

**COUNCIL PROCEEDINGS OF THE CITY OF SHREVEPORT, LOUISIANA  
SEPTEMBER 10, 2002**

The Regular Meeting of the City Council of the City of Shreveport, State of Louisiana, was called to order by Chairman Roy Burrell, at 3:10 pm., Tuesday, September 10, 2002, in the Government Chambers in Government Plaza (505 Travis Street).

Invocation was given by Councilman Stewart.

On Roll Call, the following members were Present: Councilmen Huckaby (3:30), Stewart, Carmody, Serio (3:20), Shyne and Burrell. 6. Absent: Councilman Spigener. 1.

Motion by Councilman Shyne, seconded by Councilman Carmody for approval of the Administrative Conference Summary Minutes of August 26, 2002 and the Regular Meeting Minutes of August 27, 2002. Motion approved by the following vote: Councilmen Stewart, Carmody, Shyne and Burrell. 4. Nays: None. Absent; Councilman Huckaby, Serio and Spigener. 3.

**Awards, Recognitions of Distinguished Guests, and Communications of the Mayor Which Are Required By Law.** None.

**Awards, Recognitions of Distinguished Guests, and Communications of the Council.**

Councilman Shyne: I would like for the City Attorney to come forward and I know I might be kind of catching you off guard a little bit. We received a proposed amendment, I think on yesterday, in relation to the, I want to say, SOB clubs. Is that—Tom what was the title of that amendment, I mean that ordinance?

Councilman Carmody: It is a sample ordinance.

Councilman Shyne: Have you had a chance to look at it to see?

Mr. LaFitte: No, I have not seen it.

Councilman Shyne: Mr. Mayor, have you had a chance to look at? Mayor Hightower: No, I have not.

Councilman Shyne: Could I get you to look at it and probably familiarize yourself with it and Mr. Mayor, I would like for you to kind of look at it and familiarize yourself with it to see. There are quite a few restrictions in there and lets see where it is taking us to.

Mr. LaFitte: Okay, I'll take a look at it.

**Public Hearings:** None.

**Confirmations and/or Appointments:** None.

**Adding Legislation to the Agenda.** The Council added the following ordinance to the agenda on motion by Councilman Shyne, seconded by Councilman Stewart and approved by the following vote: Ayes: Councilmen Stewart, Carmody, Shyne and Burrell. 4. Nays: None. Out of Chamber: Councilman Serio. 1. Absent: Councilman Huckaby and Spigener. 2.

1. Ordinance No. 140 of 2002: An ordinance amending the 2002 budget for the Community Development Special Revenue Fund and otherwise provide with respect thereto.

**Public Comments.** *Charles Walters, Jr.* (7355 Grawood, Shreveport, Louisiana, 71107): I am asking you to reverse the decision made by the Zoning Board of Appeals regarding Case No. BAC-67-02 for the following reasons. This location has applied for a premises consumption of alcohol license in 1996 and was approved by the Zoning Board of Appeals and by the Council

but was denied a license by the Shreveport Police Department because of ordinances dealing with gasoline sales and on premises consumption sales.

The establishment took this to court and the court upheld the Shreveport ordinance. In 1998 and 1999, two establishments similar to the premises described in BAC-67-02 applied for zoning, received the zoning and also received alcohol permits even though I and another person, who is here in the audience, came to the Zoning meetings and voiced our opposition and even contacted the Police Department expressing our desire not to allow licensing because of this ordinance.

In 1998/'99, the City Council changed the ordinance to allow an establishment located on property selling gasoline, but certain standards had to be met and the Council allowed two establishments who wrongfully received licenses to keep these even though the establishments were illegally licensed to begin with.

Well, here we are again with a location who does not meet licensing criteria. I've discussed this case with Mr. Charles Kirkland and with Marti Stroud who is representing the City in a dispute with this location at the present time and can not understand how and why the Zoning Board could approve this location. If the Board does not recognize City ordinances, why do we even have to go to a Zoning meeting? The Board is considering land use and zoning standards to recognize alcohol sales as a part of land use. The Zoning Board should have a unanimously denied this request. I was told by a source that the Zoning Board could approve a request, but then the license in question could or would be denied by the Shreveport Police Department. This has failed twice in the past even though there was those of us who complained and voiced our opposition before these licenses were even granted. This is what the Board should have done with a denial and should continue to do so.

Based upon the laws and ordinances of Shreveport, I and other businesses like mine have followed the law and explained to many business prospects that the law would not allow a lounge or restaurant to open in or next to a store or station selling gasoline. After all, this is the law. If you do not reverse this decision, I have got to believe that there is a sense of inconsistencies of our government.

I do not want any person to be involved in a business activity unless we all can legally be involved in that activity. It is wrong to allow a select few to violate the laws and ordinances of the City.

For this reasons, I please ask that you reverse the decision made by the Zoning Board of Appeals and instruct them to follow the ordinance of Shreveport. They are on the books. Please refresh my belief that zoning should be part of our City.

Mr. Terry Ramey (2717 Meriwether Road, Shreveport): First, I am not sure where Mrs. Spigener is today. I been calling her and leaving messages for well over a week and no return phone calls. Also, I have called the Mayor's Office in concern with this and what we are having, I have a small business in Shreveport. While we were locked up and gone to lunch, about six weeks ago, I had a gentleman come through, round (inaudible), threw behind the building, in through to my building, removed some items out of our shop, got his truck, drove out through the (inaudible). Notified Shreveport Police. Gave them the man's name, where he works, where he lives, everything they need to know and this is like I said, six weeks ago. As of last Thursday afternoon Shreveport Police hadn't done anything with this gentleman. They haven't arrested him. They said it was a felony what he done, hadn't done anything with him. I suppose it is probably because he is a larger business owner here in Shreveport and he feels like he doesn't have to abide by the laws.

Second thing on my agenda is, Shreveport Airport Authority coming through Meriwether Road buying us out, leaving houses unoccupied. The grass is growing up out on the streets and in the yards. I spent two Fridays ago down here in this building for almost three hours, went to every office here, requesting help. One person passed it off to the other one, the other one passed it off to the Airport Authority, they passed it back off to the Parish, and the Parish passed it back off to the City of Shreveport saying that its nobody's responsibility to take care of these lots out there.

And my question to you folks is, if you are going to buy the lots, keep it up at least until the houses are moved. I am not seeing anything done what so ever. Me and some neighbors have gotten together and started mowing the ditches and around the street because if you will show that at least around the mailboxes and the ditches and out front is mowed, it might deter violence and crime from coming into the neighborhood and we are not seeing any help out there at all. We are not getting any return phone calls. Shreveport Airport Authority folks have come out to the house, outright lied to me that I have got it in writing on paper, several times that they would be there a certain day and certain weekend, like Labor Day weekend, they were going to come out Friday and Saturday and take care all the problems—weed eat, mowed.

I called them up the following Tuesday after Labor Day, they were confused now because they got back and realized they had another book that said, they didn't have to do it and that fell back into the Shreveport Maintenance Department to do this. And, as the Great Mayor here told us, you know, he didn't feel a dam bit sorry for the people out on Meriwether Road anyway. We chose to move there and live there. Well, we didn't chose for the military aircraft to fly over our homes out there, that is something that just came up over the last year or so and we wished we did have a say about it, but we don't.

I am along with four people that live right next to, we don't chose to sell to the Shreveport Airport Authority for 33 cents a square foot, I don't think I could buy anywhere for 33 cents a square foot therefore, we are stuck there.

My land over the last year and half, has been devalued at \$140,000 from three years ago when I had it appraised to when the City brought out their appraisers this past winter, had it appraised. So there again they had everybody on their side to de-value our land so they could pick it cheap.

There again we tried to, I've spent time with the Police Department, trying to get ahold to Chief Roberts which we finally returned my phone call last Thursday afternoon asking why isn't some of this stuff taken care of, you know the violence out there, that I have occurred myself now, I've had, with the Shreveport Airport Authority and now with Mrs. Spigener. Does anybody know where she is?

Councilman Burrell: Well, let me say this, she has not called in.

Mr. Thompson: Yes, she's been out of town for the last 10 days. I explained that to him when he was in the office the other day.

Mr. Ramey: From the week before, that was Friday, two weeks ago, now.

Mr. Thompson: Yes, she has been out of town.

Mr. Ramey: I didn't know she was going to still be out of town this week. Like I say, we've called and left messages and like I say we need representation out on our end.

Councilman Shyne: do we have anyone from the Police Department, we'll start, would you please come up. Could you give him any kind of enlightening on this situation?

(Unidentified Officer): I'll look into the business theft and have someone get in touch with him about that.

Councilman Shyne: You want to give him your name.

Mr. Ramey: I have and I'll do it again. What happened, when I turned this in the following morning after it happened, I was also going on vacation with my wife, a week later and I told them that I would call them the Friday after, which I did. They knew nothing about it. I gave them a case number which I had. They told me to give them a few days. I waited until the following Friday. I called again. Shreveport Police Department knew of the case, they hadn't had a chance to do anything with it. I waited until a Friday again and then this was Friday before Labor Day and finally, Tuesday after Labor Day of last week is when I decided it is time to do something, you know. They have had almost six weeks and everybody down, I mean—sergeants, the Chief, everybody knows about it. I have repeatedly, I came down and tried to talk to them, nobody would talk to me. And I don't harass them by calling everyday, but I called once a week up until Friday a week ago, and then as of last Tuesday, I talked to somebody once every day of the week up until Friday and they assured me Friday, it as to get taken care of and I pretty much assure you today, it still hasn't.

Councilman Shyne: Could you give the Captain, your name again. And Captain, could you all make that a priority because I know how he must feel with that much time. If you could give him your name, and I see someone is just come in from Airport. I hate to have you to sit down and then come right back up, but could you come up just for a minute or two. When the meeting is over with, give the Captain your name.

Mr. Ramey: I would also like to know if there is somebody with the City Council that can represent my area that could possible call me and talk to me about getting or find out if anybody here in this room know who takes care of the city ditches and maybe the front yards of the land that ya'll are buying.

Councilman Shyne: We have someone from the Shreveport Airport Authority. Could you, he has a situation where the Airport bought the property out on the Meriwether Road. And it is a problem with the upkeep of the property and I think I have seen some mowing machines that you all have at the Airport. Could you give him some information on who is responsible for coming out since the Airport owns that property now, to cut it?

Councilman Burrell: Well, I guess the question still is, Mr. Shyne, I guess the allegation that he is making is that it has been turned back over to the Airport said, that it is not their responsibility, did I hear that, correct?

Mr. Ramey: Yes. They are telling me that what they can get to with the bush hog they'll do. The ditches on Meriwether are deep. You are not going to get to any of that with a bush hog.

Councilman Shyne: Could we let him respond. Could you respond before we start talking about allegations. If you can respond to that and then.

Mr. Charles McMillian, Deputy Director of Airports: I am sure of this gentleman's name, I never met him before, but I am sure his name is Mr. Ramey.

Councilman Shyne: Right.

Mr. McMillian: I have never met him. I've talked to him on the phone and just so happened, Mr. Miller and I rode over there yesterday and we looked at the property. It has been maintained, it has been mowed and by the Code, we were to understand that, it only needs to be kept less than 12 inches, on the grass and our maintenance people go over there and we do maintain it.

Now, the last time I spoke to Mr. Ramey, I told him that we are not going to be able to get there every week because we got a lot of other property we have to maintain, but we try to

get over there as much as we can to keep it looking nice because people are living there, we understand that, and we want to keep it looking decent so we try to get there as often as we can.

Our primary responsibility, as I told Mr. Ramey, is that airfield to keep it because if the grass get high on the air field, it is going to bring birds in, birds are going to hit airplanes; so, we maintain the airfields, our first priority. But we also understand that the residents, we have a responsibility to them, so we are maintaining that area to the best of our ability. Now, his complaints, I didn't understand all of them, I just got in so. . .

Mr. Ramey: Excuse me. You are saying that ya'll have mowed the ditches and everything?

Mr. McMillian: No.

Mr. Ramey: You are saying you are keeping it 12 inches or lower, right?

Mr. McMillian: I don't understand why you are talking about the ditches.

Mr. Ramey: Well, you just said that ya'll maintaining and the keeping the grass 12 inches.

Mr. McMillian: The lots that we have purchased, there is no ditches on the lot.

Mr. Ramey: There are ditches in front of every house on Meriwether.

Mr. McMillian: Well the lots we maintain, there are no ditches on the lot.

Mr. Ramey: Yes, sir there are. You are mis-representing.

Mr. McMillian: I am not aware of that and we'll look into that.

Mr. Ramey: Directly across from my house are two lots. One lot, right now I had my daughter stand in front of it, it is up to her chin, the grass out in the ditch—out between the fence and the front yard of that house and the street. Until I called several weeks back and complained, the whole length of Meriwether, the grass was so tall it was fallen over into the street, absolutely bending over onto the sides of the street and it wasn't getting done until I called and complained the last time.

Councilman Shyne: Mr. McMillian, would you do this for me.

Mr. McMillian: Yes, sir.

Councilman Shyne: Would drive out this afternoon when you get back to the office, take a check to see if the grass need cutting. If so, Mike, would it be alright if you and Mr. McMillian get together and kind of come up with, who would be responsible for keeping the grass cut. And I see Mike nodding his head—and Mike, I'm used to that say, yes because I taught school for a long time and ids will do that, so I am used to that. So, if you all would do that and take care of Mr. Ramey's problem. Mr. Ramey, I understand how you feel and I'll give you my telephone number until Mrs. Spigener comes back and if you would like to, you can call me and I'll drive out too this afternoon and take a look at it because, you are tax paying citizen and we want to make sure that you get good government.

Mr. Ramey: Well I'm not getting it, but I would appreciate it if somebody would pay a little attention to and help us out there.

Councilman Shyne: Well, I'll get on top of it and we'll make sure that you get good government. And I know Mr. McMillian, he's a fine gentleman and if he gives us his word, he will do it so. . . .

Mr. Ramey: They have. They gave me their word. He sent a gentleman out to my house Tuesday a week ago, can't recall the man's name, he is suppose to be head over Maintenance and he came up in a truck. Guaranteed me, promised me, that would be out there that Friday and Saturday of Labor Day weekend. Nobody showed up, no where. I drove up and down the street the whole weekend, there was nothing mowed the whole weekend.

Councilman Shyne: I think Mr. McMillian has given us his word, that he will drive out and then. . .

Mr. Ramey: Maybe he'll keep it to you, but he hasn't with us.

Councilman Shyne: And then I'll drive out and I believe he will keep it to me. I'm a preacher's son and it is not good to lie to preachers' sons.

Mr. Ramey: You are more than welcome to come by and visit, I'll show it to you. Like I said, my problem with the Police Department and with the city officials themselves of not returning phone calls, just totally being, never around when the citizens of Shreveport need them. We have the worse trouble getting a hold of any of our representatives here in town. . . .(inaudible) Chief and to my Council member, wherever.

Councilman Shyne: We'll make sure that you get good government. So, Mr. McMillian, I'll be in touch and Mike, thank you very much, hear.

Councilman Carmody: Mr. McMillian, this does bring up an interesting question. In that the Airport Authority is acquiring these residential lots, I guess it is the Noise Abatement Program that we are trying to address, is the responsibility then on the Airport Authority to keep these residential lots maintained like they are residences there.

Mr. McMillian: That is correct. Once we acquire them, we are required to maintain the lots in a decent fashion, that is correct.

Councilman Carmody: I did not know if we were required to do that or could we allow it to return back to its natural state?

Mr. McMillian: No, we have to maintain them, once we get them.

*Don Knipe*, I am an Attorney in Monroe and I represent J. Hardeman Company: And I may have been mistaken, I did fill out a slip concerning the New Business that is under Section 11. If it is not appropriate for me to answer questions or make comments at this time, but I can simple reserve that until it comes up on the agenda and I apologize, I just simple was not familiar with the procedure.

Councilman Burrell: Now you say when it is coming upon the agenda, do we have comments at that time?

Mr. Thompson: It is appropriate for him to answer questions or make comments at this point.

Councilman Burrell: This is the proper time.

Mr. Knipe: I'll make a brief comment, then I'll be happy to answer any questions but I do represent J. Hardeman Company as the owner of a property at 1111 B North Market and we were notified that there was an appeal to the approval by the Zoning Commission of our Special Exception application.

And I didn't catch the gentleman's name that spoke prior to me that I think is asking the Council to reverse the Zoning Commission's ruling. Let me just simple say that the application that my client made for the Special Exception was made prior to the effective date of the ordinance that was passed in 1999.

The ordinance provided that if you had an application approved and you had everything done by May 15, 1999 that you, for the lack of a better term, were grandfathered in. And we had our applications submitted and filed. However, on June 4, we received it back from the Metropolitan Planning Commission, I have the original letter from the Metropolitan Planning Commission, where we received our application and we were advised that they did not, they would not file it. In other words, it never was filed.

It never was considered and without getting into a lot of grinding detail, my client

instructed me and I did file a lawsuit against the City of Shreveport and that has been involved in litigation. That litigation, although it is continuing, the parties agreed that, we (my client) could resubmit his application to the Zoning Commission and ask that the Zoning Commission consider our application under the applicable ordinance at the time that it was originally applied for and if we met the criteria, under what I am going to call the, old ordinance, that it would be approved. If we didn't meet the criteria under the old ordinance, it would not be approved; that was the thrust or the jest, if you will, of the settlement negotiations between---the gentleman mentioned, Mr. Marti Stroud, he is representing the City in that litigation, that was the agreement that was reached between the parties.

And so, based on that agreement, this application was submitted in July of this year but in the application we asked that it be considered under what I call the old ordinance (the ordinance that existed prior to May 1999). And so the Zoning Commission did consider our application under the old ordinance and it was passed.

And so we don't think that there is, and certainly we believe that there is nothing illegal about our application. There is nothing illegal about the passing by the, of approval of our Special Exception, by the Zoning Commission because they applied what we contend to be the correct ordinance, the ordinance that was in effect at the time our application was initially submitted. And this does away, quite frankly, it does away with the litigation which is in everyone's best interest. Now, having said that, I'll be happy to answer any questions.

Councilman Carmody: I am reading the Code of Ordinances that is attached to the summary of a particular case and it does state in No. 3 at the very end: 3) This exception shall apply only at the premises having the certificate of occupancy and zoning board of appeals approval and for which an alcoholic beverage retail dealer's permit has been applied for, all as of May 15, 1999. . . . That did occur in this instance?

Mr. Knipe: Yes. Sir.

Councilman Carmody: All those conditions were met?

Mr. Knipe: Yes, sir. It is my appreciation that all of that had occurred. It was in the process, I think you have to do one thing before you can do another. Part of that process was denied in the sense that it wasn't even received on file.

Councilman Carmody: It was not received as of May 15, 1999.

Mr. Knipe: It was received physically, but it was not filed. The letter said that they returned it and not file. The letter that I hold the original, of June 4, 1999.

Councilman Carmody: So that is the basis of your lawsuit then with the City is that your client delivered their application, the City of Shreveport did not acknowledge it in a timely manner?

Mr. Knipe: That is correct. Didn't acknowledge, didn't give us a hearing under the then applicable ordinance. I have some constitutional arguments and stuff, but when you are a lawyer and you are presenting your client, you throw in the kitchen sink, but the teeth, hair and eyeballs, that was the primary basis of the lawsuit and that is that we should have been given an opportunity to have our application filed and heard under the old ordinance.

Councilman Carmody: The acknowledgment came to you though in June?

Mr. Knipe: June 4<sup>th</sup>.

Councilman Carmody: And that was a denial?

Mr. Knipe: It was, the City Council has the directed this office not to accept or process any application for rezoning or for Special Exception use when the request appears to be in conflict with other applicable local laws. Due to this directive, we are returning your

application. So, they didn't even file it, we didn't have a hearing. They simple returned it and said, we are not going to do it and quite candid, I think it as confusion amongst the folks as to which ordinance was going to apply.

Councilman Carmody: Sir, normally when I apply to have a case heard, I bring a fee.

Mr. Knipe: We did. I'll go on. It says: As of this date we are requesting that a check for the amount of your filing fee be issued to you and mailed to you at the above address They took our money.

Councilman Carmody: That is what I want to ask you. What date was the money received? You should have a receipt.

Mr. Knipe: I don't have, I didn't bring the receipt for that, I apologize, but it was prior to—the very first part of May is my recollection.

Councilman Shyne: I was the Councilman who asked for you to appear today because on yesterday there was a lot of assuming and I don't like to assume and I like for people to speak for themselves. You get a better understanding and you get a clearer understanding. So, I've gotten a clearer understanding and it seems like it might have been going down hill a little bit and that is why I asked for you to come so you could make those statements that you have made today.

Mr. Kirkland, you or Roy, I think Roy was here on yesterday. You all have heard what this gentleman has said and I know what the---I don't want to say, allegations because allegations is a pretty strong word---I am going to say, comments that the other gentleman made. And that was my concern on yesterday, why would the ZBA, I mean if the ZBA approved it 7 - 0 and to me they seem to be a group of intelligent men and women and evidently they approved it based on some factually information. Is it any kind of explanations that you could give us today in regards to what both of them have said?

Mr. Kirkland: I think the facts as has been stated by this gentleman are substantially correct as far as what he said was the record. But also it is a fact that what he stated was that since this law as amended some what, three years ago and I believe Mr. Carmody was the prime author of that amendment, we have been under that very clear directive as is stated in this communication from us not to accept for processing, i. e., hearing, of a request that we know to be in conflict with another city law and it doesn't really matter whether it is this current version or the old version, that law was very clear. The old law was seemingly clear. I won't try to explain it to you because I don't understand why it was there. It was the Police Chapter 10 law, but it essentially said that if you sell fuel on the same premise that alcohol is sold for consumption, you can not have a liquor license.

Now that appeared to be and I think was the same reason that once this amendment was adopted by the Council we were told to not process applications because clearly the Board would have nothing to decide if they are going to simply meet in a session, take the applicant's money, and simple say, I'm sorry we can't approve it because another law says, you can't have it.

So what the Board took when we were requested by the CAO, Mr. Antee, after having I presume Mr. Antee consulted with Mr. Stroud (the lawyer representing the City) and said, give the folks a hearing. Well, gentlemen, I am sorry but when the ZBA is asked to hear a case they are not asked to hear cases that the decision is already made. They are asked to hear cases based on their determination as seven (7) citizens of this City who have been appointed duly by you and the Caddo Parish Commission essentially to make a determination of is it an appropriate land use.

Now, yes the Board did know that the Police Department had made it very clear through

Captain Shoemake and Officer Collins that the Police Department would not issue a license in this case or any where there is alcohol served for consumption on the premise where fuel is sold.

The Board made a determination without regard for that law basically on what they determined as experienced Board members on granting alcohol uses and they said, in their opinion, on a land use decision, it was appropriate. And frankly there was little or no discussion of the law, Chapter 10 ABO law, as to whether it was applicable or not. The very fact that they had it on their agenda, meant that they had the right to vote it up or down. They chose to vote it in approval.

And I think that is summary, Mr. Shyne, of the facts as they were. Whether the Board erred by approving it or even by hearing it, I can't—we just did what we were asked to do by an attorney and the CAO as regards to this case.

Councilman Shyne: I think you've explained, Mr. Kirkland in a very clear manner, you used the King's language, extremely well. And that is what I wanted to bring out and I wanted that to be brought out with both parties involved so that he would understand that the ZBA made their recommendation totally on land use and they did not consider the other options that you wanted to do with the land, which was to have a restaurant, am I right, where you would have probably on premise wines or whatever. That is why I wanted you here so that could be made plain.

Mr. Kirkland: Mr. Shyne if I may and members of Council, I think part of the confusion on these sort of cases is it would appear that the concern about fuel sales and alcohol sales are in fact a land use consideration but they are over in the Chapter 10, alcohol beverage law, as I appreciate Mrs. Glass, that is where they are. And as such, if that in fact precludes your getting a license, it does appear to be pointless to even file a ZBA case, but I don't know. It leaves us in some question as to whether we should process those cases and if we hear them, simply recite in public what the ABO law is. You've wasted your time and money by even filing it. It is very confusing.

Councilman Shyne: Mrs. Glass, where are we, from a legal standpoint?

Mrs. Glass: Mr Shyne, since this has been in litigation, I have not been asked any questions on this specific point. I am sitting here trying to think that through myself. I don't think I can really give you a hard and fast answer at this point.

Councilman Shyne: I appreciate your honesty.

Councilman Burrell: It is my understand that when this case was asked to be heard by the ZBA, you all did make the client aware that it was in violation, but that you were going to hear it anyway based upon what was asked of you?

Mr. Kirkland: Mr. Burrell, I am reasonable certain that the applicant knew and knows even this date of the Police Department's position that they do not plan to issue a license regardless of whether the ZBA approved it or not and I frankly for one, feel the Police have that right to deny that license on something in their law regardless of what the ZBA decide.

Mr. Knipe: I will confirm what Mr. Kirkland said. We were approached after Zoning, by the gentleman with the Police Department (and I apologize, I don't recall his name) but he made it very clear and stated to me exactly as Mr. Kirkland has represented.

Councilman Burrell: I just wanted to make sure that you are aware at this time.

Mr. Knipe: We are going into this thing with our eyes wide open.

Councilman Stewart: Mr. Burrell, I think listening to the issues of litigation, my question would be inappropriate here. I will deal with it off the record.

Councilman Shyne: Knowing that the Police Department will not issue you a liquor license, what is your position on the Zoning now?

Mr. Knipe: It is the same as it has been, Councilman Shyne. We, I don't want to oversimplify a very complicated issue but quite candidly, where we are based on the approving by the Zoning Board and hopefully an approval by the City Council today, then the litigation has been on-going between the City and my client, will be concluded. It is over. There is a benefit to all concerned for that. We recognize apparently from what has been represented to us, that we still have an uphill battle to get our ultimate goal. But with respect to where we are, what has been approved, and what we are asking to be ratified today, will bring a conclusion to the outstanding litigation.

Councilman Shyne: So, you are still asking for the zoning?

Mr. Knipe: Yes, sir.

Councilman Burrell: Well maybe I'm misunderstanding something. I thought the zoning was given, it is just that at this point you understand that you will not get, based upon the Police recommendation, will not get the permit.

Mr. Knipe: Well, stated another way, I think we are on the same page. But what I was told that if we made an application, they would deny it because of being in violation of the existing law.

Councilman Burrell: Right.

Mr. Knipe: That is what we were told.

Councilman Shyne: Let me clear it up before you take your seat, you are exactly right at this point, you do. You have the zoning, but what we have before us is an appeal by the gentleman out there who says that he does not want you to have the zoning.

Mr. Knipe: I understood that part, I didn't catch his name, but I understood his plea to the Council, I certainly did.

Councilman Shyne: Right. So at this particular point, you've gotten an approval for the zoning. Now, in order for you to not have that zoning or for the ZBA to be overturned then you are going to need five (5) of us to say that, hey look we don't think you need that zoning.

Mr. Knipe: I understand that.

Councilman Shyne: Right. And then you'll need, well what I see up here, you need three (3) to say we go along with the ZBA. You can get the zoning. Now, it is left up to you to do whatever else you want to with the particular property. If you want to apply for a liquor license, well and good. If you want to just sit there and read magazines on the property, it is well and good.

Mr. Knipe: It is our option. We understand.

Councilman Shyne: That's right. So you want it to be your option to do whatever you want to do after you've gotten the zoning.

Mr. Knipe: We'd like the zoning that has been granted, the Special Exception, we'd like for that to be upheld because as I appreciate it, there has been an appeal in seeking the reversal of that and we are asking, please don't. We are asking that it be upheld.

Councilman Burrell: Well let me get another point of clarification, since you are there on that issue. I am still hearing Mr. Kirkland saying that it was not inappropriate to zone the property the way you did, it is just that you did it based upon the understanding that you will not get the license. So the zoning really, I know it is land use, but since we do have on the books, as I understand, a law that says that you shouldn't even consider the zoning, unless, if it violates another law—that is the part that I am a little miffed on, still.

Mr. Kirkland: That is a policy.

Councilman Burrell: A policy, okay; so, we can still do that without. . .

Councilman Shyne: I think Mr. Kirkland, what I am getting from this gentleman is that, the property was zoned from the standpoint of it was good land use. And the ZBA did not take into consideration whether he was going to ask for a liquor license or not because at that particular point, I guess it might not have been the business of the ZBA to ask whether he is going to get his liquor license or not; that operation should take place between he and the Police Department. So, it would have been an assumption on the part of the ZBA to say well, look we can't give you this because we know that you are not going to get this.

And, I know we do have some brilliant mind readers and I know sometimes things are cut and dry because I have been in one of those situations where things have been cut and dry before you get there, but I appreciate what the ZBA did. I mean, they did their particular job. Their particular job was to deal with land usage and not to deal with his concern about getting the liquor license.

Now, if he doesn't get the liquor license, that's between you and the Police Department. The ZBA would have done their job .

And from what I can understand, the ZBA did not do anything that was illegal like that was, the comments---and like I say again, I won't say allegations because people have a tendency to sensationalize things and blow things out of proportion and make them look extremely bad and I don't know why it seems like America is getting to that point and we are suppose to be a Christian nation and I never knew that Christians did that, but I guess you live and learn—so, what the ZBA did was actually legal for them to do.

Mr. Kirkland: Correct.

Mr. Knipe: Again, I think it probably got collapsed into a point of making it confusing is that, particularly the gentleman from the Police Department wanted to make sure that we understood that just because we would get approval, there was still some other hurdles and particular with respect to them, they were going to deny it based on the fact that it violated existing law. They wanted us to make sure that we understood that before we proceeded and wanted to go forward and we appreciated the candor and the openness but we still wanted to proceed and go forward recognizing that our next step is still an uphill battle.

Councilman Burrell: Well, my only other question about this situation and hearing it is that, since we now have and has confirmed that we have on the books that the ZBA should not hear a case if they know that they are in violation of say, with Section 10, is that concrete or is that not concrete? Because if not then we are going to still have this kind of situation continuing, they can still hear it and then have the option to go to the Police and then deal with it from that perspective.

Mr. Kirkland: I am going to ask Mrs. Glass to assist because what came out of the Council discussions was the directive from the Council about three years ago, implicit and clear to me as the Director of the Planning Commission and Chairman of the Staff that deals with the ZBA to not knowingly process any application that was a conflict with other city law.

Councilman Burrell: And the key word here is, knowingly, is what I am hearing.

Mr. Kirkland: There is no law, it just said any other law. Knowingly don't accept a case for processing. And I think it was to avoid, frankly, the very situation that we are just now dealing with is to have a case where the Board would decide as Mr. Shyne has, I think, very capably explained it, on their own determination based on their law and their rules, they didn't see any problem with it and they had had similar cases which was the only back drop of the

former law. There had been other cases the ZBA, as someone had explained, had approved even though there were fuel sales on site. But after the Council amended that law, it was clear from the Council's directive which was do no and knowingly, and we use the word knowingly, because there might be laws that we did not know or understand and we might make a mistake and process the case.

And I believe that that is why Mr. Stroud ask Mr. Antee and Mr. Antee asked me, to please hear this case to help resolve the court matter but we were not asked to pre-determine what the outcome of that Board's decision would be.

And we accepted the fact, as Mr. Shyne described that the Police would act within whatever authority they felt appropriate. But it is not a law, this policy directive, that's not a law that we could not accept a case for processing. Julie, it was just a directive as I am calling it that.

Mrs. Glass: That' correct.

Mr. Kirkland: But a policy, I believe Mr. Burrell would be the best way to explain it, of the Council. Mr. Carmody may remember. Thomas, do you remember any more about—it was not a law, I know.

Councilman Carmody: Right.

Mr. Kirkland: But was it not more of a request or a directive from Council?

Councilman Carmody: I can't remember exactly how it came about Charles, but I think that you had asked for your marching orders until we had the thing decided and I think that it was the consensus of the Council, at that point to say, don't receive any more until we decide which way we are going to go which very well could have facilitated the letter that this gentleman's client received.

Mr. Kirkland: So, we took it as a long standing and it had not been withdrawn, that it was a standing directive that said, don't process any thing that is conflict with another city law.

Councilman Burrell: So as far as we are concerned then, you will continue to process it even though that is your directive?

Mr. Kirkland: I am going to have to get guidance from the City Attorney's Office from this point forward and in fact, what I know we will do is on cases that appear to be in conflict, we will ask for a written directive from the City Attorney advising us of whether to process a case or not with the understanding that if we do process those seven board members are going to hear it as an impartial, open, fair hearing without prejudice, pre-determination.

Councilman Burrell: Well that is my concern, that is my whole concern. Where you will do, you will hear it in one case and don't hear it in any other. Maybe the person who is requested may feel that you are not being fair and impartial.

Mr. Thompson: The only reason he heard it in this case was he was directed or asked to do so by an attorney for the City.

Councilman Burrell: I understand that. All I'm saying is, if that is to continue, then maybe we should accept the directive each time unless it is going to be something that is blanket where you will either hear all of them or you won't if it is violation of another ordinance.

Mr. Kirkland: And I am just saying that I am of the opinion that we need a clear written communication from the City Attorney advising us of how to deal with this or any other case or an application that might appear to be in conflict with other city law. We have other city laws as well that we will need guidance from the City Attorney and we will accept that.

Councilman Shyne: Charles, from what I can understand is this case was unique from the standpoint of a litigation that it happened before the new law was passed. So this is nothing that is going to be coming up again because I don't think you could probably think of four or five

other cases that might have filed before the old law, so, this is nothing if I'm understanding the King's language right, this is nothing that you are going to be---because it seems like we are trying to say hey look Charles, this is something that you might be faced with again next week and the week after and the week after. And I am sitting here wondering how could you continuously be faced with this and you've only had one case. This is a unique case.

I stand by what the ZBA did. They did what they were supposed to do. And there was no law, I mean, directives can change with people. I mean, that is just like the wind. I mean, and we get into talking about what we are going to do with directives. You might feel one way, I might feel another way. I might be in a position to give a directive this way. I've worked in situations where you might have had one coach who felt like this or an administrator who felt like that and you are study going but this is a unique case. I think the ZBA did the right thing. My position is to uphold the ruling of the ZBA. The ball is in your court then if you can't get a permit from the Police Department, maybe I'm using the wrong terminology, but that is your little red wagon.

Mr. Knipe: We are going to be reading magazines like you suggested.

Councilman Shyne: That's exactly right and I think you have the right to have that. I don't think that I have the right to sit here and speculate on what you are going to be able to do. You know, I might be doing it, but I don't think I have the right to keep you having something legally that the Zoning Board has said that you can have by me saying well, you are not going to be able to do that. And if you don't be able to get it, like I say, that's your little red wagon. But I think, my position is lets uphold the ruling of the ZBA because their specific job is to deal with land usage.

If we sit here and say that the, if we keep on saying that these people don't know what they are doing, I mean, these people work free. They work hard. They are intelligent men and women who get good information from the staff and they make sound decisions.

It puts me in a bad situation to sit here and go along with to say that these people did something illegal and it seems like we might be saying that they did something illegal on purpose when I don't believe that they did. I believe that they made a sound judgment. The land usage was what they were looking at. They made a good decision. I think we need to uphold the ZBA.

Now, what you do with it after that, if you want to sell t.v.(s) on it or if you want to sit there and read magazines that is between you and your client of what you want to do with it, but my position is, we need to uphold the ruling of the ZBA because they gave you that zoning. And I don't think I need to sit here and speculate and take this away from you because I'm saying that you can't do such and such a thing on down the road.

I would ask my Council members to uphold the ruling of the ZBA because these men and women put in a lot of time and from what I can understand Charles, they do go out and look at the property, they get background information, they read just like we do and they've made some good decisions. So, my position at this particular point would be to uphold the ruling of the ZBA and give you the zoning. Now what you do with it up after that is left up to you.

Councilman Huckaby: *I would like to move for a postponement until I can find out why this law is on the book, you know, the history of this law.*

Councilman Burrell: We are not at the point where we do that unless we are pulling it up?

Councilman Carmody: Can we move to suspend the Rules to address it now?

Councilman Burrell: Okay, if that is what you want to do. *Motion by Councilman*

*Carmody to suspend the Rules to consider the application, seconded by Councilman Serio. Motion approved by the following vote: Ayes: Huckaby, Carmody, Serio, Spigener, Shyne and Burrell. 5. Nays: None. Out of Chamber: Councilman Stewart. 1. Absent: Councilman Spigener. 1.*

*Motion by Councilman Huckaby to postpone the application until I can get a clearer history of this law, seconded by Councilman Carmody.*

Councilman Carmody: I am with Mrs. Huckaby, I think it is imperative that we ask the Chief of Police to come forward and join us. I don't believe that he is here today. I do see that we do have an officer here but that we can have the Chief come and give us some background information on a particular law so that we have the entire issue in front of us so that we can consider it at one time.

Councilman Burrell: So, the request is that at next meeting he would be here because I assume that he is not here and I am not sure if any one of our officers are at a point where they can discuss this or if you can, please come forward.

Mr. Dark: It probably wouldn't be appropriate to ask someone other than the Chief for this particular. And frankly, you need to get opinions from the City Attorney's Office, perhaps from Mr. Stroud, from the MPC, ZBA folks and the Police Department because if you are going to go forward with this, you need to be comfortable that the law you are upholding is something you want to continue to be on the books. And so, I think you would be well served to get as many of those folks together or at least ask them to give you their opinion before you all meet again.

Councilman Burrell: Well based upon that recommendation, then I am hearing that maybe we should do this, not necessarily in the Council setting, but prior to that so that when we come back we will have some resolution?

Mr. Dark: I think that is you all's call but we will do whatever you ask on that but we do feel like there are other view points other than just police's here.

Councilman Shyne: Does the Chief of Police usually have input or a vote or a determination on land usage or do they have information or give you information on whether a person can get liquor license or not?

Mr. Kirkland: Well, all of the time that I have been involved, Mr. Shyne, the answer, no, the police do not have a vote. But they would almost, know exception, attend out meetings, Captain Shoemake has and prior to him others and officer Collins.

The Board always respects our Police Department knowing that they are the ones that have the enforcement responsibility of problems that occur because of alcohol or whatever. And so the Board respects their input, but it takes it as just that—as input and they don't have a vote.

Councilman Shyne: In that particular case and I guess I could ask both of you all and I believe you stated it earlier, but I just want to make sure that it is clear. You did say that you understood that you would have an uphill battle in order to get a liquor license.

Mr. Knipe: Yes.

Councilman Shyne: And that you understood this from the standpoint of the Police Department?

Mr. Knipe: Correct.

Councilman Shyne: So, if I can appreciate it right, what you are saying is, you would like to have the zoning. Now, if you are denied the right to get a liquor license, again, that is, your little red wagon.

Mr. Knipe: That's correct.

Councilman Shyne: You will deal with that, you don't necessarily want me to deal with that. You don't want me to try to protect you against something because from what I can understand, if I can use the word, you are a big man and you can fight your own battles and you don't me or you don't need any of the Council members to fight your own battles or to protect you from something that is down the road, am I understanding you right?

Mr. Knipe: Yes, we are. We are not asking the Council and we did not ask the Zoning Board to interceded. All we asked was, special exception to be granted that was part of our application for land use, that's it. Pure and simple, nothing more at all. Again, the Police Department felt like that they should advise me as attorney for my client that when or if we submitted or applied for liquor license, it would be denied. He felt like that he should advise me of that and as I told you, I appreciated his candor and his openness to let us know that and we were then given an opportunity, this was not in open Commission meeting, we were given the opportunity to withdraw our application and take our red wagon home. And we said, thank you but no thank you. We've come this far. It has been the result of negotiations with Mr. Stroud and myself with litigation, that we understood it was nothing pre-approved, pre-ordained, it was simple asking that the application be accepted and acted upon on land use, only.

Councilman Shyne: I think we are getting ourselves into a situation and I respect the Chief and he's a fine fellow and I think he is doing an excellent job, but I think we are getting ourselves into a situation that we really don't want to get ourselves in by getting the Chief too involved in situations where you are dealing with land usage. If I am not mistaken, Mr. Kirkland, I think that is the primary responsibility of the ZBA. What the Chief does is give his opinion and from what I can understand, that is all it is, an opinion, and if I understanding it right, I think we all got opinions. My opinion might be different from your's and your opinion might be different from mine.

And I don't think that it is good for us to start bringing the Chief in and the Chief's opinion is what we are going to base our decision on whether he can get a liquor license or not. I think we come out better basing our decision on the ZBA. The ZBA said it was good land usage. Now, the Chief is saying that he is not going to be able to get the liquor licenses and if he can't get the liquor license, that is his problem.

I don't think we need to get into bringing the Chief or bringing the Police Department in saying that you can or you can not do this or the ZBA didn't have any business doing this or the ZBA didn't have any business doing that. I think we are opening up a door that we don't really need to get into.

Councilman Burrell: I think we understand that.

Councilman Serio: I think we need to just postpone this.

Councilman Huckaby: He misinterpreted. I would like to get the Chief in so we can look at the validity of this law because I recall sitting here when we agreed and we approved beer sales on Red River, however, we so worded it as a marina or something---Councilman Carmody: Navigable bodies.

Councilman Huckaby: Navigable bodies, I don't know. This is 2002, why no alcohol within 200 feet of fuel? That's what I would like to. . . .

Councilman Shyne: And they do in South Louisiana.

Mr. Dark: And I think Mr. Shyne, with all respect to ya'll deliberations, what it appears we are being asked to do here, if you were to have simply voted for the land use, which no one here has spoken necessarily in opposition to, specifically, we are asking ourselves to pick one more fight. I think the question you all should ask yourselves is, do I wish to pick this fight or

with whoever else may come along to do it.

Right now we have go an ordinance that says, Police has to do what Police has to do. The question that I think is being asked is, do we want to keep doing that? It may be that we do, but until someone hears from Police or the lawyers or some one else, the rational for doing this, then we are going to keep having the same argument over and over and we don't need to do it. I think ya'll are not being served well if we don't give you that information from somewhere to let you make that decision.

Councilman Shyne: To answer Mr. Dark's question, because I think he was directing it to me.

Councilman Burrell: Are you directing this to Mr. Shyne?

Councilman Shyne: He said, Mr. Shyne.

Councilman Burrell: Just a second Mr. Shyne, let me direct this at this point. Are you directing your information to Mr. Shyne or are you just making a comment?

Mr. Dark: No, I think Mr. Shyne is making a point and he has made it several times, that he has no quarrel with land use here nor did ZBA nor has anyone on the Council said otherwise. The issue though is that we have this law that I am not sure any of you all understand why is there and until it is explained to you, you are being asked to vote somewhat blindly and it would be useful, I think to hear that and to hear the view point of the attorney who recommended that Mr. Knipe come here today. I mean, all of that is something that you are not being privy to and it would be perhaps and a way to wrap this up, if we could get this done for you all next time, perhaps you can move on.

Councilman Shyne: Mr. Dark, I understand what you are saying but that's one of the reasons why I am here. I mean I don't have no problems with picking a fight if it is going to provide due process, I mean, I am not the kind of guy will want to cut corners or would want to take the easy way out and I hope I you understand what I'm saying. I mean, I kind of grew up on the playground and you—Mr. City Attorney, I hope you understand what I am saying, you know, you don't run from fights. If it is a due process or you don't run from a fight if it is going to put somebody at a disadvantage, if I am making any sense. I mean, that's why when I knock on your door and ask you to vote for me, if I am going to run from a fight because I figure that it might be too much for me to handle or I am going to be fighting all the time, then I don't need to be where I am.

And I think what we are asking or I think what we are being asked is to vote on the ruling that was made by the ZBA. I don't think we are being asked to vote on anything that the Police might deny him of. I don't see that, if I am wrong Charles tell me, is it in there anywhere we are going to be voting on—now, Tom maybe you see that in yours, but I don't see that in mine's where I am going to be voting on something that is going to be dealing with the Police Department on his liquor deal. What I see is, we are voting on zoning. The ZBA say it is good land usage. It didn't say nothing about the liquor use. If it did, it is not in mine. I mean and I know it happens to Roy sometimes, sometimes what is on his cheat sheet is not on the computer screen here. So, if all of that is in there, I don't see it. What I see is we are suppose to be voting on land usage and not on whether you are going to be able to liquor license or not, am I right?

Councilman Burrell: I think—we've only heard it about hundred times so far that we are not voting on the alcohol permit. We will be voting on land usage. And I think, I don't know if there is anyone else here that don't understand that, but I think we got a pretty good consensus at this point that, that's is what we will be looking at, so I don't think that that's an issue at this point.

I think where there issue is, is whether or not we are going to postpone this issue until next time and the only thing that we need to do to do that is to take a vote on it.

Motion to postpone the application approved by the following vote: Ayes: Councilman Huckaby, Carmody, Serio and Burrell. 4. Nays: Councilman Shyne. 1. Out of Chamber: Councilman Stewart. 1. Absent: Councilman Spigener. 1.

Mr. Thompson: BAC-67-02 has been postponed at least until the next meeting.

Mr. Knipe: And I would simply ask when will that be so that we can put it on our calendar?

Mr. Thompson: September 24<sup>th</sup>. It can be decided on September 24<sup>th</sup>.

Mr. Knipe: Will that be the same time?

Mr. Thompson: At 3 o'clock.

Mr. Charles Walters: Mr. Burrell, I didn't quite use my 3 minutes up, so I did have a question here.

Mr. Thompson: I think he concluded his remarks. I think you would need another vote to allow him to speak again. (Motion by Councilman Serio (I'm curious), seconded by Councilman Carmody and approved by the following vote: Ayes: Councilman Huckaby, Carmody, Serio, Shyne and Burrell. 5. Nays: None. Out of Chamber: Councilman Stewart. 1. Absent: Councilman Spigener. 1.)

Mr. Walters: Two things: 1. There was an ordinance in place prior to this ordinance and he even reflected that he wanted to be passed under the old ordinance. That means, he can't even apply for a liquor license because it was totally illegal then, there wasn't a 200 foot rule.

2. Why have alcohol involved in a Zoning Board of Appeals, if it is supposed to be part of land use? I know Mr. Kirkland specifically stated, land use. Is alcohol not considered part of that land use or not? If it is not, no problem. But if it is, it should have been a denial vote based upon that land use. He might have made a good land use if it didn't involve liquor, it involved liquor, that meant it's a land use that should have been denied by Zoning and that is the facts that I want to state.

Ya'll say pass it based upon land use. It is an illegal land use before the 1999 ordinance and after the 1999 ordinance, I want to refer to that.

Councilman Serio: What is your name?

Mr. Walters: My name is Charles Walters. I co-own Fleming Novelty. I'm involved in the video gaming business.

Councilman Serio: You are involved and your are a competitor in the business?

Mr. Walters: Competing against who?

Councilman Serio: Whoever you are buying machines from?

Mr. Walters: I am not competing against who I am buying machines from.

Councilman Serio: Are you trying to sell machines to this company or are you trying to . . . ?

Mr. Walters: No, sir. I have no involvement whatsoever with this current location.

Councilman Serio: Do you have machines close by?

Mr. Walters: No. What it is, is I am a business person that has abided by the laws of Shreveport as they have stood for many, many years. Other companies have circumvented those laws and have gotten licenses for locations, which is wrong.

Now, I didn't mean it by illegalities. Let me respond by saying, I am not blowing anything out of proportion. There were licenses granted of which I stood up here in the Council Chambers and vehemently opposed because of the laws.

Secondly, we contacted the Shreveport Police Department, myself and another gaming company to state, no you can't give these licenses and we were told, it don't fit our criteria yet that is the criteria that was on your books. The Zoning Board is suppose to consider everything, land use, laws of the city and everything when they pass zoning. In this case, it is not being done.

They should have voted 7 - 0 in denial not approval because it involved an alcohol. It doesn't matter, I am not saying, I know you are not saying about the license. You are speaking about zoning and I fully appreciate that because that is what this is about and based upon that there should have been a denial.

Councilman Shyne: Roy [Jambor] would you come up. I have been on this Council a long time and I've heard a lot of zoning cases and this gentleman here has just taught me something new that if someone would come up with an I-1 zoning they are suppose to tell you whether they are going to be selling alcohol on it or whether they are going to be drinking alcohol on it or whatever. I was under the impression like was stated earlier that, the job of the ZBA was to deal strictly with zoning.

Mr. Jambor: Are Chapters of the City ordinance.

Councilman Shyne: That is exactly right and it is the Police Department that deals with, the liquor deal.

Mr. Jambor: That is true and perfect example to make you understand, Mike Strong has a staff with engineers on it that can deal with public works, streets and drainage.

Councilman Shyne: That is exactly right.

Mr. Jambor: We don't have any staff to recommend to our Board, we don't train them in engineering. We train them in land use issues, that is what we are trained in as a staff.

Councilman Shyne: I wouldn't want this gentleman to stand up and I am going to call them accusations at this time, and make accusations against our Zoning Board and said that they willfully did something illegal.

Mr. Jambor: At issue, I guess is really the policy that we are talking about. The policy directive where we are not to take or even hear a case. . . .

Councilman Shyne: Let me ask you this. Now, I. . . .

Mr. Jambor: . Charles and Ramon are in the hall.

Councilman Shyne: I was looking for an attorney? Mr. City Attorney, come up please. Now, maybe I am wrong, but I always thought it was some different between policies and a law?

Mr. LaFitte: Yeah, absolutely.

Councilman Shyne: Okay, then. So what you was saying Roy, I mean, Roy it look like you was trying to say too that well, it is our policy so because it is our policy then, it is a law.

Mr. Jambor: No, no, not at all. I was saying that really what is—based on your previous directive, we refused to hear this particular case and that it is.

Councilman Shyne: Hold it Roy, We are not talking about based on previous directives. We are not talking about this particular case, we are talking about zoning, period.

Mr. Jambor: And that is why we didn't really make that determination.

Councilman Shyne: Let me finish, Roy, let me finish. You are good at assuming things, but some things you can't assume. I got one of those kinds of minds that is pretty hard for you to read. If I am not mistaken and Charles, maybe you can tell me too. The primary responsibility of the ZBA is to deal strictly with zoning, am I right or wrong. That is correct. Okay, so bringing in all this other stuff about liquor and all this kind of stuff, I mean, the Zoning Board doesn't deal with that. If they are dealing with industrial zoning, they are looking strictly at the zoning

usage. Will this particular zoning be good for this particular area. They are not dealing with all this with this liquor and stuff.

That is why I don't want to sit here and people make accusations or comments that the Zoning Board did not do what they needed to do or they did something illegal or they just went on and did something that they didn't have no business doing.

I understand your position, Sir and of course, I probably know and I think Phil kind of started down that line of train of thinking and I didn't want to really go, I really didn't want to go down that way. But I think you are accusing the ZBA of things that you really shouldn't be doing at this particular point. I think you can make your point without saying that these people did something illegal or ill-moral or that they didn't have no business doing that.

Mr. Walters: Councilman Shyne, let me interject. I am not accusing or saying anybody did anything illegal. What I said was, I asked and you haven't answered me: is alcohol considered part of land use? Councilman Carmody over there was shaking his head, yes.

Councilman Carmody: I wanted to ask that question. . . .

Mr. Walters: And if it is, then they did illegal pass zoning. If it is not part of the land use then they didn't do anything wrong.

Councilman Carmody: That is what my question was, and again I was hoping that Mr. Kirkland or Roy could answer it.

Mr. Jambor: And we can but we don't necessarily agree with this gentleman's statement.

Councilman Carmody: But the question he asked, is what I wanted to clarify.

Mr. Jambor: Alcohol is part of land use.

Councilman Carmody: Thank you.

Mr. Kirkland: Let me put something in there. The Board, when they hear exception uses involving alcohol clearly whether alcohol should be sold, served, at that location is part of the question before that Board no question about that.

But the question of whether they will get a license from the city of Shreveport Police Department solely their jurisdiction is only their jurisdiction and there are many other reasons they may or may not get a license from the Police Department.

Councilman Carmody: Those are the stipulations that ya'll place on every one of the applicants.

Mr. Kirkland: We ask for input from the Police Department because that input is important to that Board in its decision. This one happen to be a little bit unique and a little bit different and we were asked specifically to not consider the typical prohibition of not accepting a case for processing to settle this lawsuit.

So, it is unfair to say that the Board does not consider the sale of alcohol at a location because that's the question before them. I mean, Zoning has been resolved and of course class. Mr. Shyne is right as far as land use but I hope that that adds some clarity to it.

Councilman Carmody: Well Charles, I guess what it comes down to is, is couldn't somebody come and make an application for a illegal activity that is not permitted by law, but say, but lets just look at land use for this? All I want to talk to you about is the land use.

Mr. Kirkland: Your proposition, Mr. Carmody, I don't agree with. If they applied for something that is illegal.

Councilman Carmody: Don't you deny it and not accept it. . .?

Mr. Kirkland: What we say is, give us a provision which says that, you are requesting a legal use.

Councilman Carmody: Okay.

Mr. Kirkland: I mean, give us something that says that because the selling and serving of alcohol is considered a legal use in the city provided certain conditions and requirements are met; so, this is not an illegal activity.

So I guess I am saying, your premises, our Board does not hear illegal requests or activities. If it did, we would not be doing our job properly as staff.

Councilman Carmody: Correct. And again, we have an unusual situation here in that the law basically and as ya'll understood it, we are not suppose to receive these type applications because of our instructions from the Council is that they are changing the law?

Mr. Kirkland: The Council directive was clear to us, to not process cases where they appeared to be a conflict with other city law.

Councilman Carmody: And to chase it all the way around the tree, you were asked by City Attorney to hear it strictly on land use which is not what has been approved and appealed to the Council.

Mr. Kirkland: And that is what the Board did was, in fact, I did not receive any specific request from the CAO or the City Attorney's Office that said anything more than, we want you to process this case. It will help us in this litigation matter. And I said, are you sure what you want to do? It was repeated to me that, yes it was. We then put it on our agenda and our Board heard it without any predetermination of whether they would vote it up or down based on any law.

Councilman Carmody: But it seems like what we've done is we've brought the question to ascend to the Council so that we could get a determination of whether we want the existing law to stand and be enforced, not changed and revoked.

Mr. Kirkland: I am one hundred with you on that.

Councilman Carmody: Okay, thank you.

Councilman Burrell: Well, I am not going to get back into this because let me tell you. I've understood part of this, but part of it still alludes me and I'll take it up on a personal basis rather than going back through or take the risk of taking another hour to go back through it again, so we won't do that.

*Mr. Tommy Brooks (8609 Glen Haven Drive):* I am not going to take long, same issue, I am opposed.

We've been playing a dog and pony show up here, honestly. This Council or the majority of this Council addressed this issue four years ago. The original law said you can not have liquor sales where there is gas. I have been in business here 20 years, I've abided by that law. I've advised people based upon a law that existed. I passed business up because that law existed and told people, you can't do that kind of business there. It is the law. And then these people come and they skirt the law, it is aggravating.

I faced this with Mr. Walters and stood up before this Council and ask you to, that mistakes had been made but instead of correcting those mistakes, the Council just furthered their problems by saying that the two licenses that had been issued, are okay for this point, but now we'll put another law in place and change it a little bit, so that was done. But here we are again today faced on the same think.

I don't believe it is just a land use issue. I believe that the land use, if it is not a land use issue, why do I have to go to Zoning to get liquor license? Why can't I just go for a restaurant. Why does the ZBA have to tell me that I can have liquor? I'll cut it off here because I'll come back and speak next month, next month or two weeks or when the Council meets on this issue, but if I could be of any help, I wish one of you would call me. I been in it all my life and

watched these, as far as restaurants come and go, and it is important to me how our city progresses.

I fought against having alcohol sales, people drinking around gas pumps. It is kind of dangerous if I am out there with my kids and somebody comes out of place drinking and eating pizza and runs over a gas pump and blows us all up. It is just not healthy—a whole other issue. Any way, I'll address it another time.

Councilman Burrell: We are going to address this issue again because we postponed it. Councilman Shyne, is there anything to add to this?

Councilman Shyne: I just want to make a couple of remarks. What you have seen is not a dog and pony show. It might be a dog and pony show to you, but this is democracy.

This Chamber here belong to the people and any of them are welcome to come down here at any time and present any issues that they want to present.

As an elected official, if I think that they are coming down here presenting a dog and pony show, I don't have no business being here. I need to be at home or be out on the lake or being fishing. I don't drink. I had my oldest brother and his wife, got killed about 3 months ago because of a drunk driver that should have been off the streets. But now because they got killed by a drunk driver, I don't think everybody that drinks ought to be—going to go to hell or I don't think we ought to close all liquor stores down. I don't think a whole lot of things that would go along with that, that's the best way to handle it, this is democracy at its purest form.

Mr. Brooks: Well possible, I used the wrong term. I just feel like that we have re-addressed this issue three or four times and the Council has tried to lay it out black and white on paper and we just. . .

Councilman Shyne: Let me correct you again because, I am talking and I don't think I butted in when you were talking. I sit and I listened.

Mr. Brooks: I apologize.

Councilman Burrell: And i am going to ask to close this matter out until next time. . . .

Councilman Shyne: Mr. Chairman, I have the floor at this particular time.

Councilman Burrell: I understand that.

Councilman Shyne: Mr. Chairman, I have the floor at this particular time.

Councilman Burrell: Well, Mr. Shyne, I am asking if you would—I am not saying anything to—I am trying to make sure that we can continue the business of the Council and it is not a matter of argument here, by no means.

Councilman Shyne: Mr. Chairman, may I finish since I've listened to you? I would just like for this gentleman to understand and I would like for anybody out in the audience who want to come down to the City Council if they have a problem. If they need to come down and have their problems addressed two or three or four times. I don't think you as a citizen have the right to say that, people don't need to come down and have their problems addressed. If it takes them two or three or four times.

Just like the gentleman who came down and I know Mr. Miller back there, Mr. McMillian didn't mind. The gentleman says that he had been calling ya'll for four or five or six or seven weeks. He has the right. He is a tax paying citizen. He has the right to come down here. You have the right to your opinion. But just because you have that opinion, it doesn't necessarily make it right and I don't want people to think that your opinion is the opinion of the Council here. As a long as I am on the Council, if they want to come down and address a problem three or four times, that is why I am here.

Now when it gets to the point that I am tried and they are boring me by coming down,

addressing their problems then what I need to do is, get off the Council. If I am watching it on t. v. and if I'm tried off it, what I need to do is, cut my set off because that's why I am here, to listen to people's problem. If they want to continue to come down, every Council meeting. And I've been here 16 years, I probably been here longer than anybody else, I've seen people who come down week after week after week after week. I encourage them to do that. I appreciate you coming down, God bless you and I love you.

Mr. Brooks: Same to you.

*Ms. Lois Vinson (1328 Oxford Street):* I was here about a month ago talking about a house had fallen on to my house. It remained that way about five months and on the 29<sup>th</sup> of August that has was removed from my house. It was as much destruction afterwards as before.

The city hired a company to come and pull that house off. When they pulled it off, part of my house fell away also. I haven't had anybody to come and actually take any interest to what was left. One of the Councilmen said when we were here about a month ago, it seem like Ms. Vinson is going to have to sue the company that bought the house just before all of this stuff went down.

I did contact a lawyer and we called. I also called to see who actually bought the property. It was suppose to be Mooring (M-o-o-r--i-n-g) Financial Company in Atlanta, Georgia. On the house when they came to actually tear the house down, they put up another, actual paper. On that paper it said, Mooring Financial Company--Vienna, Virginia. Well, I said it look like I got a mess on my hands.

I got on the phone and I called the operator and asked for Mooring in Virginia and Mooring in Atlanta. They told me that there was no such name. So, I wanted to know if that was a bogus job.

Also, the company that took this house down, left a great big mess there. They left bottles, bricks, any thing that was near that house, it was left in a hole, that hole is opposite my home. I had to employ, when I thought it was coming rain, I had to employ some men to start putting a wall, a petition wall between there because I knew the water was going to be at least 5 to 6 feet of water in my house.

Anybody that want to go out and look out it and I hope somebody does because it is a mess, it is a big mess. They left half of the—anything around the house including grass and weeds and growth and trees, all that was left. Nobody, nobody came. The City, nobody came to clean it up, all this stuff was left for me. If you to go out to 1328 Oxford and look, you will see.

And another thing that I am asking, I am going to try to declare that piece of property as a disaster area as far as water is concerned.

Now. What I did find anybody in the phone directory when they said, there is no such company, I am asking again. Who is responsible for my house now? Who is going to fix the cracks in the kitchen that the 5 to 6 month old house, laid upon my house? Who is going to fix all of this around my house and who is going to do my roof? The roof is ruined, there is holes in the roof? The house laid on the fence until the fence has moved into the house. Somebody need to come by, somebody really need to come by.

Councilman Burrell: Ms. Vinson, let me do this at this juncture. I know your Council person is here and I know the last time you was here she did address this issue and I don't know to what extent of what they did except for what you are explaining here today and I don't know if she has gotten back involved with you. But I am sure that Mrs. Huckaby, you will talk with Ms. Vinson, further on this matter?

Councilman Huckaby: Yes, I will.

Councilman Burrell: Ms. Vinson if you would because it is nothing that we as elected as a Council at this juncture can do about it until we really try to get some further information.

Councilman Huckaby: Mr. Ferdinand, could you enlighten us on this situation please.

Mr. Ferdinand: First of all, Ms. Vinson if she would call me, I can get her the name and address and right contact number for the location of Mooring Investment because that is one of the problems we had. My paralegal had to work overtime to make sure we get that particular company notified before we proceed with taking it to the HMO to demolish it. We did find that particular address. I can get that for you, so we—it is either Atlanta or Vienna, but we have an address for that, okay.

Councilman Huckaby: Mr. Ferdinand, could you get someone in your office to call that company and have them to call her to save her some expenses?

Mr. Ferdinand: Okay. But what we could do, we could contact them because I think that what we are hearing here is that, the house fell on her house and caused her some damage which is the liability of the property owner which would be Mooring Investment. So we can have our paralegal make that contact and I will send—I'll check with my Codes guys to go back out there and see if there are any additional violation. The demolition contractor was suppose to deal just with the house. If there is some, weeds over 12 inches or some other care of premises, then we have to deal with that as well which will be another citation and another lien on the property, but the demolition contractor just dealt with the house, to tear that down.

Councilman Huckaby: Thank you very much.

Ms. Vinson: I want to ask one other thing, it was told to me that when you buy this property from the taxing or other area you get it from that, it is not your's for 3years; is that correct? It is not your—you don't own it for 3 years, is that correct?

Councilman Burrell: Who want to address that issue?

Ms. Vinson: You don't own the property. . . .?

Mr. Ferdinand: I think, the attorney can address it better but I think you have, a person who loss it at tax sales has 3 years to redeem, is that correct?

Ms. Glass: That is correct.

Councilman Shyne: See Larry knows because he is a real estate man.

Ms. Vinson: So you can—the property is Mooring and they own it as soon as they purchased it?

Ms. Glass: I apologize I did not hear the beginning of this conversation. I know if property goes to a tax sale and someone buys it in a tax sale, the person who owned it, who didn't pay the taxes, has 3 years that they can redeem it and get it back.

Ms. Vinson: So it doesn't really belong to Mooring in the beginning, is that right?

Mr. Dark: It belongs to them subject to the right of the prior owner to redeem it; that's the way it works.

Councilman Burrell: I think what I'm hearing Ms. Vinson say is there is some confusion that if Mooring, being the one who picked it up at tax sale. . .

Ms. Vinson: Sight unseen, they didn't see it.

Councilman Burrell: Okay, he didn't see it. Then it is still, it is the property of the previous owner.

Mr. Thompson: I think the question that she is getting at is, who would be liable to her for the damage. I think that is an issue that her lawyer needs to advise her on rather than having the City or the City's Attorney try to advise her on that. She could have, be able to sue the original owner before the tax sale as well as the person who bought it, but that is something that I

don't know that you would want to advise her on in this setting.

Councilman Shyne: Exactly right.

Councilman Burrell: Well under those circumstances, you understand that Ms. Vinson that your attorney would more or less make that determination.

Ms. Vinson: I don't know why I would even have to go that far, there so many attorneys here that should be able to tell me that.

Councilman Burrell: Well the reason being is that, if we render that information here, then someone we wind up getting, become partly liable in this whole.

Ms. Vinson: I think the City is liable.

Councilman Burrell: Well that may be. . . .

Ms. Vinson: The whole jest of it is, I think the City is liable and they got rid of it real fast to not to be liable. Now you sell it to a person that does not see all of that damage is there. So I think we are skipping it and patching above and stuff like that, you know, all that little stuff that we do.

Councilman Burrell: Well again, I think that with your attorney should be able to make that determination. I know that I am not giving you the answer that you are looking for but that is the answer that we have based upon the recommendation that we have from our attorney.

Mr. Dark: Mr. Ferdinand, what I would suggest you do is also involve someone, whoever your contact is in the City's Risk Management Office, because if there is going to be allegation that we are potentially liable in any way, it would be appropriate to see that property. And also, you need to make sure that the lot was left in the way you contracted it to be made because those are things that are under our control.

Mr. Ferdinand: Right.

### **CONSENT AGENDA LEGISLATION:**

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

**RESOLUTION:** None.

**ORDINANCE:** None.

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

### **RESOLUTIONS:**

Motion by Councilman Shyne, seconded by Councilman Huckaby to adopt Resolutions 113 and 114 on the Consent Agenda.

Councilman Carmody: These are the resolutions which the Administration had asked two weeks ago that we postpone in order to get some information. I believe that you had provided a letter. If you could give us an explanation to make sure that the Administration is comfortable with moving forward.

Mr. Strong: This is strictly a land use issue. The letter I'd sent to there, we have determined there is a total of 186 properties that have been tied on to the City water or sewer of which 49 have already been annexed inside. We have total of 74 properties that are not contiguous to the city limits and we will not be annexing those until we look at a

larger area.

Councilman Carmody: And can I interject at this point. The person who made the application to tie onto municipal water and sewer, did sign a application asking to be annexed at such time that it is appropriate?

Mr. Strong: That is correct.

Councilman Carmody: That's fine with me. I think there was one other item on there.

Mr. Strong: There was. Then the other properties are, we have 19 already in the process and we have 44 that we will be working.

Councilman Carmody: Mr. Dark, do you know if this is ample enough for the Administration, at this point, we can go ahead and move forward?

Mr. Dark: As far as I know, we are fine.

Councilman Carmody: Thank you.

Motion approved by the following vote: Ayes: Councilmen Huckaby, Carmody, Shyne and Burrell. 4. Nays: None. Absent: Councilmen Stewart, Serio and Spigener. 3.

#### RESOLUTION NO. 113 OF 2002

A RESOLUTION AUTHORIZING MARK P. SEALY, LOCATED AT 7699 WEST BERT KOUNS INDUSTRIAL LOOP, TO CONNECT TO THE WATER & SEWER SYSTEM OF THE CITY OF SHREVEPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, Mark P. Sealy has agreed to secure all permits and inspections required by the Shreveport Comprehensive Building Code. Said party having submitted a petition for annexation to the City of Shreveport, and having agreed to fully comply with the regulations of the City of Shreveport in connection with said property, all as set forth in Section 94-1, et. Seq., of the Shreveport City Code. Said request and petition are attached hereto.

BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that Mark P. Sealy, be authorized to connect the building located at 7699 West Bert Kouns Industrial Loop, to the water & sewer system of the City of Shreveport.

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.

#### RESOLUTION NO. 114 OF 2002

A RESOLUTION AUTHORIZING MICHAEL JOE LEWIS & RHONDA CROSS LEWIS, LOCATED AT 9728 STONEHEDGE CIR., TO CONNECT TO THE WATER SYSTEM OF THE CITY OF SHREVEPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, Michael Joe Lewis & Rhonda Cross Lewis have agreed to secure all permits and inspections required by the Shreveport Comprehensive Building Code. Said party having

submitted a petition for annexation to the City of Shreveport, and having agreed to fully comply with the regulations of the City of Shreveport in connection with said property, all as set forth in Section 94-1, et. Seq., of the Shreveport City Code. Said request and petition are attached hereto.

BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that Michael Joe Lewis & Rhonda Cross Lewis, be authorized to connect the building located at 9728 Stonehedge Cir., to the water system of the City of Shreveport.

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.

**ORDINANCES:** None.

**REGULAR AGENDA LEGISLATION:**

**RESOLUTIONS:**

RESOLUTION NO. 117 OF 2002

A RESOLUTION AUTHORIZING THE PURCHASING AGENT TO DISPOSE BY PUBLIC AUCTION OF CERTAIN VEHICLES AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, Ordinance No. 107 of 1980 authorizes the Purchasing Agent to dispose of certain vehicles determined to be surplus, after consultation with the head of the department concerned; and

WHEREAS, the City Council desires to retain responsibility for the disposition of all surplus vehicles having an acquisition value of \$10,000 or more; and

WHEREAS, the City desires to dispose of, by public auction, the vehicles described in Exhibit A, attached hereto and made a part hereof, which have been determined to be surplus, obsolete or unusable for present and future City needs; and

WHEREAS, the City Council concurs in the finding that the vehicles described in Exhibit A are surplus and no longer needed for public purposes and that the acquisition value of said property is greater than \$10,000.

NOW BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened, that the Purchasing Agent is hereby authorized to dispose of, by public auction, the surplus vehicles described in Exhibit A, attached.

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 Shyne, seconded by Councilman Huckaby passed by the following vote: Ayes: Councilman Huckaby, Carmody, Shyne and Burrell. 4. Nays: None. Absent: Councilman Stewart, Serio and Spigener. 3.

RESOLUTION NO. 118 OF 2002

A RESOLUTION TEMPORARILY SUSPENDING CERTAIN PROVISIONS OF CHAPTER 106 OF THE CODE OF ORDINANCES RELATIVE TO ZONING IN THE RIVERFRONT ENTERTAINMENT DISTRICT

WHEREAS, the current zoning laws of the City of Shreveport require all uses to be conducted within an enclosed structure; and

WHEREAS retail dealers of alcoholic beverages located within the riverfront entertainment district desire to conduct sales from patio areas outside of enclosed structures but adjacent to their buildings and under their control pursuant to lease or ownership; and

WHEREAS, the City of Shreveport desires to allow sales from the patio areas as described; and

WHEREAS an ordinance exempting the riverfront entertainment district from zoning ordinances requiring uses be conducted within enclosed structures has been introduced.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the following ordinance provisions are suspended until October 31, 2002 only :

1. This resolution shall apply only in the area bounded by the south bank of Cross Bayou on the north, the north side of Lake Street on the south, the west bank of the Red River on the east, and the east right of way line of Spring Street, not to include any sidewalk or pedestrian thoroughfare parallel and adjacent to Spring Street, on the west; and further includes, Block 48 of the City of Shreveport, known as Festival Plaza.

2. Section 106-130(6) of the Code of Ordinances is suspended to the extent necessary to permit a retail dealer to sell alcoholic beverages on patios or areas adjacent to their building and under their control pursuant to lease or ownership. The retail dealer shall comply with all other laws and ordinances not specifically suspended hereunder. The retail dealer shall be responsible for obtaining any permit necessary from the State of Louisiana.

3. Section 10-80 requiring compliance with the relevant zoning ordinances and the applicable portions of the relevant zoning ordinances are hereby suspended to the limited extent necessary to permit the retail dealer to sell alcoholic beverages from patios adjacent to their buildings and under their control pursuant to lease or ownership.

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 application of this Resolution which can be given affect without the invalid provisions, items or application and to this end the provisions of this Resolution are hereby declared severable.

BE IT FURTHER RESOLVED that all resolutions or parts in conflict herewith are



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 or donate said properties as authorized in R.S. 33:4720.11 or R.S. 33:4720.25; 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, regular and legal session convened that the following described property is hereby declared surplus:

Lot 40, Exposition Heights Subdivision

Geographic Number 171410-029-0040

Municipal Address: 3006 Alabama Ave.  
Council District "F"

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof be 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 Huckaby passed by the following vote: Ayes: Councilman Huckaby, Carmody, Shyne and Burrell. 4. Nays: None. Absent: Councilman Stewart, Serio and Spigener. 3.

### **INTRODUCTION OF RESOLUTIONS:**

1. Resolution No. 121 of 2002: A resolution authorizing the Mayor to negotiate terms and conditions, and execute all contracts between the City of Shreveport and the State of Louisiana, Department of Social Services and to otherwise provide with respect thereto.
2. Resolution No. 122 of 2002: A resolution authorizing the Mayor to execute a Cooperative Endeavor Agreement with the Caddo-Bossier Parishes Port Commission for the construction and operation of the Southern Loop water main.
3. Resolution No. 123 of 2002: A resolution authorizing the Mayor to execute a Cooperative Endeavor Agreement with the State of Louisiana for the purposes of constructing I-49 at Southern Loop Interchange and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Shyne, seconded by Councilman Carmody for Introduction of the Resolutions to lay over until the September 24, 2002 meeting . Motion passed by the following vote: Ayes: Councilman Huckaby, Carmody, Shyne and Burrell. 4. Nays: None. Absent: Councilman Stewart, Serio and Spigener. 3.

4. Resolution No. 124 of 2002: A resolution authorizing the exchange of certain surplus public property and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Shyne, seconded by Councilman Huckaby for Introduction of the Resolution to lay over until the October 8, 2002 meeting. Motion passed by the following vote: Ayes: Councilman Huckaby, Carmody, Shyne and Burrell. 4. Nays: None. Absent: Councilman Stewart, Serio and Spigener. 3.

### **INTRODUCTION OF ORDINANCES:**

1. Ordinance No. 131 of 2002: An ordinance amending the 2002 budget for the Police Grants Special Revenue Fund and to otherwise provide with respect thereto.
2. Ordinance No. 132 of 2002: NINETEENTH SUPPLEMENTAL ORDINANCE - A Supplemental Ordinance amending and supplementing Resolution No. 131 of 1984 (the "General Bond Resolution") adopted on June 12, 1984, as amended; providing for the issuance of \$45,000,000.00 principal amount of Water and Sewer Revenue Bonds, 2003 Refunding Series A, of the City of Shreveport, State of Louisiana, pursuant to the General Bond Resolution; approving and confirming the sale of such bonds; prescribing the form, fixing the details and providing for the payment of principal of and interest on such bonds and the application of the proceeds thereof for refunding certain bonds issued for the purpose of constructing and acquiring extensions and improvements to the City's combined waterworks plant and system and sewer plant and system (the "System") of the City; making application to the State Bond Commission; and providing for other matters in connection therewith.
3. Ordinance No. 133 of 2002: An ordinance closing and abandoning a 4 foot-wide utility easement located at the rear of Lots 16 thru 26 of Block 22 of the Morningside Subdivision in SW/4 of Section 14, (T17N-R14W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.
4. Ordinance No. 134 of 2002: An ordinance to amend Chapter 10 of the Code of Ordinances of the City of Shreveport relative to alcoholic beverages to add Section 10-86 and to otherwise provide with respect thereto.
5. Ordinance No. 135 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.

6. Ordinance No. 136 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.
7. Ordinance No. 137 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.
8. Ordinance No. 138 of 2002: An ordinance authorizing the donation of city owned properties acquired under the Department of Housing and Urban Development One dollar Home Program and to otherwise provide with respect thereto.
9. Ordinance No. 139 of 2002: An ordinance authorizing the Mayor to execute an agreement with Glock, Inc. for the exchange of properties and to otherwise provide with respect thereto.
10. Ordinance No. 140 of 2002: An ordinance amending the 2002 budget for the Community Development Special Revenue Fund and otherwise provide with respect thereto.

Read by title and as read motion by Councilman Carmody, seconded by Councilman Huckaby for Introduction of the Ordinances to lay over until the September 24, 2002 meeting (Nos. 131 thru 137 and 140) and until the October 8, 2002 meeting (Nos. 138 and 139). Motion passed by the following vote: Ayes: Councilman Huckaby, Carmody, Shyne and Burrell. 4. Nays: None. Absent: Councilman Stewart, Serio and Spigener. 3.

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

1. Ordinance No. 124 of 2002: An ordinance authorizing the donation of four (4) city owned lots in the University Park Subdivision to qualified participants in the City's Neighborhood Revitalization Program and to otherwise provide with respect thereto.

Having passed first reading on August 13, 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 Carmody adopted by the following vote: Ayes: Councilman Huckaby, Carmody, Shyne and Burrell. 4. Nays: None. Absent: Councilman Stewart, Serio and Spigener. 3.

2. Ordinance No. 127 of 2002: An ordinance authorizing the Shreveport Airport Authority to dispose of property located on 3013 Meriwether Road, Lot 7 as described herein as surplus property and otherwise providing with respect thereto.

Having passed first reading on August 13, 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 Stewart for passage. The Deputy Clerk read the following amendment:

Amend the ordinance as follows:

On page 1 in the NOW THEREFORE BE IT ORDAINED paragraph, after the words “sell the” and before the word “following” insert the words “improvements only, located on the”.

Motion by Councilman Huckaby, seconded by Councilman Carmody for adoption of the amendment.

Councilman Shyne: Mr. McMillian, would you all please make sure you all check on that, hear.

Mr. McMillian: We sure will do that.

Motion approved by the following vote: Ayes: Councilman Huckaby, Carmody, Shyne and Burrell. 4. Nays: None. Absent: Councilman Stewart, Serio and Spigener. 3.

Motion by Councilman Carmody, seconded by Councilman Huckaby for adoption of the ordinance as amended. Motion approved by the following vote: Ayes: Councilman Huckaby, Carmody, Shyne and Burrell. 4. Nays: None. Absent: Councilman Stewart, Serio and Spigener. 3.

3. Ordinance No. 128 of 2002: An ordinance closing and abandoning a 15 foot wide city water main easement in Beaux Rivages Subdivision located in Section 37 (T17N-R13W), Caddo Parish, Louisiana and to otherwise provide with respect thereto.

Councilman Burrell: This has Councilman Serio's . . . , has he addressed this issue?  
Mr. Dark: He made no comments in opposition, yesterday.

Having passed first reading on August 27, 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 Carmody adopted by the following vote: Ayes: Councilman Huckaby, Carmody, Shyne and Burrell. 4. Nays: None. Absent: Councilman Stewart, Serio and Spigener. 3.

4. Ordinance No. 129 of 2002: An ordinance amending the 2002 Water and Sewer Budget and otherwise providing with respect thereto.

Having passed first reading on August 27, 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 Carmody adopted by the following vote: Ayes: Councilman Huckaby, Carmody, Shyne and Burrell. 4. Nays: None. Absent: Councilman Stewart, Serio and Spigener. 3.

5. Ordinance No. 130 of 2002: An ordinance authorizing the donation of certain city-owned property to the Red River Waterway District and to otherwise provide with respect thereto.

Having passed first reading on August 27, 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 Carmody, seconded by Councilman Huckaby to postpone the ordinance until the September 24, 2002 meeting.

Councilman Carmody: I believe that we were going to have a presentation, but I guess we can wait until the 24<sup>th</sup> to do so.

Mr. Dark: Mr. Norman is here and is waiting.

Mr. Norman: Arlena had left this with me and just briefly to kind of give you a little bit of an overview of what we are talking about.

The land that we are talking about, on the map that I think you have in your folder, kind of wraps around what is known now as the existing Riverfront fountain in the center (which would be this area here). Goes up and wraps back around and comes back down to the riverfront and comes back into in front behind Barnwell.

The area that will be affected will be, there is an interactive fountain in this area and the rest of the work is going to be done along the river's edge including the docking area along this (inaudible) as well as raising elevation providing hard edge along the riverside which we certainly hope and I think the intent is to try to stop some of the flooding that we've had also in the Riverfront Park as well as providing a permanent stage in that area. So, those are the areas that will be affected, but essentially the fountain and the garden area that is there now will not be affected by the development itself.

Councilman Burrell: Show that area where the fountain is existing.

Mr. Norman: This is the fountain. It would be right here and there is a guard there. This is the Barnwell Center is actually (inaudible).

Councilman Burrell: Now, where is the (inaudible), I missed that.

Mr. Norman: This is (inaudible) is going to actually going to be over on this side.

Councilman Burrell: Yeah, that is what I was thinking yesterday, it was moved over far enough where it would not be obstructing, the view would not be obstructed by the existing foundation and harbor, I guess you could call it.

Mr. Norman: Yes, sir and I do have some other elevations if ya'll would like to see them after the meeting, I would be happy to share with you.

Councilman Carmody: I would appreciate it.

Ordinance postponed by the following vote: Ayes: Councilman Huckaby, Carmody, Shyne and Burrell. 4. Nays: None. Absent: Councilman Stewart, Serio and Spigener. 3.

Councilman Shyne: I see my good friend, Dr. Artis Cash back there who is a good friend of Jay Murrell's. Dr. Cash, good to see you and when you see Jay, tell him I said, hi, hear. Mr. Cash: I will.

Councilman Shyne: And ya'll have lunch together.

Councilman Burrell: That makes two of you don't it. I thought you were a good friend of Jay Murrell.

The adopted Ordinances, as amended, follow:

ORDINANCE NO. 124 OF 2002

AN ORDINANCE AUTHORIZING THE DONATION OF FOUR (4) CITY OWNED LOTS IN THE UNIVERSITY PARK SUBDIVISION TO QUALIFIED PARTICIPANTS IN THE CITY'S NEIGHBORHOOD REVITALIZATION PROGRAM AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Department of Community Development administers the Model Blocks Program ("the Program") as a component of the City's overall Neighborhood Revitalization Program; and

WHEREAS, one of the goals of the Program is to provide decent, affordable housing to qualified first time homebuyers within one (1) or all of the following eight (8) neighborhoods within the City of Shreveport, namely, Allendale, Lakeside, Ledbetter Heights, Mooretown, Ingleside, Stoner Hill, Martin Luther King and/or Queensborough ("Model Blocks Area"); and

WHEREAS, the City has also been approved for a grant from the Federal Home Loan Bank of Atlanta ("grant") for an Affordable Housing Program (AHP) direct subsidy; and

WHEREAS, the AHP funds will be used to assist very low income first-time homebuyers with principal reduction as a part of the Program; and

WHEREAS, the City intends to donate Lots 2, 3, 12 and 13, Unit 8, University Park Subdivision, to four (4) qualified first time homebuyers in partial satisfaction of its obligations under the Grant and in furtherance of the Program.

WHEREAS, LSA-R.S. 33:4712 requires that notice of this ordinance be published at least three (3) times within fifteen (15) days, one week apart; and

WHEREAS, this donation serves a public purpose and will provide a public service by providing safe, decent and affordable housing to the needy; and,

WHEREAS, this donation will be made in accordance with the Louisiana Constitution and City ordinances.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, regular and legal session convened, that the City of Shreveport is hereby authorized to donate the immovable property identified as Lots 2, 3, 12 and 13, Unit 8, University Park Subdivision to four (4) qualified participants in the City's Model Block Program and in partial satisfaction of the City's obligations under the Affordable Housing Program.

BE IT FURTHER ORDAINED that the Mayor is authorized to execute any and all documents necessary to effect the donation of these lots to the qualified participants.

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.

ORDINANCE NO. 127 OF 2002

AN ORDINANCE AUTHORIZING THE SHREVEPORT AIRPORT AUTHORITY TO DISPOSE OF PROPERTY LOCATED ON 3013 MERIWETHER, LOT 7 AS DESCRIBED HEREIN AS SURPLUS PROPERTY AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the Shreveport Airport Authority, acquired property under the Airport Authority Noise Mitigation Program; and

WHEREAS, the property was declared surplus property by the Airport Authority commission; and

WHEREAS, the property that resides on this lot must be removed with the stipulation that the lot be returned to green space; and

WHEREAS, Section 18-33 of the Shreveport Code of Ordinances provides that the City Council has exclusive jurisdiction and authority to authorize alienation of immovable property owned by the Shreveport Airport Authority; and

WHEREAS, to comply with Federal Aviation Administration (FAA) regulations and grant assurances, the Airport Authority must be compensated from the sale of such property and the funds must be used for airport purposes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened that the Shreveport Airport Authority is hereby authorized to solicit sealed bids, with the assistance of the Purchasing Agent, and sell the improvements only, located on the following surplus real property to the highest bidder:

3013 Meriwether, Lot 7, bearing assessor's geographic #171433-001-0007; a 3.501 acre tract of land on lot 7, Ed Jacob's Subdivision of the north half of the southwest quarter of section 33, township 17 north, range 14 west, less the right of way for Inner Loop, a subdivision in the City of Shreveport, Caddo Parish, Louisiana;

3 Bedroom/2 bath - 2483 s/f; 765 feet of cyclone fence, 2,500 feet of wire mesh; 285 feet of 3 foot wood picket fence; 10 foot wide gazebo; 432 foot wood frame bldg. on slab; 23 x 35 foot cutting house, two 19 x 77 foot shade houses

BE IT FURTHER ORDAINED that the Shreveport Airport Authority and the City reserve the right to reject the offer to sell this property.

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 of the City of Shreveport 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 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 declared repealed.

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF A 15 FOOT- WIDE CITY WATER MAIN EASEMENT IN BEAUX RIVAGES SUBDIVISION LOCATED IN SECTION 37 (T17N-R13W), CADDO PARISH, LOUISIANA AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the City of Shreveport received a 15 foot wide- city water main easement from property owners in April 1984 as recorded in Book 2116, Page 216, of the conveyance records of Caddo Parish; and,

WHEREAS, today the Property Management Section of the Department of Operational Services has received a request to close and abandon a portion of the above identified easement; and

WHEREAS, Water and Sewerage Engineering has reviewed this request and has no objections to the 15 foot wide city water main easement being closed and abandoned.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that the portion of the 15 foot-wide city water main easement as acquired by the City of Shreveport and recorded in Book 2116, Page 216, of the Records and as shown and as indicated on the plat attached hereto and made a part hereof, is hereby closed and abandoned.

BE IT FURTHER ORDAINED that a certified copy of this ordinance be filed and recorded in the official records of the District Court for Caddo Parish, Louisiana.

BE IT FURTHER ORDAINED that if any provision of this ordinance or the application thereof is invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without 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.

ORDINANCE NO. 129 OF 2002

AN ORDINANCE AMENDING THE 2002 WATER AND SEWERAGE ENTERPRISE FUND BUDGET AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City Charter provides for the amendment of any previously-adopted budget; and

WHEREAS, the City Council finds it necessary to amend the 2002 Water and Sewerage Enterprise Fund budget, to transfer funds to capital projects, increase fund balance and for other purposes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in legal session convened, that Ordinance No. 150 of 2001, the 2002 budget for the Water and Sewerage Enterprise Fund, is hereby amended as follows:

In Section 2 (Appropriations):

Decrease Operating Reserves by \$1,000,000.

Increase Contractual Services by \$1,000,000.

Adjust totals and subtotals accordingly.

BE IT FURTHER ORDAINED that the remainder of Ordinance No. 150 of 2001 shall remain unchanged and in full force and effect.

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

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

**UNFINISHED BUSINESS:**

1. Discussion and/or Action Relative to the Public Safety Committee. (F/Shyne) (Tabled on Oct. 23) Remained tabled.
2. Alcohol Retail Permit: Mr. Alton Ross (2911 Milam Street - *New Nat Café*) (Tabled on July 23, 2002)
3. Alcohol Retail Permit: Ms. Deborah Hawkins [Employer: 2901 Milam St. [Take-A-Bag Grocery] (G/Burrell) (Special Meeting scheduled for Thursday, Thursday, October 10, 2002 at 1:30 p.m.)

**NEW BUSINESS:**

1. BAC-67-02, THE J HARDEMAN COMPANY LLC, 1111 B North Market, Special Exception Use in a B-3 District, restaurant with an on-premise consumption of alcohol.

Motion by Councilman Huckaby, seconded by Councilman Carmody to postpone the application until the September 24, 2002 meeting. Motion approved by the following vote: Ayes: Councilman Huckaby, Carmody, Serio and Burrell. 4. Nays: Councilman Shyne. 1. Out of Chamber: Councilman Stewart. 1. Absent: Councilman Spigener. 1.

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

**CLERK'S REPORT:**

Letters of Appeal (proposed Council action on Sept. 24):

1. BAC-57-02, DISTRICT ONE UNITED COUNCIL OF HOPE, 3850 Linwood Avenue, Special Exception Use and Variance in hour of operation in a B-3 District, Reception Hall with the on-premise consumption of alcohol until 1 a.m. (B/Stewart)

2. BAC-68-02, PLAZA INVESTMENTS III, LLC, 600 Market Street, Special Exception Use in a B-4 District, lounge. (A/Huckaby)
3. BAC-69-02, ZACKIE GILES, 6014 Willard, Special Exception Use and Variance in front yard setback in a R-1D District, mobile home. (B/Stewart)

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

**ADJOURNMENT.** There being no further business to come before the Council, the meeting adjourned at approximately 5:10 p.m.

/s/Roy Burrell, Chairman

/s/Arthur G. Thompson, Clerk of Council