (8) It is understood and agreed by the parties that CRNHA shall be solely responsible for the performance management of the employees assigned to CRNHA under this agreement, including definition of expected performance, evaluation, and appraisal of employee and organizational performance. The City shall have administrative management of the employees assigned to CRNHA under this Cooperative Endeavor Agreement only. The employment of all the employees assigned to CRNHA under this agreement shall be subject to all City administrative policies and procedures, including, but not limited to the Personnel Policies Manual, and all local ordinances and state laws or regulations which govern the City of Natchitoches.
- (9) The employees assigned to CRNHA under this Cooperative Endeavor Agreement will be reimbursed for travel at the federal rates, and any travel cost incurred by the City will be reimbursed to the City by CRNHA.

(10) It is specifically understood and agreed that the continuation of this Cooperative Endeavor Agreement is contingent upon the appropriation of federal funds to CRNHA for the reimbursement of the costs of the employees to the City. If CRNHA fails to have sufficient monies appropriated or other funding sources to provide for the continuation of this Cooperative Endeavor Agreement, the agreement shall terminate on the last day of the federal fiscal year for which funds have been appropriated.

(11) This agreement may be terminated and/or canceled at any time by mutual agreement of the parties with 30 day prior written notice.

WHEREAS FURTHER, under the general law and the Home Rule Charter of the City of Natchitoches, the City has the right, power, and authority to promote, protect, and preserve the general welfare, safety, health, peace and good order of the City; and

WHEREAS FURTHER, the City Council of the City of Natchitoches is of the opinion that the continuation of the agreement with the Cane River National Heritage Area, Inc. will promote the health, safety and welfare of the citizens of the City and Parish of Natchitoches, Louisiana; and

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Natchitoches, Louisiana, that the Mayor of the City of Natchitoches, Lee Posey is hereby authorized to execute the attached Cooperative Endeavor Agreement with Cane River National Heritage Area, Inc.

BE IT FURTHER ORDAINED that the terms of the Cooperative Endeavor Agreement, attached hereto, are approved and accepted by the City Council of the City of Natchitoches, Louisiana.

BE IT FURTHER ORDAINED that the Mayor is authorized to extend the Cooperative Endeavor Agreement for two additional two year terms upon approval by the City Council of the City of Natchitoches, by Resolution.

The following Ordinance was Introduced by Mr. Nielsen at the Natchitoches City Council meeting held on March 25, 2013 as follows:

ORDINANCE NO. 010 OF 2013

**AN ORDINANCE ADOPTING THE BUDGET FOR THE
CITY OF NATCHITOCHEES FOR THE FISCAL YEAR
JUNE 1, 2013 THROUGH MAY 31, 2014**

WHEREAS, the fiscal year of the City of Natchitoches is from June 1 through May 31 of each year; and

WHEREAS, a budget has been prepared by the Finance Director, Mr. Patrick Jones, and has been submitted by the Mayor, Lee Posey, to the City Council for review and consideration;

NOW, THEREFORE, be it ordained that the Natchitoches City Council does hereby adopt the budget for the fiscal year June 1, 2013 through May 31, 2014.

CITY OF NATCHITOCHEES 2013 - 14 FY

General Fund	\$ 14,310,659
Proprietary Fund (Utility)	\$ 39,809,216
Special and Capital Project Funds	\$ 21,573,959

BE IT FURTHER ORDAINED, in accordance with L.R.S. 39:1305, the following specifies the Mayor's authority to make budgetary amendments without approval of the governing authority, as well as those powers reserved solely to the governing authority:

The Home Rule Charter of the City of Natchitoches states in part "... at any time during the fiscal year the Mayor may transfer part or all of any unencumbered appropriation balance among programs within a department, office, or agency. Upon written request by the Mayor, the Council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office, or agency to another..." (Section 5.05 D) Supplemental, emergency, and reductions of appropriations must be submitted to the Council for approval by Ordinance. (Section 5.05 A-C)

Mr. Pat Jones addressed the Mayor and Council stating if they approved, budget hearings would be Monday, April 8th at 4:00 p.m. This year we would like to go over the budget and details with the Council and also the Department Heads at this time. We should be able to cover a lot of the issues and have time to answer any questions. This budget has been very tough between the retirement cost increase, which was about \$350000, and we have had to cut or freeze certain positions to make this budget work. This included 3 police officer positions as well as moving around and deleting positions in Public Works. Each department has also made a 10% cut in their non personnel budgets. Mr. Jones stated more details will be discussed on April 8th so he encourages the Council to look over and get any questions they might have together so those questions can be addressed, have the budget hearing, and approve it.

Ms. Morrow next addressed the Council in reference to After School Programs. She stated she has submitted much data to Mayor Posey about after school programming. She mentioned for the past few years she has come before the Council to stress how important an after school program is in our community, especially in her district. She has further prepared an outline and a budget for the Mayor that will be available for his review. She is asking the program be funded from the 2013 – 2014 budget.

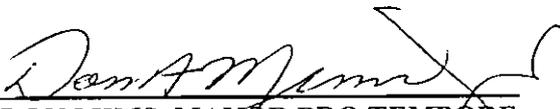
She then referenced from the City Charter information about the City Attorney. She stated the City Attorney does not only represent the Mayor and she has every right as a City Council member to call upon the City Attorney if necessary. In reference to the City Council meetings, these meetings should be conducted fairly by everyone having courtesy and respect for one another.

Mayor Posey announced the City offices will be closed Friday, March 29, 2013 for Good Friday.

With no further discussion, the Mayor made a motion for adjournment and all were in favor. The meeting was adjourned at 6:11 p.m.



LEE POSEY, MAYOR



DON MIMS, MAYOR PRO TEMPORE