

## COUNCIL PROCEEDINGS OF THE CITY OF SHREVEPORT, LOUISIANA APRIL 23, 2002

The regular meeting of the City Council of the City of Shreveport, State of Louisiana, was called to order by Chairman John David Stewart, at 3:12 p.m., Tuesday, April 23, 2002, in the Government Chambers in Government Plaza (505 Travis Street).

Invocation was given by Councilman Burrell.

On Roll Call, the following members were Present: Councilmen Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Absent: Councilman Carmody and Serio (out of the City.) 2.

Motion by Councilman Shyne, seconded by Councilman Burrell for approval of the Summary Minutes of the Administrative Conference of April 8, 2002 and the Minutes of the Regular Meeting of April 9, 2002. Motion approved by the following vote: Ayes: Councilmen Stewart, Spigener, Shyne and Burrell. 4. Nays: None. Absent: Councilman Huckaby, Carmody and Serio. 3.

### **Awards, Recognitions of Distinguished Guests, and Communications of the Mayor Which Are Required By Law.**

None.

Councilman Shyne: At this point I would like to recognize a friend of mine's who has been out of town for quite some times, Pastor Rick Edmonds. Rick is a good friend of mine who has, if it is alright Rick, I'll say is a Shreveport boy who was born and raised here in Shreveport who—and I hope he doesn't mind me saying this—but, who has been extremely successful in doing the work of the Lord. Rick left us and went to Baton Rouge, I kind of cried when he left because I thought he should have stayed here at home but sometimes the Lord knows what is best. Rick when to Baton Rouge and started pastoring a very large church in Baton Rouge and from Baton Rouge he was called to Tampa, Florida and I think he was in Tampa for seven years. And it goes to show you how the Lord can work in mysterious ways, I guess the Lord kind of send him off in the wilderness and now the Lord has brought him back home. Rick, we are so happy to have you back and if we have any people in here from Calvary Baptist, let me tell ya'll that you all made a very, very wise decision. I know now that there are a lot of wise people at Calvary Baptist, so Rick we are glad to have you back.

**Public Hearing:** The Chairman opened the public hearing on Annexation Tag No. 01-06: Tract of land located along the Flournoy Lucas Rd., in the SW4 of Sec. 7 (T16N-R13W) and in the SE/4 of Sec. 12 (T16N-R14W). This is in the district represented by Mr. Serio. Mr. Serio has notified our office that he is out of the City and Mr. Carmody is also out of the City, neither will join us today.

There was no Presentation from the Administration and the Chairman called for persons to speak favor of the Annexation. No one came forward to be heard.

The Chairman called for persons to speak in opposition to the Annexation. No one came forward to be heard and the hearing was closed.

**Confirmations and/or Appointments:** Motion by Councilman Shyne, seconded by Councilman Spigener to confirm the Appointment of Larry Landry, as Superintendent of Plants (Amiss Water Purification Plant), DOS. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilman Carmody and Serio. 2.

**Public Comments:** Councilman Stewart: Realizing that many of you, like us have particular interest today on certain item, we have a statement for each of you and for the public record concerning where we are in the agenda, certain issues as they relate to the legal responsibilities of the Council, this all being handled briefly and succinctly but certainly with the right amount of background by Mr. Thompson and Mrs. Glass and others. This is an effort to make everybody aware of the facts we are all here to discuss, the facts being the most critical issue because our decisions and our efforts are clearly controlled by the law. This is a recitation, for the record.

A number of you who have signed up today to speak against the proposed Deja Vu Club are certainly welcomed to be with us. It is beneficial for the public for us to make a statement and offer a brief explanation relative to sexually-oriented businesses, in general, and the Deja Vu Club in particular. These are objective statements and in no way to be construed as for or against. I think all of you know and we all respect the oath that we have to conform to the laws that are applicable to what we do.

The statements are as follows: (1) The Deja Vu Club is not on the City Council's agenda today. (2) Because there is no action for the Council to take in this regard today, the City Council's Rules of Procedure require all public comments concerning the Deja Vu Club or other sexually-oriented businesses, in general, to be heard at the end of the meeting which is Item 14 on the Agenda.

The explanation for the record, ladies and gentleman is as follows and this is a brief historic recitation of the facts. In 1994 Shreveport had no sexually-oriented business ordinance and city officials were concerned about a resolution. This included many of the people who are on the Council and in the Mayor's chair today. We felt that because there was no ordinance to regulate or control these businesses, the City could not legally prevent them from opening and operating at any number of locations anywhere in the City. The Metropolitan Planning Commission under the lead of Mr. Charles Kirkland who is with us today, the City Attorney at that time and his staff and the Shreveport Police Department began the research on this issue and the drafting of a zoning ordinance and a regulatory ordinance for the City Council's consideration. These comments focus on the zoning ordinance only.

The first ordinance, Ordinance 12 of 1994 was introduced in January. It was debated amended and it was not adopted until March of 1994. Subsequent amendments to this ordinance were adopted in 1995, specifically Ordinance No. 187 and in 1996, Ordinance 7. The city adopted these ordinances because of legal advise, and I would like to reiterate that for the record, because of legal advise we received in 1994 and which we have continued to receive throughout the legislative process. And essentially, that advise was based on the Supreme Court of the United States' decision.

The Supreme Court had ruled as follows: (1) A city may not prohibit sexually-oriented business because those businesses are protected by the First Amendment of the United State Constitution. (2) Cities may enact reasonable ordinances to regulate these businesses when the City has substantial interest in regulating them. (3) However, the regulation can not be so restrictive that it constitutes a prohibition against these businesses.

The City was also advised, specifically, that other cities throughout the United States of America had used two regulatory models. A) A clustering model. Under that model, a district was created for sexually-oriented businesses and all the businesses were clustered in one area. The model apparently did not work well in New York, Boston, and in other cities. B) The dispersal model. The dispersal model is the model that the City of Shreveport chose and is currently using. The Shreveport Ordinance reads, and this is a summary of the ordinance for our understanding, at this time. (1) No sexually-oriented business shall be operated within 1,000 feet of a) a public park or public library; b) a non-profit educational museum; c) a church or synagogue; d) a public or private elementary or secondary school; e) a daycare center or kindergarten; f) another sexually-oriented business; and g) a structure that contains another sexually-oriented business. (2) No sexually-oriented business shall be operated within 1,000 feet of a residential zoning district. (3) Sexually-oriented businesses shall be allowed only in the B-3, Community Business District and the B-4, Central Business District.

In addition to dispersing these businesses from each other and from other protected uses, commonly known to each of us is the 1,000 foot rule, the ordinance also insures that the business can only be located in B-3 and B-4 zoning districts.

The entity in question, Deja Vu, selected a location that met the requirements listed above and as we have been told by the appropriate legal advise, have a right under our ordinance to establish that business. The key point in wanting to address how we go forward and respecting your time is as follows: There is nothing for the City Council to approve or disapprove today.

An editorial comment, not speaking for others, but I think reflective while the Mayor, the individual members of this Council and myself may personally disapprove of the Deja Vu, we have no legal authority to prohibit it from opening today.

I do not speak for others, but I do know that this Council based on my experiences not just in this term, but the two previous terms and this Mayor, based on our experiences in this term and working with him in two prior terms feels strongly that people like yourselves have a right to speak and that we have the ability to assemble and that we have that ability to seek change where we feel things are inappropriately handled or that change is due, but only and I underscore clearly and only, only while duly assembled in a rational posture, shall we say, as we are here today and I appreciate that, but also in the light of what the law tells us whether we like what it tells us or not. Now, we offer this to you not in any fashion other than a genuine effort to provide you the facts which govern our activities.

You are all welcome to stay. There will be time at the end of this meeting where we move to the Committee of the Whole and we receive all of the comments. I would say to you that, that will probably be between a quarter of 5:00 and 5 o'clock today.

Well, I will say one thing, I know many of you and I think you know me: Side comments are not in order here nor will they benefit anyone, and I certainly, I think it is very unfortunate that many of you have come here because I feel the same way. I like, you, Sir, who called me and others, I think quite candidly had the impression that this was going to be an issue that we could address today, but, we are governed by rules. We are governed by procedures and I know each of you in your hearts knows that that is the only that we can do, whether we like it or not. With that in mind, I will adjourn us for 3 minutes. Please feel free to stay. Please rest assured you are welcome and we will, no earlier than 4:30 this p.m., address any issues associated with it during that time, in essence, no earlier than 4:30 will the Public Comments be heard.

Councilman Stewart: I think that it is a consensus of the Council that I'll accept a motion to Suspend the Rules and entertain comments. Motion by Councilman Shyne, seconded by Councilman Spigener and unanimously approved.

Let me make a brief comment. I think it is important that the people's voices be heard and I know this is emotional for all of us. The information that was read to you by me, was prepared by people who are paid to do this correctly. I certainly accept full responsibility individually for it. I certainly hope that you can appreciate that as elected officials who have taken a sworn Oath that those who are serious, want to follow the Rules, even though the emotions may dictate to the contrary. I certainly tell you, I speak for myself, but I think that that is a general feeling if not a specific one among all Council members.

This is not a place where games are played. This is not a place emotions should be aired. We care about each of you whether you are member of this citizenry or not. We care about the Rules and our Oath. Having stated that, please accept that as fact and that we will go forward. We have the opportunity to hear, to hear from you. If you would like for everyone to have their 3 minutes, I think you can understand the time frame that, that will employ and we are happy to stay for the entire time. I personally as Chairman, would encourage you to have the appropriate representative speak and that you may stand at any time to affirm your affiliation with a particular group of people, a church, a district, a neighborhood or whatever it may happen to be.

We are bound by Rules and we are bound by an Oath and I hope that you can appreciate that, as we go forward and that has been the basis where we are today and to this point.

*Gene Tunnell* (241 East Elmwood) I am the Coordinator for the Coalition for a Decent Downtown: Our Coalition represents a comprehensive group of religious organizations, human service agencies, businesses, and individuals that are concerned with the future of our City and the health and welfare of our citizens. Our Steering Committee consist of: Reverend Ken and Jane Alexander, St. Mark's Cathedral; Ms Roxanne Johnson, Executive Director of the YWCA; Reverend Webster West, Antioch Baptist Church; Dr. Dorothy Gwen, Executive Director of the Community Foundation; Reverend Steve Carroway, Noel United Methodist Church; Mr. Tom Daniel, Broadmoor United Methodist Church; Reverend Stephen Spurlock, Broadmoor United Method Church. We'd like to recognize that Mr. Andy Taft, Executive Director of the Downtown Development Authority has provided us with advisory consultation.

America is in crisis. We are very concerned about the moral climate of our communities. The Internet has greatly increased the availability of pornography, which has heightened its harmful effects and increased the pervasive impact of the adult industry exponentially by literally billions of dollars. According to the National Association of Attorney Generals, of the 5000 new web sites being added each day "one third of them are devoted to objectionable material." The money that flows from this is being used to expand obscenity in our community. There are now more sexually oriented businesses in the US than there are McDonald's restaurants. It has been proven in 32 Land Use Studies across America that this leads to declines in property values, increases in crime, and moral decay.

Our immediate concern is the "gentlemen's club" scheduled for 202 Commerce but we are also concerned with the content of our zoning ordinance regarding sexually oriented businesses. We believe that more research needs to be done to insure that our ordinance is as strict as the law allows in terms of our Louisiana Obscenity Law, negative secondary consequences of sexually oriented businesses, and that the ordinance be rewritten to provide protection for all covered projects (churches, schools, museums) which have been planned, approved, and funded.

As evidence of widespread citizen and organizational concern and opposition to the club planned for 202 Commerce, we hereby submit for your consideration, a petition with in excess of four thousand eight hundred (4,800) signatures, asking that you overturn the Metropolitan Planning Commission's zoning approval for this sexually oriented business.

If you are unable, for legal reasons, to take this action immediately, we ask that you adopt a resolution stating that, "the City will overturn the MPC ruling if independent legal counsel can demonstrate a legal basis for such action".

We further request that all deliberations and actions pertaining to the club at 202 Commerce and all future requests submitted to the City for sexually oriented businesses and deliberations pertaining thereto, be made public, in a timely manner.

*Luwana Tunnell* (241 E Elmwood): I would like to point out before I go any further that, those signatures were collected between Friday afternoon about 5 p.m. and now, a very short time.

I am the Researcher for the Coalition for a Decent Downtown and I would like to address just a small portion of the research I found regarding the negative secondary effects of sexually oriented business.

Obscenity or illegal pornography is defined by the U. S. Supreme Court in 1973 does not enjoy protection by the First Amendment. Sexually oriented businesses provide a potential focus for illicit and undesirable activity by placing a contact for numerous potential customers for prostitution, pandering, and other activities. The combination of on-site or nearby alcoholic beverage service such as we would have at Harrah's, across the street from the facility, with the sexually-oriented business, increases quantity of undesirable activities. There is a snowball effect of undesirable activities that feed upon and support each other.

Where criminal activities is concerned, children, the elderly, and women are especially prone to victimization and opportunistic personal crimes and there is an increase in face-to-face crime.

Where vulnerable populations are involved particular women by themselves, unwanted attention by patrons or employees to the passing pedestrians makes it intimidating for the passers by to be on the street.

There is going to be a strong tendency for inappropriate activities to seek nearby venue. Prostitution and other illicit activities will find areas such as the parking lot at Harrah's, alleyways, and other avenues for supporting their activities. It provides a legitimizing reason for the presence of individuals who have illicit intent.

I would also like to point out that the Supreme Court has held that communities may enact time, place, and manner regulations for sexually-oriented businesses. These regulations pass Constitution muster in part because evidence from numerous Land Use Studies demonstrates that the existence of sex business, causes crime impact problems including higher incidence of sex-related crimes from prostitution to indecent exposure, higher incident of violent crimes such as homicide, rape, and assault, noise and traffic hazards and increase the need for police and emergency services, loss of property values and increased insurance risk.

A typical study in Indianapolis concluded that " the best professional judgement available indicates overwhelmingly that adult entertainment businesses, even a relatively passive one, have a serious negative effect on their immediate

environment. The preponderance research evidence suggest that we need to re-examine or sexually-oriented business ordinances and I thank your for your consideration.

*Vernon B. Adams* (6391 Buncombe Road) I am a retired banker of 49 years and also a member of Summer Baptist Church. We have between 5- and 6,000 members out there: And I know that down through the ages of time that when men through the same thing, the same all the time, the same old way, all the same old time then consequently we get the same results all of the time.

And the very reason that we are here this afternoon is that down through the Ages of time, men and women have been found guilty of doing the same thing, the same old way, all, the same old time. What I am talking about this afternoon and what I am saying is that, the forces of good are fighting the forces of evil throughout the world today and we stand here as a body of people representing the good this afternoon. I think I can look around at the audience today and know that we have good people here we fighting the forces of evil.

The strip club, I'll call it the *strip club* would certainly be a part of evil, even evil in Shreveport as we know it today. But yet on the other hand, Shreveport is no different from any other city in the United States of America today, where the same practices are allowed. . . . and I know that the outcome of this meeting, this afternoon will have nothing to do with whether you approve the strip club or not. It'll probably be and will have to be finished in a court of law.

I thank you for the stand that people are making here today and because the forces of evil take over when good people do nothing and I know of many good people in the City of Shreveport today, that are doing nothing, they are not here today.

And what does it produce? It produces a moral decay in a society in the United States of America. It produces a wrong relationship with God Almighty and families are destroyed, one after another. Family goals set by family members, set by mother and father often go unobtained. Activity is destroyed when the forces of good and evil look the same. When we look at the forces of good and evil and consequently, we can't tell the difference between the two, then we are in a society that is decaying. When questions of what's right and wrong no longer enters the mind of the people the City is in desperate trouble. Don't let it happen to us today for we will not allow it.

And I think there is a question that each one of us have to answer, this afternoon that would tend to call good bad and good evil. Or worse, do questions of morality, even concern us any more in our society today. So this is a form of entertainment, the club is a form of entertainment, and the word *entertainment* actually means that it causes us not to think. We've become so engrossed in the entertainment around us that we don't think about our moral responsibilities. One example and then I am through: In church one day, my pastor was preaching. A little five-year old boy got so caught up in what the preacher was saying and about his fishing trip. He caught a 5-pound bass and consequently the pastor said, have you ever caught a 5-pound bass? The little five-year old boy was so engrossed in what the pastor was saying until he jumped up in the middle of the service and say, I have, I have.

I know your position this afternoon and I am grateful for your position and I thank you for this opportunity today.

*David Graham* ([business] 512 East Kings Highway, [home] 3804 Creswell): I would like to thank the Council for all of their homework and hardwork they've done for the positive things for this City in the past, the Mayor, his Counsel and Charles Kirkland, Executive Director of the MPC.

You know, I think the character of this City is at stake—let me cut to the heart of the matter. I think it is great oxymoron, again, to call this a gentleman's club, this Deja Vu. It is anything but that, it is degradation of womanhood is what it is and every man and woman, both, should be offended by the fact of where we are going to place this thing, allow it to go in the city of Shreveport.

I was downstairs, right before coming up looking at the beautiful sketches, the plaques of the Shreveport Riverview project. It looks, right under the plaque it is \$6.5 million dollars funded by the Riverwater Commission, Children's Gazebo and Adult Gazebo is drawn on the plaque diagonally across the street from the proposed strip joint. And I realize that it is not sitting there now, as I was told, it is not sitting there and neither is the Railroad Station Museum, however on the museum, the Railroad Station Museum, we can say, why isn't a project not underway when it has got federal funding already sitting there, probably over a half million dollars in the bank waiting not to mention this Riverview Project which clearly shows the plat going around the corner onto Cross Bayou where the park is going to be, a gazebo, diagonally across the street from this joint, I don't get it.

Our character of the City is at stake. I know each of you have good character and I think the character of what the City Council does is at stake, not individually, but as a Council to say you can't do anything because you got one or two opinions, I think is turning the other cheek to the problem. I would like to see—I am going to throw something out here that no one here has probably has thought of and that is this, it is a strong statement but, terrorism is a big deal in the country today. We have Barksdale and we have the boats. Boat crime targets for terrorism for bombing and the reason the boats are, and if it is in the same category even thought it is nothing like what this is going to be, but, OBL (Osden Bin Laden) has promised to hit the financial centers, anything to do with military, large congregation of people such as in stadiums and also illicit, in his mind, immoral operations and I'm sure this will qualify; so, I am throwing that out. If you want to know the target, you know, put another one in.

Now, I suggest this, I suggest as was suggested already. I think we need to vote on a resolution to stop the strip joint going in, to stop construction. I think you need to work on a way for the City to purchase this problem which the Mayor threw out the other day, Sunday afternoon at the meeting and why not turn this, re-write the ordinance, I think that 1,000 should be extended to 2,000 feet and I believe the city-owned property should be definitely be included along with parks, schools, museums, you name it, that list, that city-owned property should be included in the new ordinance. And what a better thing to do than to make a negative turn right into a positive by taking this land, if we purchase it, Mayor, and make it a museum for womanhood. And instead of degradation of the woman how about glorifying womanhood and what the woman have done for the Arklatex since World War II, put them in there.

*Reverend Rick Edmonds* (9333 Linwood Avenue): I am the Senior Pastor at Calvary Baptist Church and very grateful to be here: I want to say to each Council member and the Mayor, that you were prayed for by name on Sunday night and we will continue to do that as a policy of our Church and an extension of our love for you (approximately 15 to 20 members of his Church stood in recognition).

I am here today to say I believe what is going on in the city of Shreveport is wrong. Now I am sure that is not the politically correct thing to say. Some are quick to remind us of the rights of businesses, and the rights of individuals. There are those who are oh so quick to quote the Constitution and the rights of every American. When we are told of gambling, well they have their rights. When we are told of the criminals, well they have their rights. We are told of the strip club owners, well they have their rights. Well, what about the average American father going to work, going to church, coaching Little League baseball, teaching his son how to fish or hunt or ride a bike, paying his taxes, paying his bills, serving his country, shedding his blood, praying simple prayers, living his life, minding his business, doing his best day after day after day. Does he have a voice?

Basically, he's told to go home, keep quiet and don't cause any trouble. He's seen as a protestor with a little mind, living in the past, and he's too old-fashioned, against progress, against development, against business. He is tagged as a social illiterate, a loser with no vision.

It has been said recently by those who are determined to build this club that we are here only to make a public spectacle. By definition the word *spectacle* means: something to look at, something strange or a remarkable sight or an unusual display, a public show or an exhibition on a grand scale. Well, Sir, I hope you are right. I hope that we are here today to do something on a grand scale. May a nation take a look at a community that is willing to do that which is right, regardless of the consequences or the public opinion.

For Sir, 1 want to tell you about this public spectacle of mine. This is MY TOWN. I am not sure about your background, but 1 am sure about my own. When asked in life, "where are you from?" My response has always been, "I am from Shreveport, Louisiana." I was born here, raised here, met my wife here, birthed our four sons here. 1 have buried my family

here, shed my own tears here, been at the bedside of cancer patients here, wept with widows who have buried their husbands here, wept with parents that have buried their sons here. I have been at the birthing rooms with newborns, stood at the altar with young couples beginning their new lives here. I have walked the city streets, been in the public classrooms, dug postholes in the ground, spent some of my greatest days and intend to spend many more with my children and my children's children in, that's right, Shreveport, Louisiana.

But far greater, I have been taught here and loved here and provided a great life here. I have been taught by Shreveporters to do the right thing. There is Ed Gene, he was my barber on Greenwood Road. Mr. Wimberly that taught me how to play baseball at Ford Park. Darryl Hanson was my 5<sup>th</sup> football coach at Hillsdale Elementary School. There was Eddie Cooper who is now the Principal at FairPark, he was a Science Teacher at Lakeshore Junior High School and could go on and on and on. I have been taught by Shreveporters to fight for that which is RIGHT! And ladies and gentlemen, that is what America is all about.

What a difference one hundred years of American history can make. Gambling was done in hidden places: basements, cellars, anywhere but out in the open. Alcohol was run by bootleggers, drugs were considered inappropriate even by the underworld. It was not a perfect world, but at least there were laws, and standards and limitations. My, how times have changed. Gambling is not only in the open, but on every street corner. Open a restaurant, build a truck stop and the list goes on... you get the picture. They tell us it is good for the economy, good for big business. But no one ever talks about the billions of dollars spent on health care, counseling, broken homes, sexually transmitted diseases, addictions and the like. But even if these modern day plagues didn't exist, what about just saying without apology, this is wrong!

Sooner or later, we will come to realize that someone is going to pay for these decisions. The Bible states, we pass things down to the third and fourth generations. The most troubling words I have heard in recent days are not that they are going to build a strip club in downtown Shreveport or this is one of many clubs to be built in the future or this will bring about an elevation of crime or prostitution or drug traffic or sexually transmitted diseases or the defaming of young girls and their lives or even the future break-up of homes and their families. No, the most troubling words I've heard are these: *"I'm sorry, there is nothing we can do."*

Mayor Hightower, and distinguished members of the City Council of Shreveport, these words are UNACCEPTABLE! It is hard for me to believe that the majority of the people who you represent, and those who elected you to office to represent them would agree or accept this unacceptable statement.

I am asking you TODAY to lead us in three ways. 1. TAKE A PUBLIC STAND! Go on record TODAY as the City Council of Shreveport and declare that no matter what courts, or businesses or others might say, you are 100% against what is going on! Set a precedent TODAY! Let others in this City and throughout this country know where you stand as leaders. Please speak for the community you represent. May this serve as a deterrent and a warning to future clubs, groups, and organizations that might want to come to Shreveport.

2. REVIEW EVERY LEGAL POSSIBILITY! Take a bold stand.

3. PROTECT OUR FUTURE! Write new laws, codes, restrictions, limitations. We are not asking for more government, but we are asking for more protection. If the Metropolitan Planning Commission needs more guidance then give it to them. These agencies should be working for the majority of the people of the city of Shreveport, not against them. These agencies, boards, councils, and yes-even office of the Mayor should serve at the will of the people, not a chosen few. We must stop this somehow. If we can't do anything about yesterday, we must do something for tomorrow. We are a law-abiding people. Help us; protect us, so the law works in our favor.

We are already paying huge dividends for the lack of morality, ethics, integrity and forthrightness in our society and in our current lifestyles. Let it be said today: enough! Let it be said today, we drew the line in the sand. Let it be said today, we made a Spectacle of ourselves, as an exhibition on a grand scale.

*John Milkovich*, ([business] 656 Jordan, Counsel for the Coalition for Decent Downtown: It has been suggested here today that the City Council's hands are tied because the law requires the city governmental approval of this site and I beg to differ with that statement. I've looked at the statute, I've looked at some of the facts. We have a Shreveport Attorney Mike Johnson temporary on loan to Baton Rouge who has also looked at the statutes and the applicable law and with respect, we do not believe that the law requires the City to accept the zoning of this strip club. I'd suggest to you, that the Section 1120.9 9(c) 1 of Chapter 106 specifically provides that a strip club or a sexually-oriented business can not be zoned within a 1,000 feet of a (and this is the city ordinance language, this is city law) "property line of the premises" of a protected use. In other words, the measurement goes 1,000 feet from the proposed sexually-oriented business to the premises or property line of an existing protected facility which as you all know includes, Mr. Mayor, a Railroad Museum.

We believe that if you go back and look at the statute and we get another bite at the apple and an opportunity to present evidence on this question, that in fact the law not only does not require the zoning of this sexually-oriented business, in fact, city ordinance prohibits this particular zoning. I've said that this sexually-oriented business is within 1,000 feet of a protected usage. I want to be more specific.

Members of the Council know, members of the public may know to some extent, what are we talking about? We are talking about the Railroad Museum. October 3, 1995. A letter from then Mayor, the Honorable Robert W. "Bo" Williams: "Gary Fox has informed the City of Shreveport that the scenic railroad line, the museum has been approved for IFTA funds. A condition to the receipt of those funds, is the City must enter into a city-state agreement with the state to act as sponsor of the agreement/project." This letter is to acknowledge the City's agreement to act as sponsor for Phase 1 of this project. Going back to 1995, the City was on record, in writing by the Mayor saying that we are supporting this project.

Prior to October 22, 1996, the City, this body, appropriates \$195,000 towards the construction of this Railroad Museum. Then we have a resolution of the City Council approved by the Mayor on October 25, 1996 becoming effective and the final action of the City government on November 2, 1996. So, we've got: 1) We have got the Mayor on record, the then Mayor on record saying we are on board—but the City Council as approved this site, the Mayor has gone on record in writing in support of it, the City has approved the money, the City has taken final governmental action approving the Railroad Museum.

On March 24, 1997 there is an agreement reached between the City and the State of Louisiana saying we are going to go forward with this project and the federal funds are going to come to the Louisiana DOTD and the City is the sponsor of this project. In fact the agreement signed by this city government states that the City of Shreveport it assumes "full responsibility for project development" that is page 6 of the agreement of March 24, 1997.

The City's own paperwork says that we are going to contribute to the funding. We are approving it. We are in charge of the project development. As you all know, there was a designation of an east side, I believe some time in 1999 because the original site was superceded by the proposed Convention Center.

Now, what else has happened. In addition to the City saying we are behind this, we are developing it, we are in charge of it, signing off on the project there has been a survey done on this site. Who is paying for that survey? The citizens of Shreveport, the taxpayers of the City of Shreveport. I understand that the survey has not yet been paid for but that survey has been done. There has been an initial site plan done on this project, the Railroad Museum Plan. I am directing the Council's attention to this, the exhibit at this particular time.

In construction terms, accounting terms, engineering terms, terms of governmental funding, this is a construction work in progress. There is not an engineer or contractor in this room who is not aware in order to complete a construction project, you need to do a survey, you need to do a site plan, you need to secure funding. From a construction point of view, accounting point of view, engineering point of view, from the perspective of governmental funding, these acts have been done. This is a construction work in progress which is within a 1,000 feet. I am given to understand it is closer to 4,600 feet from the sexually oriented business. So what does the statute says: There can be no sexually oriented businesses within a

1,000 feet of a premises of a "property line" of a protected use. This site-ing violates city ordinance.

If there has been legal opinion given to the MPC that the City is forced to accept this sexually oriented business, I would suggest to you all that that is incorrect and that this matter needs greater public notice and more hearing, another hearing, additional hearing and at greater opportunity for the public to induce evidence on this particular point.

In closing, I would simple say that either the statute itself says that a sexually-oriented business is not rendered illegal by subsequent approval of a protected use. It follows under classic civilian terminology and interpretation of Louisiana law that insofar as a sexually-oriented business is not rendered illegal by subsequent approval of protected use, that a sexually-oriented business is rendered illegal by a prior approved use. This is six years or more before the sexually-oriented business.

And we also are guided by Article X of the Civil Code which says that interpretation of statutes must conform to the meeting at best conforms to the purpose of the law. What is the purpose of this law? To protect the public.

I believe that it would be ironic if an interpretation of this statute was adopted which protects a sexually-oriented business which has been hanging around town for a month or two trying to get their foot in the door and adopted an interpretation which at the same time ignore a Railroad Museum which the City has said, we are with you, we are going forward. This is our City's project.

I think it is wrong for us to go forward with a new kid on the block, a strip club, and ignore a public project with public funds where the construction process has already begun.

Councilman Stewart: Mr. Milkovich, I would certain request that if felt comfortable, that you would reduce those specifics to writing and forward them to us and with emphasis obviously on the date which is an important part of your argument. I appreciate it very much.

Councilman Shyne: I would like to make an observation. It was basically my idea to suspend the rules to let you all come up and speak at this time, but I would appreciate it, since it so many of you all, that you would at least abide by the 3 minutes and if you have to run maybe a couple of minutes over, we'll give you that but lets try not to run 6 or 7 minutes over because you have a lot of other people who want to speak and then you have got a lot of other people who want to speak on other subjects and we appreciate you all coming down. Please, try to abide by the rules. We love you.

*Mike Johnson, Esq.* (I am currently in Baton Rouge, but I am a native of Shreveport and I am moving back in a week. 17534 Chasefield Avenue, Baton Rouge, 70817): I am an attorney and native of Shreveport, an attorney currently practicing in Baton Rouge for another week. I am also an Attorney with the Alliance Defense Fund, Affiliated Counsel and the Vice-Chairman of the Louisiana Family Forums Resource Counsel.

I got turned onto this issue on Sunday and so I stayed up until the wee hours of the night last night to provide you with his brief that I have here for you. I genuinely believe and know that you all are sincere in wanting a solution, a legal solution and something you can do about this. I heard the Mayor's comments on the levy on Sunday and know that he is sincere about it as well. I wanted to, a way echo what Mr. Milkovich said and tell there is a solution to it. I would totally concur with his conclusion. I have done an exhaustive legal research on this matter, probably more than anyone. I was up until about 5 a.m. last night and drove up to give this to you.

What it boils down to is there is, there two basic arguments that I believe the opponents to this have put forth. 1. The construction of the Railroad facility is not completed and therefore it does not count as premises pursuant to the ordinance; that is not correct.

Under state law, we have plenty of jurisprudence and you have it in front of you there that would stand for the proposition that just because the initial work is begun and that is obtaining financing, preparing initial architectural designs, placing survey markers, paying professional fees, that all of those things together would count and mean that this is work in progress as Mr. Milkovich said.

The property line is what controls. It is not a building, it is not a completed structure. You may be surprised to know that the Louisiana Supreme Court has already decided this issue. There are no cases in our jurisprudence regarding the zoning of sexually oriented business. There is sadly, this is a new thing for us not *sadly* but fortunately, it is a new thing for us.

But in the case of Randolph v. Village of Turkey Creek, in 1961, the Louisiana Supreme Court ruled in an alcohol zoning case, very analogous to this one and they said that the property line of the church, school, et cetera, is in our opinion an obvious attempt by the Legislature to permit the removal from the area occupied by such institutions, those activities which are undesirable and which may be associated with establishments selling alcoholic beverages. They go on say that it is the outer boundary of the property line which would govern in a situation like that. The Second Circuit Court of Appeal has applied that precedent as has the Louisiana Attorney General, and those are cited there.

The land alone does count as premises. I have a ton of cites for you here throughout the state law, statute, Civil Code, Code of Civil Procedure that say that a premises includes the land. The Second Circuit Court of Appeal which would govern anything that came out of here have said that premises' includes land and appurtenances, rather than structures; so, they have addressed the issue head on as well.

2. Revoking the permit or reconsidering it would not violate the denial of due process for *Deja Vu* that has been the second argument that has been put forth. The U. S. Supreme Court has ruled conclusively on this. You summarized very eloquently very what their holdings are, but they've said in Young, which is a controlling case from 1976, the Court noted that a "city's interest in attempting to preserve the quality of urban life is one that must be accorded high respect." And Justice Powell in that decision, said that "zoning, when used to preserve the character of specific areas of a city, is perhaps the most essential function performed by local government." So, the U. S. Supreme Court would back up the decision of the City Council to override, I suppose, the MPC's ruling.

I have a ton that I'm trying to cram into a couple of minutes here, but when you do an exhaustive legal brief like this, there is a lot that could be added. This could have been an eight or nine page document but I tried to condense it for you to be merciful.

But the Second Circuit has also said if your recission decision is made, that it will be supported by the Courts. They say, that. . . as recognized by the Supreme Court and it is the appropriate thing to do.

I would just request that you would pass this onto to your Counsel and if there may be another opportunity for hearing or further research on it, we'd be glad to help out.

Councilman Stewart: You can rest assured, Sir, that it will be presented to Mrs. Glass and the City Attorney and any appropriate private individuals by contract, we will certainly embrace it.

Mr. Johnson: I'll help pro bono, if that helps. Councilman Stewart: We'll accept it.

Councilman Shyne: If that is the last speaker. I did have a conference with the Reverend Dr. Billy McCormack who is the Pastor of the University Baptist Church. Some problems came up this afternoon and he was unable to attend the City Council meeting, but he did want me to let the Council know and the Mayor to know that he is in opposition of the downtown club.

*Pat Bates* (634 Cumberland Drive): I would like to speak on behalf of the women who will be working at the so-called gentleman's club, the strip joint. This afternoon as I walking down here, a little miracle came along, it was this little bird. Now, have any of you in this room every had a little bird come up to you? It is a little cardinal. I've never had, I have always wanted to hold a cardinal and I have never had one come up to me. Well, actually it didn't come up to me it was just sitting there helpless and I want to share with you that the women who work in these institutions are like this little bird, helpless.

I picked him up, he let me pick him up and the people around that said, oh could you help him and I said sure, I have bird at home and I know how to take care of them. So, I said, I'll take it home and I'll feed it and I'll water it and I'll

take care of it just like God does for me. God takes care of me and that is what I'll do for this little bird. I have a cage in my back yard and I'll put this little bird in my cage. And you know what, I'll let it go when it is strong. But, guess what, the women who come out of these clubs, I was told that their life expectancy when they come out of these clubs and they try to turn their lives around, their life expectancy is 6 months. They will be murdered if they turn against what they are coming out of.

These are women who are looking to make a good wage to put their kids through college or they are looking for love in all the wrong places. I am not to judge. I don't know why they are there, but I do know that it is true. But you know what, they are helpless and I ask you to think about the women who will be in these places and I just ask you to pray. God put Mark 9:29 on my heart and it says: This unclean spirit will come out only through prayer and that is what I believe.

*Louise Burton (7031 North Lakeshore Drive):* We have a place, an establishment James Burton's Rock and Roll Café on the Riverfront. We've lived here almost 12 years now and from the day we moved here, I've been on the committees to save the riverfront. This was years before we even opened the café and the reason we opened the café was to help develop the riverfront. And unfortunately the place that was available at the time was next to a strip place and I'm going to tell you, we've been there 7 years. The people who run it are very nice people but their business is not a very nice business and we have been humiliated. Our patrons have been humiliated by people going and coming from that place.

I don't think that it is something that Shreveport really wants or desires and I know this Council and I know our Mayor, does not want this for our City. It has never been on any plans I've ever sit in on in 12 years.

People come to our place from all over the world. We have fans and friends from all over the world and all over the United States and they always ask me, how did that get here, how did that get on your riverfront? And we keep saying that it was here years before we started redeveloping. Now how are we going to explain this? This is coming during our redevelopment and we should have looked forward and been able to stop this some way. And I am going to tell you, we look to you, our Council as our leaders. We look to the Mayor as our leader and he—and the majority of the people in this City does not want this establishment and if that hasn't been made clear in the last week, it would be made very clear in the future. And we just ask you, please help us. We voted ya'll in, we love you, we respect you, but we ask that you help us at this point. We don't know what is the next step. Is it a lawsuit? Is it to purchase the place? I mean we've purchased other businesses down there that weren't willing to sell, but we did that because we were in development of our riverfront. We must stop this business and other cities who have these, do not have them on their riverfront. Nashville has one, we have a home there and there is a Deja Vu there and I'm sure that it is quite busy, but it is not on their Second Avenue, it is not on their Broadway, and it is not at Opry Land. We have to stop this and we are asking please, for your help, and your leadership.

*Reverend Webster West (1057 Texas Avenue):* This has been a most awakening experience. I believe for all of us. It has been enlightening and it has also been revealing to see the consciousness that is demonstrated by the members of the Council and the Honorable Mayor.

Decisions are always difficult and some are more difficult than others. It is the most rewarding to know that the legal presentations that have been made today which have provided some latitude and I believe that ever Council person can go forth from here with a sense of release because I'm sure that you too have been burdened with the question of legality but in the light of the persons who presented the legal positions today, and then the volunteer spirit of one of the Counsel people to say that even, put him down pro bono, whatever that means. (Mr. Johnson: Reverend, that's free.) I really hope and trust and I believe as you search for what's right, search your own hearts and I believe that you are doing that, the very fact that you've decided to modify the rules and release yourself from the burdens of uncertainty. From here there have been some specifics that you can adopt. You don't have to go uncertain as to how to go, where to go. Please now, take under serious advisement the concerns that have been expressed here today by the citizenry of Shreveport and this is just a few of us. A whole lot more out there and we will be listening and waiting for some action.

*Jeff Hogan (9817 East Chase Circle):* I appreciate the opportunity to speak today and I appreciate all that has been done so far by the Council members and by the Mayor to speak against this proposed club.

I especially appreciate the comments from our members of the Clergy and I'm here on behalf, today, of my church. I go to Summer Grove Baptist Church. I attend church with Mr. Adams and I'm regret that none of our staff were able to come today to the meeting. However, I would just like to go on the record as say that, we are in hearty agreement with what has been said today and we are in definite opposition of this. And as the Pastor, the gentleman just said a moment ago, I'm in hearty agreement with that. There is a sleeping giant out there which is the moral majority of this town and we are only a few here today, but we will do whatever it takes to overcome this. We will awaken that sleeping giant and we will win this battle.

As I came here today, I looked at the agenda on the City Council, I had some other business that was suppose to come up according to a letter from Mr. Thompson, that was going to be on the agenda, May 14<sup>th</sup> meeting. I came here today not knowing about that it was on today's agenda but my purpose in coming today was not to address the other business I have with the Council but for the intent purpose of speaking against this club. I just wanted to go on record as saying that also.

*Brittany Willis (6865 Kennon Street):* I didn't come up here to speak about this strip club, but that is a bad idea. I go to Caddo Magnet High School in Stoner Hill and on March 19<sup>th</sup>, I received a letter to attend the National Young Leaders Conference in Washington, D. C. and the beginning of the letter reads: I am delighted to inform you that because of your outstanding academic achievements, you've been nominated to represent the State of Louisiana as a National Scholar at the National Young Leaders Conference to be held this summer in Washington D. C.

The National Young Leaders Congress is an independent non-profit educational organization with over 400 members of the United States Senate and House of Representative on its honorary (inaudible) advisory board. And the purpose is to distinguish a select group of exceptional high school students for their scholastic merit and demonstrated leadership ability and to provide them with the opportunity to witness history in the making.

And I've come before you today to request financial support, private or as the body, for this great opportunity for me to experience leadership at the National Young Leaders Conference. I've set up an account at Bank One for this and I really want to go and I just kind of can't pay for it. My name is on the account: Brittany Willis.

Councilman Stewart: Ms. Brittany, if you would be kind enough if you have to leave to call Mr. Thompson, who is Clerk of Council tomorrow, so that we'd have your name for that information, we'd be glad to pass it around for you. Ms. Willis: Thank you so much.

Councilman Burrell: I think she probably picked a perfect time to be here with all these people.

Councilman Stewart: Ms. Brittany, I must confess as Chairman, I was waiting from something to fall from Washington, D. C.

Councilman Shyne: You should have a request, if you are going to entertain some more requests, you should have a request from Ms. Rose.

Councilman Stewart: It was not my measure to, this as an accident because we should adjourn and allow people to move and we'll hear the rest of them at the appropriate time on the agenda but please do not feel, uncomfortable. Mr. Shyne thank you for pointing out.

Councilman Huckaby: Brittany, would you please leave the account number with Mr. Thompson. Ms. Willis: I will.

*Rudolph Bastic (I have property Downtown at the corner of Cotton and Louisiana Avenue/721 Louisiana Avenue):* I owe a house at 733 Capastranio in University Terrace. I came to Shreveport in 1968. . . 34 years and 35 years in September. When I first came to Shreveport there was something unique I saw in Shreveport, I have never seen it in a major city in the

United States, which is the foot of Texas Street on a Methodist Church, we had an illuminated cross. Since that cross has been gone, we have had murders right on Texas Street, we've got boats now where people come in and I would love to see that cross back, but that's another subject but I oppose this Deja Vu club not for my own sake or property values but because of what it would do to our children.

My children are born and raised. I came down from Washington, D. C. I left Washington D. C. because of the crime up there and I found that Shreveport was an ideal place to raise my family. They've all gone to college and done well, and unfortunately, they've all left Shreveport but regardless, Shreveport back in 1968 when I came here was beautiful city. It was kind of like that song, I'm a Okie from Miskoie, we don't get our highs on LSD. I want to keep it that way.

I do not want to see our children exposed this stuff. I myself am an adult and I can't watch television, even the commercials even. I just found out about this reading the paper last night about the protest that was, had I known that, I would have been part of that protest at that point and time. But I know several weeks ago, I saw an article in the paper where they were coming up with a club like this and maybe I mis-read but I thought it was on Common Street a way from the river, I didn't realize it was Commerce Street. But regardless of wherever it is at, if they want to put a Deja Vu Club, let them put it out in the woods somewhere my children and anybody else's children can not get to it. You don't need it right in the middle of our city. This is a beautiful city and I want to continue to keep it as a beautiful city. We were a city based on Christianity and I want to keep it a city based on Christianity. Praise the Lord, Jesus Christ, my Savior.

Councilman Stewart: Ladies and Gentlemen, please rest assured, I do not speak for the Council members, but I think that I have been around them long enough as well as the Mayor and certainly understand and appreciate the efforts and the concern and the interest and the direction that you are asking us to address. And I would hope that by your assistance and assisting others, that we can address the issue and put it behind us (Council took a recess)

**Adding Legislation to the Agenda.** (1) Ordinance No. 59 of 2002: An ordinance revising Chapter 10 of the Code of Ordinances and otherwise providing with respect thereto. (2) Ordinance No. 60 of 2002 by Councilman Spigener: An ordinance amending and reenacting Section 2-28 of the Code of Ordinances of the city of Shreveport to provide for an increase in the salary and other compensation to be paid to the Mayor, and to otherwise provide with respect thereto. (3) Ordinance No. 61 of 2002 by Councilman Spigener: An ordinance amending and reenacting Section 2-29 of the Code of Ordinances of the City of Shreveport to provide for an increase in the salaries of members of the City Council, and to otherwise provide with respect thereto. (4) Board Appointment: Reginald Abrams, Shreveport Convention Hotel Authority. Motion by Councilman Burrell, seconded by Councilman Spigener to add the legislation and the Board Appointment to the agenda. Motion passed by the following vote: Ayes: Councilmen Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilmen Carmody and Serio. 2.

Councilman Spigener: The two ordinances that have been added concerning the salary increase in compensation for the Mayor and City Council members, I have, as Chairman of the Committee to research this, Susan Beal with the Center of Business and Economic Research at LSU-S do this research for us, for the Council. The City Council and the Mayor have not had an increase in salary since 1990. We wanted to see if the salaries were in a general range for cities our size in our general part of the country. So we asked the Center of Business and Economic Research at LSU-S to conduct this study for us.

Susan Beal has made a presentation to the committee and I've asked her to come today to make a presentation to you, to the Council members that were not on the Committee to let us know how she has come up with the recommendation for us and what she found in her research. (Susan Beal made a slide presentation on the *Results of a Survey of Mayor and City Council Compensation Plans* dated March 2002 which is on file in the Council's Office.)

Councilman Shyne: You did an excellent job. I'm extremely proud of you and Louisiana State University here in Shreveport—quality people, quality education, quality City.

Councilman Burrell: To make a clarification, if by chance there is salaries are raised, it will not be for this particular Council this year, it will be for the following Council which may include some of the people on here. For the benefit of the public to understand that, we are not voting ourselves a raise those who are going off this year.

Councilman Spigener: Susan we appreciate it very much. You did a beautiful job in getting some very good facts that we can present in our ordinance. Thanks a lot and again, thank you for staying. I know and we can't pay overtime or such things so, . . . . Just kidding we don't pay for this at all, it is a service of LSU, we appreciate it. And as Mr. Burrell stated, either by Charter or by ordinance, I'm not sure which, the Council can not vote the raises that we vote are for the forth coming Council, not the existing Council and we have time limits and time frames that we have to do that within so that is why we are dealing with this issue at this time.

Councilman Stewart: We appreciate you taking your time and LSU-Shreveport, Vince, and all of your co-harts for the action and work. And it is a very reasonable statement, ladies and gentlemen, that Mrs. Spigener is Chairman and Mr. Burrell as a member of the Council, contributed an awful lot to providing an objective approach to what we were trying to achieve.

**CONSENT AGENDA LEGISLATION:**

**INTRODUCTION OF RESOLUTIONS AND ORDINANCES ON CONSENT:**

**RESOLUTION:** None.

**ORDINANCE:** None.

**ADOPTION OF RESOLUTIONS AND ORDINANCES ON CONSENT:**

**RESOLUTION:** None.

**ORDINANCES:** None.

**REGULAR AGENDA LEGISLATION:**

**RESOLUTIONS:**

The Deputy Clerk read the resolution by title: Resolution No. 28 of 2002: Resolution No. 28 of 2002: A resolution authorizing the Mayor to execute a lease-purchase agreement (Equipment Installment Purchase Agreement), Equipment Schedule No. 01, Escrow Agreement and Related Instruments with Suntrust Leasing Corporation and an Escrow Agent to provide financing for the acquisition of vehicles and equipment and otherwise providing with respect thereto.

Read by title and as read motion by Councilman Burrell, seconded by Councilman Spigener for passage.

**Amendment No. 1:**

Amend the resolution as follows:

Delete page 1 and substitute in lieu thereof the attached page 1.

Motion by Burrell, seconded by Councilman Huckaby for adoption of the amendment. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilmen Carmody and Serio. 2.

Motion by Shyne, seconded by Councilman Spigener for adoption of the resolution as amended. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilmen Carmody and Serio. 2.

RESOLUTION NO. 28 OF 2002

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A LEASE-PURCHASE AGREEMENT (EQUIPMENT INSTALLMENT PURCHASE AGREEMENT), EQUIPMENT SCHEDULE NO. 01, ESCROW AGREEMENT AND RELATED INSTRUMENTS WITH SUNTRUST LEASING CORPORATION AND AN ESCROW AGENT TO PROVIDE FINANCING FOR THE ACQUISITION OF VEHICLES AND EQUIPMENT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport ("Lessee") desires to obtain certain police, fire and other vehicles and equipment (the "Equipment") to be described in Equipment Schedule No. 01 to the Master Lease Agreement (collectively, the "Lease") with Suntrust Leasing Corporation; and

WHEREAS, the Equipment is essential for the Lessee to perform its governmental functions; and

WHEREAS, the funds made available under the Lease will be deposited with the Escrow Agent pursuant to an Escrow Agreement between Lessee and the Escrow Agent (the "Escrow Agreement") and will be applied to the acquisition of the Equipment in accordance with said Escrow Agreement; and

WHEREAS, Lessee has taken or will take the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport as follows:

Section 1. The Mayor is hereby authorized to execute the Lease and the Escrow Agreement (collectively, the "Financing Documents") substantially in the forms approved by the City Attorney, such approval to be conclusively evidenced by such execution and delivery of the Financing Documents.

Section 3. The proper officers of the City of Shreveport are authorized to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Financing Documents.

Section 4. If any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect

other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

Section 5. That all ordinances or resolutions or parts thereof in conflict herewith are hereby declared repealed.

RESOLUTION NO. 36 OF 2002

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A DONATION AGREEMENT BETWEEN THE CITY OF SHREVEPORT AND AOK, L.L.C. FOR PRIVATE WATER AND SEWER MAINS LOCATED IN LAKESIDE AT LONG LAKE, UNIT NO. 1 SUBDIVISION AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that Keith Hightower, Mayor, be and is hereby authorized to execute on behalf of the City of Shreveport a Donation Agreement with AOK, L.L.C., represented by Robert Aiello, Managing Member, substantially in accordance with the terms and conditions contained in the draft of said agreement which was filed for public inspection with the original draft of the resolution in the Office of the Council on April 23, 2002.

BE IT FURTHER RESOLVED that if any provisions or items of this resolution or the application thereof are held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications, and to this end, the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that resolutions or parts thereof in conflict herewith are hereby repealed.

Councilman Stewart: Before we vote, Mr. Thompson in Mr. Serio's absence, is there any reason we should



consider a delay at this time? Mr. Thompson: Mr. Serio has not mentioned this to me, I don't know of any reason, Mr. Chairman.

Councilman Stewart: There has been no comment to the Chair, so I sense we are ready to vote on 36.

Read by title and as read motion by Councilman Spigener, seconded by Councilman Burrell passed by following vote: Ayes: Councilmen Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilmen Carmody and Serio. 2.

RESOLUTION NO. 37 OF 2002

A RESOLUTION DECLARING THE CITY'S INTEREST IN CERTAIN ADJUDICATED PROPERTIES AS SURPLUS AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, there are numerous parcels of property which have been adjudicated to the City of Shreveport and Caddo Parish for non-payment of ad valorem taxes; and

WHEREAS, the City of Shreveport has entered into an intergovernmental agreement with Caddo Parish under which Caddo Parish will undertake to sell said properties as authorized in R.S. 33:4720.11; and

WHEREAS, pursuant to Section 26-294 of the Code of Ordinances, the city's interests in said properties can be sold after the City Council declares them to be surplus; and

WHEREAS, the purchasing agent has inquired of all city departments regarding the property described herein and has not received any indication that it is needed for city purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the following described property is hereby declared surplus:

Lot G, Schoolside Subdivision, Unit No. 2  
Municipal address: 1621 Martin Luther King Dr.  
Council District "A"

Geographic Number 181416-005-0007

BE IT FURTHER RESOLVED that if any provision of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read motion by Councilman Huckaby, seconded by Councilman Burrell passed by following vote: Ayes: Councilmen Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilmen Carmody and Serio. 2.

RESOLUTION NO. 38 OF 2002

A RESOLUTION DECLARING THE CITY'S INTEREST IN CERTAIN ADJUDICATED PROPERTIES AS SURPLUS AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, there are numerous parcels of property which have been adjudicated to the City of Shreveport and Caddo Parish for non-payment of ad valorem taxes; and

WHEREAS, the City of Shreveport has entered into an intergovernmental agreement with Caddo Parish under which Caddo Parish will undertake to sell said properties as authorized in R.S. 33:4720.11; and

WHEREAS, pursuant to Section 26-294 of the Code of Ordinances, the city's interests in said properties can be sold after the City Council declares them to be surplus; and

WHEREAS, the purchasing agent has inquired of all city departments regarding the property described herein and has not received any indication that it is needed for city purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the following described property is hereby declared surplus:

Lot 23, Block "L", South Side Park  
Municipal address: 6119 Tulsa Avenue  
Council District "B"

Geographic Number 171424-095-0023

BE IT FURTHER RESOLVED that if any provision of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read motion by Councilman Stewart, seconded by Councilman Burrell passed by following vote: Ayes: Councilmen Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilmen Carmody and Serio. 2.

RESOLUTION NO. 39 OF 2002

A RESOLUTION DECLARING THE CITY'S INTEREST IN CERTAIN ADJUDICATED PROPERTIES AS SURPLUS AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, there are numerous parcels of property which have been adjudicated to the City of Shreveport and Caddo Parish for non-payment of ad valorem taxes; and

WHEREAS, the City of Shreveport has entered into an intergovernmental agreement with Caddo Parish under which Caddo Parish will undertake to sell said properties as authorized in R.S. 33:4720.11; and

WHEREAS, pursuant to Section 26-294 of the Code of Ordinances, the city's interests in said properties can be sold after the City Council declares them to be surplus; and

WHEREAS, the purchasing agent has inquired of all city departments regarding the property described herein and has not received any indication that it is needed for city purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the following described property is hereby declared surplus:

West 20 feet of Lot 15 and East 50 feet of Lot 16,  
Fairpark Heights  
Municipal address: None  
Council District "F"

Geographic Number 171410-073-0037

CONTINUED - RESOLUTION NO. 39 OF 2002

BE IT FURTHER RESOLVED that if any provision of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read motion by Councilman Shyne, seconded by Councilman Burrell passed by following vote: Ayes: Councilmen Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilmen Carmody and Serio. 2.

RESOLUTION NO. 40 of 2002

RESOLUTION STATING CITY OF SHREVEPORT'S ENDORSEMENT OF COLUMBIA CAFÉ, L.L.C. TO PARTICIPATE IN THE BENEFITS OF THE LOUISIANA ENTERPRISE ZONE PROGRAM AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Louisiana Enterprise Zone Act of 901 of 1981, Act 337 of 1982, Act 433 of 1987, Act 1024 of 1992, Act 581 of 1995, Act 624 of 1997, and Act 997 of 1999;

WHEREAS, the Louisiana Enterprise Zone Program offers significant incentives for economic development to some of the most distressed areas in parish, and

WHEREAS, COLUMBIA CAFÉ, L.L.C. is located in Census Tract 212.00 Block Group 3, which is not a designated Enterprise Zone, and

WHEREAS, said business will employ a minimum of 35% of its employees from the distressed groups targeted by the Enterprise Zone, and

WHEREAS, the City of Shreveport states this endorsement is in agreement with the Overall Economic Development Plan for the City of Shreveport, and

WHEREAS, the attached Enterprise Zone map is marked showing the location of the business being endorsed, and

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements the City of Shreveport agrees:

1. To participate in the Enterprise Zone Program
2. To assist the Department in evaluating progress made in any Enterprise Zone within its jurisdiction

NOW THEREFORE BE IT RESOLVED by the City of Shreveport, in due, regular, and legal session convened that COLUMBIA CAFÉ, L.L.C. and their project COLUMBIA CAFÉ, Enterprise Zone Application # 20020071, is endorsed to participate in the Louisiana Enterprise Zone Program.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read motion by Councilman Stewart, seconded by Councilman Huckaby passed by following vote: Ayes: Councilmen Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilmen Carmody and Serio. 2.

RESOLUTION NO. 41 of 2002

RESOLUTION STATING CITY OF SHREVEPORT'S ENDORSEMENT OF FIRST LOUISIANA BANK TO PARTICIPATE IN THE BENEFITS OF THE LOUISIANA ENTERPRISE ZONE PROGRAM AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Louisiana Enterprise Zone Act of 901 of 1981, Act 337 of 1982, Act 433 of 1987, Act 1024 of 1992, Act 581 of 1995, Act 624 of 1997, and Act 997 of 1999;

WHEREAS, the Louisiana Enterprise Zone Program offers significant incentives for economic development to some of the most distressed areas in parish, and

WHEREAS, FIRST LOUISIANA BANK is located in Census Tract 231.00 Block Group 2, which is not a designated Enterprise Zone, and

WHEREAS, said business will employ a minimum of 35% of its employees from the distressed groups targeted by the Enterprise Zone, and

WHEREAS, the City of Shreveport states this endorsement is in agreement with the Overall Economic Development Plan for the City of Shreveport, and

WHEREAS, the attached Enterprise Zone map is marked showing the location of the business being endorsed, and

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements the City of Shreveport agrees:

1. To participate in the Enterprise Zone Program
2. To assist the Department in evaluating progress made in any Enterprise Zone within its jurisdiction

NOW THEREFORE BE IT RESOLVED by the City of Shreveport, in due, regular, and legal session convened that FIRST LOUISIANA BANK and their project MAIN OFFICE LOCATED IN SHREVEPORT rise Zone Application # 20020055, is endorsed to participate in the Louisiana Enterprise Zone Program.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications and to this end the provisions of this resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed.

Read by title and as read motion by Councilman Spigener, seconded by Councilman Burrell for passage.

Councilman Stewart: No comment to me as Chair from Mr. Carmody to the contrary; I suggest passage.

Resolution passed by following vote: Ayes: Councilmen Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilmen Carmody and Serio. 2.

**INTRODUCTION OF RESOLUTIONS:** None.

#### INTRODUCTION OF ORDINANCES:

1. Ordinance No. 45 of 2002: An ordinance amending the 2002 budget for the Environmental Grants Special Revenue Fund and otherwise providing with respect thereto.
2. Ordinance No. 46 of 2002: An ordinance levying various taxes totaling Twenty and Seventy-Sixth One Hundredths (20 and 76/100ths) mills per dollar on all property subject to ad valorem taxation, within the City of Shreveport, for the Year 2002 in the amounts and for the purposes described herein and otherwise providing with respect thereto.
3. Ordinance No. 47 of 2002: An ordinance levying a tax of Thirty and Fifty-Four One Hundredths (30 and 54/100ths) mills per dollar on all property subject to ad valorem taxation, within the City of Shreveport, for the Year 2002 for the purpose of paying principal and interest on the outstanding General Obligation Bonds of the City and otherwise providing with respect thereto.
4. Ordinance No. 48 of 2002: An ordinance levying a tax of Seven and Ninety-Nine One Hundredths (7 and 99/100ths) mills per dollar on all property subject to ad valorem taxation, within the bounds of the Downtown Development District of the City of Shreveport, as defined by Act 554 of 1978, as amended, for the purposes as set forth herein, and otherwise providing with respect thereto.
5. Ordinance No. 49 of 2002: An ordinance authorizing the Purchasing Agent to dispose of surplus real property, Lot 21, University Park Subdivision, and otherwise providing with respect thereto.
6. Ordinance No. 50 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the south side of Milam 100 feet west of Arkansas, Shreveport, Caddo Parish, Louisiana from B-1, Buffer Business District to B-1-E, Buffer Business/Extended Use District, limited to “a restaurant” only and to otherwise provide with respect thereto.
7. Ordinance No. 51 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the west side of Norris Ferry Road at intersection with Neesonwood Drive, Shreveport, Caddo Parish, Louisiana, from R-A, Residence-Agriculture, to R-1D, (PUD) Urban, One-Family Residence District (Planned Unit Development) and to otherwise provide with respect thereto.
8. Ordinance No. 52 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the north side of Ford Street, 200 feet west of Allen Avenue, Shreveport, Caddo Parish, Louisiana, from B-2, Neighborhood Business District, and B-3, Community Business District, to I-2, Heavy Industrial District, and to otherwise provide with respect thereto.
9. Ordinance No. 53 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the south side of Gladstone Boulevard, 220 feet west of Thornhill Avenue, Shreveport, Caddo Parish, Louisiana, from R-2-E, Suburban, Multi-Family Residence Extended Use District to R-2, Suburban, Multi-Family Residence District, and to otherwise provide with respect thereto.
10. Ordinance No. 54 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the south side of Olive Street 120 feet east of Buckner Street, Shreveport, Caddo Parish, Louisiana, from B-1, Buffer Business District, to B-2, Neighborhood Business District, with MPC and PBG approval, and to otherwise provide with respect thereto.
11. Ordinance No. 55 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the West side of Youree Drive 150 feet south of Albert Avenue, Shreveport, Caddo Parish, Louisiana, from SPI-3 (B-2) Commercial Corridor Overlay (Neighborhood Business District) to SPI-3-E (B-2), Commercial Corridor Overlay/Extended Use (Neighborhood Business) District, “limited to auto glass sales and installation” only, and to otherwise provide with respect thereto.
12. Ordinance No. 56 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the north and south side of McCarey Street, 2000 feet west of Linwood, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-Family Residence District, to I-1, Light Industry District, and to otherwise provide with respect thereto.
13. Ordinance No. 57 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the northeast corner of Hearne Avenue and Morningside Drive, Shreveport, Caddo Parish, Louisiana, from B-1, Buffer Business District, to B-1-E, Buffer Business/Extended Use District, with MPC Approval for a Residence, limited to “automobile sales for a maximum of two cars and a residence” only and to otherwise provide with respect thereto.
14. Ordinance No. 58 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located within the Greenwood Villa Townhomes Unit #1, Shreveport, Caddo Parish, Louisiana, from R-3 (PUD), Urban, Multiple-Family Residence District (Planned Unit Development) to R-3-E (PUD), Urban, Multiple-Family/Extended Use District (Planned Unit Development), limited to “a day care center for the residents of the Greenwood Villa Townhome Development” only, and to otherwise provide with respect thereto.
15. Ordinance No. 59 of 2002 an ordinance revising Chapter 10 of the Code of Ordinances and otherwise providing with respect thereto.

16. Ordinance No. 60 of 2002 by Councilman Spigener: An ordinance amending and reenacting Section 2-28 of the Code of Ordinances of the city of Shreveport to provide for an increase in the salary and other compensation to be paid to the Mayor, and to otherwise provide with respect thereto.
17. Ordinance No. 61 of 2002 by Councilman Spigener: An ordinance amending and reenacting Section 2-29 of the Code of Ordinances of the City of Shreveport to provide for an increase in the salaries of members of the City Council, and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Burrell, seconded by Councilman Spigener for Introduction of the Ordinances to lay over until the May 14, 2002 meeting. Motion approved by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilmen Carmody and Serio. 2.

**ORDINANCES ON SECOND READING AND FINAL PASSAGE:**

1. Ordinance No. 40 of 2002: An ordinance authorizing the Purchasing Agent to dispose of surplus real property Lots 1265 and 1266, Cedar Grove Addition and otherwise providing with respect thereto.

Having passed first reading on March 26, 2002 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Spigener seconded by Councilman Shyne for passage.

Councilman Stewart: Mr. Serio, I'm certain is comfortable with this and I suggest passage on his behalf.

Ordinance adopted by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilmen Carmody and Serio. 2.

2. Ordinance No. 41 of 2002: An ordinance amending Section 2-27 of the Code of Ordinances of the City of Shreveport to reapportion the several council districts of the City and otherwise providing with respect thereto.

Having passed first reading on April 9, 2002 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Huckaby, seconded by Councilman Burrell to postpone the ordinance until the May 7, 2002 meeting. Motion approved by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilmen Carmody and Serio. 2.

3. Ordinance No. 42 of 2002: An ordinance to repeal certain provisions of Chapter 90 of the City of Shreveport Code of Ordinances; to amend Section 90-273 of the City of Shreveport Code of Ordinances and otherwise providing with respect thereto.

Having passed first reading on April 9, 2002 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Shyne, seconded by Councilman Spigener to postpone the ordinance until the May 14, 2002 meeting. Motion approved by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilmen Carmody and Serio. 2.

4. Ordinance No. 43 of 2002: An ordinance to enlarge the limits and boundaries of the City of Shreveport -- A tract of land located along the Flournoy Lucas Road, in the SW/4 of Section 7 (T16N-R13W) and in the SE/4 of Section 12 (T16N-R14W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.

Councilman Stewart: Based on my discussions with Mr. Serio yesterday and in his absence today, would move for passage.

Having passed first reading on April 9, 2002 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Stewart, seconded by Councilman Spigener approved by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilmen Carmody and Serio. 2.

5. Ordinance No. 44 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the north side of 70<sup>th</sup> Street, 300 feet east of Dixie Meadow Road, Shreveport Caddo Parish, Louisiana from R-A, Residence-Agriculture District and B-1, Buffer Business District to B-3, Community Business District, and to otherwise provide with respect thereto.

Councilman Stewart: In that same light, in my conversation with Mr. Carmody I would move for passage and ask for a second.

Having passed first reading on April 9, 2002 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Stewart, seconded by Councilman Huckaby approved by the following vote: Ayes: Councilmen Pearl Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Nays: None. Absent: Councilmen Carmody and Serio. 2.

Councilman Spigener: Mr. Kirkland, was this unanimously approved by the MPC, it just seems like a pretty big jump in zoning there? Councilman Stewart: For the record, Mr. Kirkland's response was an affirmed with a positive nod for 44 in question for Mrs. Spigener's concern.

The adopted Ordinances, follow:

ORDINANCE NO. 40 OF 2002

AN ORDINANCE AUTHORIZING THE PURCHASING AGENT TO DISPOSE OF SURPLUS REAL PROPERTY LOTS 1265 AND 1266, CEDAR GROVE ADDITION AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport has acquired certain real property; and

WHEREAS, the property listed herein is no longer needed for public purposes and should, therefore, be declared surplus and excess; and,

WHEREAS, Section 26-292 of the Shreveport Code of Ordinances provides that the sale of surplus property shall be by competitive bids after public notice.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that the Purchasing Agent be and he is hereby authorized to advertise for bids for the following surplus real property owned by the City of Shreveport:

Lots 1265 and 1266, Cedar Grove Addition, - a subdivision of Shreveport, Caddo Parish, Louisiana, bearing Assessor's geographical number 171425-095-1265-00. The minimum bid amount is \$9,500.00.

CONTINUED - ORDINANCE NO. 40 OF 2002

Purchasers acknowledge and agree that the City of Shreveport shall retain, in perpetuity, a permanent servitude of drain encompassing the entirety of said lot, for use by the City, at its direction and/or discretion. Furthermore, purchasers and their heirs, assigns, or successor owners shall make no alteration of existing ground cover or topography without the express written consent of the Shreveport City Engineer's Office. Additionally, purchasers and their heirs, assigns, or successor owners shall defend, indemnify and hold harmless the City of Shreveport from any losses or damages or any action or proceeding of any nature whatsoever.

BE IT FURTHER ORDAINED that the City reserves the right to reject any and all bids and waive any informalities.

BE IT FURTHER ORDAINED that the above described property is offered on an "as is, where is" basis without warranty of title or recourse whatsoever.

BE IT FURTHER ORDAINED that the Mayor is hereby authorized to execute any and all documents necessary to carry out the sale of the above described surplus property.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items or application, and to this end, the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

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*John David Stewart, Chairman*

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*Arthur G. Thompson, Clerk of Council*

ORDINANCE NO. 43 OF 2002

AN ORDINANCE TO ENLARGE THE LIMITS AND BOUNDARIES OF THE CITY OF SHREVEPORT - A TRACT OF LAND LOCATED ALONG THE FLOURNOY LUCAS ROAD IN THE SW/4 OF SECTION 7 (T16N-R13W), AND IN THE SE/4 OF SECTION 12 (T16N-R14W), CADDO PARISH, LOUISIANA, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

TAG NO. 01-06

WHEREAS, Section 172 of Title 33 of the Louisiana Revised Statues of 1950 provides for annexation by petition; and

WHEREAS, petitions were signed by more than the required percentage in property value and by a majority of registered voters of the area described below has been filed with the City Council to annex and bring within the corporate limits of the City of Shreveport, Louisiana, the following described property, to-wit:

Begin at the point of intersection of the northwest corner of Lot 3 of the LaBonne Terre, Unit No. 2, Subdivision as recorded in Book 3500, Page 50, of the Conveyance Records of Caddo Parish with the northeast corner of the Temple Baptist Church property as per deed in Book 1246, Page 556, of the Records and being a point on the south right-of-way line of the Flournoy Lucas Road that is located a distance of 311.62 feet, as measured, (338.43 feet per records) east of the west line of the E/2 of the E/2 of the SE/4 of Section 12 (T16N-R14W), Caddo Parish, Louisiana, and also being a point on the present City limits line as established by Annexation Ordinance No. 193 of 1994; run thence, from said point of beginning, south 23° 56' 00" east along a portion of the east line of the Temple Baptist Church property and along the west line of Lot 3 of LaBonne Terre, Unit No. 2, Subdivision, and along the existing City limits line of Ordinance No. 193 of 1994, a distance of 240.88 feet to the southwest corner thereof of Lot 3 of LaBonne Terre, Unit No. 2; run thence south 89° 54' 10" east along the south line of the said LaBonne Terre, Unit No. 2, Subdivision and along the south line of the LaBonne Terre Subdivision as recorded in Book 3500, Pages 1 and 2, of the Records a distance of 1446.97 feet to the centerline of a closed and abandoned 30 foot-wide right-of-way as per Book 1509, Page 566, and to the southeast corner of Lot 1 of the said LaBonne Terre Subdivision in the SW/4 of Section 7(T16N-R13W), Caddo Parish, Louisiana; run thence north 00° 05' 06" west along the east line of Lot 1 of LaBonne Terre and along the centerline of the abandoned 30 foot-wide right-of-way a distance of 220.00 feet to the northeast corner of Lot 1 of LaBonne Terre and to the south right-of-way line of the Flournoy Lucas Road and to a point on the present City limits line as established by Annexation Ordinance No. 173 of 1987 (Note: For reference, said northeast corner of

Lot 1 is located 40.00 feet south of the east-west centerline of Section 7 (T16N-R13W); run thence north 89° 54' 10" west along the north lines of the LaBonne Terre and LaBonne Terre, Unit No. 2, Subdivisions and along the south right-of-way line of the Flournoy Lucas Road and being 40.00 feet south of the east-west centerline of Section 7 and 40.00 feet south of a west extension of the centerline of Section 7 and along the existing City limits line of Annexation Ordinances Nos. 173 of 1987 and 193 of 1994 a distance of 1544.39 feet to the said intersection point of the northwest corner of Lot 3 of LaBonne Terre, Unit No. 2, Subdivision with the northeast corner of the Temple Baptist Church property, the point of beginning, and containing 7.557 acres, more or less.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that the limits and boundaries of the City of Shreveport are hereby changed to include within the limits and boundaries of said City the above-described property.

BE IT FURTHER ORDAINED that the annexed area contained herein be and is hereby assigned to Council District "D".

BE IT FURTHER ORDAINED that the Clerk of Council be and is hereby authorized to record, within ten(10) days of the final passage of this ordinance, with the Clerk of the District Court for Caddo Parish a description of the entire boundary of the municipality as changed by this ordinance.

BE IT FURTHER ORDAINED that the Clerk of Council be and is hereby authorized to record a certified copy of this ordinance in the official records of the District Court for Caddo Parish, Louisiana.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

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*John David Stewart, Chairman*

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*Arthur G. Thompson, Clerk of Council*

ORDINANCE NO. 44 OF 2002

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE NORTH SIDE OF 70<sup>TH</sup> STREET, 300 FEET EAST OF DIXIE MEADOW ROAD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-A, RESIDENCE-AGRICULTURE DISTRICT AND B-1, BUFFER BUSINESS DISTRICT TO B-3, COMMUNITY BUSINESS DISTRICT, AND OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located on the north side of 70<sup>th</sup> Street, 300 feet east of Dixie Meadow Road, Shreveport, Caddo Parish, Louisiana, legally described below, be and the same is hereby changed from R-A, Residence-Agriculture District and B-1, Buffer Business District, to B-3, Community Business District:

A parcel of land containing about 0.55 acres located in Lots 3 and 4 of Dixie Meadows Subdivision described as follows:

From concrete monument on north R-O-W of East 70<sup>th</sup> Street, said monument about 1,030 feet east of and about 274 feet north of SW corner of said Lot 4. Thence from said concrete monument run SW'ly along the north R-O-W line of said East 70<sup>th</sup> Street a distance of 1,000.51 feet to the P-O-B. From said P-O-B, continue SW'ly along said N'ly R-O-W line about 315 feet to a point 65 feet measured perpendicular from the westerly R-O-W line of Dixie Meadow Road (now abandoned), thence run N13°43'E parallel to and 65 feet from the W'ly R-O-W line a distance of 490 feet, thence run S76°17'E a distance of 15 feet to the W'ly R-O-W line of 50-foot R-O-W, as per Book 3239, page 727. Thence run NE'ly along said W'ly R-O-W of 50-foot R-O-W a distance of about 310 feet to junction of W'ly line of Tract No. 1 as zoned by City Ordinance 1780 of 1978. Thence run S13°07'W along said line a distance of about 435 feet to P-O-B.

SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulation:

- (1) A site development plan shall be submitted to and approved by the Planning Commission prior to development of all or any part of the land area involved in this ordinance. Development shall be in substantial accord with any site plan approved, with any significant changes requiring further review and approval by the Planning Commission.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this ordinance which can be given effect without the invalid provisions, items, or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith are hereby repealed.

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*John David Stewart, Chairman*

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*Arthur G. Thompson, Clerk of Council*

**UNFINISHED BUSINESS:**

1. Discussion and/or Action Relative to the Public Safety Committee. (F/Shyne) (Tabled on Oct. 23)
2. Ordinance No. 3 of 2002: ZONING APPEAL: C-78-01, ALTON JEROME ROSS, 2911 Milam Street from B-1 to B-2; restaurant or other permitted uses w/i this zoning classification. (G/Burrell) (Remanded to MPC Feb. 12 - Note: See Ord. No. 50 of 2002)

Councilman Burrell: This is one that we need to take off and delete, not necessarily delete but vote it down, I guess?

Councilman Stewart: Mr. Thompson, is the appropriate way to add this to the agenda and then vote it, up or down? Mr. Thompson: Maybe to defeat it since we did take some action it earlier and referred it to the MPC.

Councilman Stewart: May we do it now, under Unfinished Business? Mr. Thompson: Yes.

Councilman Stewart: The motion to approve and Mr. Burrell would ask you to vote against it.

Having passed first reading on January 8, 2002 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Burrell, seconded by Councilman Huckaby denied by the following vote: Nays: Councilmen Pearl Huckaby, Stewart, Spigener, Shyne and Burrell. 5. Ayes: None. Absent: Councilmen Carmody and Serio. 2.

3. Resolution No. 12 of 2002: Authorizing the Mayor to accept the donation of certain immovable property from Charlton Christopher Holmes. (1033 Shreveport-Barksdale Hwy.) (Tabled on March 26)
4. Appeal: Denial of Class A License to operate non-emergency ambulance - North Webster Medical Services/MED-ONE Ambulance. (Special Meeting to be Rescheduled)
5. Alcohol Retail Permit: Ms. Deborah Hawkins [Employer: 2901 Milam St. [Take-A-Bag Grocery] (G/Burrell) (*Special Meeting scheduled for May 30*)

**NEW BUSINESS:** None.

**REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES.** None.

**CLERK'S REPORT:** Letters of Appeal (cases to be considered May 14):

- (1) Zoning Case C-9-02, SMT PROPERTIES, L . L. C., 9800 Norris Ferry Road from R-A to R-1D (PUD); single-family detached homes. (D/Serio)
- (2) Zoning Case C-20-02, JEFF HOGAN, 5343 Hearne Ave. from B-1 to B-2 with MPC approval for a residence, auto sales and residence. (F/Shyne)

Councilman Shyne: Mr. Hogan was here today and I really didn't get a chance to talk with him, but I was approached by some citizens in that area think that this is an improper zoning from a standpoint of quality of life.

We have looked at the plot of land that was zoned. We don't really understand how that is enough land for a car lot, and that is basically what it is and the persons in that area feel like what is going to happen is you are going to have some junk cars pull up and it is right on the main thoroughfare and it borders right into a neighborhood and the people are working hard to try to improve the neighborhood and keep businesses out of the neighborhood that is going to impact their quality of life.

At this particular point, I'd like for the Council to think about overturning the MPC's zoning unless I get a lot more information where I can go in an talk MPC's zoning unless I get a lot more information where I can go in and talk to the citizens in that area because right now, they're uncomfortable with the kind of zoning that's there.

**THE COMMITTEE RISES AND REPORT.** None.

**ADJOURNMENT:** There being no further business to come before the Council, the meeting adjourned at approximately 6:36 p.m.

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*John David Stewart, Chairman*

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*Arthur G. Thompson, Clerk of Council*