

**PROCEEDINGS OF THE CITY COUNCIL  
OF THE CITY OF NATCHITOCHEs, STATE OF LOUISIANA,  
REGULAR MEETING HELD ON  
MONDAY, JUNE 27, 2016 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, June 27, 2016 at 5:30 p.m.

There were present:

Mayor Lee Posey  
Councilman At Large Don Mims, Jr.  
Councilman Eddie Harrington  
Councilman Dale Nielsen  
Councilwoman Sylvia Morrow  
Councilman Lawrence Batiste

Guests: None

Absent: None

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

Mayor Posey then called for the reading and approval of the minutes for the June 13, 2016 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:

<b>Ayes:</b>	<b>Batiste, Nielsen, Mims, Harrington, Morrow</b>
<b>Nays:</b>	<b>None</b>
<b>Absent:</b>	<b>None</b>
<b>Abstain:</b>	<b>None</b>

The following Ordinance was Introduced by Mr. Harrington and Seconded by Mr. Nielsen as follows, to-wit:

**ORDINANCE NO. 030 OF 2016**

**AN ORDINANCE AMENDING ORDINANCE NO. 64 OF 2001 BY CHANGING ZONING CLASSIFICATION OF PROPERTY DESCRIBED AS FOLLOWS:**

Lot 163.3 Feet Front, North Side Keyser Avenue, Being Lot 3 And Lot 36.7 Feet x 60 Feet Out Of Southeast Part Of Lot 1, All of Lilley Subdivision, As Shown On Map In Conveyance Book 660, Page 808 And Conveyance Book 660, Page 810 And Lots Having A Front On The North Side Of Keyser Avenue Of 61.66 Feet.

**(226 Keyser Ave.)**

**WHEREAS**, the Planning Commission of the City of Natchitoches, State of Louisiana, has recommended at their meeting of **June 7, 2016** that the application of **W & W Builders, LLC/Larry Willis, Jr.** to rezone the property described above from B-2 Commercial to B-3 Commercial to construct a car wash, be **APPROVED**.

**THIS ORDINANCE** was introduced on June 13, 2016 and published in the *Natchitoches Times* on June 18, 2016.

The above Ordinance having been duly advertised in accordance with law and public hearing had on same, was put to a vote by the Mayor and the vote was recorded as follows:

**AYES:           Batiste, Nielsen, Mims, Harrington, Morrow**  
**NAYS:           None**  
**ABSENT:       None**  
**ABSTAIN:       None**

**THEREUPON**, Mayor Lee Posey declared the Ordinance passed by a vote of 5 Ayes to 0 Nays this 27<sup>th</sup> day of June, 2016.

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**LEE POSEY, MAYOR**

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**DON MIMS, MAYOR PRO TEMPORE**

Delivered to the Mayor on the 28<sup>th</sup> day of June, 2016 at 10:00 A.M.

The following Ordinance was Introduced by Mr. Nielsen and Seconded by Mr. Mims as follows, to-wit:

**ORDINANCE NUMBER 029 OF 2016**

**AN ORDINANCE TO AMEND CHAPTER 1 OF THE CODE OF ORDINANCES, ENTITLED GENERAL PROVISIONS, IN ORDER TO ADOPT SECTION 1-11 WHICH WILL PROVIDE FOR THE WAIVER OF THE PROHIBITION OF A JURY TRIAL IN ACCORDANCE WITH LOUISIANA REVISED STATUTE 13:5105, PROVIDING FOR ADVERTISING, FURTHER PROVIDING FOR SEVERABILITY, AND FURTHER PROVIDING FOR A REPEALER AND EFFECTIVE DATE OF ORDINANCE.**

**WHEREAS**, Louisiana Revised Statute 9:5105 (A) provides as follows, to-wit:

“No suit against a political subdivision of the state shall be tried by jury. Except upon a demand for jury trial timely filed in accordance with law by the state or a state agency or the plaintiff in a lawsuit against the state or state agency, no suit against the state or state agency shall be tried by Jury.”

; and

**WHEREAS FURTHER**, Louisiana Revised Statute 9:5105 (D) provides, in part, as follows, to-wit:

“Notwithstanding the provisions of Subsection A, a political subdivision, by general ordinance or resolution, may waive the prohibition against a jury trial provided in Subsection A of this Sections.”

; and

**WHEREAS FURTHER**, after a review of the issue and upon a recommendation by the City Attorney, the City Council of the City of Natchitoches is of the opinion that it is in the best interest of the City of Natchitoches to waive the prohibition against a jury trial in suits brought against the City of Natchitoches; and

**WHEREAS FURTHER**, the City Council of the City of Natchitoches desires to amend Chapter 1 of the Code of Ordinances in order to include a Section that will provide for the waiver of the prohibition against a jury trial in suits brought against the City of Natchitoches; and

**WHEREAS FURTHER**, the City Attorney has recommended the adoption of the new Section; and

**WHEREAS FURTHER**, the City Council of the City of Natchitoches has reviewed the proposed Section, and agrees that the adoption is advisable and in the best interest of the City of Natchitoches and its citizens; and

**WHEREAS FURTHER**, the City Council of the City of Natchitoches, Louisiana, desires to amend and reenact Chapter 1 of the Code of Ordinances of the City of Natchitoches, Louisiana, to add Section 1-11 which will provide for the waiver of the prohibition against a jury trial in suits brought against the City of Natchitoches; and

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Natchitoches, Louisiana, as follows:

**SECTION 1.** Chapter 1 of the Code of Ordinance of the City of Natchitoches is hereby amended to add Section 1-11 which shall read as follows:

**“Section 1-11. Waiver of prohibition against jury trial.**

Suits against the City of Natchitoches may be tried by jury. The prohibition against a jury trial in suits against the City of Natchitoches is waived in accordance with LA R.S. 13:5105 (C) . Any demand for jury trial shall be timely filed in accordance with law. The right to and limitation upon a jury trial shall be as provided in Code of Civil Procedure Articles 1731 and 1732.

**SECTION 2.** All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**SECTION 3.** If any portion of this Ordinance is declared to be invalid or unconstitutional in any manner, the invalidity shall be limited to that particular section or provision, and shall not affect the remaining portions of the ordinance, which shall remain valid and enforceable, it being the intention of the City Council that each separate provision shall be deemed independent of all other provisions herein.

**SECTION 4.** This Ordinance shall go into effect upon publication and in accordance with law.

**THIS ORDINANCE** was introduced on June 13, 2016 and published in the *Natchitoches Times* on June 18, 2016.

The above Ordinance having been duly advertised in accordance with law and public hearing had on same, was put to a vote by the Mayor and the vote was recorded as follows:

**AYES:**        **Batiste, Nielsen, Mims, Harrington, Morrow**  
**NAYS:**        **None**  
**ABSENT:**    **None**  
**ABSTAIN:**   **None**

**THEREUPON**, Mayor Lee Posey declared the Ordinance passed by a vote of 5 Ayes to 0 Nays this 27<sup>th</sup> day of June, 2016.

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**LEE POSEY, MAYOR**

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**DON MIMS, MAYOR PRO TEMPORE**

Delivered to the Mayor on the 28<sup>th</sup> day of June, 2016 at 10:00 A.M.

The following Ordinance was introduced by Ms. Morrow at the Natchitoches City Council meeting held on June 27, 2016 as follows:

**ORDINANCE NO. 031 OF 2016**

**AN ORDINANCE DECLARING MOVABLE PROPERTY TO BE SURPLUS AND AUTHORIZING THE MAYOR OF THE CITY OF NATCHITOCHES, LOUISIANA, TO CONVEY SAID MOVABLE SURPLUS PROPERTY TO THE VILLAGE OF NATCHEZ, A POLITICAL SUBDIVISION OF THE STATE WHOSE FUNCTIONS INCLUDE PUBLIC SAFETY, PROVIDING FOR ADVERTISING, FURTHER PROVIDING FOR SEVERABILITY, AND FURTHER PROVIDING FOR A REPEALER AND EFFECTIVE DATE OF ORDINANCE.**

**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 is a political subdivision of the State of Louisiana; and

**WHEREAS FURTHER**, the Village of Natchez (sometimes hereinafter referred to as the “Village”) is a Municipality located in the State of Louisiana, Parish of Natchitoches, and is a political subdivision of the State of Louisiana, whose functions include mowing and maintenance of the Village; and

**WHEREAS FURTHER**, the City is the owner of a Zero Turn Lawn Mower that is more fully described as an Exmark Laser Z, 60’ inch deck, Serial Number 764090, Model Number LZ315V605, (sometimes hereinafter referred to as “Mower”); and

**WHEREAS FURTHER**, the Mower is in such a condition that it is not currently in service and cannot be placed back in service and the City Council is of the opinion that the Mower is not needed for any public purpose by the City and may be declared to be surplus property; and

**WHEREAS FURTHER**, the Village has expressed a desire to acquire the Mower for use in the Village; and

**WHEREAS FURTHER**, there is a general prohibition against the donation of public property set forth in Article 7, Section 14 of the Constitution of the State of Louisiana; however subsection (E) includes an exception which provides as follows, to-wit:

“(E) Surplus Property. Nothing in this Section shall prohibit the donation or exchange of movable surplus property between or among political subdivisions whose functions include public safety.”

; and

**WHEREAS FURTHER**, a similar exception may be found at LA R.S. 38:2319.21, which also permits the donation or exchange of movable surplus property between or among political subdivisions of the state whose functions include public safety; and

**WHEREAS FURTHER**, the City desires to transfer and convey the Mower to the Village of Natchez where it will be used for a public purpose helping provide for the health and safety of the citizens of the Parish of Natchitoches and the Village of Natchez; and

**WHEREAS FURTHER**, the City Council of the City of Natchitoches is of the opinion that the transfer of the Mower will promote the health, safety and welfare of the citizens of the Village of Natchez and Parish of Natchitoches, Louisiana and desires to authorize the Mayor of the City of Natchitoches to execute any document necessary to transfer the Mower;

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Natchitoches, Louisiana that it does hereby find that the Mower that is more fully described as an Exmark Laser Z, 60' inch deck, Serial Number 764090, Model Number LZ315V605, is not needed by the City of Natchitoches for lawn maintenance.

**BE IT FURTHER ORDAINED** that based on its finding that the Mower, Exmark Laser Z, 60' inch deck, Serial Number 764090, Model Number LZ315V605 is not needed for lawn maintenance and the City Council of the City of Natchitoches does hereby declare the Lawn Mower to be surplus property.

**BE IT FURTHER ORDAINED** by the City Council of the City of Natchitoches, Louisiana, pursuant to the authority set forth in Article 7, Section 14(E) of the Louisiana Constitution and LA R.S. 38:2319.21, desires to and does hereby convey and transfer that Mower, Exmark Laser Z, 60' inch deck, Serial Number 764090, Model Number LZ315V605 to the Village of Natchez, Louisiana, and that the Mayor of the City of Natchitoches, Lee Posey is hereby authorized to execute any and all documents that may be necessary to complete the transfer of the Mower, including, but not limited to, execution of a bill of sale or other act of conveyance and execution of any title on behalf of the City of Natchitoches.

The following Ordinance was introduced by Mims at the Natchitoches City Council meeting held on June 27, 2016 as follows:

**ORDINANCE NO. 032 OF 2016**

**AN ORDINANCE AUTHORIZING THE CITY TO LEASE A PORTION OF 560 SECOND STREET TO KYZAR FOR 3RD CIRCUIT, SETTING THE TERMS AND CONDITIONS OF SAME, AND AUTHORIZING THE EXECUTION OF THE LEASE BY THE MAYOR, LEE POSEY, AFTER DUE COMPLIANCE WITH THE LAW, AND FURTHER PROVIDING FOR ADVERTISING OF THE LEASE AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Natchitoches (City) has a leasehold interest in certain property more fully described as follows, to-wit:

That certain piece, parcel of plot of ground, together with all buildings and improvements located thereon, situated on the West side of Second Street in the City and Parish of Natchitoches, Louisiana, bearing municipal address of 560 and 562 Second Street, having a front of 45 feet along Second Street, bounded on the South by property, now or formerly, of Cunningham, and North by property of the City of Natchitoches.

(Sometimes hereinafter "Leased Premises").

**WHEREAS FURTHER**, the City entered into a Lease with Option to Purchase the Leased Premises with the record fee owners of the property by instrument recorded December 21, 2015, at Mortgage Book 1042, page 85, of the records of Natchitoches Parish, Louisiana; and

**WHEREAS FURTHER**, the City acquired the property due to the fact that it is adjacent to the Central Fire Station and it would be required for future expansion of the Central Fire Station; and

**WHEREAS FURTHER**, the City is not currently using the front 440 square feet of the building bearing municipal address of 560 Second Street for any public purpose; and

**WHEREAS FURTHER**, the City may sublease any portion of the Leased Premises pursuant to paragraph 3.5 of the Lease with Option to Purchase; and

**WHEREAS FURTHER**, Kyzar for 3<sup>rd</sup> Circuit (sometimes hereinafter referred to as "Kyzar"), desires to lease a the front 440 square feet of the building bearing municipal address of 560 Second Street for a period of five months, said area being more fully shown on the attached sketch in yellow; and

**WHEREAS FURTHER**, the City has ordered and received an appraisal from C. E. Ed Dranguet, dated June 8, 2016, which said appraisal reflects that the market rental value for the area in question to be \$238.00 per month; and

**WHEREAS FURTHER**, Kyzar has offered to pay \$250.00 per month as consideration for a five month sublease; and

**WHEREAS FURTHER,** the City Council of the City of Natchitoches is of the opinion that the front 440 square feet of the building located at 560 Second Street is surplus property and does hereby declare and find that subject front 440 square feet of the building located at 560 Second Street, to be surplus property; and

**WHEREAS FURTHER**, the lease will be for a five month period, beginning July 1, 2016 and terminating November 30, 2016, with monthly rental in the amount of \$250.00, payable in monthly installments of \$250.00; and

**WHEREAS FURTHER**, the City desires to lease the front 440 square feet of the building located at 560 Second Street to the Kyzar, under the terms set forth above and more particularly set forth in the lease attached hereto; and.

**WHEREAS FURTHER**, under the provisions of Louisiana R. S. 33:4712, any property owned by the City can be leased to any person after due advertisement and compliance with the law; and

**NOW THEREFORE, BE IT ORDAINED** by the City Council in legal session convened as follows:

(1) That the City declares that the front 440 square feet of the building located at 560 Second Street, to be surplus property not needed for public purposes by the City.

(2) That after due proceedings and advertisement, the said City does lease the front 440 square feet of the building located at 560 Second Street to the Kyzar for a term of five months with the monthly consideration of \$250.00, all as more fully described in the attached lease.

(3) That notice of this proposed ordinance be published three (3) times in fifteen (15) days, one (1) week apart, in the Natchitoches Times, the legal journal for the City, and that ordinance be posted in the City Hall.

(4) That any opposition to this ordinance shall be made in writing, filed with the Clerk for the City of Natchitoches within fifteen (15) days after the first publication of this ordinance, and that a public hearing be held after the advertisements have been completed.

(5) That the Mayor, Lee Posey, be and he is hereby authorized, after due proceedings had, and after the legal delays have run, to execute a lease in favor of the Kyzar, leasing the front 440 square feet of the building located at 560 Second Street for the term of five months, for the monthly consideration of \$250.00.

(5) That the City Clerk be authorized to advertise this proposed lease in accordance with law, i.e., three times in fifteen days, one week apart and to report to the City Council if any opposition is made in writing prior to the time of final adoption.

**THIS ORDINANCE** was introduced on this the 27<sup>th</sup> day of June, 2016.

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

**RESOLUTION NO. 052 OF 2016**

**RESOLUTION APPOINTING WILLIAM “BILL” FINICAL TO FILL THE UNEXPIRED TERM OF MR. JOE CUNNINGHAM, SR. AS A MEMBER OF THE NATCHITOCHEs FIRE AND POLICE CIVIL SERVICE BOARD.**

**WHEREAS**, Mr. Joe Cunningham, Sr. submitted his letter of resignation to the Municipal Fire and Police Civil Service Board on June, 9, 2016, effective immediately; and

**WHEREAS**, The Natchitoches City Council wishes to appoint William “Bill” Finical as a member of the Fire and Police Civil Service Board; and

**WHEREAS**, this term is to expire on May 8, 2017.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Natchitoches does, in legal session convened, hereby appoint William “Bill” Finical to fill the unexpired term of Mr. Joe Cunningham, Sr. as a member of the Natchitoches Municipal Fire and Police Civil Service Board for the City of Natchitoches.

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

<b>AYES:</b>	<b>Batiste, Nielsen, Mims, Harrington, Morrow</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>None</b>
<b>ABSTAIN:</b>	<b>None</b>

**THEREUPON**, Mayor Lee Posey declared the Resolution passed by a vote of 5 Ayes to 0 Nays on this 27<sup>th</sup> day of June, 2016.

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**LEE POSEY, MAYOR**

