

COUNCIL PROCEEDINGS OF THE CITY OF SHREVEPORT
FEBRUARY 11, 2003

The Regular Meeting of the City Council of the City of Shreveport, State of Louisiana, was called to order by Chairman James Green at 3:00 p.m., Tuesday, February 11, 2003, in the Government Chambers in Government Plaza (505 Travis Street).

Councilman Hogan led the Council in the Invocation.

On Roll Call, the following members were Present: Councilmen Lester, Walford, Carmody, Gibson, Green, Hogan, and Jackson. 7. Absent: None.

Approve Minutes. Motion by Councilman Gibson, seconded by Councilman Hogan to approve the Administrative Conference Summary Minutes of January 27, 2003 and the Regular Meeting Minutes of January 28, 2003. Motion approved by the following vote: Councilmen Walford, Carmody, Gibson, Hogan, and Green. 5. Nays: None. Out of Chamber: Councilman Lester and Jackson. 2.

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

Report on Convention Center and Hotel Project: Mr. Antee: Actually Mr. Chairman, there has been no action on our part other than the Bonding Expo for all contractors to come that took place last week.

As far as working going on the actual Convention Center, that is being done by Barton Malow and Slack Alost and we had no real involvement since the last meeting.

As far as the hotel is concerned, the hotel management agreement, we are still working out the final details and Mr. Boatner with HRI will be in on Thursday to try and finalize the management contract and development contract had been signed and I think a copy delivered to everybody.

Councilman Lester: Can I get a report on the minority participation with the Convention Center, so far as far as the funds that we've spent, what kind of minority participation that we've had on that.

The other thing that I was concerned about, as I appreciate it, the City has entered into a partnership with HRI to build the Convention Center Hotel and are we also going to enter into an arrangement with HRI to manage the Convention Center Hotel?

Mr. Antee: Actually there is not a contract to build, it is to develop which takes it from just an idea to the point to where if we get a contractor on board who will actually build it, to selling the bonds, so that we can pay for it. And then once it is built, then we got a management contract for them to come in and manage the hotel on behalf of the Trust with the franchise being Hilton Flagship.

Councilman Lester: And now, you are in the process of constructing that portion of the scenario right now, as far as the management agreement for the hotel?

Mr. Antee: Right, once we entered into the Development Agreement, part of what they, to develop we have to get a contract for the design team. We are in the process of negotiating the contract for the design team, as basically since we've got state money with capital outlay, the fee is going to be based on the state fee curve by law and so it is not that difficult of an issue but we are finalizing that so that the design team will have a contract and can start getting paid and doing the design work.

Councilman Lester: In the management end of the hotel, is that going to comport with the Fair Share? Are we looking to have any minority participation in the management angle with the hotel?

Mr. Antee: Yeah, the contract does have our Fair Share Ordinance requirements in there.

Councilman Lester: Has the City spoken with any minority vendors that have expressed an interest in participating with that or where do we stand on that, at this particular time?

Mr. Antee: To be honest with you, I want to get it to the point where we've got something to manage. And I am not trying to be flippant with you or anything, but not I haven't had any

discussions, I don't know if anybody has contacted the Mayor but if I had, I would refer them down to HRI and let them do their discussions and negotiations and make sure that they can provide a service for a fair price and we'll rely on HRI to meet the requirements. And if there is anybody out there, don't call me, call Lettie Boatner with HRI.

Councilman Gibson: When HRI comes up this week or in the future, if I could I'd like to request, kind of an update, not that one project relates to the other, but it relates to the history of what HRI does. I would like to kind of see where they are in their management of the Lee Hardware United Jeweler Building. They had some commitments in terms of things that were going to materialize over there and I'd like to see 1) a break-out of their minority participation and local participation on that project and also where they are in terms of promotion of occupancy of that facility over there.

2) On another note, Mr. Antee you had commented on the Bond Expo that was held last week. Last Tuesday, for my fellow City Councilmen and for the audience, it was, I consider a very successful event. I do appreciate the Mayor and Ken Antee being there to give their viewpoints on that project. I think we had about 75 local firms that participated. The Fair Share Program, working with some construction organizations, hosted that event. We had several bond companies there along with the State of Louisiana and their economic development group there to provide some resources for our local firms, not only for the Convention Center, but also for future projects in this area which will be extremely helpful for our local businesses in being competitive on city projects and private projects. So, to the Administration, I do appreciate the effort that went into it and I do want to publicly thank Sam Gilliam and Karen Barnes for their administrative management and facilitation of that event at Expo Hall last Tuesday evening. I do appreciate it and I think it went over very well. And, I'm looking forward, Ms. Barnes was going to get me a copy of the attendees. I am anxious to be able to see the results of what companies were in attendance so I would like to kind of review that. In fact I would appreciate it if that could be distributed to all City Councilmen so they have an idea of exactly who attended that particular event because that was broadcast in a variety of different media opportunity. If you weren't there, you missed out on a tremendous opportunity and if--for the audience and for the people on Cablevision--if your company is looking for insurance opportunities, I'm sure our Fair Share Department would be more than willing to help you get in contact with some of the CPA firms and insurance companies that were there that are more than willing to sit down and work with you. And, now especially on the Convention Center, if you are going to bid on that project you have got to be planning now in anticipation of that advertisement of that project.

Report on Property Standards Program (deferred until the February 25 meeting).

Public Hearings: None.

Confirmations and/or Appointments: Motion by Councilman Walford to confirm Edward "Chip" Campbell, III to the Downtown Development Authority, seconded by Councilman Hogan and approved by the following vote: Councilmen Walford, Carmody, Gibson, Hogan, and Green. 5. Nays: None. Out of Chamber: Councilman Lester and Jackson. 2.

Adding Legislation to the Agenda. Motion by Councilman Carmody, seconded by Councilman Walford to add the following to the agenda:

1. Resolution No. 21 of 2003: A resolution authorizing the employment of special legal counsel to represent the City of Shreveport and otherwise providing with respect thereto.

Motion approved by the following vote: Councilmen Walford, Carmody, Gibson, Hogan, and Green. 5. Nays: None. Out of Chamber: Councilman Lester and Jackson. 2.

Public Comments:

Janet Harris (2921 Lakeview Road): I'm here again about keeping open the Zoo Keeper. I wanted to ask all the members did they see the copies of the pictures and the letters that from our

business and the letters that our customers sent to the Board that we gave Jeff Hogan, did ya'll view that (inaudible).

And what we had already done from our December to January meeting: moved all the animals (the dogs) to the other side of the house, take them out a different door, put the trash in the garage, lessened our outings from some many times we lowered that—how many times we take them out to not infer with his business. And, the things that we are willing to do and our customers stated that they would assist us putting in storm—the insulated storm windows for Dr.

Russell, putting up a 4 x 8 foot insulated fence (it is not really insulated, well I guess it is insulation) to try to do the noise all the way between the houses. The insulated windows in our house and then the garage outside, we are really to put a new roof on that. I have a electrician come out and wire all that for electricity and put the heat and air and move all of the large dogs to the far side of the property and that would give us about over 80 foot from him, we would cross the fence in there with the fence and anything that we can do.

I am kind of lost because the first time we came before the Board, it was a complaint against the barking dogs and the smell and then when we got up in the December meeting, we thought that was going for and the MPC started talking about the grooming. Then when we get here yesterday, it is about the boarding, so a lot of things I get confused on.

Our hours are from 7 a.m. until 6 p.m. The dentist don't open up until between I think, 8 and 9. I take dogs out between 6 and 7, they are feed, they are taken out by 8 o'clock, everybody has been back out and brought back in. We take them out 15 to 20 minutes before Noon, the same thing in the afternoon. They are gone by 5. Then, we feed the dogs and take them back outside after they are gone again, so, they are there all together maybe an hour when the dogs are exposed to him except when they are inside and we have moved all the dogs from his side, from that west side of our home to the right side that it won't be so noisy in there.

Emily McAvoy (5338 Stage Drive): I am here to speak on behalf of the Zoo Keeper, to let you guys know I feel very strongly about keeping these ladies where they are doing exactly what they are doing. They provide naturally wonderful service. I take my dog to these ladies one day a week. They are just wonderful to my dog. They are a clean facility, in my opinion. I've been to a lot of facilities trying to find the best facility to take my dog, my baby. And they have done miracles with him. He is a hyper dog, I love him to death, and he sweet and he is energetic. And just me and my husband alone, we can't give him all the attention and that he needs to get all of his energy out. Before we took him to these ladies, he would literally dig holes in our walls. I take him to them one day a week, that is enough with what me and my husband do with him. He has been calm, keeping him from destroying our house.

I take him to these ladies. They are convenient to my work, very accessible. I can get in there, I can drop my dog off, I can get out, I pick him up on the way home from my work which is very close to where their business is right now. If they would up and move out off somewhere off

North Market Street, that would be very inconvenient to me, I won't be able to go there anymore; that is half and hour out of my way. I have nowhere else to take my dog, one day a week. This is a day care service these ladies provide for my dog that helps him socialize, play.

I'm sure most of you if you don't have kids, you have kids that want dogs.

I feel very strongly, these ladies need to stay there. It is convenient, they provide a serve that most of don't even realize we need until we need them and that is all I have to say.

Dennis Sims (284 Hidden Hollow): I am here today to say thank you to the Council for their consideration of and hard work on the ordinance governing the operation of sexually oriented businesses. I especially want to thank Councilman Hogan for his courageous leadership in

offering the amendments which are to be placed before you today and I urge your support of this ordinance with these amendments.

I also I wanted to just very quickly tell you that my appeal is based upon several things. I believe that these amendments to the ordinance, limit the secondary effects, namely prostitution, sex crimes and other unlawful and deleterious acts, that occur in and around these places and establishments. You have seen documentation which firmly states and supports the factually evidence that these acts do occur in and around these establishments.

The second level of my appeal to you today is based upon the defense of the constitutionality of these amendments. Precedence already exists in various levels of the judiciary that reaches all the way to the Supreme Court. In addition a concerned group has already stated and gone on record as saying that, they would indeed represent the City at no cost to the City, in the process of defending this should it be necessary.

Another reason that I would urge your support is because it puts teeth into this ordinance. The issue with the six foot barrier, I believe is not related to 5' 11" versus 6' 0". The issue has to do with if someone reaches out and touches illegally and therefore participates in sexual conduct for pay. It is very much easier to support that and actually bring to court factually evidence that will support the conviction of that individual with that six foot barrier, it is just common sense that if that six foot barrier is in place, then it will be much easier to prosecute those who are in violation of that and then ultimately endangering the very people that are there in those establishments. The hours of operation limitation prohibit only those behaviors that are unique to these sexually oriented businesses. These businesses that already exist in our community would still be able to operate on the same playing field and level ground as all other clubs that would operate in our downtown area, as well; so, it doesn't put them at an unfair disadvantage in a business sense. Our Declaration of Independence states: That we hold these truths self-evident and that all men are created equal. That they are endowed by their Creator, with certain inalienable rights that among these are life, liberty, and the pursuit of happiness. But I ask you what makes these self-evident, unalienable and true? Our forefathers said this, that it is the laws of nature and of nature's God. Righteousness exalts a nation, but sin is a reproach to any people.

Rick Edmond (9817 East Chase Circle): I also want to commend our Councilman for your effort in looking into the proposal of Chapter 72 of the Code of Ordinances of the City of Shreveport and we thank you for your investigation and work.

I think that there are three things that we can accomplish here. You've been given hundreds of pages of documentation of what happens in areas where we do not regulate and control sexually oriented businesses. I don't think that we need to go over that any more, we recognize the increased crime area, prostitution, drug abuse, et cetera. I think you hear, first of all, a cry-out from your constituents that say, we want regulation of these businesses. When we consider this, we can't kid ourselves and pretend that a sexually oriented business operating in downtown Shreveport is the same as opening a hardware store. They are just not the same.

I think that those that would be for the club, would like to think that, but in actuality around the nation there are those that stand with us. This is not an issue that just Shreveporters are facing. Right now we have something in common with the Baton Rouge area, Tampa, Florida, Las Vegas, Nevada, even recently published in the Shreveport Times, of parents, adult leaders, teachers, clergy, crying out for the same type of thing. We want regulation for businesses that we believe are inappropriate for our children, our families, for community involvement. We don't believe that they are healthy. Long term of what the vision of the Mayor and you have for the City of Shreveport, we want to buy in with you. We are pro-business and so we are crying

out for regulation.

I hope that you will consider the amendments as well. We believe that the six foot buffer is very enforceable. It is being acted out in other communities. We could name some this afternoon, in fact, just in Ascension Parish, they've passed just recently and as well as in other cities around the United States. So, I don't think that it is any question it can be done. We are asking for you to do this in the matter of integrity. We are thankful for your pride for your community.

Second of all, as I think we want this to serve as deterrent. Honestly, I think we speak for many people in the City of Shreveport, literally thousands that we are not looking for these businesses to pop up all over downtown or all over Shreveport. In the East Baton Parish area, in Ascension Parish, there is over 800 employees now that are involved in the adult industry and the number threatens to grow everyday. We are asking to do something about it.

Thirdly, is our time. Many have stated, boy there should be something that we could better do than spend our time with. And you know what? I agree with them. I'm tired of being here. I don't want to bother you. I am asking and pleading with you, for the people of the city of Shreveport. Stand strong, Stand courageous.

Mike Johnson (9070 Southern Charm Drive): As much as I am unable to talk today I wanted to just come and stand before you one last time and try to convince you to support the Amendment 3 and 4 that Mr. Hogan has put forth.

We've all discussed and you've seen all the studies that have been alluded to already today. You've heard from people right here in town about the heartache and the problems that are already coming from the industry. It is growing here and it is hard for anyone to refute that. Shreveport already has a problem with prostitution, drugs, and crime and you have seen and reviewed those studies as well.

A couple of things that I just wanted to bring out this morning. First, I think the delay in the eight month saga that it has taken to get to this point, may actually have helped us and I think you all have acknowledged that. I think that we've got state of the art ordinance and I think that, actually, it is already being used as a model in other cities across the country. I'm involved in some of that.

But a couple of questions that you should ask this afternoon, first in regards to Amendment 3. Why hasn't the Fifth Circuit and other Circuits upheld a distance requirement of 6 feet and even further, (inaudible) of dancer? Well, it is obvious when you think about it. But they have acknowledged that prostitution and paid sex, almost inevitably come from close contact with a dancer and a patron and that has all been acknowledged as well.

Interesting story that you may not have seen from January 4, an Associated Press story discussed the big news that the City Council members and Prosecutors in Las Vegas are actually, they've actually had enough too and they are about to legislate in this area. Here's a quote, "County Commission Yvonne Addison Gates first proposed cleaning up steaming lap dances after an undercover police investigation found that sexy dancing can progress to "excessive grinding, simulated sex acts and finally sex for money". Again, it is a no brainer because the closer they get to a patron the more obvious this problems becomes.

You are not taking away "the fun" for the people that want to go there. You are simply adding a little safety zone to protect the citizens and everybody in the community.

For Amendment 4. You have got to ask why the limits on SOB hours have been upheld? The reason is, is because there is a direct link between the length of time that clubs are open and the negative secondary effects that come from them. Again, we've talked about that in detail too, but all this study show that closing SOBs during just a few of the early morning hours, drastically

prevents criminal activity and a number of the effects that come from them.

I wanted to address the situation in Ascension because I was assisting as counsel down there. They folded last week and it was a very big disappointment to defense counsel and I think most of the community. But, they did that because they passed almost the exact set of ordinances here with a six foot buffer zone. What happened was, when a few of the clubs filed suit to challenge them in federal court, they got a little nervous and they backed out at the last minute and what they did, they got rid of their six foot rule, in favor of a three foot rule, and they said that the patrons can now tip on the garters of the dancers in the clubs. It was a shock and a surprise and they didn't have to do it. What you need to know as I conclude here is that, when the judge denied the strip club's temporary restraining order, he went a little step further in a rare move and actually implied in his decision that he was ready to get rid of the case because he didn't think it had any merit or they would won that.

Councilman Walford: Before Mr. Johnson leaves, I would like to thank him. Because he attended our committee meetings, he gave us some very good input, he used a lot of reams of paper keeping us supplied with information, but I would like to thank you for your help during our time working on the ordinance.

Councilman Gibson: I would just like to piggyback off of that. He also, in his the organization that you represent, have made the offer for pro bono services for the City of Shreveport and I think that that was definitely, over the call of duty. From this Councilman and I know you are in my district, I do appreciate that from you and your firm.

Mr. Johnson: Thank you, thanks for all of your work.

Jennifer Peck (738 Camilla Lane): I spoke to the outgoing Council once before on this topic and now I am here to talk to you specifically about the two hanging in question.

I would like to offer you specific insight. I worked in a so-called gentleman's club some time in my past when I was a very afraid, struggling single mother. And that is the route that I chose and I won't defend that at this time. It is nothing I'm proud of and I hope you will feel how heartfelt I feel about that.

Specific to the six foot requirement, the buffered zone, really actually both of the issues, they are not business issues, in my opinion, they are not economic issues because the true goal as they stated it to be, the business offering these establishments is for, I guess visual glare, entertainment—that can be done from six feet. You invite, you really do invite the problem.

I've seen what happens when the entertainer is within arms reach. I've seen where their integrity, their self-esteem, it has absolutely been bought for whatever dollar amount that went ahead with. I've also seen when they weren't in agreement with the the solicitation and the "gentleman" took it upon himself to go for it anyway and help himself when they weren't paying close enough attention but they were too close. And the only thing between them (and forgive me for being crude, I would love to be a lady in this instance) is a g-string, a little bit of material.

And I have witnessed the heartbreak and then the unspoken heartbreak when a female is violated. And yet there is no recourse she really feels that she has. So, if you offer her, at least some sort precautionary situation to put in place ahead of time, that can be enforced at least if nothing else enforced mentally, that they know, six feet.

It is like, in my opinion, I guess I would liken it to like a speeding sign. I, unfortunately, catch myself speeding sometimes and a lot of times my awareness flag when I see that sign. I know that, oh yes, a law exists, I'm speeding. It gets me back on track. Well maybe these people under the influence of alcohol or whatever is impairing their judgement whether it is sexual arousal or whatever is causing their moment of decision there, if they just at least know that there is

something in place, consequences or something, a line exists they'll have that to help with their judgment. I believe, it is something.

Specific to hours of operation. I didn't dance there. That used to help me justify and answer my conscious but I did serve alcohol there and as much as I tried, to consciously not abuse the situation because I had a lot of power whether I realized it or not, but I did realize it to be honest. I had a conscious in there, but I was a broken person nonetheless. But I did decide, there were many occasions I am sorry to tell you that there were many times that I over-served because I needed the tip and I made that decision poorly, desperately.

The longer the opportunity for me to have an effect like that of a bartender or owner, it seems very logical the greater the opportunity is to cause someone to be harmed. So, I am going to go back to the fact that you need to put some stop gaps there. Those are people that have a little bit of challenges in some judgment or some self-esteem, I am sorry. But it is a lot, it has taken me a lot of years to even to be able to look back on that time in my life. Why do I stand here before you and tell you the truth and the truth is, that there are violations that go unreported. I know that, yes there would be beautiful to say this six foot rule is going to be used in court against people, but I am going to tell you without it, with it there are going to be incidences that are going to occur that are not reported. When you are woman in that situation, you are very ashamed. You can act proud, you have to, to hold your head up and walk around, but you are not and you all most feel like you might deserve it, but you don't.

You put those things in place to at least offer a chance to protect oneself and also for that patron who is in a manipulated situation as well to offer them that, at least one chance to reframe from crossing those liens, you've done a good thing. So like I was saying it seems like a no brainer to me also. To not support those two ordinances, would honestly, I believe and forgive my judgment but it would be to condone rape and prostitution, it really would be. I promise you it would be.

I would appreciate very much knowing that you have supported this whole thing in its entirety, especially these two, they will help. I promise you they will.

Rick Counts (8049 Cardigan Way): My heart goes out to you, it really does. First of all, and I pray that God is watching over you and may his grace shine upon on.

First of all I want to share, most of my comments will be from this book, "Every Man's Battle." It is about sexual addiction and I am a sexual addict. I would not wish or pray this upon any man or any person in the United States of America. It has destroyed my life. It has corrupted my mind. It has corrupted my soul. It has corrupted my relationship with the all mighty God on a day to day basis. I struggle with all my heart and all my life. I struggle this victory everyday of my life. That is how severe pornography is. In, America you see it. It is not all about what you see, it is about what goes into your heart and mind.

Author George Kilder on sexual suicide reported that men commit more than 90% of major crimes of violence, 100% of the rapes, 95% of the burglaries. Men comprise 94% of the drunken drivers, 70% of suicides, 91% offenders against family and children; most often the chief perpetrator are single men.

I first took glance of pornography when I was about 15 years old and it was through relatives of mine. I came across some pornography videos in his house and from there, every since to this day, the battle continues because I started masturbating when I was a young man, old enough to get an erection and excuse me for the graphic terms that I use here, I apology but I don't want to ice coat this at all, to the severity of this addiction.

Howard, a Sunday School teacher described a life twisting event in Junior High. I was walking

home. And Billy-I stopped by the store to pick up something to drink--I didn't really like Billy but I felt sorry for him. He didn't have many friends and he was trying so hard to make some.

On the way to the store, he told me about something called masturbation. I never heard that word and he explained what it was. He said, all the guys had been experimenting. I couldn't get what he told me out of my mind, so that night I tried it. I haven't gone more than a week without masturbation for over 15 years now. I always thought marriage would take the desire away but it isn't any better and I am so ashamed. Not so much by the act itself, but by the things that I think about and the movies I watch while doing it. I know it is adulterous.

I am all against strip clubs and pornography and the sole usage of this stuff in the United States of America and I am ashamed at what goes on.

Attorney Brad Shafer (3800 Capitol City Boulevard, Lansing, Michigan): I wasn't planning on speaking at all, said my piece the last time I was here but I did want to respond to some of the comments that have been made.

You've heard statements about secondary effects. This Council or past Councils have passed the zoning ordinance dealing with adult businesses. The adult businesses are in those zones, Deja Vu is exactly where this Council said it is suppose to be.

In regards to liquor matters that have been spoken about before, the liquor code addresses not only consumption of liquor, but how entertainment, whether it is adult entertainment or not, is suppose to be portrayed.

The City Council before was concerned about issues about secondary effects and therefore, there are provisions in the liquor code that govern Deja Vu that already regulate the type of entertainment. The liquor code does not even permit nude entertainment, it does not permit topless entertainment.

So every time an additional regulation is piled on, these people come before the City Council and say, these places causes secondary effects. Well secondary effects justified the Zoning Ordinance. Secondary effects justify the provisions of the liquor code. There is no justification whatsoever, and in fact if you take a look at the liquor code in particularly the state liquor code, the City Council is not to impose anything over and above what the state liquor code permits.

The state liquor code permits the hours of operation that govern Deja Vu. And I would respectfully request before you take a look at any amendments that would govern or regulate the hours of operation, you would take a look at that liquor code.

Now in addition, in regard to the statement of the young lady: if you don't vote for these, you are condoning rape and prostitution. Well, Deja Vu in its short existence in this community has seen many, many police officers come into that facility and regulators and inspectors. If there is ever a problem, the police are there. There are laws on the books dealing with these issues. Prostitution is against the law. There has never been an allegation, there has never even been a complaint of any of that type of activity occurring at Deja Vu or its surrounding area. I would just submit that there is not justification, whatsoever for those amendments.

CONSENT AGENDA LEGISLATION:

TO INTRODUCE RESOLUTIONS AND ORDINANCES ON CONSENT:

RESOLUTIONS: None.

ORDINANCES: None.

TO ADOPT RESOLUTIONS AND ORDINANCES ON CONSENT:

RESOLUTIONS:

Motion by Councilman Carmody, seconded by Councilman Gibson for Adoption of the Resolution on the Consent Agenda. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

RESOLUTION NO. 17 OF 2003

A RESOLUTION ACCEPTING DEDICATION FOR GARDERE DRIVE IN THE BRUNSWICK PLACE UNIT NO. 6 SUBDIVISION, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for Gardere Drive in the Brunswick Place Unit No. 6 Subdivision in Section 33 (T17N-R13W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

BE IT FURTHER RESOLVED that the original plat reflecting the dedication for Gardere Drive be and recorded in the official records of the District Court for Caddo Parish, Louisiana.

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 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 RESOLVED that all ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

ORDINANCES: None.

REGULAR AGENDA LEGISLATION:

RESOLUTIONS ON SECOND READING AND FINAL PASSAGE:

The Deputy Clerk read the resolution by title: Resolution No. 203 of 2002: A resolution authorizing the Mayor to execute an Intergovernmental Agreement with the Parish of Caddo relative to the development and operation of a park and related facilities in the Martin Luther King Area and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Lester, seconded by Councilman Walford to table the resolution. Motion passed by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

RESOLUTION NO. 16 OF 2003

A RESOLUTION AUTHORIZING THE EMPLOYMENT OF SPECIAL LEGAL COUNSEL TO

REPRESENT THE CITY OF SHREVEPORT, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, it is the desire of the City of Shreveport to retain the services of outside legal counsel to represent the City of Shreveport in litigation matters in connection with the Shreveport Convention Center Project.

WHEREAS, pursuant to Section 8.03 of the City Charter, the City Attorney recommends that J. Ransdell Keene, Attorney at Law, be retained for the purpose of said representation.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened that the mayor be and he is hereby authorized to execute, for and on behalf of the City of Shreveport, a retainer agreement with J. Ransdell Keene, Attorney at Law, substantially in accordance with the terms and conditions of the draft thereof which was filed for public inspection, together with the original copy of this resolution in the office of the Clerk of Council on January 28, 2003.

BE IT FURTHER RESOLVED that this contract shall be paid out of the general government legal expense fund.

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 Walford, seconded by Councilman Green passed by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

RESOLUTION NO. 18 OF 2003

A RESOLUTION AMENDING SECTIONS 1.1, 1.3, 1.5, 1.8(a)(7) and (8) and 1.11; ENACTING NEW PARAGRAPHS 4.6 AND 4.7 AND RENUMBERING THE REMAINING PARAGRAPHS IN SECTION 4, OF THE RULES OF PROCEDURE OF THE CITY COUNCIL AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the City Council Rules of Procedure are amended as follows: Sections 1.1, 1.3, 1.5, 1.8(a)(7) and (8) and 1.11 are amended, new paragraphs 4.6 and 4.7 are enacted and the remaining paragraphs are re-numbered; said paragraphs are amended and enacted to read as follows:

Section 1. Meetings.

1.1 Regular meetings. The city council shall hold regular meetings on the second and fourth Tuesday of each month at 3:00 p.m. in the Government Chambers at Government Plaza. However, when the day fixed for a regular meeting falls on a holiday the meeting shall be held at the same hour on the next succeeding business day. The time, day, or place of a particular regular meeting may be changed by majority vote of the council, or by four members of the council, in which case notice of the change shall be given in the manner required for special meetings.

* * *

1.3 Administrative conference in advance of regular meeting. The council will meet in an administrative conference in advance of each regular meeting. The administrative conference shall be held at Government Chambers at Government Plaza at 3:00 p.m. on Monday preceding each regular meeting. If the day fixed for the administrative conference falls on a legal holiday the meeting shall be held at a time designated by the chairman. The purpose of the administrative conference shall be to review the agenda to be considered at the regular meeting, and to consider certain matters that have been appealed to the Council. No definitive action may be taken by the council at the administrative conference, except for ABO permit appeals as provided in section 11.6, and for other permit appeals, which do not require a special meeting. The administrative conference shall be open to the public and members of the news media. No person shall address the meeting unless invited to do so by the council. A record of the proceedings shall be kept by the clerk.

* * *

1.5 Agenda. All matters to be submitted to a regular council meeting shall be submitted to the clerk of council not later than 12:00 noon on the Wednesday preceding the regular meeting. No item shall be added to the agenda after that time, except as time permits, in the discretion of the Clerk of Council. In any event, no item shall be added to the agenda after the agenda has been distributed by facsimile, by electronic means or by any other method to Council members or the public without two-thirds vote of the members present at the regular council meeting. The clerk shall arrange a list of such matters according to the order of business and furnish each council member, the mayor, the chief administrative officer, and the city attorney, a copy of the agenda prior to the meeting and as far in advance as time for preparation will permit. The agenda for special meetings shall consist of the matters contained in the notice of that meeting.

* * *

1.8 Order of business.

(a) At administrative conferences and regular meetings of the council the following order of business shall be followed:

* * *

(7) Adding legislation to the agenda. (Regular meeting only);

(8) Public comments, in accordance with section 1.11;

* * *

1.11 Appearances before the council.

(a) Persons desiring to speak at a public hearing that has been called shall be heard at the public hearing.

(b) No person shall be permitted to address the council except in the manner and at the times specified herein, nor until the council shall have voted to approve said person's request to speak.

(c) Any person desiring to address the council at a public hearing, administrative conference or regular meeting shall so inform the chairman or the clerk of council in writing before the fixed time for the meeting. The request shall contain the person's name, address, and the specific subject(s) to be discussed.

(d) Any person may make a request to address the council at a regular meeting or at the administrative conference.

(e) The requests of persons desiring to be heard at any administrative conference, or a regular

meeting concerning any matter that can be finally passed by the council at the regular meeting will be considered under "public comments," item 7 on the agenda. The requests of persons desiring to be heard at any administrative conference, or a regular meeting concerning any other matter will be considered under "public comments," item 20 on the agenda.

- (f) If a request to address the council is approved, the person making the request shall, after recognition by the chairman, limit his/her remarks or address to the council to not more than three minutes. Any extension of time beyond three minutes will require additional council approval.
- (g) This subsection will not apply to a request to address the council by the mayor, the chief administrative officer, or their representatives.
- (h) The chairman shall maintain orderly conduct of meetings and shall have the right to limit or terminate any presentation that is profane, discourteous, abusive, irrelevant or is otherwise.

4.6 Debate on the question. The maker of the motion has the right to speak first. Each member has the right to speak twice on the same question at each meeting, but cannot make a second speech on the same question so long as any member who has not spoken on that subject desires the floor. Without the permission of the Council, no member can make a speech (speak) longer than 10 minutes

4.7 Point of order. The Chairman has the authority and duty to make necessary rulings on questions of procedure and parliamentary law. However, when a member thinks that the rules or procedure and parliamentary law are being violated, he can immediately make a Point Of Order (*Point of Order Mr. Chairman*), thereby calling upon the Chairman for a ruling and an enforcement of the rule. The Point of Order may be made when another person has the floor, even interrupting the person speaking ,if the point genuinely requires attention at such time.

The *Point of Order* does not require a second; it is not debatable; it is ruled on by the chair and no vote is taken unless the chair is in doubt or his ruling is appealed.

4.8 Appeal from decision of the chair. Any member may appeal to the council from a ruling of the chair, and if the appeal is seconded the member making the appeal may briefly state his reasons for the appeal and the chair may briefly explain his ruling; however, there shall be no debate on the appeal and no other member shall participate in the discussion. The chair shall then put the question whether the decision of the chair should be sustained, and if a majority of the members vote no, the decision of the chair shall be overruled; otherwise, it shall be sustained.

4.9 Protests. Any member shall have the right to have the reasons for his dissent from or protest against any council action entered in the minutes.

4.10 Suspension of rules. The rules of procedure shall be suspended or amended only upon affirmative vote of two-thirds of all members of the council.

4.11 Robert's Rules of Order. Any procedural matter not covered by law or these rules shall be governed by Robert's Rules of Order, Newly Revised. (Res. No. 52, 1998, 5-24-98)

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

end the provisions of this resolution are hereby declared severable.

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

Read by title and as read motion by Councilman Green, seconded by Councilman Walford for passage.

Councilman Jackson: I was trying to find out as we were going through specifically what the changes were, specifically, was this just procedural or were there some—I couldn't see what the specific, as I went through, what the more specific changes were? Was this changing just some language here or what is this?

Mr. Thompson: There were several kinds of changes. At the last Council meeting I gave you the rules as they now exist and then I highlighted the changes that we were making to those rules, but they basically fall into two categories: 1) is updating what we actually do as it relates to the Rules, that is one of the things. 2) Another is there was a recent state law change which says that we must allow citizens to speak at every meeting. Before that, our rule was that if there has had been a prior public hearing on any item then people would not be allowed to speak. For instance, if the ZBA or the MPC held a public hearing then they would not be allowed to speak. This changes the rule to comply with state law.

The Legislative Auditor, we've had sort of a disagreement with him over an item and that is whether or not something can be added on Mondays. It is their contention that items can not be added on Mondays unless we have 24-hours between the time the item is added and the next meeting. So for that reason, we changed our rules to say that you can only add items on Tuesday at the regular meeting with a 2/3rds vote.

The other thing is, we took some of the items from Robert's Rules of Order that we use most often or that Council members have asked about most often such as a Point of Order and we put them into your local rules so that they would be there specifically and easy for you to find. And, also the rule about a person just speaking twice on an issue at a meeting. So we took some of the items from Roberts Rule and put them specifically in your rules.

Councilman Lester: Mr. Thompson, prior to the, I guess, opinion by the Legislative Auditor, if a Council member wanted to add something on Monday that would require, what type of vote? Would a 2/3rds vote be required to add something to the agenda on a Monday?

Mr. Thompson: Yes.

Councilman Lester: And so to add something to the agenda on Tuesday, again requires 2/3rds?

Mr. Thompson: Yes.

Councilman Lester: So, if a Council member had something lets say that came up between Friday and the Council meeting, they would be forestalled from adding it to the agenda?

Mr. Thompson: No, what you would do is, you could bring that item and let everybody know about it on Monday but actually add it on Tuesday.

Councilman Lester: Okay, so that would still give us the opportunity on Monday during our work session to discuss that particular issue?

Mr. Thompson, It wouldn't be on your agenda, but at least you could pass it out to Council members.

Councilman Lester: I guess my concern is when the Legislative Auditor made that ruling, what was the basis? I mean, was it based on a particular case or was it based on their opinion of the state of the law?

Ms. Glass: It was based on their opinion of the state of the law. It was not based on a particular case and we do not necessarily agree with, but it just seem like it was just better to just go along with it unless we wanted to enter into a court case with the Legislative Auditor.

Mr. Thompson: Many of the tax things, some of the things that we do have to be approved by the Legislative Auditor's Office and they are very serous things for the City of Shreveport. And if we pass them and they say we didn't do it correctly, and they will not approve it then it has serious consequences for us. So, it is easier for us to just say, we'll go along with your opinion. The only way to fight it, in our opinion, would be to take it to court.

Councilman Lester: I guess my question is, as I appreciate it, I know from being a lawyer that an Attorney General's opinion are advisory that don't have the effect of law, they are just merely advisory. And as I appreciate it, an opinion from the Legislative Auditor's Office isn't even advisory because it has absolutely no effect of law and my concern is us changing our Rules of Procedure based on the potential of us having a conflict with the Legislative Auditor's Office when we have not had that prior to right now.

Mr. Thompson: It is just a practical matter for us. We can take it to court but the problem is, if we do nothing and say that we are going to stick with our rules the way that were and then we send them down something for them to approve and they refuse to approve it, then we have a real problem.

Councilman Lester: Excuse my ignorance. What types of things would we have to send to the Legislative Auditors for their approval?

Mrs. Glass: What we were just saying a minute ago, that is not potential, that actually has happened. The main thing that we have to send is our tax millage levies. It is kind of complicated, but the Legislative Auditor has the approval over those and if he refuses to approve them, we would have a problem with getting the taxes levied.

Councilman Lester: Well, wouldn't that only come into effect if someone like myself were to add something like a tax levy issue on a Monday instead of a Tuesday?

Mr. Thompson: No.

Councilman Lester: How would the way that we add legislation to our agenda, affect a decision as it relates to a tax levy, if a tax levy was not the issue that was actually added to the agenda?

Mrs. Glass: That's another issue that we disagree with him on, but his opinion is that if you add something completely unrelated to the tax levy, that it still taints that meeting that you just simply voted on the tax levy.

Councilman Lester: And so, based on the Legislative Auditor's opinion, we are going to chance our rules as it relates to making those changes, although we disagree with, as I appreciate it, many of those? Let me ask this, have we had a scenario where we sent something to them and they said, you did this incorrectly?

Mr. Thompson: Yes.

Councilman Lester: And what, if anything that we sent to them?

Mr. Thompson: The same thing that she just said, our millage rates. We wouldn't be able to get our tax money.

Councilman Lester: I mean, has that happened in the past?

Mr. Thompson: Yes.

Councilman Lester: The reason I'm asking that question is because as I recall, was it last meeting or meeting before last we voted on the renewal of our tax millage proposal. Did they send that back to us?

Mrs. Glass: Well, that was to call an election so that itself does not go to him. But, we are complying with what he has said we should do now, anyway, so that wouldn't be a problem if it did have to go to him.

I think the other thing I would mention is that there has been some consideration given to going to court on that, but I am not sure why we never proceeded on that, but. . .

Mr. Thompson: We didn't think it was worth it.

Councilman Lester: My concern is, I'm just trying to figure out, why should we change our procedure?

Mr. Thompson: Because they have a big stick.

Councilman Lester: I mean, if that is the bottom line, that's the bottom line but I just have a problem with changing our procedure based on a Legislative Auditor's opinion when his opinion is not the law and as matter of policy, he could be dead wrong as the law is concerned.

Mr. Thompson: We think he is dead wrong, but he has to approve our millages and we think it is easier to just comply with—I mean, it doesn't hurt us any. We can do it. It is easier to do that than it is to, if we want to spend the money to go to court and find out what the court says, okay. The question gets to be can we file it in Caddo, do we have to go to Baton Rouge, I mean, there are a whole lot of issues involved.

Councilman Carmody: Just a very quick comment having served on the previous Council, I can say that the consequences have been that and as you all come to understand is that, we now are required to receive public input regardless of whether or not there has been a prior meeting and so it has made our deliberations much longer than they traditionally have been. But I do recall that we had discussed the possibility of bring the matter before a judge but again it is the matter that you would be challenging the Legislative Auditor and that could very well have to be detrimental to the community.

Councilman Lester: Well I mean, as a lawyer, just as a editorial comment, I mean if we believe that it is not an overly burdensome change then that one thing. But, my concern is, as a lawyer, having someone who may or may not be a lawyer, make a ruling on us and our procedure based on their opinion as opposed to someone that has a black robe that has the force and authority of law and that is just my question. I understand the whole idea with them saying, well we've got the big stick, but just because they have the big stick and they are wrong, if it means that we have to take them to court. You know, we take them to court. That is just. . . .

Resolution passed by the following vote: Ayes: Councilmen Walford, Carmody, Gibson, Hogan, Green and Jackson. 6. Nays: Councilman Lester. 1.

RESOLUTION NO. 19 OF 2003

A RESOLUTION STATING THE CITY OF SHREVEPORT'S ENDORSEMENT OF LIBBEY GLASS INC. TO PARTICIPATE IN THE BENEFITS OF THE LOUISIANA QUALITY JOBS PROGRAM AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Louisiana Quality Jobs Act 153 of 2002 and;

WHEREAS, the Louisiana Quality Jobs Program offers significant incentives for economic

development to some to the most distressed areas in the State and;

WHEREAS, the Louisiana Department of Economic Development designated Census Tract 235.00, Block Group 1 in Caddo Parish as eligible based on enabling legislation (R.S. 51:2451-2462) and;

WHEREAS, the City of Shreveport states this endorsement is in agreement with the overall economic development plan for the City of Shreveport, and ;

WHEREAS, the attached map has been marked to show the location of the business being endorsed and ;

WHEREAS, in accordance with the Louisiana Quality Jobs Program requirements the City of Shreveport agrees:

- (1) To participate in the Quality Jobs Program.
- (2) To assist the Department in evaluating the progress made in any Quality Jobs within its jurisdiction.
- (3) To Rebate all eligible local sales/use taxes on the purchase of eligible construction materials, machinery, and equipment purchased for this project and used by the business permanently on that site.

THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due regular and legal session convened, that Libbey Glass Inc. and their project, Decorating Consolidation Project, Quality Jobs Application #2002-0519 is hereby endorsed to participate in the Quality Jobs Program

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 hereby repealed.

Read by title and as read motion by Councilman Gibson, seconded by Councilman Green passed by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

INTRODUCTION OF RESOLUTIONS:

1. Resolution No. 20 of 2003: A resolution authorizing an Intergovernmental Agreement and/or Cooperative Endeavor Agreement with the Johnny Gray Jones Regional Youth Shelter and the Parish of Caddo and to otherwise provide with respect thereto.
2. Resolution No. 21 of 2003: A resolution authorizing the employment of special legal counsel to represent the City of Shreveport and otherwise providing with respect thereto.

Read by title and as read motion by Councilman Lester, seconded by Councilman Gibson for Introduction of the Resolutions to lay over until the February 25, 2003 meeting. Motion approved

by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

INTRODUCTION OF ORDINANCES:

1. Ordinance No. 19 of 2003: An ordinance amending the 2003 budget for the Community Development Special Revenue Fund and otherwise providing with respect thereto.
2. Ordinance No. 20 of 2003: An ordinance amending the 2003 Capital Improvements Budget and otherwise providing with respect thereto.
3. Ordinance No. 21 of 2003: An ordinance amending the 2003 Downtown Development District Budget, appropriating the funds authorized therein, and otherwise providing with respect thereto.
4. Ordinance No. 22 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning the south side of Montrose Drive 250 feet east of Line Avenue, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-Family Residence District, to B-1-E, Buffer Business/Extended Use District, limited to “parking and storage as applied for” only, and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Carmody, seconded by Councilman Lester for Introduction of the Ordinances to lay over until the February 25, 2003 meeting.

Councilman Lester: I just wanted to make a request to get some information regarding the amendments to the Community Development Revenue Fund budget. I would like to get some further explanation and since this can not be adopted prior to February 25th, if you could get that to me next week, I would appreciate it, a breakout of the different and specifically where those funds are going to be going---. As I look, I’m looking for my amendment. . . .

Mr. Ferdinand: Associated with the amendment on the agenda?

Councilman Lester: Yes.

Councilman Lester: As it relates to the increase in Prior CDBG Entitlement and the appropriations for Home Entitlement and the LHFA Standard Housing Assistance appropriation, the increase in the SICED Grant, and the Prior Year ESG. I think those, oh yes, the CHODO change appropriation, if you could give me that information.

Mr. Ferdinand: You want a written reply.

Councilman Lester: Why don’t you do this, submit it to Mr. Thompson, so he can cc all Council member.

Councilman Walford: It was a garage, that is why the house was still there. I didn’t mean to cause you any. . . .

Mr. Ferdinand: No problem, we needed to amend our report. They should have specified that it wasn’t a house, it as the garage so it made you think that the house had been torn down, and you go there and see it standing. So, we’ve amended our report to show when it is a garage, we’ll note that, but good question, that helps us clean up our report.

Councilman Jackson: Mr. Ferdinand, I’ll get with you and maybe you can help me,

but I was wondering if you had heard of a knew about in our district, I am sorry, the street just escapes me), the street off of Hearne Avenue down the side of Bright Star in Queensborough, the name just escapes me.

Mr. Ferdinand: Missouri?

Councilman Jackson: Where the house was half torn down.

Mr. Ferdinand: I think you are talking about 2700 Frederick Street. It was slow, but I think it is going to be completely torn down. It is right down from. . .

Councilman Jackson: From the Church.

Mr. Ferdinand: From Bright Star and right in front of the dentist office.

Councilman Jackson: That is exactly right.

Mr. Ferdinand: It should be down by now. We had slow contractor. We were concerned about that too, it should be all the way down now.

Councilman Lester: I apologize, while I got Mr. Ferdinand up here, if you got some notes I want to give a couple of things to you. In fact I'll make it easier, I want to give you a letter that I received from Mrs. Velma Hudson regarding some projects, pieces of property that she was concerned about in the Lakeside / Allendale area on Oxford Street, Laurel, Portland and Woods Streets. I'll tender this letter to Mr. Thompson and get Mr. Thompson to make a copy and get that to you so we deal with some of Mrs. Hudsons' concerns.

Mr. Ferdinand: We'll get you a reply.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

ORDINANCES ON SECOND READING AND FINAL PASSAGE:

Mr. Antee: Regarding 200 through 204, we will be prepared to go ahead with the Public Hearing if that is required and act on these at next meeting. We did have the mediation which was required by law. We have reached an agreement with Fire District 9, but we were unsuccessful in reaching an agreement with the other fire districts, so we will be prepared to move forward.

1. Ordinance No. 200 of 2002: An ordinance to enlarge the limits and boundaries of the City of Shreveport – A tract of land located along the West 70th Street and along Dinkins Drive in Section 29 (T17N-R15W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.

Having passed first reading on November 26, 2002 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Carmody to postpone the ordinance until the February 25, 2003 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

2. Ordinance No. 201 of 2002: An ordinance to enlarge the limits and boundaries of the City of Shreveport – A tract of land located in the S/2 of Section 21 and in the N/2 of Section 28 (T16N-R13W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.

Having passed first reading on November 26, 2002 was read by title and on motion ordered passed

to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Carmody to postpone the ordinance until the February 25, 2003 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

3. Ordinance No. 202 of 2002: An ordinance to enlarge the limits and boundaries of the City of Shreveport – A tract of land located along the Norris Ferry and Southern Loop Roads in the SE/4 of Section 20 (T16N-R13W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.

Having passed first reading on November 26, 2002 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Carmody to postpone the ordinance until the February 25, 2003 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

4. Ordinance No. 203 of 2002: An ordinance to enlarge the limits and boundaries of the City of Shreveport – A tract of land located at 5895 Bert Kouns Industrial Loop in the SE/4 of the SW/4 of Section 1 (T16N-R15W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.

Having passed first reading on November 26, 2002 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Carmody to postpone the ordinance until the February 25, 2003 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

5. Ordinance No. 204 of 2002: An ordinance to enlarge the limits and boundaries of the City of Shreveport – A tract of land located at 3001 and 3003 Meriwether Road in the N/2 of the SW/4 of Section 33 (T17N-R14W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.

Having passed first reading on November 26, 2002 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Carmody to postpone the ordinance until the February 25, 2003 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

6. Ordinance No. 10 of 2003: An ordinance authorizing a Right of Use of approximately 20' x 175' of City-owned property in Cross Lake to Waterfront Grill on the Lake, L. L. C. and to otherwise provide with respect thereto.

Having passed first reading on January 14, 2003 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Carmody adopted by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

7. Ordinance No. 11 of 2003: An ordinance repealing and replacing Chapter 72 of the Code of Ordinances of the City of Shreveport; providing for the licensing and regulation of Sexually Oriented Businesses and Employees, and otherwise providing with respect thereto.

Having passed first reading on January 14, 2003 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Hogan, seconded by Councilman Carmody for passage. The Deputy Clerk read the following amendment(s):

Amendment No. 1 (General Clean Up):

1. Modify the recitals (“WHEREAS” clauses) to read as follows:

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the City of Shreveport (“City”) in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses as well as the citizens of the City; and

WHEREAS, the City Council finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the City which demands reasonable regulation of Sexually oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and

WHEREAS, based on evidence of the adverse secondary effects of adult uses presented in reports made available to the Council and on findings, interpretations, and narrowing constructions incorporated in the cases and materials made available to the Council, including *Pap’s A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Los Angeles v. Alameda Books, Inc.*, 122 S. Ct. 1728 (2002); *City of Reston v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976), *Barnes v. Glen*

Theater, Inc., 501 U.S. 560 (1991); *FEW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *California v. Large*, 409 U.S. 109 (1972); *Baby Dolls Topless Saloons, Inc. v. City of Dallas*, 2002 U.S. A.P. LEXIS 12202 (5th Cir., June 20, 2002); *LLEH, Inc. v. Wichita County*, 289 F.3d. 358 (5th Cir. 2002); *Hang On, Inc. v. City of Arlington*, 65 F.3d. 1248 (5th Cir. 1995); *Woodall v. City of El Paso*, 49 F.3d 1120 (5th Cir. 1995); *J & B Entertainment, Inc. v. City of Jackson*, 152 F.3d 362 (5th Cir. 1998); *SDJ, Inc. v. City of Houston*, 837 F.2d 1268 (5th Cir. 1988); *TK's Video, Inc. v. Denton County*, 24 F.3d 705 (5th Cir. 1994); *Lagrange Trading Co. v. Nicolosi*, 1991 U.S. Dist. LEXIS 3551 (E.D. La. 1991); *Vonderhaar v. Parish of St. Tammany*, 633 So. 2d 217 (La. Ct. App. 1993); *Liberto v. Rapides Parish Police Jury*, 667 So. 2d 552 (La. Ct. App. 1995); *City of Gretna v. Russland Enterprises, Inc.*, 564 So. 2d 367 (La. Ct. App. 1990); and other cases; and on testimony to Congress in 136 Cong. Rec. S 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1984; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Indianapolis, Indiana - 1984; Amarillo, Texas - 1977; Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - 1977 ; and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona -1995-98; and also on findings of physical abuse from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Council finds:

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the unlicensed operators of the establishments. Further, there is presently no effective mechanism in this City to make the owners and operators of these establishments responsible for the activities that occur on their premises.

(2) Some employees of unregulated sexually oriented businesses defined in this ordinance as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(3) Sexual acts, including masturbation, and oral and anal sex, occur at unregulated sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(4) Offering and providing such unregulated space encourages such activities, which creates unhealthy conditions.

(5) Some persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually

oriented businesses, or for the purpose of purchasing or selling illicit drugs.

(6) Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis and chancroid.

(7) According to research from the Kaiser Family Foundation, an estimated 650,000 to 900,000 Americans are infected with HIV. The number of new HIV infections occurring each year is now about 41,000. Men and women of all races are most likely to be infected by sexual contact.

(8) Statistics compiled by the Centers for Disease Control and Prevention reveal that as of December, 2000, the State of Louisiana had 12,645 people living with AIDS. Additionally, statistics from the Louisiana State Health Department show that Shreveport is in Region VII, which has the third-highest incidence of AIDS out of the nine (9) geographic regions in the State of Louisiana (1,212 through 2000). See <http://oph.dhh.state.la.us/HIVAIDS/docs/HIVAnnualReport2000.pdf>, page 14.

(9) The Centers for Disease Control and Prevention estimate that as many as 1 in 3 people with HIV/AIDS do not know they are infected.

(10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November of 1990.

(11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.

(12) The surgeon general of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

(13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts. See, e.g. Findings of U.S. Dept. of Health & Human Services.

(14) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(15) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.

(16) The findings noted in paragraphs number 1 through 15 raise substantial governmental concerns.

(17) Sexually oriented businesses have operational characteristics that should be reasonably regulated in order to protect those substantial governmental concerns.

(18) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the Sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the City. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(19) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

(20) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

(21) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases and will prevent the further secondary effects of dissemination of illegal obscenity, child pornography, and to minors, materials harmful to them;

(22) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this ordinance is designed to prevent or who are likely to be witnesses to such activity.

(23) The fact that an applicant for an adult use has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this ordinance.

(24) The barring of such individuals from employment in sexually oriented businesses for a specified period of years serves to prevent distribution of illegal material, to prevent conduct which leads to the transmission of sexually transmitted diseases, and to preclude the establishment of criminal enterprises within the City.

(25) The general welfare, health, morals and safety of the citizens of the City will

be promoted by the enactment of this ordinance; and

WHEREAS, underage performers have been used in sexually oriented entertainment, both in films and in live performances; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the City Council has determined that locational criteria alone do not adequately protect the health, safety, and general welfare of the people of this City; and

WHEREAS, it is not the intent of the City Council to condone or legitimize the distribution of obscene material, and the Council recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the City; and

WHEREAS, the City recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, with the passage of any ordinance, the City and the City Council accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Louisiana Constitutions, Louisiana Civil Code, and the Louisiana Codes of Civil and Criminal Procedure; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment of the U.S. Constitution or Article I, § 7 of the Louisiana Constitution, but to enact a content neutral ordinance which addresses the negative secondary effects of sexually oriented businesses.

Explanation: This change merely corrects some incorrect citations in the original and it changes the capitalization of the phrase “Sexually Oriented Businesses” to lower case because the term is not yet defined..

2. Modify Section 72-1 to read as follows:

Section 72-1. Purpose and findings.

(a) Purpose. It is the purpose of this Chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the

United States Constitution or the corresponding provisions of the Louisiana Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material.

(b) Findings. Based on evidence of the adverse secondary effects of adult uses presented in hearings and reports made available to the City Council as set forth in Ordinance No. 11 of 2003, and on findings, interpretations, and narrowing constructions incorporated in the cases described in Ordinance No. 11 of 2003, the City Council of the City has made specific findings concerning the adverse secondary effects of sexually oriented businesses and the need for additional requirements for the operation of such businesses.

Explanation: This makes no substantive change. It alters the capitalization of “Sexually Oriented Businesses” because the term is not yet defined, and it changes a reference in subsection (b) from “Adult Entertainment Businesses” to “sexually oriented businesses.”

3. Modify proposed Section 72-2(c) to read as follows:

(c) “*Adult Cabaret*” means a nightclub, bar, juice bar, restaurant, bottle club, or other similar commercial establishment, whether or not alcoholic beverages are served, which features persons who appear semi-nude. Regularity of such appearances is not required for an establishment to constitute an adult cabaret; a single occasion of such appearance or appearances shall be sufficient to cause the establishment to be classified as an adult cabaret.

Explanation: This corrects a grammatical error (changed “are” to “is” in the third line). It makes no substantive change.

4. Delete proposed Section 72-2 (d), reletter Sections 72-2(e) through (z) to be Sections 72-2 (d) through (y), respectively, and add Section 72-2 (z) to read as follows:

(z) “*Sexually Oriented Business*” means any establishment that is an adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, massage center, exotic dance service or semi-nude model studio as defined in this section, as well as any other establishment that regularly features or regularly shows any sexually oriented entertainment activity, and includes a dual purpose business.

Explanation: This changes the term “Adult Oriented Business” to “Sexually Oriented Business” and re-alphabetizes the definitions. It makes no substantive change.

5. Modify the definition of “Distinguished or Characterized by an Emphasis Upon” to read as follows:

“Distinguished or Characterized by an Emphasis Upon” means the dominant or principal theme of the object described by such phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or description of specified anatomical areas or specified sexual activities.

Explanation: This corrects a typographical error (changes the word “phase” to “phrase” in the second line).

6. Modify the definition of “Massage Center” to read as follows:

“Massage Center” refers to a commercial business which is not licensed by the State of Louisiana as a massage business and which allows any person, including but not limited to its employees, for compensation, to manipulates soft tissue including effleurage (stroking), patrissage (kneading,) tapotement (percussion), compression, vibration, friction, (active/passive range of motion), Shiatsu, and acupressure, either by hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body massage.

Explanation: The prior definition would classify a business as a massage center based on its employees. If the business were a sole proprietorship and had no employees, it may not have been covered by the definition. This change plugs the possible hole in the definition.

7. Modify proposed Section 72-3(j) to read as follows:

(j) Other Sexually Oriented Businesses.

Explanation: This makes the section consistent with the definition of SOBs as sexually oriented businesses rather than adult entertainment businesses. It makes no substantive change.

8. Modify proposed Section 72-13 to read as follows:

Any Sexually Oriented Business may be open for business during any hours permitted under the hours that apply to the location of the business under the city’s zoning ordinance or regulations for the sale of alcoholic beverages that apply to the business, whichever are more restrictive.

Explanation: Changes “which ever” to “whichever” in the last line, making no substantive change.

9. Modify proposed Section 72-14(a)(ii) to read as follows:

(ii) The application shall be signed by the applicant.

Explanation: This makes the application consistent with the other application requirements, which do not require execution before a notary or notarial acknowledgment.

10. Modify proposed Section 72-19(d) to read as follows:

(d) Any employee of a dual purpose business will be required to have a Sexually Oriented Business employee card if the employee has any duties relating to the sale, rental, restocking, checking in and out of sexually oriented entertainment materials, or taking inventory of any sexually oriented entertainment material.

Explanation: Makes no substantive change - adds the word "a" before the word "Sexually" in the first line.

Motion by Councilman Walford, seconded by Councilman Carmody for adoption of Amendment No. 1. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

Amendment No. 2 (Penalties):

Modify Section 72-16 to read as follows:

Section 72-16. Penalties

Whoever knowingly or intentionally violates any provision of this chapter shall be fined not more than \$500, or imprisoned for not more than 60 days, or both.

Explanation: The Police Department and City Attorney's Office felt that the penalty should be in line with the customary penalty for violations of the City's Criminal Code. The words "knowingly" and "intentionally" have been added to address concerns about "strict liability" issues raised by certain SOB operators.

Motion by Councilman Carmody, seconded by Councilman Lester for adoption of Amendment No. 2. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

Amendment No. 3:

Modify Section 72-18 (b) to read as follows:

(b) It shall be a violation of this Chapter for a person, knowingly or intentionally, in a Sexually Oriented Business to appear in a semi-nude condition unless the person is an employee who, while semi-nude, shall be at least six (6) feet from any patron or customer and on a stage at least 18 inches from the floor.

Explanation: This Amendment would require a six foot distance between a semi-nude

performer and a patron.

Motion by Councilman Hogan, seconded by Councilman Jackson for adoption of Amendment No. 3.

Councilman Walford: I will tell you that this part of what might have gone into the ordinance, was discussed at great length in the committee and it was not supported by the Sexually Oriented Business Committee, but the Police didn't support it and it didn't get the votes.

Amendment denied by the following vote: Nays: Councilmen Lester, Walford, Gibson, and Green. 4. Ayes: Councilmen Carmody, Hogan and Jackson. 3.

Amendment No. 4:

Modify Section 72-13 to read as follows:

Section 72-13. Hours of operation.

No sexually oriented business shall be or remain open for business between 12:00 midnight and 6:00 a.m., provided that, a sexually oriented business which has obtained a license to sell alcoholic beverages from the State of Louisiana or Shreveport may remain open to sell alcoholic beverages under the terms of that license, but may not conduct any activity that causes the business to be classified as a sexually oriented business between 12:00 midnight and 6:00 a.m.

Explanation: This Amendment would reduce the hours of operation in some areas where sexually oriented businesses are located, principally in the Entertainment District.

Motion by Councilman Hogan, seconded by Councilman Carmody for adoption of Amendment No. 4.

Councilman Walford: This also received a great deal of discussion in our Committee. It did not get the vote of the Committee. We discussed it at great length with the Police and we might want to ask Corporal Collins to come up, but I'll tell you that in large part, the purpose of ordinance was to minimize the negative secondary effects and what I heard from the Police led me to believe that this particular amendment and restricting the hours, could actually lead to more negative secondary effects and I don't really want to go into all that they said. But it could create some problems that wouldn't be created by allowing the hours to stay as they are for the zoning, whatever the zoning is for the particular establishment.

Corporal Collins: The Police Department, Chief Roberts, could not justify through any information that we had, that we had any adverse effects concerning the hours past 12 o'clock, that is just based on the calls that we have strictly for Shreveport that has nothing to do with other cities and their adverse effects it is just here in Shreveport with the clubs that we do have in operation. Now we did

not have any further adverse effects after those hours.

Councilman Walford: But is there any delicate way to go where I'm going about what can happen if the dancers, say, they are no longer allowed to dance but are still on the premises. We discussed this, I just don't really know how to delicately approach it.

Corporal Collins: And also working the Vice side of the house, what we are concerned about if we do close earlier, that, that dancer has an expectation of tips that she wants to make her money and we are concerned about is once we close a sexual oriented business at 12:00 o'clock that, that dancer will make her tips elsewhere. I'll just kind of leave it at that.

Amendment denied by the following vote: Nays: Councilmen Lester, Walford, Gibson, and Green. 4. Ayes: Councilmen Carmody, Hogan and Jackson. 3.

Amendment No. 5:

1. Modify the definition of "Sexually Oriented Business" to read as follows:

(z) "*Sexually Oriented Business*" means any establishment that is an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, dual purpose business, escort agency, exotic dance service, massage center, or semi-nude model studio as defined in this section.

Explanation: This definition deletes the "catch-all" phrase "as well as any other establishment that regularly features or regularly shows any sexually oriented entertainment activity" so as to address a concern with overbreadth. It adds all the defined sexually oriented business activities. It would limit sexually oriented businesses to specific, defined activities. If additional uses crop up, future legislation would need to address the new uses.

2. Delete proposed Section 72-3 and add the following:

Section 72-3. Reserved.

Explanation: This is a companion to Item No. 1. The "other" category is not necessary in light of the change in the definition.

3. Amend the Type I and Type II License language in Section 72-6(a) to read as follows:

Type I License	\$1,000.00
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Adult Cabaret
Adult Motel
Adult Motion Picture Theater
Escort Agency
Exotic Dance Service
Massage Center

Type II License

\$100.00

Adult arcade
Adult bookstore
Adult novelty store
Adult video store,
Semi-nude modeling studio

Explanation: This reflects the changes in the definitions above, and corrects a typographical error. If new uses are added, they will need to be classified as to the type of license and fee.

4. Modify the introductory paragraph of proposed Section 72-17(a) to read as follows:

(a) No person holding a Sexually Oriented Business license, and no employee of any such person, shall knowingly or intentionally do or permit any of the following acts to be done on or about the licensed premises:

Explanation: Adds a knowledge or intention requirement to the violation to address arguments raised by the operator of a sexually oriented business.

5. Modify Section 72-17(b) to read as follows:

(b) An act by an employee of a Sexually Oriented Business shall be imputed to the Sexually Oriented Business licensee for purposes of finding a violation of this section, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly allowed such act to occur on the premises, or if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises reasonably should have known that such act was occurring or likely to occur on the premises.

Explanation: This change makes clear that scienter (knowledge or circumstances from which knowledge should be inferred) is required for imputation of a violation by an employee to the business itself.

6. Modify the introductory paragraph to Section 72-19 to read as follows:

It shall be unlawful for the operator of any dual purpose business knowingly or intentionally to fail to comply with the following regulations:

Explanation: This change addresses the strict liability argument raised by an operator of a sexually oriented business.

7. Modify proposed Section 72-20 to read as follows:

Notwithstanding anything to the contrary, for the purposes of this Chapter, an act

by an employee of a Sexually Oriented Business shall be imputed to the Sexually Oriented Business licensee for purposes of finding a violation of this ordinance, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly allowed such act to occur on the premises, or if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises reasonably should have known that such act was occurring or likely to occur on the premises.

Explanation: This makes no substantive change. It cleans up the language of the Section.

Mr. Thompson: Amendment No. 5 is an amendment that grew out of the letter that the Council received from Mr. Shafer who was the attorney for Deja Vu. Those comments and his exhibits were referred to Mr. Arceneaux. Mr. Arceneaux went through those comments and exhibits and some of the things that were said, he thought might have had some merit and as a result of the ones that he thought had some merit he made amendments for those and those amendments are included in Amendment No. 5. If you want any further explanation as to what is in Amendment No. 5, I believe Mr. Arceneaux is here and he can answer any questions that you might have or give any explanation.

Motion by Councilman Carmody, seconded by Councilman Lester for adoption of Amendment No. 5.

Councilman Walford: I would urge my colleagues to please pass this amendment because I believe it is an important part of the ordinance itself.

Councilman Jackson: I shared on yesterday and I know Councilman Walford is nervous that I might say something that will get us sued, but I want to just, for the record say, while I may not express the sentiment of the majority of the Council, I do think that we have to do, what we have to do. I think both to this amendment and those that are forthcoming that I don't want it to be a misunderstood of what I think is the right thing to do and I think the right motive for what it is that we do. I wanted to suggest that even as we go through these definitions that we are going to speak. Tell me Mr. Chairman, on this amendment, does this amendment consider the other thing that we talked about as it relates to the numbers of license?

Councilman Walford: No, we are not there yet.

Councilman Jackson: I'll save my comment for No. 7.

Councilman Green: So you went through that to say what?

Councilman Jackson: That'll I'll save my comment for No. 7.

Amendment approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

Amendment No. 6 (Withdrawn):

Modify Section 72-4(b)(ii) to read as follows:

(ii) It shall be unlawful for any person to be an employee, as defined in this Chapter, of a Sexually Oriented Business, or for an employee of a dual purpose business who engages in the activities described in Section 72-19 of this chapter, in the City of Shreveport, or for any person to sell, rent or exhibit for any form of consideration books, films, video cassettes, digital video discs, magazines, periodicals, or live performances which are characterized by an emphasis on the exposure or display of specific sexual activity. without a valid Sexually Oriented Business employee card. Sale or rental of the materials described in this subsection shall include the offer for sale or rental or the handling, such as at a cash register, or the sale or rental of the material, and exhibit includes any person who physically participates in the projection of any image or sells any ticket or collects any money or other consideration from any person for the privilege of viewing the exhibition.

Explanation: This Amendment would require any person selling or renting sexually oriented material, whether or not in a Sexually Oriented Business or a Dual Purpose Business, to have an SOB employee card.

Motion by Councilman Lester, seconded by Councilman Carmody for adoption of Amendment No. 6.

Councilman Lester: My purpose in offering Amendment No. 6 was this. As I appreciate what the statute, if a person works in a sexually oriented business, whether it is dual purpose or not, especially if it is considered a sexually oriented business, for the maximum purposes. If that person works there, whether they are parking cars or they are washing dishes in the back, they are going to be required to have a sexual oriented business employee card regardless of whether or not their particular conduct furthers the sexual oriented nature of the product (for lack of a better term) that is being sold or displayed at that particular establishment.

I believe that if we are going to require those folks that, in my opinion, don't have anything to do with the sexually oriented product to have a sexually oriented business, then I think it is just as important for those individuals who sell these sexually oriented products whether it be video cassettes, film, books or what have you, to have a sexually oriented card. Just like if you have people selling alcohol at a Circle K or any type of convenience store, let me put it like that, the person that actually sells the particular product has to have an ABO Card.

Well, what I am doing with this amendment is requiring someone at that establishment to have a sexually oriented business card that is going to be involved in the selling of that product.

Now, I know that the Police aren't supporting this and I can respect that, that's their opinion and some people have said that this is overly burdensome. I don't believe that it is. I believe if you are going to be in this business and we are going to require some people to have those cards, then I think this cookie should crumble fairly across the board and everyone that is--- if it is important enough for us to legislate and if it is important enough for us to pass certain restrictions, then I think the people that actually deal with the sexually oriented product need to have a sexually oriented business employee card and that is

why I offer that amendment and I would urge the support of my colleagues in adopting this amendment.

Councilman Green: Mr. Arceneaux, would you come forward. Since you say we are going to be here a while, I guess I'll just keep you a while. Would you speak to that amendment, please.

Mr. Arceneaux: I would be concerned about the ability to enforce the amendment for several reasons: 1. I think that the intellectual rationale that Mr. Lester offers, is plausible. I mean, there is no question about that. The problem comes in the enforcement. The way the Council in this ordinance if it were to be adopted without this amendment has described sexually oriented materials, it makes it fairly easy in a very broad picture to define what those are, but not necessarily with respect to a particular movie or a particular book or a particular painting. That is why there are some standards and some volumetric measurements in determining what constitutes a sexually oriented business or specific definitions about what constitutes, that activity. So, I think that depending on the application, the requirement to have every person, for example, that rents videos at Albertson's or at Video One or Blockbuster Video or perhaps a librarian that would allow a person to check out a book at the public library, to have a sexually oriented business card, would be 1. greatly increasing the number of outlets that the police would have to survey and 2. make it difficult in a particular instance to know whether a specific book, magazine, or movie is something that requires someone with an SOB license or card to be able to sell or convey or rent versus something else.

I think Mr. Lester's intention is excellent and I think in a world where we can clearly define those things, whether something contains alcohol or not is easy to determine. It is right there on the label and it is easy to see.

Whether a particular item is something that is covered by the definition of sexually oriented entertainment in the ordinance, some of those are very, very easy to determine, some of those are not very easy to determine; so, I think the recommendation of the City Attorney's Office is that this one creates an enforcement problems and we would prefer that it not being included in the ordinance to help sustain its constitutionality.

Councilman Walford: So, Mr. Arceneaux, it would be safe to say that probably the clerks at Barnes & Nobles, would be required, the clerks at the LSU-S Bookstore who sell the art books?

Mr. Arceneaux: The art books are probably a little easier, but some of the materials at Barnes & Nobles, may or may not be covered. There are probably certain. . . . (Councilman Walford remarks inaudible.) would or would not be covered. People have differing opinions about what the intention and characterization of certain literary works or some people would consider some works that others consider literary to be pornographic and that is where the issue is really fairly difficult to determine.

Councilman Walford: But I join you in your recommendation and this did not pass our Committee and I commend Mr. Lester. His intentions are good, it just creates a can of worms that I don't think, we want to go there is kind of where I see it and I know if we call Corporal Collins up here, he'd say that we don't even have to do that unless somebody else wants to.

Councilman Jackson: Well, someone needs to address—I hear the

correlation between ABO cards and these SOB cards. I don't understand. Maybe the problem is somewhere else because I don't see how, ABO cards it is easy to enforce whether or not a person is in possess of an ABO card, but it would be more difficult to enforce whether or not a person has an SOB card. It doesn't sound to me like the venues are the problem, as much as it sounds like the vagueness of our definition of what sexually oriented, seems to be the problem.

Because I don't understand why we can't be more precise in what it is that we would be regulating because ABO cards certainly, they are numbered. I don't even know what the number would be, the number of establishment around this city that require ABO cards because of serving alcohol or selling of alcohol. And I would see, I guess I'm finding it a lot more difficult to see how this become a lot more difficult than enforcing an ABO regulation. And if we are able to enforce ABO card, the possession of an ABO card, it would seem to me we would be able to enforce SOB or change our definition of what a sexually oriented business is, if it is that difficult. If it is really that difficult, then it seems to me, there is going to be a problem in enforcing any kind of ordinance much less the possession of a card if we are admitting through a Committee and otherwise, that this is such a loose ordinance and that this ordinance in its loose nature, is un-enforcement in the area of a possession of a card, how can we be sure that it is going to be enforceable in any other area?

And I don't feel comfortable with whether it is the Committee's recommendation or whoever, this argument to me, just opens a new can of worms and I don't understand how we could not enforce the possession of a card but we can enforce this loose interpretation, let me say, of what a sexually oriented business. Because now we start talking about paintings, and pictures, and Barnes & Noble and librarians and all these other things and it just seems to me that, we have made a mountain out of what ought to be a mole hill. And I would suggest to you that, if it is enforceable in any regard, it ought to be enforceable in every regard.

Councilman Green: Mr. Arceneaux, would you speak to what Councilman Jackson basically talked about as to what is the difference in enforcing an ABO card and a SOB card. Is that basically what you are saying Mr. Jackson?

Councilman Jackson: I guess the root of my question is, why is it impossible or is it just difficult or is it just impossible. Because the difficult, I think we ought to strive to do. The impossible, is something different. So, is it difficult to enforce it or is it impossible to enforce it?

Corporal Collins: The enforcement of having the SOB card itself, is not difficult. What is difficult is determining who needs that SOB card. For instance, a library. If the library contains something where you need an SOB card, for us to go though every one of those books to find out if the librarian does need one or if at Barnes & Nobles. We have 503 businesses that have alcohol licenses. Those are your only businesses in Shreveport that have licenses to operate and sell alcohol. It is very easy to go check those businesses and know who they are. If they are selling alcohol without that license, there is a violation. We know where to go, exactly what is contained in that business.

With the SOB cards, the problem is, is like we said, whether it is the library, Barnes & Noble, we have to go basically and look at every book that is questionable and then have someone make determination if that is sexually

oriented, and then go from there to issue a card and that is a logistical nightmare that would take years and years and years even to find out, who needs a card.

Councilman Jackson: Well let me ask you this. Obviously we should as if we are not going to narrow our definitions, so I wondering if a narrowing of the focus of this particular amendment would help us because, I think it would be asinine to create the sex police, you know, that would be running around the libraries looking through books trying to figure out what was sexually oriented and what was not so, I am not suggesting that in any way, shape, or form. But what I am suggesting is that we know that there are outlets whether they be convenience stores or otherwise that do sell pornographic magazines. We know that there are video stores, who specifically do sell pornographic videos and I am not suggesting that if there is a scene in a movie that happens to be semi-nude or a nude scene, then that rises to the level of the movie being a pornographic movie. I think we have to, I don't want to spend phrases, but I would suggest to us that we do things that reasonable men can understand the reason why we would certainly be looking to regulate these types of businesses by making sure these individuals have sexually oriented business cards.

And so maybe, I don't know if it is Mr. Arceneaux's or your view that what would help if Mr. Lester would narrow the scope of this particular amendment, but I do think simply saying that, it is not enforceable, for those reasons to me, is not enough reason not to be in favor of the spirit of this amendment. And if it has intellectual merit, then it ought to be able to be enforced or else we have, in my opinion, nullified the intellectual argument and said, we just can't do it. And I would suggest that we shouldn't get to that point, that we ought to be able to enforce it whether we better define what "sexually oriented businesses" are in our ordinances or whether we more narrowly focus this particular amendment, that I don't see why it could be impossible that we enforce it. And if it is just difficult, then I think it is something that we ought to endeavor to do.

Councilman Walford: To address Councilman Jackson's concern. We did narrow the focus. We spent a great deal of time and finally settled on businesses that have 20% or more of their floor space dedicated to the materials described, are thereby described as "sexually oriented business." A business that has got from 20% to 49% is a "dual purpose business" because it assumes that they have another product that they sell, as well.

Councilman Jackson: Well, how does the library come into this?

Councilman Walford: Because the way Mr. Lester's amendment is written, it forgets the businesses that we are talking about, it talks about the product that someone might deal with. So, if someone sells a book, sells a magazine that would fit the definition, even though they are not in a sexually oriented business, by Mr. Lester's amendment, they would have to have the SOB license.

We worked very hard to come up with a compromise. We settled on 20%. It wasn't done lightly and those are the businesses that we feel need to be regulated, might indeed create a negative secondary effect and to try and get every employee, you are saying that this Council ought to be able to define it, I am going to ask Mr. Arceneaux when he comes up, but I don't think the Supreme Court has been real good at defining some of this. Alcohol is easy to define. Mr. Arceneaux made that clear. If you buy something, it is going to say that it is alcoholic and we understand that. We are going to get into a gray area if you start

reaching out trying to find everything that might come under the heading of “sexually oriented business.”

So, we narrowed it down, we settled on 20%. Mr. Arceneaux feels like it is a good enforceable number. We worked carefully with the Police on that. It doesn't really lead (help me out Russ) it doesn't leave very many businesses out, that are dealing in this type product except the Circle K that might sell a Playboy magazine.

Councilman Lester: As I appreciate it and this question can be for Corporal Collins or Mr. Arceneaux, as I appreciate it, if you have a business that between 0 to 19% of floor space is dedicated to a sexually oriented product, you don't have to get a license, at all. Isn't that correct? (Corporal Collins: That is correct.) And 20% or more had a license, and 20% to 49% is dual and anything over 50% of your floor space is a sexually oriented business that deals with the highest level of scrutiny. That's correct? (Corporal Collins: That is correct.) If you are in the 20% category and you have to have a license, do all of the employees that work at that establishment, with the 20% have to have a sexually oriented business employee card? (Corporal Collins: No.) In the 20 to 49%, the dual do all of the employees that work in a dual license situation, do all of those employees have to have a sexually oriented business employee card?

Mr. Arceneaux: No, they are required to have a segregated area where the adult materials would be sold and displayed and only the persons that are in that have duties in that area are required to have a SOB card.

Councilman Lester: So if you are a dual business, we make you segregate your display, the one that is sexually oriented in nature from that is not sexually oriented in nature. And, if you work in the portion of the store that deals with a sexually product, those people have to have their employee card that we are talking about, right. (Mr. Arceneaux: Correct.) And then if you work in a business that over 50% of the business is engaged in, what we have determined is sexually oriented in nature, everyone that works in that business, regardless of whether they are a dancer or they are a cabaret singer, they are the dishwasher, they are the man parking cars, they are the man sweeping the floor, all of those people have to have a sexually oriented business employee card; correct? (Mr. Arceneaux: Correct.)

Well, see my problem is, I'm looking at it from a Equal Protection scenario. I'm saying, why is it not fair to that person that's sweeping the floor or washing the dishing at a business that is—if they are doing sweeping the floor or something like that, this is a minimum wage, male / female person, they have to have a sexually oriented business employee card, but their activities has absolutely nothing to do with the sexual product that is being dealt with, but the person who works in a business that also sells a sexually oriented product, does not. And so if my amendment is too broad business let me amend my amendment to say this. What I'm striving for is, fairness on everybody that has to have a sexually oriented business card.

Now, we can, we are lawyers. We can take things to the empty degree. Because I can make the argument, well you know what, in a pharmacy, Nyquil has alcohol in it. And if we are going to make every product that has alcohol, we can go that route, that's not what I'm saying at all. My amendment says it shall be unlawful for any person or an employee to defined in a sexually oriented

business that we've already defined in the context of this particular statute, that if you are dealing with a sexually oriented product, as we have described in an earlier portion of this statute, everybody that deals in this should have a sexually oriented business card. Whether you are the 20%, whether you are the 20% to 49% because what's the difference between the 20% and the less than 20—the 19%? I mean you still have to have a license, but your employees don't have to have a card. And if we are saying to the community, there are secondary negative effects and we are doing something that doesn't apply to you, to use the Supreme Court language, that applies to the puritan interests of a neighborhood and a community, then it just seems to me that if we can make a business owner segregate his area, if they are dual purpose, and if we can make a business owner say, not only are you going to segregate your area, then the people that work in the area specifically demarcated for the sexually oriented product have to have a card, then I don't see why if we are going to deal with the licensing of the 20% or the 20 to 49% or the 50% that we can't make the people that work there have the card.

I don't see that as being over-broad. Now if the context of my amendment as it is written is over-broad, then I want to amend my amendment so that we deal with the people that are licensed because I don't think it is fair for the person that is working at a business that is over 50% that has nothing to do with a sexually oriented product that has to have a card and someone that is a 20% that is also admittedly has to have a license so they have risen to the level of being regulated, but those employees don't have a card. I don't see where we can treat one group differently from another. I think that is an Equal Protection argument and I think that is something that is just waiting for us to be litigated.

Councilman Walford: If I can address a question to Mr. Lester. If your amendment for those businesses that go from 20 to 49, to license all employees there, I would have no problem with that. It is that broad reach that we could come up scenarios with forever.

Mr. Arceneaux: I am going to call both of you Mr. Chairman because Mr. Walford is the Chairman of the committee that dealt with the ordinance.

Councilman Green: You all have the open floor. Right here we have this section to my right.

Mr. Arceneaux: Mr. Walford I don't think that there is any question that we could tinker with this ordinance from now until some time next year and still have some questions about it.

The questions that Mr. Lester raises: 1. I am going to address just the Equal Protection argument. This is not a protected class and so I don't think your Equal Protection argument is really a rational basis test, I don't think that you will have any difficulty overcoming that.

The other arguments that he makes are really policy arguments that are not appropriate for me to comment upon, they are policy decisions that I think the Council has to make.

What I would suggest to you is from the Police Department / City Attorney's Office we believe that the ordinance that you have in front of you in whatever form that it ultimately takes today, is an ordinance that ought to be put into place. If there are members of the Council would like to further refine the ordinance, that just because you vote on it today does not mean it can't be

amended a month from now or two months from now or three months from now. And I will be happy to work under whatever circumstances the Council wants me to work to work on amendments. If you want me to work on amendments right now, I am here to do that. If you want me to work on amendments tonight, except for another engagement that I have tonight, I'll be glad to work on it there. I will be glad to work on it between the next meetings; whatever is the Council's pleasure.

But I think that there is still additional time after passage of an amendment to continue to consider these issues, but to let something actually get on the books to start with rather than to have further delays, I think is an important consideration for the Police Department and frankly from a personal standpoint, I'd like you to get on it, but I'm here to serve you, so that doesn't make any difference to me. I'm here to help you 'til the cows come home and will continue to be that way as long as you like.

But I think most of the arguments that Mr. Lester raises are policy questions that determine what you think is appropriate to put in the ordinance rather than legal arguments that I should be addressing.

Councilman Green: You are saying that, for instance we went to court on this in defending it, we would possibly lose; is that what I hear you say?

Mr. Arceneaux: I think it is a much harder to defend the ordinance with this amendment than it is without it, yes because I think it goes beyond. . . necessary to address these concerns and because it makes it very difficult.

Let me give you an example. Someone goes to Blockbuster and they rent "Last Tango in Paris." Some people believe that "Last Tango in Paris" is pornographic and would fit the definition that is included in the ordinance for an adult material that would have to be in a segregated area; some people do not. So the question is when someone presents themselves with "Last Tango in Paris" at the check out line at Blockbuster, is that something that has to be sold by someone with an SOB card or not, and that is the enforcement issue and these are as a specific a definitions as have been derived and have been approved by courts, but they are not perfect definitions, Mr. Jackson. And I don't think that the Supreme Court has come up with a perfect definition that we could use. If I thought they had, I would have used it, but I have not found that so there are some practical problems in this area with enforcement.

What we tried to do and think that we have succeeded in doing is to prepare an ordinance that will withstand constitutional challenger and is within the authority of the community to regulate the use and sale of these materials. No product is a perfect product and it certainly could stand some improvement and I will, as long as the City Attorney keeps me assigned to this area, I'll be happy to work with you to work on that. But I think most of the questions that you are raising now, are really policy issues as opposed to legal issues.

Councilman Green: Our City Attorney says that it will be difficult to defend and my question to you, would it be difficult to regulate?

Corporal Collins: Yes.

Councilman Jackson: My question is to Mr. Arceneaux. You spoke to the fact that the last "Tango In Paris", for example to refer back to that example, some people may consider that pornographic. I guess my question is, who are "the some people" that may consider it pornographic and then why, I guess the

problem would be for me, if that is what the enforcement issue is, then why don't we again as we narrowly define it, I guess that is what you are saying is that maybe we can continue to work through that narrow definition, but it doesn't frighten me so much that someone may perceive one thing as something else, but there are some things that are clear that do not have the vague edge to them, that are not the vague, those things that are not very clear.

There are some things that are crystal clear that are pornographic, i. e., magazines that are sold at convenience stores, and other venues. Those, I guess, are the things that I would specifically be talking about whether or not a book in the library, whether or not a video at Blockbuster. If Blockbuster does not designate the film as, if it goes through the normal rating procedures that the motion picture industry subscribes to and if in fact it is not because as I appreciate it, Blockbuster does not sell pornographic material.

And so I guess my concern is, again, from a reasonable sense, is there a way to have this amendment as a part of this legislation without violating those things and we are not getting into these issues that we continue perceive to be nitpicking issues or these small gray areas?

Mr. Arceneaux: Mr. Jackson, I think it would be very difficult to do that because you are talking about defining a particular piece of merchandise at the point-of-sale or the point of rental as opposed to looking at a collection of materials where it is much easier to determine that within those materials, are contained things that we clearly, as you would say, clearly go over the line, the difference between "Debbie Does Dallas" and "Last Tango In Paris" most people would agree to but some people would still agree that "Last Tango In Paris" is a pornographic film.

And it is in those areas, it becomes very difficult, that is why in the initial draft before there was a dual purpose business section, in consideration with the Police Department of how to deal with the convenience store that may sell an occasional adult magazine as opposed to a place that has a full adult XXX video store. In order to minimize the cost and maximize the effectiveness of enforcement by the Police Department, there were certain thresholds that were discussed and enacted into the ordinance so that we would be concentrating on businesses as opposed to particular materials. And I think when you go to the particular materials, that is where judgment has to be exercised with respect to lots of pieces of literature, works of non-fiction that would be extremely difficult to determine at a particular point of sale or rental whether that was covered and therefore whether a person with an SOB card would be required to actually handle that transaction as a cashier does for the sale of alcoholic beverages; so, I do think it creates some difficulties.

I certainly would be happy to continue studying that issue if that is what the pleasure of the Council is. I would suggest to the Council that perhaps, that is something that continue to be studied while the rest of the ordinance is placed into effect.

Councilman Lester: At this point, I think I can solve, short circuit, some of the conversation and I think I can serve what my purpose of the amendment and deal with Congressman Jackson (maybe that is prophecy—I'll be your campaign manager) Councilman Jackson said. What I want to do is I want to withdraw the amendment that I and let me say what I want to do and Mr. Thompson, you can

help me on how to do.

I want to withdraw the amendment that I have and I want to offer a new amendment. The new amendment that I want to offer would require a business, if a business rises to the level of being licensed by this statute, in other words, the 20% rule. At the point that, that business rises to the point that they have to, the business itself has to get a license under this statute, then every person that works in that business should have a sexually oriented business employee card, that is my amendment, that is what I want to do. So how do I withdraw my amendment and offer that as a substitute amendment?

Mr. Thompson: I think our problem, particularly with this ordinance is that our rule is that all amendments have to be in writing and with this one, it would be—we would need to try to find a way to reduce your amendment to writing.

Councilman Green: Mr. Thompson is there a way that the amendment that he is talking about, couldn't it be in the next Council meeting?

Mr. Thompson: As Mr. Arceneaux suggested earlier you can always introduce an ordinance, another ordinance to amend this ordinance. It could be done at the next meeting, anytime that you would chose to do so. I don't know if Mr. Arceneaux, when he got up whether he had an answer to this.

Mr. Arceneaux: What I would—because of the direction that Mr. Lester's alternate amendment would take, that is rather than to restrict people covered by a license, it enlarges it, it lends itself to the preparation of a separate ordinance that would amend what will then be Chapter 72.

And I would feel more comfortable having time to really look through the ordinance. You may or may not acknowledge this, but when I do each one of these amendments, I have to read the whole through all the way through to try and make sure that by doing something, I haven't inadvertently done something else and I would hesitate to try and do that this afternoon for fear that it there would be a mistake in it, inadvertently.

What I would suggest Mr. Lester, I would happy to draw, I think I can draw that fairly easily, but I would not want to do it in the time pressure of the Council considering the ordinance today but it is something that could be added to the chapter by a subsequent ordinance.

Councilman Gibson: I have to concur with counsel. I think that for us to do due diligence both from a legal and from a legislative standpoint, that I would ask that, that secondary amendment be offered and voted on or considered at a future City Council meeting.

Councilman Green: Basically at this time what we are doing is, we are just removing this particular item. You are withdrawing this amendment? Mr. Thompson what is the process on.

Mr. Thompson: If the author withdraws it, it is just withdrawn.

Councilman Lester: Well I'll withdraw that amendment for the purposes of doing what I want to do at the next meeting.

Mr. Thompson: It would be an ordinance and it can be introduced at the next meeting, but it would take a subsequent meeting for it to be voted on.

Amendment No. 7.

1. Add proposed Section 72-4(a)(v) to read as follows:

(V) The application shall specify the form or forms of Sexually Oriented Businesses (according to the forms of Sexually Oriented Businesses described in Section 72-2 of this Chapter) to be operated by the applicant at the location for which the application is submitted. If the application specifies more than one form of Sexually Oriented Business, the application must meet the restrictions for each form of Sexually Oriented Business set forth in the application, and the license, if and when issued, shall specify the form or forms of Sexually Oriented Business for which the license is issued. A licensed Sexually Oriented Business may not operate any form of Sexually Oriented Business not set forth in its license. Any application to expand the scope of a Sexually Oriented Business license shall be treated as a new application insofar as the expansion is concerned. Nothing in this Chapter shall be construed to permit the operation of more than one form of Sexually Oriented Business at a single location by a single licensee if such operation at the location would be prohibited by applicable zoning or other land use statutes, laws, ordinances or regulations, and nothing in this Chapter shall be construed to prohibit the operation of more than one form of Sexually Oriented Business at a single location by a single licensee if such operation at the location would be permitted by applicable zoning or other land use statutes, laws, ordinances or regulations.

Explanation: This amendment clarifies that a business will be issued a single Sexually Oriented Business license, whether the licensee operates one or more than one form of Sexually Oriented Business at the location.

2. Amend proposed Section 72-5(a)(ii) to read as follows:

(ii) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, the form or forms of Sexually Oriented Business covered by the license, and the address of the Sexually Oriented Business. The Sexually Oriented Business license shall be posted in a conspicuous place at or near the entrance to the Sexually Oriented Business so that it may be easily read at any time or in the case of a Dual Purpose Business, the Sexually Oriented Business license shall be posted in a conspicuous place in the area of the adult entertainment materials.

Explanation: This amendment clarifies that the license shall state the form or forms of Sexually Oriented Business to which the license applies.

3. Amend the introductory language of Section 72-6(a) to read as follows:

(a) *Sexually Oriented Business License.* The licensee shall pay one fee for the issuance of a Sexually Oriented Business license. If the license covers more than one form of Sexually Oriented Business as defined in Section 72-2 of this Chapter, the fee for the license shall be the highest fee for any of the forms of Sexually Oriented Business specified in the license. If the license covers forms of Sexually Oriented Business that are both Type I and Type II as set forth below, the fee shall be the fee for the Type I license, and both a Type I and a Type II license shall be issued for such fee. The initial license and annual renewal fees for Sexually Oriented Business licenses shall be as follows:

Explanation: This clarifies that a single license is issued for the location, regardless how many forms of sexually oriented business are operated by the licensee. Of course, no business would operate a both a dual purpose business and another form of sexually oriented business because the higher regulation of the other sexually oriented business would negate the effect of being only a dual purpose business.

Motion by Councilman Gibson, seconded by Councilman Lester for adoption of Amendment No.7. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: Councilman Jackson. 1.

Motion by Councilman Carmody, seconded by Councilman Lester for adoption of the ordinance as amended.

Councilman Gibson: It is more in the form of a comment before we vote on this. First, I think that this Council has been clear from Day 1. I think the very first City Council meeting, if I am not mistaken, the new Council with the experience from past Council, the first item that we took on was the SOB Ordinance that was, I think, a bold step in sending a message that we were serious about dealing with this situation in terms of a regulation that is what I think has pulled all parties, legal, the industry, this Council, this Administration, the public, in coming up with and this is one person's opinion, 98% of what was presented last summer.

It may not be perfect in nature, I think Mr. Arceneaux stated and I concur, this is a first step. As I stated to Chief Roberts and I want to be on record that I would like Council to receive a quarterly report on what is happening within this industry if this ordinance goes into effect. If some of the secondary items that are going on or proposed or stated that would go on, are happening, I will be the first (and I say this to you Councilman Hogan) I will be the first to want to come back and amend this thing and tighten it up even more, but I would request from the Police Department a quarterly report to this Council.

I have canvassed my district, District D and by approximately a ratio of 9:1 they have responded overwhelming that the amendments, the six foot barrier and also the hours of operation were not an issue. Especially on the six foot barrier and the response that we had from our professionals, the Police Department, who said basically and they have been consistent on this, that it would be very difficult to enforce. My district is already short police officers with the size of our district and the resources that we are dealing with in this city to enforce such an ordinance would cost valuable resources with those particular establishments of which my district has responded. They want those resources dedicated to the neighborhood.

In addition, this regulation if passed, I am confident and I have visited with some of the general managers of these businesses and have said on record to them, this puts the burden of proof on you to comply with the ordinance. If you do not comply, this Councilman will not hesitate to work to lobby with everything in my power, with my City Councilman, to remove that license and the investment that you put into this community will be lost.

I don't know how much clearer or spoken I can be on this particular issue, but I do appreciate the opportunity to voice my concerns and comments.

Councilman Green: I would like to commend this committee for doing a great job on working hard. My support was to them that whatever they brought back, I would be in support of it and I would like to commend you all for doing a great job.

Councilman Lester: I want to say that I think that this exercise that we have gone through is a triumph of legislative process over personalty. And I think this is going to send a message to our community that this is what our, what this Council is going to be about: legislative process over personalty.

I think this statute is soundly reason. There are some people that are happy with some things, there are some people that aren't happy with some things. But I think that this is a good statute because it reaches the point where everyone got an opportunity to express themselves, people in the industry, the people that will be regulating it, the people that are for it, the people that are against it.

And, you know in law school we have saying that says: bad facts made for bad law, but this is not one of those scenarios. These bad facts didn't make for a bad statute. And I would be remiss if I did not say a word to Councilman Carmody who many months ago started us on this process and had the foresight to move forward with this, but also to do something that I think was probably difficult for politicians and political types to do which is start a process and step away from a process maybe to take some personalty out of it, to let other people understand that this was not something that it was a crusade that I was doing, that let other people see that this is something that needs to be done; so, I want to thank Councilman Carmody for his contribution to the process.

And I would like to say that I fully support this, this statute. As you've heard, there are some things that I do not like about the statute, and I think that there are some things that need to be added and I am going to do my part as far as that is concerned. But, I think that this community can be proud that they have a City Council that did the due diligence, that did their homework, that worked and talked and came up with a statute that is well reasoned, that I think will ultimately pass constitutional muster.

Councilman Walford: Yesterday I thanked everybody, Corporal Collins, you weren't here. Again, I'd like to thank you and if you will relay it to Captain Shoemake who is off on vacation while we are doing this. (Councilman Lester: Isn't that a coincidence.) I appreciate all the effort that the two of you put into it. Tom, all of your effort. I already thanked Mr. Johnson. I would even thank Mr. Shafer if he is still over there for my Saturday reading that I got to do. Councilman Carmody, passed on a great deal of material to me. I appreciate my committee that we worked with and those who were not on the committee that came to the meeting and I like Councilman Lester think that we have good product and I hope to see a 7 - 0 vote.

Councilman Carmody: I am very proud of my fellow Council members in that we have gotten to a point of consensus for this community whereby we are establishing policy in regarding this one particular type of businesses and I think that it does send a very positive message and it is my hope that everybody will be unanimous in supporting this.

Every law is a living piece of legislation and it is going to be subject to change and we will find out from the Police Department as well as our City

Attorney office as to what modifications might be suggested in the future. My hope is that the proprietors of these types of establishments will realize that we have a level of acceptability toward their type of businesses that if they are outside of that level, then indeed we will take action.

Again, I applaud you gentlemen. I think this is what stepping up and doing the right thing is about in the form of policy for the community and I would call for the vote.

Councilman Jackson: I just thought I ought to say something since everybody was saying something prior to our vote. I perhaps am not as excited or happy per se because maybe we ought to thank the last Council as well, because as I appreciate it, as I go through what has happened, we've added a \$500 fine and imposed a license fee, cleaned up some grammar and defined what SOB was.

And while the committee deliberated over a lot of other things, I think it says to us that we had a pretty sound ordinance in the first place except that there were some problems that I don't think we solved.

As I think someone has said I guess we'll know in a few weeks or what have you what the verdict will be from it, but I just would hope that in future while this is in fact several other Council members have said, a wonderful imagery of coming together and working on something whether it is 7 to 0 or whatever the case, I just hope that we'll start to do things in a more expeditious fashion.

Councilman Hogan: I would just like to go on record in saying that I am pleased also as well with the Council and that I believe we are about to have 7 to 0 vote.

I want to thank Mr. Walford as our Committee Chairman and Mr. Lester. We put in a few extra hours as well as some of the other Council members that sat in on our meetings.

I am obviously I'm disappointed that my amendments did not pass. The purpose, in my offering those amendments, was eloquently stated by a lot of the people in the audience and I felt like that spoke for itself but better said that, my purpose was to offer as much protection for our community and those girls down there as we could legally do.

And so I understand also that a reasonable person could look at these amendments and say that they believe that they couldn't agree with those, but I believe because of the facts that were presented to me in my research and on the Committee's research, that this is undeniable a dangerous type of business. It is not a hamburger stand, it is not a hardware store and I really believe that we need to caution ourselves and make it as tight as, as hard as we can for any businesses like this in the future that would try to operate, would try to open up. And so I want to send a strong message in that manner to businesses are considering coming. I am hoping that we will discourage them from coming.

And again, I am pleased that basically we are in agreement on this basic draft and I thank everyone for their work.

Ordinance as amended approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

8. Ordinance No. 12 of 2003: An ordinance authorizing and providing for an encroachment on

a portion of the Montrose Drive right-of-way, and to otherwise provide with respect thereto.

Having passed first reading on January 28, 2003 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 Lester for passage. The Deputy Clerk read the following amendment:

AMEND THE ORDINANCE AS FOLLOWS:

In Paragraph 2: Whereas, a request has been received from Mr. Fertitta to allow for a proposed metal railing fence encroachment onto the Montrose Drive right-of-way **Add.....and to include an encroachment along Line Avenue to permit a chain rail fence across the two driveway entrances located at 6301 Line Avenue;** and

Motion by Councilman Carmody, seconded by Councilman Gibson for adoption of the amendment. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

Motion by Councilman Carmody, seconded by Councilman Gibson for adoption of the ordinance as amended. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

9. Ordinance No. 13 of 2003: An ordinance amending the 2003 budget for the Police Grants Special Revenue Fund and otherwise providing with respect thereto.

Having passed first reading on January 28, 2003 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Green adopted by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

10. Ordinance No. 14 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by approving the continuation of B-1-E, Buffer Business/Extended use District limited to a “pet day care facility with grooming as described at the public hearing” only on property located on the north side of Bert Kouns Industrial Loop, 150 feet of Laurie Lane Shreveport, Caddo Parish, Louisiana, to otherwise provide with respect thereto.

Councilman Hogan: I would like to clarify that as we vote on this, that we will be, a “yes” vote would be to uphold the Metropolitan Planning Commission’s ruling to deny the application.

Mrs. Glass: You have an ordinance in front of you which would overrule the MPC. So, if what he wants to do is uphold the MPC, you would need to vote “no” on the ordinance. I know that that is confusion, but because there is an ordinance in front of you, you need to vote “yes” or “no” on the ordinance itself rather than another motion.

Mr. Thompson: A motion to adopt the ordinance and request that everybody to vote “no” who agrees with your position.

Having passed first reading on January 28, 2003 was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman Hogan, seconded by Councilman Lester for passage.

Councilman Hogan: Thank you for that clarification, Julie. As we had our discussion in the Administrative Session, this was a very difficult decision for me. Ms. Harris is a very nice lady, she's got a great business. She has a wonderful idea and it was really a tough decision for us, it was not easy at all. This is her livelihood and I believe that she is going to prosper with this business, wherever she goes with it.

Of all the input I received and the homework I did, I visited the person next door to them, the dentist who had filed the most complaints and I went to Ms. Harris' business there and also spent time with her. I went so far as to call the numbers of the people on the petition, that had the phone numbers and I talked to the neighbors around the area. I called everyone that I could get in touch with.

It was a difficult decision and I had tried to look around our neighborhood and find an area or a store that Ms. Harris would be suitable for her. It is a business that we want here and I think that it is a good idea, however, because of the original agreement with the MPC was violated, as was stated by Mr. Kirkland yesterday, that was the main reason I felt like that we needed to turn this down and deny it.

Councilman Lester: If we vote to uphold the MPC's decision overturning the zoning and would require this individual, this business owner, to only have grooming at her facility which is the only use that would be allowed by right, as I appreciate under the zoning statute. What is her recourse? In other words, if we vote to uphold the MPC's decision, what is the time period that she has maybe to come back and restate her case to MPC or would she be forestalled from doing that for every and all time?

Mr. Kirkland: Under the established law as adopted by this Council, not this one but the prior Council, one who loses, i. e. a denial. Now you understand, being a lawyer, that Ms. Harris has also a 30-day period, she can go onto court if she wants to argue that position; so, she has that right. But she accepts the decision and does not go to court, which is a denial, then she would have to wait at least 1 year before she could reapply for the same use.

Which is primarily, I think even as Ms. Harris and I don't know whether she was somewhat surprised by the turn of events after she opened her business, but it really has become more of a boarding facility than a day care-type operation because I think she told me this morning in a conversation, frankly she was pleased that it had become more of a boarding facility rather than what she really originally started out or more of just a day care type operation. But in any event, that is her course, she would have to wait. Now she could reapply for other commercial uses, but it would not be a boarding facility, kenneling operation for this property.

But let me clarify one other thing that I said yesterday that was incorrect and that is on the grooming aspect of the operation. After going back to the office and double checking what the ordinance said, it clearly does not permit by right in B-1, a grooming operation, that clearly is not allowed. What is allowed is, veterinarians if approved by the Planning Commission and MPC approval, that is one of the services that veterinarians do offer is grooming while the animal is in for a routine medical examine and that sort of thing, so that was incorrect to tell you or others that Ms. Harris has that recourse to just apply for and receive the right to grooming.

Now, for whatever that is worth. That is one of the main reasons I talked to Ms. Harris this morning was to tell her, and also I talked with Mr. Hogan so that if Mr. Hogan and/or she and Council wanted to consider an alternative that would approve grooming that there was a way to do that. But, Ms. Harris told me this morning in that conversation on the telephone that really grooming wasn't the primary thing she wanted to do, that someone else that she knows, that's only a very minor part of her operation so she indicated, at least to me very clearly, Mr. Lester, that grooming really wasn't that important as far as that and if that is all she could do, she may have changed her mind since that conversation this morning, but she seemed to indicate grooming really wasn't what she wanted to do at all. If she couldn't do the day care and/or the boarding; so, I am sorry if I misled you but we took some steps to try to clarify that.

Councilman Lester: Just so I'm clear on this, if we vote to uphold the MPC decision, that for all practical purposes she is shut down?

Mr. Kirkland: As far as this business.

Councilman Lester: As far as the business model that she currently has. She can't do grooming and she could not do the dog day care?

Mr. Kirkland: Yeah we would give her some reasonable time as we told Mr. Hogan and we did ascertain that Mrs. Harris indicated that she might need 30- possible 60-days to try to relocate. We couldn't ignore the fact that she would be out of compliance once the denial, if that is what happens, occurs. But as with any of our citizens, quite frankly we are going to do our best to work with them to give them time to relocate. I don't think you'll ever find anyone that says, we haven't done that. So, all I can say is that we do have laws that prescribe the time periods but we also know how long it takes to get something to court and Ms. Harris has indicated 30 to 60 days, would probably, if that's the decision, would be adequate for her to vacate the premises as far as this use. She has other B-1 rights that she would have every right to try to establish and set up there.

But I would remind you gentlemen that the reason the Planning Commission granted only a 1 year period to begin with and this Council, again not this Council, the former Council, did approve that there were concerns as to whether this type of use would work at this location and that is why that limited time period was put on it. It isn't a normal occurrence to put a limitation, but the Planning Commission typically if there are concerns in that area, and Mr. Walford you remember from some Zoning Board of Appeals, it is really to see—it is not saying the owner or the operator is a bad person, it is just saying some things can happen and some wont. In this case turned out, the neighbors, enough of them to convince Mr. Hogan apparently and the MPC that it really is not compatible; so, any other comments.

Councilman Gibson: Mr. Hogan, outside of our dentist that complained because I wasn't privy to the hearing with the MPC, how many other businesses or individuals or residents were in complaint with this particular establishment?

Mr. Kirkland: There was a petition and I believe that's the one that Mr. Hogan and I believe that there were at least 12 or more names on that petition against it and I believe Mr. Hogan may have talked with almost every one of those. So I think he could tell you better than I, how many actually. I think I heard you say, Mr. Hogan, some 5 or 6 that were some were signed it just because it been put in front of them and some because they really felt it was a problem.

Councilman Hogan: Mr. Gibson, the list of the petition contained about 20 names and

of those 20, the day I had tried to call, it was more than one day I tried to call some of the people, about 13 of those I contacted or 12 rather, because it was 12 because there were 6 people that said, it really doesn't matter to me, 1 or 2 even said they wished they hadn't signed the petition and the other 6 were definitely against it. And so with that, made it even more difficult for me to decide which way to recommend for this but again, I had to go back to the original zoning, from what happened with the originally zoning for that.

Mr. Kirkland: Well, it was clear to as said I said yesterday, Ms. Harris on her application itself, in her own handwriting, said only the occasional boarding. *Occasional* apparently has turned out to be a much greater demand and many of her letters of support clearly said they were there because of the boarding.

Councilman Walford: Mr. Kirkland, if you would just very brief since we haven't really gotten an MPC briefing for the benefit of my fellow Councilmen, would you tell them how the MPC works—about the bus tour and—basically that they go and see the location.

Mr. Kirkland: Let me say, that we are still going to do a orientation session, if you will, for those Council members who want to come to it. Mr. Walford it is very hard, briefly. Into a few words, I know you had a long afternoon.

The board reviews all of the cases on their agenda. They go out and look at the sites. They try to see them in the light of is it good or bad for the community. If they think it is something good, frankly Mr. Gibson as you and Mr. Jackson were alluded to yesterday, Board tries to find a way to approve it, not to say that we've always done it this way and we are not going there, Mr. Walford you know that as well as I. So, I guess the Planning Commission is the most pro-business group I know in this City bureaucracy. But regardless of that, outside of the Mayor's Office I'll say, but the bottom line is, we try and the Board realizes too, they are the ones who basically are recommending to you, you are the elected officials and we try to do it in a non-political manner. You are the ones who have that burden to vote, based on what you think your constituents think and you know that, without me telling you.

So, the best thing I can do Mr. Walford is say, we will do this orientation to try to give you more of a well rounded view so that you can then weigh and then evaluate what either the MPC or ZBA recommends to you or decides.

Councilman Walford: Well, I think you went where I was trying to get you to go. You go and look at the site, it is not just a paperwork thing, you actually go out and see.

Mr. Kirkland: The Boards, both of them, take their responsibilities very seriously and they also understand that you and the Caddo Parish Commission are the ultimate decision-makers.

Councilman Lester: Clarification.

Councilman Green: A "no" vote is upholding the ZBA, a "yes" vote is overturning it.

Ordinance denied by the following vote: Nays: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Ayes: None.

11. Ordinance No. 15 of 2003 by Councilman Gibson: An ordinance amending Chapter 2 of the Code of Ordinances, to create the Planning and Infrastructure Committee, a standing committee of the City Council of the City of Shreveport, and otherwise providing with respect thereto.

Having passed first reading on January 28, 2003 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 Lester for passage. The Deputy Clerk read the following amendment:

Amendment No. 1:

Amend the ordinance as follows:

In the NOW THEREFORE BE IT ORDAINED paragraph delete the number "2-32" and substitute the number 2-33."

After Section 2-32, insert the following:

Sec. 2-33. Reports.

The Department of Operational Services shall submit at least two reports each year which compare the needed capital project investment in the water supply, treatment and distribution system and the wastewater collection and treatment system, with the actual investments made in each of the systems each year. The report for the prior fiscal year shall be due on or before January 31, and a mid year report shall be due on or before July 31.

Motion by Councilman Carmody, seconded by Councilman Walford for adoption of the amendment. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

Motion by Councilman Gibson, seconded by Councilman Green for adoption of the ordinance as amended.

Councilman Gibson: Art, could I get you just to give an overview of what we are suggesting in terms of the past Council Chair regarding the Water and Sewerage?

Councilman Carmody: Mr. Gibson later on in the meeting, I am going to ask the Chairman to consider withdrawing the Water and Sewerage Legislative Oversight Committee. Because as the umbrella of the committee that you are anticipating, I think that, that same report could be given there. And, at this point I would like to make sure that the Chairman would understand that would very much consider it an honor to serve on Mr. Gibson's new committee when you assign committee assignments.

Councilman Gibson: I would just like to request that this Council consider and vote in the affirmative on this ordinance which would obviously create an opportunity for this City Council to work in conjunction with this Administration to deal with the manner that I think this City is grasping with in terms of infrastructure improvements, critical infrastructure (meaning the streets, water and sewer, drainage) in looking at both short-term and long-term needs and then also working in conjunction with the Administration in terms of long-term financing for these type projects.

In addition, for the pleasure of the Council, that we look at developing some discussion and strategy dealing with Geographical Information system (GIS System) that would greatly aid Mike Strong and Public Works and all of our Department Heads in a

managerial process to better manage our resources in this City. Obviously the City has taken some great strides with GIS working in conjunction with Kent Rogers of the Northwest Council of Governments but I would hope the spirit of this ordinance would give us the ability to set some strategies, some timetable, and some recommendation to the Administration on some budgetary requirements to meet some of these strategies and I appreciate the opportunity to comment, Mr. Chair.

Ordinance as amended adopted by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

The Adopted Ordinances, As Amended, follow:

ORDINANCE NO. 10 OF 2003

AN ORDINANCE AUTHORIZING A RIGHT OF USE OF APPROXIMATELY 20' x 175' OF CITY-OWNED PROPERTY IN CROSS LAKE TO WATERFRONT GRILL ON THE LAKE, L.L.C., AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, Waterfront Grill On The Lake, L.L.C., (“Waterfront Grill”) has requested the use of a 20' x 175' area of City-owned property in Cross Lake for the continued placement of a gazebo (“gazebo property”); and

WHEREAS, the gazebo property will be used by Waterfront Grill in conjunction with the operation of a restaurant at 6100 South Lakeshore Drive; and

WHEREAS, the Department of Operational Services will require the owner to comply with certain conditions in the use of the gazebo property to ensure the continued safety of Cross Lake and in an effort to control noise or other inconvenience to surrounding property owners; and

WHEREAS, the right of use to Waterfront Grill for the gazebo property will have no effect on the City’s operations in Cross Lake, the public’s use and enjoyment of the Lake, or surrounding property owners;

WHEREAS, Waterfront Grill will pay the City the sum of \$100.00 per year for the right of use; and

WHEREAS, the right of use shall be for a term of five (5) years commencing on the date of execution of a Right of Use Agreement between City and Waterfront Grill; and

WHEREAS, the gazebo property is not needed by City for a public purpose; and

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.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened that the Mayor of the City of Shreveport is hereby authorized to execute A Right of Use Agreement with Waterfront Grill on the Lake, L.L.C., substantially in accordance with the draft hereof which was filed for public inspection with the original of this ordinance in the office of the Clerk of Council on December 30, 2002.

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. 11 OF 2003

AN ORDINANCE REPEALING AND REPLACING CHAPTER 72 OF THE CODE OF ORDINANCES OF THE CITY OF SHREVEPORT; PROVIDING FOR THE LICENSING AND REGULATION OF SEXUALLY ORIENTED BUSINESSES AND EMPLOYEES, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the City of Shreveport ("City") in order to protect and preserve the health, safety, morals and welfare of the patrons of such businesses as well as the citizens of the City; and

WHEREAS, the City Council finds that sexually oriented businesses are frequently used for unlawful sexual activities, including prostitution; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the City which demands reasonable regulation of Sexually oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, licensing is a legitimate and reasonable means of accountability to ensure that operators of sexually oriented businesses comply with reasonable regulations and to ensure that operators do not knowingly allow their establishments to be used as places of illegal sexual activity or solicitation; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and

WHEREAS, it is recognized that sexually oriented businesses, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and

WHEREAS, based on evidence of the adverse secondary effects of adult uses presented in reports made available to the Council and on findings, interpretations, and narrowing constructions incorporated in the cases and materials made available to the Council, including *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Los Angeles v. Alameda Books, Inc.*, 122 S. Ct. 1728 (2002); *City of Reston v. Playtime Theaters, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theaters*, 426 U.S. 50 (1976), *Barnes v. Glen Theater, Inc.*, 501 U.S. 560 (1991); *FEW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *California v. Large*, 409 U.S. 109 (1972); *Baby Dolls Topless Saloons, Inc. v. City of Dallas*, 2002 U.S. A.P. LEXIS 12202 (5th Cir., June 20, 2002); *LLEH, Inc. v. Wichita County*, 289 F.3d. 358 (5th Cir. 2002); *Hang On, Inc. v. City of Arlington*, 65 F.3d. 1248 (5th Cir. 1995); *Woodall v. City of El Paso*, 49 F.3d 1120 (5th Cir. 1995); *J & B Entertainment, Inc. v. City of Jackson*, 152 F.3d 362 (5th Cir. 1998); *SDJ, Inc. v. City of Houston*, 837 F.2d 1268 (5th Cir. 1988); *TK's Video, Inc. v. Denton County*, 24 F.3d 705 (5th Cir. 1994); *Lagrange Trading Co. v. Nicolosi*, 1991 U.S. Dist. LEXIS 3551 (E.D. La. 1991); *Vonderhaar v. Parish of St. Tammany*, 633 So. 2d 217 (La. Ct. App. 1993); *Liberto v. Rapides Parish Police Jury*, 667 So. 2d 552 (La. Ct. App. 1995); *City of Gretna v. Russland Enterprises, Inc.*, 564 So. 2d 367 (La. Ct. App. 1990); and other cases; and on testimony to Congress in 136 Cong. Rec. S 8987; 135 Cong. Rec. S. 14519; 135 Cong. Rec. S 5636; 134 Cong. Rec. E 3750; and reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona - 1984; Minneapolis, Minnesota-1980; Houston, Texas - 1997; Indianapolis, Indiana - 1984; Amarillo, Texas - 1977;

Garden Grove, California - 1991; Los Angeles, California - 1977; Whittier, California - 1978; Austin, Texas - 1986; Seattle, Washington - 1989; Oklahoma City, Oklahoma - 1986; Cleveland, Ohio - 1977 ; and Dallas, Texas - 1997; St. Croix County, Wisconsin - 1993; Bellevue, Washington, - 1998; Newport News, Virginia - 1996; New York Times Square study - 1994; Phoenix, Arizona -1995-98; and also on findings of physical abuse from the paper entitled "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota, and from "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000, and the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Council finds:

(1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the unlicensed operators of the establishments. Further, there is presently no effective mechanism in this City to make the owners and operators of these establishments responsible for the activities that occur on their premises.

(2) Some employees of unregulated sexually oriented businesses defined in this ordinance as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

(3) Sexual acts, including masturbation, and oral and anal sex, occur at unregulated sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

(4) Offering and providing such unregulated space encourages such activities, which creates unhealthy conditions.

(5) Some persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses, or for the purpose of purchasing or selling illicit drugs.

(6) Numerous communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis salmonella, campylobacter and shigella infections, chlamydial, myoplasmal and ureoplasmal infections, trichomoniasis and chancroid.

(7) According to research from the Kaiser Family Foundation, an estimated 650,000 to 900,000 Americans are infected with HIV. The number of new HIV infections occurring each year is now about 41,000. Men and women of all races are most likely to be infected by sexual contact.

(8) Statistics compiled by the Centers for Disease Control and Prevention reveal that as of December, 2000, the State of Louisiana had 12,645 people living with AIDS. Additionally, statistics from the Louisiana State Health Department show that Shreveport is in Region VII, which has the third-highest incidence of AIDS out of the nine (9) geographic regions in the State of Louisiana(1,212through 2000).See <http://oph.dhh.state.la.us/HIVAIDS/docs/HIVAnnualReport2000.pdf>, page 14.

(9) The Centers for Disease Control and Prevention estimate that as many as 1 in 3 people with HIV/AIDS do not know they are infected.

(10) The number of cases of early (less than one year) syphilis in the United States reported annually has risen, with 33,613 cases reported in 1982 and 45,200 through November of 1990.

(11) The number of cases of gonorrhea in the United States reported annually remains at a high level, with over one-half million cases being reported in 1990.

(12) The surgeon general of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components, and from an infected mother to her newborn.

(13) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts. See, e.g. Findings of U.S. Dept. of Health & Human Services.

(14) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

(15) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.

(16) The findings noted in paragraphs number 1 through 15 raise substantial governmental concerns.

(17) Sexually oriented businesses have operational characteristics that should be reasonably regulated in order to protect those substantial governmental concerns.

(18) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the Sexually oriented businesses. Further, such a licensing procedure will place a heretofore nonexistent incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety and welfare of its patrons and employees, as well as the citizens of the City. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.

(19) Removal of doors on adult booths and requiring sufficient lighting on premises with adult booths advances a substantial governmental interest in curbing the illegal and unsanitary sexual activity occurring in adult theaters.

(20) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.

(21) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant governmental interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases and will prevent the further secondary effects of dissemination of illegal obscenity, child pornography, and to

minors, materials harmful to them;

(22) It is desirable in the prevention of the spread of communicable diseases to obtain a limited amount of information regarding certain employees who may engage in the conduct which this ordinance is designed to prevent or who are likely to be witnesses to such activity.

(23) The fact that an applicant for an adult use has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this ordinance.

(24) The barring of such individuals from employment in sexually oriented businesses for a specified period of years serves to prevent distribution of illegal material, to prevent conduct which leads to the transmission of sexually transmitted diseases, and to preclude the establishment of criminal enterprises within the City.

(25) The general welfare, health, morals and safety of the citizens of the City will be promoted by the enactment of this ordinance; and

WHEREAS, underage performers have been used in sexually oriented entertainment, both in films and in live performances; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the City Council has determined that locational criteria alone do not adequately protect the health, safety, and general welfare of the people of this City; and

WHEREAS, it is not the intent of the City Council to condone or legitimize the distribution of obscene material, and the Council recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the City; and

WHEREAS, the City recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, with the passage of any ordinance, the City and the City Council accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Louisiana Constitutions, Louisiana Civil Code, and the Louisiana Codes of Civil and Criminal Procedure; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the First Amendment of the U.S. Constitution or Article I, § 7 of the Louisiana Constitution, but to enact a content neutral ordinance which addresses the negative secondary effects of sexually oriented businesses.

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

Section 1. Sections 72-1 through 72-22 of the Code of the City of Shreveport are hereby enacted (or amended and re-enacted, as the case may be) to read as follows:

Chapter 72

Sexually Oriented Businesses

Section 72-1. Purpose and findings.

(a) Purpose. It is the purpose of this Chapter to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this Chapter have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this Chapter to restrict or deny access by adults to sexually oriented materials protected by the First Amendment to the United States Constitution or the corresponding provisions of the Louisiana Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this Chapter to condone or legitimize the distribution of obscene material.

(b) Findings. Based on evidence of the adverse secondary effects of adult uses presented in hearings and reports made available to the City Council as set forth in Ordinance No. 11 of 2003, and on findings, interpretations, and narrowing constructions incorporated in the cases described in Ordinance No. 11 of 2003, the City Council of the City has made specific findings concerning the adverse secondary effects of sexually oriented businesses and the need for additional requirements for the operation of such businesses.

Section 72-2. Definitions.

For purposes of this chapter, the words and phrases defined in the sections hereunder, whether or not such terms are capitalized in the text of the Chapter, shall have the meanings therein respectively ascribed to them unless a different meaning is clearly indicated by the context:

(a) “*Adult Arcade*” means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

(b) “*Adult Bookstore, Adult Novelty Store, or Adult Video Store*” means a commercial establishment that devotes 50% or more of its interior sales or display space to the sale or rental, for any form of consideration, of any one or more of the following:

- (i) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;
- (ii) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for

sadomasochistic use or abuse of themselves or others.

The term “Adult Bookstore, Adult Novelty Store, or Adult Video Store” shall also include a commercial establishment which regularly maintains one or more adult arcades. Floor space shall be measured by dividing the floor space where patrons or customers of the establishment are permitted where the primary sales or displays are of the materials described above by the total floor space where patrons or customers of the establishment are permitted regardless of the materials.

(c) “*Adult Cabaret*” means a nightclub, bar, juice bar, restaurant, bottle club, or other similar commercial establishment, whether or not alcoholic beverages are served, which features persons who appear semi-nude. Regularity of such appearances is not required for an establishment to constitute an adult cabaret; a single occasion of such appearance or appearances shall be sufficient to cause the establishment to be classified as an adult cabaret.

(d) “*Adult Motel*” means a motel, hotel, or similar commercial establishment which:

- (i) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, other photographic reproductions, or live performances which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and which advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on or off-premises advertising, including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- (ii) offers a sleeping room for rent for a period of time that is less than 10 hours; or
- (iii) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

(e) “*Adult Motion Picture Theater*” means a commercial establishment where films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

(f) “*Chief of Police*” means the Chief of Police of the City of Shreveport or his or her designee.

(g) “**Controlling Interest**” means the power, directly or indirectly, to direct the operation, management or policies of a business or entity, or to vote twenty percent (20%) or more of any class of voting securities or ownership interests of a business. The ownership, control, or power to vote twenty per cent or more of any class of voting securities or ownership interests of a business shall be presumed, subject to rebuttal, to be the power to direct the management, operation or policies of the business.

(h) “*Distinguished or Characterized by an Emphasis Upon*” means the dominant or principal

theme of the object described by such phrase. For instance, when the phrase refers to films “which are distinguished or characterized by an emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or description of specified anatomical areas or specified sexual activities.

(i) *“Dual Purpose Business”* means a commercial establishment that devotes at least 20% of its interior sales or display space to the sale or rental, for any form of consideration, of any one or more of the following:

- (j) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, digital video discs, slides, or other visual representations which are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas;
- (ii) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others;

and which does not meet the definition of Adult Bookstore, Adult Novelty Store or Adult Video Store set forth above. Floor space shall be measured by dividing the floor space where patrons or customers of the establishment are permitted where the primary sales or displays are of the materials described above by the total floor space where patrons or customers of the establishment are permitted regardless of the materials.

(j) *“Employ, Employee, and Employment”* describe and pertain to any person who performs any service on the premises of a sexually oriented business, on a full time, part time, or contract basis, whether or not the person is denominated an employee, independent contractor, agent, or otherwise. Employee does not include an independent contractor or a person working for an independent contractor who performs any service on the premises exclusively for repair or maintenance of the premises or for the delivery of goods to the premises, or for the rendition of services incidental to the business of the establishment but not an integral part thereof, such as accounting or legal services.

(k) *“Escort”* means a person who, for compensation, agrees or offers to engage in any of the following acts:

- (i) Act as a social companion, guide, or date for another person;
- (ii) Privately model lingerie with the intention of and for the purpose of providing sexual stimulation or sexual gratification to the customer;
- (iii) Privately disrobe for another person with the intention of providing sexual stimulation or sexual gratification to the customer;
- (iv) Agree to come to a specified location for the purpose of disrobing and for the purpose of providing sexual stimulation or sexual gratification to the customer;

(v) To perform a massage where one or more of the persons is nude, semi-nude or in a state of nudity or for the purpose of providing sexual stimulation or sexual gratification to the customer.

(l) “*Escort Agency*” means a person or business association who, whether on or off the licensed premises, furnishes, offers to furnish, or advertises to furnish escorts, as defined herein, for compensation.

(m) “*Establish or Establishment*” shall mean and include any of the following:

(i) The opening or commencement of any sexually oriented business as a new business;

(ii) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business; or

(iii) The addition of any sexually oriented business to any other existing sexually oriented business.

(n) “*Exotic Dancer*” refers to a male or female dancer that performs semi-nude or nude for compensation.

(o) “*Exotic Dance Service*” refers to any business or person who provides exotic dancers to perform at a private residence, business or other location (other than an adult cabaret) within the city limits.

(p) “*Licensee*” shall mean a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual or individuals listed as an applicant on the application for a sexually oriented business license. In case of an employee, it shall mean the person in whose name the sexually oriented business employee card has been issued.

(q) “*Massage Center*” refers to a commercial business which is not licensed by the State of Louisiana as a massage business and which allows any person, including but not limited to its employees, for compensation, to manipulates soft tissue including effleurage (stroking), patissage (kneading,) tapotement (percussion), compression, vibration, friction, (active/passive range of motion), Shiatsu, and acupressure, either by hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body massage.

(r) “*Massagist*” means a person that is not licensed by the State of Louisiana as a massage therapist, and who, for compensation, manipulates soft tissue including effleurage (stroking), patissage (kneading,) tapotement (percussion), compression, vibration, friction, (active/passive range of motion), Shiatsu, and acupressure, either by hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body massage.

(s) “*Nudity or a State of Nudity*” means the showing of the human male or female genitals, pubic area, vulva, or anus with less than a fully opaque covering, or the showing of the female breast with less than a fully opaque covering of any part of the nipple and areola.

(t) “*Operate or Cause to Operate*” shall mean to cause to function or to put or keep in a state of doing business. “Operator” means any person on the premises of a sexually oriented business who is authorized to exercise overall operational control of the business or who causes to function or who puts or keeps in operation the business. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, or licensee of the business.

(u) “*Person*” shall mean individual, proprietorship, partnership, corporation, association, or other legal entity.

(v) “*Prostitute*” refers to a person who has been convicted of prostitution or prostitution by massage, or who engages in activities, that, if prosecuted, would constitute the criminal offense of prostitution or prostitution by massage under the Louisiana Revised Statutes; provided, however, that a person shall not be considered a prostitute if he or she is not currently engaging in activities, that, if prosecuted, would constitute the criminal offense of prostitution or prostitution by massage under the Louisiana Revised Statutes, and if

- (i) more than two years have elapsed since the date of conviction or the date of release from confinement imposed for such person’s last conviction of prostitution or prostitution by massage, whichever is the later date, if the conviction was for a misdemeanor offense; or
- (ii) more than five years have elapsed since the date of conviction or the date of release from confinement imposed for such person’s last conviction of prostitution or prostitution by massage, whichever is the later date, if the conviction was for a felony offense.

(w) “*Regularly Features or Regularly Shown*” means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business.

(x) “*Semi-Nude or State of Semi-Nudity*” shall mean a state of dress in which opaque clothing covers no more than the genitals, anus, pubic area, vulva, and nipple and areola of the female breast, as well as portions of the body covered by supporting straps or devices. This definition shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided that the areola and nipple are not exposed in whole or in part.

(y) “*Semi-Nude Model Studio*” means any place where a person, who regularly appears in a state of semi-nudity, is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. It is a defense to prosecution for any violation of this chapter that a person appearing in a state of nudity or semi-nudity did so in a modeling class operated:

- (i) By a college, junior college, or university supported entirely or partly by taxation;

- (ii) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or:
- (iii) In a structure:
 - (A) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 - (B) Where, in order to participate in a class a student must enroll at least three days in advance of the class.

(z) **“Sexually Oriented Business”** means any establishment that is an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, dual purpose business, escort agency, exotic dance service, massage center, or semi-nude model studio as defined in this section.

(aa) **“Sexually Oriented Entertainment Activity”** means the sale, rental, or exhibition for any form of consideration, of books, films, video cassettes, digital video discs, magazines, periodicals, or live performances which are characterized by an emphasis on the exposure or display of specific sexual activity.

(bb) **“Specified Anatomical Areas”** means the human genitals, anus, and the female breast areola or nipple.

(cc) **“Specified Criminal Activity”** means any of the following offenses:

- (i) La. R.S. 14:41-43.5 (rape and sexual battery offenses); La. R.S. 14:80-81.2 (sexual offenses affecting minors); La. R.S. 14:82-86 (offenses concerning prostitution); La. R.S. 14:104-6.1 (offenses concerning disorderly places and obscenity); La. R.S. 14: 281-284 (operating places of prostitution, voyeurism); La. R.S. 40:961, et seq. (Uniform Controlled Dangerous Substances Law); engaging in organized criminal activity relating to a sexually oriented business, specifically La. R.S. 14:230 (money laundering) La. R.S. 33:2845 (tax evasion); criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses; or offenses in other jurisdictions that, if the acts would have been committed in Louisiana, would have constituted any of the foregoing offenses; for which:
 - (A) less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor

offense;

(B) less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

(C) less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.

(ii) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant.

(dd) “*Specified Sexual Activity*” means any of the following:

(i) sex acts, normal or perverted, including intercourse, oral copulation, masturbation or sodomy; or

(ii) excretory functions as a part of or in connection with any of the activities described in (i) above.

(ee) “*Transfer of Ownership or Control*” of a sexually oriented business shall mean any of the following:

(i) The sale, lease, or sublease of the business;

(ii) The transfer of securities (including interests in a limited liability company or partnership) or other ownership interests which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or

(iii) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

(ff) “*Valid Photographic ID*” refers to a driver's license, selective service card or other lawful federal or state issued photographic identification, which, on its face, establishes the age and identity of the bearer, and leaves no reasonable doubt as to the authenticity or correctness of the identification. No form of identification mentioned above shall be accepted as proof of age if it is expired, defaced, mutilated or altered. If the identification submitted is a duplicate, the person shall submit additional identification which contains the name, date of birth and photograph of the person. In addition, an educational institution identification card, check cashing identification card, or employee identification card shall not be considered as a valid photographic ID.

(gg) “*Video*” includes image reproduction and display by videotape or any other medium, such as digital video disk or compact disk, that produces moving or still images on a screen, wall, or other similar display.

(hh) “*Viewing Room*” shall mean the room, booth, or area where a patron of sexually oriented business would ordinarily be positioned while watching a film, videocassette, or other video or visual reproduction.

Section 72-3. Reserved.

Section 72-4. License or employee card required.

(a) *Sexually Oriented Business License.*

(i) It shall be unlawful for any person to operate a Sexually Oriented Business in the City of Shreveport without a valid Sexually Oriented Business license. Separate Sexually Oriented Business licenses shall be required for each place of business of an operator.

(ii) An applicant for a Sexually Oriented Business license shall file in person at the office of the Chief of Police a completed application made on a form provided by the Chief of Police. The application shall be signed by the applicant. An application shall be considered complete when it contains the following information and is accompanied by all of the documents required by this Section:

- (A) The applicant’s full true name and any other names used in the preceding five (5) years.
- (B) Current home address and, if desired by the applicant, another mailing address of the applicant.
- (C) Written proof of age, in the form of a valid photographic ID.
- (D) The business name, location, legal description, mailing address and phone number of the Sexually Oriented Business.
- (E) The name and business address of the statutory agent or other agent authorized to receive service of process.
- (F) A statement whether the applicant has been convicted or has pled guilty or nolo contendere to a specified criminal activity as defined in this chapter, and if so, the specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
- (G) A statement whether the applicant, or any entity in which the applicant owns

a controlling interest, has had a license or permit to operate a Sexually Oriented Business or to be an employee of a Sexually Oriented Business issued by the United States, any state, or by any political subdivision of any state, authorized to issue permits or licenses, revoked within two years prior to the application, or been convicted or had a judgment of court rendered against him involving violation of Sexually Oriented Business ordinances by this or any other state or local government or by the United States within one year prior to the application.

The information provided pursuant to Paragraphs (A) through (G) of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the Chief of Police within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.

(iii) An application for a Sexually Oriented Business license shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but shall be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches. Applicants who are required to comply with Section 72-14 or 72-18 of this chapter shall submit a diagram meeting the requirements of those sections. A valid certificate of occupancy, lease agreement or proof of ownership, articles of incorporation, articles of organization, operating agreement or other instruments indicating the true direct and indirect ownership of the applicant, beneficial or otherwise, evidence of measurement from protected activities, will also be required when making application.

(iv) If a person who wishes to operate a Sexually Oriented Business is an individual, he shall sign the application for a license as applicant. If a person who wishes to operate a Sexually Oriented Business is other than an individual, each officer, director, general partner or other person who will participate directly in decisions relating to management and control of the business shall sign the application for a license as applicant. Each applicant must be qualified under Section 72-5 and each applicant shall be considered a licensee if a license is granted.

(v) The application shall specify the form or forms of Sexually Oriented Businesses (according to the forms of Sexually Oriented Businesses described in Section 72-2 of this Chapter) to be operated by the applicant at the location for which the application is submitted. If the application specifies more than one form of Sexually Oriented Business, the application must meet the restrictions for each form of Sexually Oriented Business set forth in the application, and the license, if and when issued, shall specify the form or forms of Sexually Oriented Business for which the license is issued. A licensed Sexually Oriented Business may not operate any form of Sexually Oriented Business not set forth in its license. Any application to expand the scope of a Sexually Oriented Business license shall be treated as a new application insofar as the expansion is concerned. Nothing in this Chapter shall be construed to permit the operation of more than one form of Sexually Oriented Business at a single location by a single licensee if such operation at the location would be prohibited by applicable zoning or other land use statutes, laws, ordinances or regulations,

and nothing in this Chapter shall be construed to prohibit the operation of more than one form of Sexually Oriented Business at a single location by a single licensee if such operation at the location would be permitted by applicable zoning or other land use statutes, laws, ordinances or regulations.

(b) *Sexually Oriented Business Employee Card.*

(i) It shall be unlawful for any operator of a Sexually Oriented Business to allow any employee to engage in employment requiring a Sexually Oriented Business employee card unless such employee is in possession of a Sexually Oriented Business employee card issued under the authority of this chapter. The license holder shall have such person obtain such a card prior to engaging in employment for which a permit is required by this chapter.

(ii) It shall be unlawful for any person to be an employee, as defined in this Chapter, of a Sexually Oriented Business, or for an employee of a dual purpose business who engages in the activities described in Section 72-19 of this chapter, in the City of Shreveport without a valid Sexually Oriented Business employee card.

(iii) An applicant for a Sexually Oriented Business employee card shall file in person at the office of the Chief of Police a completed application made on a form provided by the Chief of Police. The application shall be signed by the applicant. An application shall be considered complete when it contains the following information:

- (A) The applicant's full true name and any other names used in the preceding five (5) years.
- (B) Current home address and, if desired by the applicant, another mailing address of the applicant.
- (C) Written proof of age, in the form of valid photographic ID.
- (D) A statement whether the applicant has been convicted or has pled guilty or nolo contendere to a specified criminal activity as defined in this chapter, and if so, the specified criminal activity involved, including the date, place, and jurisdiction of each as well as the dates of conviction and release from confinement, where applicable.
- (E) A statement whether the applicant has had a license, permit or card to be an employee of a Sexually Oriented Business issued by the United States, any state, or by any political subdivision of any state, authorized to issue permits or licenses, revoked within two years prior to the application, or been convicted or had a judgment of court rendered against him involving violation of Sexually Oriented Business ordinances by this or any other state or local government or by the United States within one year prior to the application.

The information provided pursuant to Paragraphs (A) through (E) of this subsection shall be supplemented in writing by certified mail, return receipt requested, to the Chief of Police

within ten (10) working days of a change of circumstances which would render the information originally submitted false or incomplete.

(c) *Fingerprinting.* All applicants for licenses or cards under this Chapter shall be fingerprinted.

(d) *Confidentiality of Information.* The information provided by an applicant in connection with an application for a license or card under this Chapter shall be maintained by the Chief of Police on a confidential basis, except that such information may be disclosed only to law enforcement agencies in connection with a law enforcement or public safety function, or as may be required by governing law or court order.

72-5 Issuance of license or employee card.

(a) *Sexually Oriented Business License.*

(i) Within 30 days after the filing of a completed application under Section 72-4 for a Sexually Oriented Business license, the Chief of Police shall either approve the application or shall issue to the applicant a letter of intent to deny the application. Each person having a controlling interest in any entity applying for a Sexually Oriented Business license shall be considered an applicant, and each such person must meet the requirements for the approval of the issuance of the license to the entity. The Chief of Police shall approve the issuance of a license unless one or more of the following is found to be true:

- (A) An applicant is less than twenty-one (21) years of age.
- (B) An applicant has failed to provide information as required by Section 72-4 for issuance of a license or has falsely answered a question or request for information on the application form.
- (C) Any taxes, fees or charges due to the City by the applicant or his or her business have not been paid.
- (D) An applicant has been shown to have committed a violation of Section 72-7(a), Section 72-10(b), Section 72-18(a), (b), or (c) of this chapter within the previous year.
- (E) The Sexually Oriented Business premises are not in compliance with the interior configuration requirements of this chapter or are not in compliance with locational requirements established in the applicable zoning regulations.
- (F) An applicant has been convicted of a specified criminal activity, as defined in this chapter.
- (G) An applicant, or the entity in which an applicant has a controlling interest, is

not the owner of the premises or the tenant under a bona fide written lease therefor.

(H) An applicant, or an entity in which an applicant has a controlling interest, has had a license or permit to operate an Sexually Oriented Business issued by the United States, any state, or by any political subdivision of a state, authorized to issue permits or licenses, revoked within two years prior to the application, or been convicted or had a judgment of a court of competent jurisdiction rendered against him involving violation of Sexually Oriented Business ordinances by this or any other state or local government or by the United States for two years prior to the application.

(I) Any applicant is a person interposed for another person who does not meet the requirements for the issuance of a license. A person is considered an interposed person if such person is subsidized, financed or employed by an applicant to operate a Sexually Oriented Business without disclosing the true and beneficial ownership of the business.

(J) Any applicant is the spouse of a person whose application for a Sexually Oriented Business license whose permit or license has been denied or revoked, unless judicially separated; provided, however, that in any such case:

1. The application shall not be denied solely on the basis of the age of the ineligible spouse;

2. A conviction of the spouse of a specified criminal activity shall not be cause for denial of a license if and only if:

(a) The applicant had state and local permits prior to the conviction; and

(b) The applicant had a regime of separation of property, pursuant to applicable Louisiana law, and is the owner of the premises or has a bona fide written lease therefor, or the owner owns the premises as the applicant's separate property pursuant to applicable Louisiana law.

(K) An applicant has any outstanding warrants for arrest for any crime.

(ii) The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, the form or forms of Sexually Oriented Business covered by the license, and the address of the Sexually Oriented Business. The Sexually Oriented Business license shall be posted in a conspicuous place at or near the entrance to the Sexually Oriented Business so that it may be easily read at any time or in the case of a Dual Purpose Business, the Sexually Oriented Business license shall be posted in a conspicuous place in the area of the adult entertainment materials.

(b) *Sexually Oriented Business Employee Card.* Upon the filing of a completed application for a Sexually Oriented Business employee card and the payment of a non-refundable application fee, the Chief of Police shall issue a temporary card to the applicant, which temporary card shall expire upon the final decision of the City to deny or grant the application, or, if approved, the issuance of the card. Within thirty (30) days of the receipt of a completed application, the Chief of Police shall either approve the issuance of a card or issue a written notice of intent to deny a card to the applicant. The Chief of Police shall approve the issuance of a card unless one or more of the following is found to be true:

- (i) An applicant is less than eighteen (18) years of age.
- (ii) An applicant has failed to provide information as required by Section 72-4 for issuance of a card or has falsely answered a question or request for information on the application form.
- (iii) An applicant has been shown to have committed a violation of Section 72-7(a), Section 72-10(b), Section 72-18(a), (b) or (c) of this chapter within the previous year.
- (iv) An applicant has been convicted of a specified criminal activity, as defined in this chapter.
- (v) An applicant has had a card, license or permit to operate a Sexually Oriented Business or to be an employee of a Sexually Oriented Business issued by the United States, any state, or by any political subdivision of a state, authorized to issue cards, permits or licenses, revoked within two years prior to the application, or been convicted or had a judgment of a court of competent jurisdiction rendered against him involving violation of Sexually Oriented Business ordinances by this or any other state or local government or by the United States for two years prior to the application.
- (vi) An applicant has any outstanding warrants for arrest for any crime.

An employee card issued pursuant to this section shall contain the card holder's photograph, full name, date of birth, race, sex and fingerprint. A Sexually Oriented Business employee shall keep the employee's card on his or her person or on the premises where the card holder is then working or performing and shall produce such card for inspection upon request by a law enforcement officer or other City official performing functions connected with the enforcement of this Chapter.

(c) *Issuance of License or Card.* After any application for a license under this chapter has been approved, it shall be submitted to the director of finance, who shall forthwith issue and sign the license or card upon payment of the prescribed fee. Any license for a Sexually Oriented Business shall be restricted to the single location described in the application; that is, each location for a Sexually Oriented Business must have a

separate license. After any application for a Sexually Oriented Business employee card under this chapter has been approved, the Chief of Police shall issue the card. A Sexually Oriented Business employee card shall be good and valid for use on the premises of any Sexually Oriented Business, provided that the licensee has notified the Chief of Police of the name and address of the Sexually Oriented Business employee card holder within five (5) days of the hire date.

(d) *Effect of Failure to Act.* The failure of the Chief of Police to act on an application within the time set forth in this Section shall be deemed a denial of the application for a license or card, and shall be deemed to be the issuance of a written notice of intent to deny the license or card applied for.

(e) *Appeal from Notice of Intent to Deny.* Upon issuance or deemed issuance of a written notice of intent to deny a license or card, the applicant may appeal the denial to the City Council by making a written request for appeal to the Clerk of Council within ten (10) days after issuance or deemed issuance of the written notice of intent to deny the license or card. The applicant's temporary license or card, if any, shall continue in effect during such ten (10) day period. Upon timely appeal, the applicant's temporary license or card, if any, shall continue in effect until the City Council has acted on the applicant's appeal or the applicant has withdrawn his or her appeal. The appeal to the City Council shall proceed in accordance with the hearing provisions set forth in this chapter and the rules of the City Council. The only issue on the appeal shall be whether the applicant meets the criteria for issuance of the license or card in question; the City Council shall not have the authority to waive any of the requirements for the license or card in question.

(f) *Temporary Sexually Oriented Business Employee Card.* The temporary Sexually Oriented Business employee card issued pursuant to this section shall state on its face an expiration date 45 days after its date of issuance; provided, however, that, if the employee's card application or appeal from a denial of a card or card renewal is continuing at the end of each successive 45 day period, at the request of the applicant the Chief of Police shall issue a renewal temporary card, which shall expire 45 days after its issuance. Notwithstanding the stated 45-day expiration date, the temporary card shall expire upon either the issuance of a permanent card, the withdrawal of any appeal from the denial of issuance of a card, or the termination of any appeal of the denial of issuance of a card. Upon the denial of the issuance of the card (if not appealed), or the unsuccessful or withdrawal of appeal of the denial of issuance of the card, the applicant shall immediately return the temporary card to the Chief of Police. It shall be unlawful for any applicant to fail to return the temporary card to the Chief of Police within three business days after the denial of the issuance of the card (if not appealed), or the unsuccessful or withdrawal of appeal of the denial of issuance of the card.

Section 72-6. Fees.

(a) *Sexually Oriented Business License.* The licensee shall pay one fee for the issuance of a Sexually Oriented Business license. If the license covers more than one form of Sexually Oriented Business as defined in Section 72-2 of this Chapter, the fee for the license shall be the highest fee for any of the forms of Sexually Oriented Business specified in the license. If the license covers forms

of Sexually Oriented Business that are both Type I and Type II as set forth below, the fee shall be the fee for the Type I license, and both a Type I and a Type II license shall be issued for such fee. The initial license and annual renewal fees for Sexually Oriented Business licenses shall be as follows:

Type I License \$1,000.00

Adult Cabaret
Adult Motel
Adult Motion Picture Theater
Escort Agency
Exotic Dance Service
Massage Center

Type II License \$100.00

Adult arcade
Adult bookstore
Adult novelty store
Adult video store,
Semi-nude modeling studio

Type III License \$100.00

Dual purpose business

(b) *Sexually Oriented Business Employee Card.* The fee for the application for issuance or renewal of a Sexually Oriented Business employee card shall be \$20.00. The fee is non-refundable. There is no additional fee or charge upon issuance of the card after the completion of the application or renewal process.

Section 72-7. Inspection.

(a) Sexually Oriented Businesses and Sexually Oriented Business employees shall permit officers or agents of the City of Shreveport to inspect the business premises for the purpose of ensuring compliance with the specific regulations of this chapter, during those times when the Sexually Oriented Business is occupied by patrons or is open for business. This section shall be narrowly construed by the City to authorize reasonable inspections of the licensed premises pursuant to this chapter, but not to authorize a harassing or excessive pattern of inspections.

(b) The provisions of this Section do not apply to areas of an adult motel which are currently being rented by a customer for use as a permanent or temporary habitation.

Section 72-8 Term; renewal

(a) *Sexually Oriented Business License.*

(i) A Sexually Oriented Business license issued under this chapter shall be dated from the effective date as shown on the license and be valid for one year from the date of issuance, unless sooner suspended or revoked. Application for the renewal of such a license shall be filed in the manner provided by this chapter for the initial license on or before 60 days prior to the expiration date as shown on the existing license. The renewal license will be dated from the date of expiration of the existing license.

(ii) The Chief of Police shall approve or deny the renewal within 30 days after receipt of the completed renewal application. If approved, the renewal license shall be issued as provided in Section 72-5. If denied, the Chief of Police shall issue a written notice of intent to deny the renewal application in the same manner as for the denial of an initial license application, and the appeal rights and any rights to continue operating set forth in Section 72-5 shall apply to such renewal application. The failure of the Chief of Police to act on an application within the time set forth in this Section shall be deemed a denial of the application for a license or card, and shall be deemed to be the issuance of a written notice of intent to deny the license or card applied for.

(iii) If a licensee fails to complete its renewal application within the time set forth in this section, its application shall be treated as a new application under Section 72-4 and 72-5 hereof, but the late filing shall not affect the expiration of the previous license; that is, if the license renewal application has not been acted upon prior to the expiration of the existing license, the existing license shall expire, and the business shall not be entitled to operate as a Sexually Oriented Business unless and until a new license is issued.

(b) *Sexually Oriented Business Employee Card.*

(i) A Sexually Oriented Business employee card issued under this chapter shall be dated from the effective date as shown on the card and be valid for two years from the date of issuance, unless sooner suspended or revoked. Application for the renewal of such a card shall be filed in the manner provided by this chapter for the initial card on or before 60 days prior to the expiration date as shown on the existing card. The renewal card will be dated from the date of expiration of the existing card.

(ii) The Chief of Police shall approve or deny the renewal within 30 days after receipt of the completed renewal application. If approved, the renewal card shall be issued as provided in Section 72-5. If denied, the Chief of Police shall issue a written notice of intent to deny the renewal application in the same manner as for the denial of an initial card application, and the appeal rights and any rights to continue operating set forth in Section 72-5 shall apply to such renewal application. The failure of the Chief of Police to act on an application within the time set forth in this Section shall be deemed a denial of the application for a license or card, and shall be deemed to be the issuance of a written notice of intent to deny the license or card applied for.

(iii) If a card holder fails to complete his or her renewal application within the time set forth in this section, his or her application shall be treated as a new application under Section 72-4

and 72-5 hereof, but the late filing shall not affect the expiration of the previous card; that is, if the card renewal application has not been acted upon prior to the expiration of the existing card, the existing card shall expire, and the person shall not be entitled to be employed by a Sexually Oriented Business (or in certain operations of a dual purpose business, as the case may be), unless and until a new card is issued.

Section 72-9. Suspension; Fines.

(a) The following shall be the causes for the suspension of a Sexually Oriented Business license:

- (i) If any applicant who possessed the qualifications for the license at the time of issuance of the license fails to maintain such qualifications during the licensed year.
- (ii) If there was any misstatement or suppression of fact in the application for the license.
- (iii) If the license was granted to any person who is or has been engaged in an Sexually Oriented Business with a person whose application for a license has been denied or whose license has been revoked.
- (iv) If the license was issued to an interposed person.
- (v) If the licensee has violated any section of this Chapter.
- (vi) If, without a proper license or zoning, any Sexually Oriented Business licensee allows any person to consume any alcoholic beverage on the licensed premises or on any parking lot or open or closed space within or contiguous to the licensed premises.
- (vii) Violation of any controlled, dangerous substance law on the premises of the business holding the Sexually Oriented Business license.
- (viii) Violation of any obscenity law on the premises of the Sexually Oriented Business.
- (ix) If the licensee knowingly permits an employee to violate any section of this Chapter on the licensed premises.

(b) The following shall be the causes for the suspension of a Sexually Oriented Business employee card:

- (i) If any applicant who possessed the qualifications for the card at the time of issuance of the license fails to maintain such qualifications during the term of the card.
- (ii) If there was any misstatement or suppression of fact in the application for the card.
- (iii) If the card holder has violated any section of this Chapter.
- (c) The Chief of Police, with the approval of the mayor and the city attorney, shall

issue a written letter of intent to suspend the license or card in question for a period not to exceed six months if the Chief of Police finds that probable cause exists to believe that grounds exist for the suspension or revocation of a Sexually Oriented Business license of a Sexually Oriented Business employee card. The licensee or card holder shall have ten (10) days following the issuance of the letter of intent to suspend the license or card within which to appeal the suspension to the City Council. The appeal shall be perfected by making a written request for appeal to the Clerk of Council. If no appeal is perfected within such time, the license or card holder shall be suspended in accordance with the written letter of intent to suspend the license or card. If the licensee or card holder perfects an appeal, no suspension shall take effect until after the City Council has acted on the appeal or the appeal has been withdrawn. The appeal to the City Council shall proceed in accordance with the hearing provisions set forth in this chapter and the rules of the City Council.

(d) Notwithstanding the above, if the Chief of Police finds that probable cause exists to believe that a licensee or card holder has violated any provision of this chapter or that grounds exist for the suspension of his, her or its license or card, but that the violation or grounds in question are minor in nature, the Chief of Police, with the approval of the mayor and the city attorney, may impose an administrative fine, payable to the general fund of the city, instead of a request for suspension of the license or card. The Chief of Police shall report the imposition of the fine to the Clerk of Council. The fine shall be due and payable within ten (10) days from service of a notice on the licensee or the card holder by certified mail or hand delivery, unless within such ten (10) period the licensee or the card holder files a written notice of appeal with the Clerk of Council. If the licensee or card holder perfects an appeal, the time for payment of the fine shall be suspended until after the City Council has acted on the appeal or the appeal has been withdrawn. The appeal to the City Council shall proceed in accordance with the hearing provisions set forth in this chapter and the rules of the City Council. At the hearing, the City Council may approve the fine, disapprove the fine, or assess a lower fine.

(e) Any fine imposed by the Chief of Police shall be progressive with each offense during the term of the license or card in question, in accordance with the levels set forth below:

	SOB License	SOB Employee Card
First fine for conduct during term of license or card	\$500.00	\$100.00
Second fine for conduct during term of license or card	\$750.00	\$250.00
Third fine for conduct during term of license or card	\$1,000.00	\$500.00

If either a licensee or a card holder has had three fines imposed during the term of his, her

or its license or card, if the Chief of Police, with the approval of the mayor and the city attorney, finds that probable cause exists to believe that grounds exist for suspension or revocation of a license or card issued pursuant to this chapter, he shall request suspension or revocation of the license or card in question.

(f) Nothing in this section is intended or shall be construed to require that the Chief of Police impose one or more fines as a prerequisite to seeking suspension or revocation of any license or card. The Chief of Police, with the approval of the mayor and the city attorney, may seek suspension or revocation for any grounds set forth in this chapter without the imposition of any fine.

(g) Notwithstanding anything in this chapter to the contrary, failure timely to pay any fine imposed under this section shall constitute grounds for suspension or revocation of the license or card of the person who fails to pay such fine.

(h) No person whose Sexually Oriented Business license or Sexually Oriented Business employee card has been suspended shall operate a Sexually Oriented Business or be employed in a Sexually Oriented Business during the period of such suspension.

Section 72-10. Revocation.

(a) The Chief of Police, with the concurrence of the Mayor and the City Attorney, shall issue a letter of intent to revoke a Sexually Oriented Business license or a Sexually Oriented Business employee card if the Chief of Police finds that a cause of suspension in Section 72-9 occurs and the license has been suspended within the preceding twelve (12) months.

(b) The Chief of Police, with the concurrence of the Mayor and the City Attorney, shall issue a letter of intent to revoke a Sexually Oriented Business license or a Sexually Oriented Business employee card if the Chief of Police determines that:

- (i) The licensee or card holder has knowingly given false information in the application for the Sexually Oriented Business license or employee card.
- (ii) A licensee has knowingly allowed possession, use, or sale of controlled substances on the premises;
- (iii) A licensee has knowingly allowed prostitution on the premises;
- (iv) A licensee knowingly operated the Sexually Oriented Business during a period of time when the license was suspended, or a card holder was employed by a Sexually Oriented Business or in the sexually oriented activity area of a dual purpose business during a period when the card holder's Sexually Oriented Business employee card was suspended;
- (v) A licensee has knowingly allowed any specified sexual activity to occur in or

on the licensed premises.

(vi) The licensee or card holder has failed to maintain any qualification required for initial issuance or renewal of the license.

(c) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

(d) **Nature of Revocation.** When, after the notice and hearing procedure described in Section 72-11, a Sexually Oriented Business license or a Sexually Oriented Business employee card is revoked, the revocation shall continue for two (2) years and the licensee or card holder shall not be issued a Sexually Oriented Business license or Sexually Oriented Business employee card for two (2) years from the date revocation becomes effective, provided that, if the conditions of Section 72-11(i) are met, a provisional license or card will be granted pursuant to that section. No person whose Sexually Oriented Business license or Sexually Oriented Business employee card has been revoked shall operate a Sexually Oriented Business or be employed in a Sexually Oriented Business, unless and until a new Sexually Oriented Business license or Sexually Oriented Business employee card has been issued to such person pursuant to the provisions of this chapter.

Section 72-11. Hearing; denial, revocation, and suspension; appeal.

(a) Any notice or letter of intent issued under this Chapter for the denial, suspension, or revocation of a license under this Chapter shall be in writing, shall be addressed to the applicant, licensee or card holder (respondent), shall set forth the grounds therefor, and shall be delivered by personal delivery, or by certified mail. The notification shall be directed to the most current business address or other mailing address on file with the Chief of Police for the respondent.

(b) Upon any appeal to the City Council as provided in this Chapter, or upon the institution of revocation proceedings, the Clerk of Council shall notify the respondent in writing of the hearing date on respondent's denial, fine, suspension, or revocation proceeding. Within thirty (30) days of the receipt of respondent's appeal or the institution of revocation proceedings, the City Council shall conduct a hearing at which respondent shall have the opportunity to present all of respondent's arguments and to be represented by counsel, and present evidence and witnesses on his or her behalf. The City may also be represented by counsel, and shall bear the burden of proving the grounds for denying, suspending, or revoking the license or card, or imposing the fine.

(c) The City Council may administer oaths, issue subpoenas for the attendance of witnesses and the production of books, papers, accounts and documents, and examine witnesses and receive testimony at the hearing for denial, suspension or revocation of licenses under this Chapter. If any person fails to comply with a subpoena issued by the City Council, or if a witness refuses to testify in any matter regarding which he may be lawfully interrogated, such failure or refusal shall constitute contempt of the City Council and upon conviction in any court of competent jurisdiction shall be punishable pursuant to

Section 1-14 of the Code of Ordinances of the City. Notwithstanding any other provision of this Chapter, such a conviction of a licensee or card holder shall be cause for suspension or revocation of his or her license or card.

(d) If a respondent who has been notified of a hearing for denial, suspension or revocation of a license under this Chapter does not appear, the hearing may proceed without him and the City Council may consider and dispose of the case, but in all cases the City Council, upon its own motion, may grant continuances from time to time. If the continuance is granted to a fixed future date by written consent or in the presence of the respondent or his or her counsel, no further notice of the hearing date need be given. In all other cases the same notice of hearing as in original hearings shall be given.

(e) Any hearing shall take no longer than four hours, unless extended to meet the requirements of due process and proper administration of justice.

(f) In determining cases involving the suspension or revocation of licenses or cards, or the imposition of an administrative fine, the City Council may accept, reject or modify the recommendation or action of the Chief of Police. The City Council shall issue a decision on the issue before it within 21 days after the conclusion of the hearing. The failure of the Council to act within such time period shall be deemed an acceptance of the recommendation of the Chief of Police.

(g) Notwithstanding any other provision of this Chapter to the contrary, the City Council may, instead of or in addition to revocation or suspension of a license issued under the authority of this Chapter, impose a fine on the licensee not to exceed the fines set forth in Section 72-9(e).

(h) In hearings of the City Council which finally result in withholding the issuance of a license or in suspending or revoking a license, the City Council shall assess the costs of the hearing to the applicant or licensee. The costs are recoverable by the City Council in any appellate proceeding instituted by the applicant or licensee or in any other appropriate judicial proceeding.

(i) An applicant or licensee who is aggrieved by a decision of the City Council to withhold, suspend or revoke his or her license may, within ten days of the notification of the decision, or within ten (10) days of the deemed action of the City Council, take a devolutive appeal to the district court having jurisdiction over his place of business, and on such appeal, the trial shall be de novo. Upon the filing of any court action to appeal, challenge, restrain, or otherwise enjoin the City's enforcement of the denial, suspension, or revocation, the City shall immediately issue the aggrieved party a Provisional License. The Provisional License shall allow the aggrieved party to continue operation of the Sexually Oriented Business or to continue employment as a Sexually Oriented Business employee and will expire upon the court's entry of a judgment on the aggrieved party's appeal or other action to restrain or otherwise enjoin the City's enforcement.

(j) Sexually Oriented Businesses or Sexually Oriented Business employees operating or working under temporary cards or licenses, provisional cards or licenses, or *de facto* temporary cards

or licenses shall be subject to the provisions of Section 72-12, Section 72-13, Section 72-14, Section 72-15, Section 72-17, Section 72-18 and Section 72-19 of this chapter.

Section 72-12. Transfer of license.

A licensee shall not transfer his or her license to another, transfer ownership or control or permit the transfer of ownership or control of the licensee, either voluntarily or by operation of law, or operate a Sexually Oriented Business under the authority of a license at any place other than the address designated in the Sexually Oriented Business license application.

Section 72-13. Hours of operation.

Any Sexually Oriented Business may be open for business during any hours permitted under the hours that apply to the location of the business under the city's zoning ordinance or regulations for the sale of alcoholic beverages that apply to the business, whichever are more restrictive.

Section 72-14. Regulations pertaining to exhibition of sexually explicit films or videos.

(a) A person who operates or causes to be operated a Sexually Oriented Business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, a film, video cassette, or other video reproduction characterized by an emphasis on the display of specified sexual activities or specified anatomical areas shall comply with the following requirements.

- (i) Each application for a Sexually Oriented Business license shall contain a diagram of the premises showing the location of all manager's stations, viewing rooms, overhead lighting fixtures, video cameras and monitors installed for monitoring purposes and restrooms, and shall designate all portions of the premises in which patrons will not be permitted. Restrooms shall not contain video reproduction equipment. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram shall be oriented to the north or to some designated street or object and shall be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Chief of Police may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
- (ii) The application shall be signed by the applicant.
- (iii) No alteration in the configuration or location of a manager's station or viewing room may be made without the prior approval of the Chief of Police.

- (iv) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in the application filed pursuant to Paragraph (i) of this subsection.
- (v) The interior premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1.0) foot candle as measured at the floor level. It shall be the duty of the operator, and of any employees present on the premises, to ensure that the illumination described above is maintained at all times that the premises is occupied by patrons or open for business.
- (vi) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no sexual activity occurs in or on the licensed premises.
- (vii) It shall be the duty of the operator, and of any employees present on the premises, to ensure that not more than one person is present in a viewing room at any time. No person shall enter a viewing room that is occupied by another person.
- (viii) It shall be the duty of the operator, and of any employees present on the premises, to ensure that no openings of any kind exist between viewing rooms. No person shall make an attempt to make an opening of any kind between viewing rooms.
- (ix) It shall be the duty of the operator, or of any employee who discovers two or more patrons in a viewing room or discovers any person making or attempting to make an opening of any kind between viewing rooms, to immediately escort such persons from the premises.
- (x) It shall be the duty of the operator, or of any employee, who discovers an opening of any kind between viewing rooms to immediately secure such rooms, and prevent entry into them by any patron until such time as the wall between the rooms has been repaired to remove the opening. Removal and repairing openings between viewing rooms shall be in a manner that is as structurally substantial as the original wall construction.
- (xi) It shall be the duty of the operator, at least once each business day, to inspect the walls between viewing rooms for openings of any kind, documented by appropriate logs.
- (xii) It shall be the duty of the operator to post conspicuous signs in well-lighted entry areas of the business stating all of the following:
 - (A) That no loitering is permitted in viewing rooms.
 - (B) That the occupancy of viewing rooms is limited to one person.
 - (C) That sexual activity on the premises is prohibited.

- (D) That the making of openings between viewing rooms is prohibited.
 - (E) That violators will be required to leave the premises.
 - (F) That violations of this section are unlawful.
- (xiii) It shall be the duty of the operator to ensure that floor coverings in viewing rooms are nonporous, easily cleanable surfaces, with no rugs or carpeting.
- (xiv) It shall be the duty of the operator to ensure that all wall surfaces and seating surfaces in viewing rooms are constructed of or permanently covered by nonporous easily cleanable material.
- (xv) It shall be the duty of the operator to ensure that premises are clean and sanitary. Such duty shall be fulfilled if the operator complies with the following cleaning procedures:
- (A) The operator shall maintain a regular cleaning schedule of at least two cleanings per day, documented by appropriate logs.
 - (B) The operator shall provide an employee to check all areas for garbage, trash, body fluids and excrement and to remove and clean all areas with a disinfectant. All solid waste generated by the business shall be collected from the premises for disposal at a lawful solid waste disposal facility at least twice each week. Prior to collection solid waste shall be stored in a manner that prevents access by animals or members of the public and which will not facilitate the creation of a health nuisance.
 - (C) Thorough cleaning of the entire interior of any room providing patron privacy shall be done using a disinfectant. Cleaning shall include floors, walls, doors, seating, monitors, video cameras, and windows and other surfaces.
- (xvi) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises, including the interior of each viewing room but excluding restrooms, to which any patron is permitted access for any purpose. A manager's station shall not exceed thirty-two (32) square feet of floor area. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this paragraph must be by direct line of sight from the manager's station. It is the duty of the operator to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure

that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises.

- (xvii) It shall be the duty of the operator or manager of the business to ensure that no sexually oriented entertainment activity or visual depictions characterized by an emphasis on actual specified anatomical areas or specified sexual activities are visible from a public right of way adjacent to the establishment.

(b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

Section 72-15. Loitering and exterior lighting and monitoring requirements.

(a) It shall be the duty of the operator of a Sexually Oriented Business to: (a) post conspicuous signs stating that no loitering is permitted on the premises; (b) designate one or more employees to monitor the activities of persons on such property by visually inspecting such property at least once every ninety (90) minutes or inspecting such property by use of video cameras and monitors; and (c) provide lighting of the exterior premises to provide for visual inspection or video monitoring to prohibit loitering. If used, video cameras and monitors shall operate continuously at all times that the premises are open for business. The monitors shall be installed within a manager's station.

(b) It shall be unlawful for a person having a duty under this section to knowingly fail to fulfill that duty.

Section 72-16. Penalties

Whoever knowingly or intentionally violates any provision of this chapter shall be fined not more than \$500, or imprisoned for not more than 60 days, or both.

Section 72-17. Prohibited acts on Sexually Oriented Business premises generally.

(a) No person holding a Sexually Oriented Business license, and no employee of any such person, shall knowingly or intentionally do or permit any of the following acts to be done on or about the licensed premises:

- (i) Serve or allow on the premises of a Sexually Oriented Business, any person under the age of 18 years, unless such person submits a valid photographic ID which, on its face, establishes the age of the person as 18 years or older, and there is no reasonable doubt as to the authenticity or correctness of the identification; provided, however, that the prohibition of this Section 72-17(a)(i) shall apply only to the partitioned area for sexually oriented activity of a dual purpose business.
- (ii) Allow alcohol on the premises except for those Sexually Oriented Business's

properly licensed under the state and city alcoholic beverage ordinances.

- (iii) Intentionally entice, aid or permit any person under the age of 18 years to visit or loiter in or about any Sexually Oriented Business; provided, however, that the prohibition of this Section 72-17(a)(iii) shall apply only to the partitioned area for sexually oriented activity of a dual purpose business.
- (iv) Permit any prostitute to frequent the licensed premises or to solicit patrons for prostitution on the licensed premises.
- (v) Intentionally conduct illegal gambling as defined by law, on the premises described in the application for the license.
- (vi) Fail to keep the premises clean and sanitary, including any parking lot, sidewalk, vacant lot, or open or closed space within or contiguous to the licensed premises which is under the control of the permit holder by lease, ownership, or otherwise.
- (vii) Illegally distribute, sell, offer for sale, possess or permit the consumption or distribution on or about the licensed premises of any kind or type of narcotics or habit-forming drug.

(b) An act by an employee of a Sexually Oriented Business shall be imputed to the Sexually Oriented Business licensee for purposes of finding a violation of this section, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly allowed such act to occur on the premises, or if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises reasonably should have known that such act was occurring or likely to occur on the premises.

(c) Notwithstanding the issuance of a license by way of renewal, the Chief of Police or the City may request revocation or suspension of such license as prescribed by this Chapter, for violations of this section occurring during the license period immediately preceding the issuance of such license.

Section 72-18. Additional regulations concerning live public nudity.

(a) It shall be a violation of this Chapter for a patron, employee, or any other person knowingly or intentionally, in a Sexually Oriented Business, to appear in a state of nudity, regardless of whether such public nudity is expressive in nature.

(b) It shall be a violation of this Chapter for a person, knowingly or intentionally, in a Sexually Oriented Business to appear in a semi-nude condition unless the person is an employee who, while semi-nude, shall be on a permanent immovable stage at least 18 inches from the floor.

(c) It shall be a violation of this Chapter for any employee of a Sexually Oriented Business, while semi-nude, to knowingly or intentionally touch a customer or the clothing of a customer.

(d) It shall be a violation of this Chapter for any person to knowingly or intentionally touch an employee of a Sexually Oriented Business or such employee's clothing or costume, while such employee is semi-nude.

(e) A sign in a form to be prescribed by the Chief of Police and summarizing the provisions of Paragraphs (a), (b), (c), and (d) of this Section, shall be posted near the entrance of the Sexually Oriented Business in such a manner as to be clearly visible to patrons upon entry. It shall be a violation of this Chapter for an operator to operate a Sexually Oriented Business at any time when the required sign is not posted and clearly visible to patrons entering the business.

(f) The interior of any business that regularly features persons who appear in a state of semi-nudity shall be configured in such a manner that there is an unobstructed view from a manager's station or from a hallway accessible to all patrons to all places (and all parts of any room) where patrons are permitted access, excluding restrooms, for any purpose. In any business that regularly features persons who appear in a state of semi-nudity, no separate room, other than a restroom, where any patron is allowed access for any purpose, shall have any door that precludes viewing of all parts of any such room from a manager's station or a hallway to which all patrons are permitted access. A manager's station as described in the preceding sentences shall not exceed thirty-two (32) square feet of floor area. The view required in this paragraph must be by direct line of sight from the manager's station or the hallway to all parts of the room in question. It is the duty of the operator to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is on the premises. It shall be the duty of the operator, and it shall also be the duty of any employees present on the premises, to ensure that the view area specified in this paragraph remains unobstructed by any doors, curtains, walls, merchandise, display racks or other materials or enclosures at all times that any patron is present on the premises. It shall be a violation of this Chapter for any person to operate a business in violation of this paragraph.

(g) It is unlawful for a Sexually Oriented Business to knowingly violate the preceding regulations or to knowingly allow an employee or any other person to violate the preceding regulations.

Section 72-19 Regulation of dual purpose businesses.

It shall be unlawful for the operator of any dual purpose business knowingly or intentionally to fail to comply with the following regulations:

(a) The operator shall maintain a physical barrier between any sexually oriented entertainment activity and other activity of the business. The barrier shall consist of a permanent opaque wall or room divider, or a separate room. The barrier will be a minimum of six (6) feet high. The entrance to the separate sexually oriented entertainment activity area will be configured as to not allow a patron of the business below the age of 18 years to view the contents of the sexually oriented entertainment activity area from outside such area.

(b) The area containing sexually oriented entertainment activity shall be clearly marked by signs, with bold-face lettering in type or handwriting no less than the equivalent of 70 point type, stating that no persons under the age of 18 are allowed in the area. Such sign shall be not less than two feet wide and one foot high, in letters sharply contrasting in color with the background of the sign.

(c) The operator shall insure that only employees holding Sexually Oriented Business employee cards and qualified patrons are permitted entry into the separate sexually oriented entertainment area; provided, however, that bona fide maintenance or cleaning employees may be permitted entry into such area to perform their maintenance or cleaning responsibilities.

(d) Any employee of a dual purpose business will be required to have a Sexually Oriented Business employee card if the employee has any duties relating to the sale, rental, restocking, checking in and out of sexually oriented entertainment materials, or taking inventory of any sexually oriented entertainment material

(e) The operator shall not advertise or display promotional materials for any of the materials or activities available in the partitioned sexually oriented activities section on the exterior of the premises or within the interior of the premises not partitioned for sexually oriented entertainment material.

Section 72-20. Scienter required to prove violation or business licensee liability.

Notwithstanding anything to the contrary, for the purposes of this Chapter, an act by an employee of a Sexually Oriented Business shall be imputed to the Sexually Oriented Business licensee for purposes of finding a violation of this ordinance, or for purposes of license denial, suspension, or revocation, only if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises, knowingly allowed such act to occur on the premises, or if an officer, director, or general partner, or a person who managed, supervised, or controlled the operation of the business premises reasonably should have known that such act was occurring or likely to occur on the premises.

Section 72-21. Applicability of ordinance to existing businesses and employees.

(a) The provisions of this chapter shall apply to the activities of all Sexually Oriented Businesses and Sexually Oriented Business employees described herein, whether such businesses or activities were established or commenced before, on, or after the effective date of this chapter. Any person possessing a Sexually Oriented Business permit as of the effective date of this chapter may operate under such permit until the expiration of such permit, subject to suspension or revocation as provided in this chapter. Any person holding a Sexually Oriented Business employee card issued pursuant to former Sections 72-71, *et seq.*, of the Code of Ordinances of the City of Shreveport, as of the effective date of this reenacted chapter shall be deemed to possess a sexually oriented employee's card until the expiration of such Sexually Oriented Business employee card, subject to suspension or revocation as provided in this chapter. All such existing Sexually Oriented Business permits and Sexually Oriented Business employee cards are hereby

granted a *de facto* temporary license or card, as the case may be, to continue operation or employment until the expiration of such permit or card, subject to suspension or revocation as provided in this chapter.

(b) Any person not possessing a Sexually Oriented Business permit or a Sexually Oriented Business employee card issued pursuant to Sections 72-71, *et seq.*, of the Code of Ordinances of the City of Shreveport as of the effective date of this reenacted Chapter, but who is engaged in a business or activity requiring a Sexually Oriented Business license or a Sexually Oriented Business employee card under this chapter shall apply for the appropriate license or card within 30 days after the effective date of this reenacted chapter. If such person does not apply for the applicable license or card within such 30 day period, the person or business shall not be entitled to operate a Sexually Oriented Business or be an employee of a Sexually Oriented Business (or an employee of a dual purpose business required to hold a Sexually Oriented Business employee card) after the expiration of such 30 day period, and such person shall be subject to prosecution or other action for violation of this chapter. During the pendency of any application for a Sexually Oriented Business license or Sexually Oriented Business employee card, and any appeal from the denial of any such license or card, the applicant is hereby granted a *de facto* temporary license or card, as the case may be, to continue operation or employment until the ultimate termination of the appeal process by completion or withdrawal of the appeal, subject to suspension or revocation as provided in this Chapter.

(c) Within 180 days after the effective date of this Chapter, Sexually Oriented Businesses and dual purpose businesses must make any necessary changes to the interior configurations of the regulated business premises to conform to this Chapter.

Section 72-22. Sexually Oriented Business Locations: Measurements

Any measurement required to be conducted by the provisions of this chapter shall be performed by the Zoning Administrator, or his designee, as appointed by the executive director of the Metropolitan Planning Commission, Caddo Parish, Louisiana.

Section 72-23. Severability.

Chapter 72, Sections 72-1 through 72-22 and each section, subsection and provision of said Chapter thereunder, are hereby declared to be independent divisions and subdivisions and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of this chapter, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions are severable and would have been passed independently of such section or provision so known to be invalid.

Section 2. Sections 72-23 through 72-78 of the Code of Ordinances of the City of Shreveport are hereby repealed.

Section 3. Any ordinance containing any provision in conflict with any provision of this Ordinance is hereby repealed.

Section 4. Each section, subsection and provision of this Ordinance is hereby declared to be an independent division and subdivision and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provisions of this Ordinance, or the application thereof to any person or circumstance is held to be invalid, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions are severable and would have been passed independently of such section or provision so known to be invalid.

Section 5. This Ordinance shall become effective on March 1, 2003.

ORDINANCE NO. 12 OF 2003

AN ORDINANCE AUTHORIZING AND PROVIDING FOR AN ENCROACHMENT ON A PORTION OF THE MONTROSE DRIVE RIGHT-OF-WAY, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, Mr. Joseph R. Fertitta is the owner of record of Lot 1 of the Montrose Park Subdivision as per plat filed and recorded in Book 450 Page 469, of the conveyance records of Caddo Parish, Louisiana; and

WHEREAS, a request has been received from Mr. Fertitta to allow for a proposed metal railing fence encroachment onto the Montrose Drive right-of-way and to include an encroachment along Line Avenue to permit a chain rail fence across the two driveway entrances located at 6301 Line Avenue; and

WHEREAS, this proposed encroachment upon and use of a portion of this right-of-way is not adverse to the public interest of the citizens of the City of Shreveport; and

WHEREAS, such disposition by ordinance is authorized by the provisions of Section 2.03 (e) of the Charter of the City of Shreveport, 1978

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, Louisiana in due, legal, and regular session convened, that the City of Shreveport is hereby authorized and empowered to grant a certain encroachment with respect to a portion of the Montrose Drive right-of-way along the front of lot 1 of the Montrose Park Subdivision, as set forth and shown on the plat attached hereto and made a part thereof, unto and in favor of Mr. Fertitta, and after due notice, publication, and compliance in all respects with the laws applicable thereto, and after the effective date of this ordinance, the Mayor of the City of Shreveport is hereby authorized to execute and deliver, for and on behalf of the City of Shreveport, an instrument or permit of encroachment, substantially in the form of the document filed along with the original copy of this ordinance in the office of the Clerk of Council of the City of Shreveport.

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

BE 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 FURTHER ORDAINED that all ordinances or parts thereof in conflict herewith

are hereby repealed.

ORDINANCE NO. 13 OF 2003

AN ORDINANCE AMENDING THE 2003 BUDGET FOR THE POLICE GRANTS SPECIAL REVENUE FUND 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 desirable to amend the 2003 budget for the Police Grants Special Revenue Fund, to appropriate additional funds 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. 172 of 2002, the 2003 budget for the Police Grants Special Revenue Fund, be amended and re-enacted as follows:

In Section 1 (Estimated Receipts):

Fiscal Year 2003 Revenues:

Appropriate \$204,200 from First Responder grant.

In Section 2 (Appropriations):

From FY 2003 Revenues:

From First Responder grant, appropriate \$204,200 to Improvements and Equipment.

BE IT FURTHER ORDAINED that the remainder of Ordinance No. 172 of 2002 shall remain unchanged and in full force and effect and that totals and subtotals shall be adjusted accordingly..

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 sections 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 to be severable.

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

ORDINANCE NO. 15 OF 2003

AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES TO CREATE THE PLANNING AND INFRASTRUCTURE COMMITTEE, A STANDING COMMITTEE OF THE CITY COUNCIL OF THE CITY OF SHREVEPORT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY: Councilman Gibson

WHEREAS, it is necessary to periodically and systematically examine the critical infrastructures of the City of Shreveport, including but not limited to streets, drainage, water and sewer, for adequacy and capacity; to insure that Shreveport maintains its ability to provide essential public services; and,

WHEREAS, it is necessary to protect Shreveport's critical infrastructures from natural events and intentional acts that would significantly diminish Shreveport's capacity to maintain order and to

deliver essential public services; and,

WHEREAS, the City of Shreveport must develop and maintain current and long term policies and plans to insure that its critical infrastructures are adequate, well maintained and protected; and,

WHEREAS, the City of Shreveport must develop and maintain a comprehensive Geographical Information System as a tool to assist it to reach these goals; and

WHEREAS, the Mayor and Council Members are limited by Charter to two consecutive four year terms: and,

WHEREAS, because critical infrastructure planning for the City of Shreveport must be on-going and must continue beyond the terms of the present mayor and city council members, it is desirable and necessary to establish a planning and infrastructure standing committee to make policy and budget recommendations to the city council, the mayor and the community, and to oversee and work to insure continuity in infrastructure planning and project implementation.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Shreveport in due, regular and legal session convened that Sections 2-30 through 2-33 of the Code of Ordinances are hereby enacted to read as follows:

Sec. 2-30. Established.

There is hereby established City Council Planning and Infrastructure Committee, referred to in this article as the "Committee," to make policy and budget recommendations to the city council, the mayor and the community, and to oversee and insure continuity in infrastructure planning and project implementation. The Committee shall also insure that the recent increases in the water and sewer rates are used primarily for infrastructure improvements, and that the water and sewer systems comply with state and federal regulations.

Sec. 2-31. Membership.

The Committee shall be composed of three Council Members appointed by the Chairman of the Council in December each year.

Sec. 2-32. Meetings.

The Committee shall meet at least four times each year and may hold public hearings as needed.

Sec. 2-33. Reports.

The Department of Operational Services shall submit at least two reports each year which compare the needed capital project investment in the water supply, treatment and

distribution system and the wastewater collection and treatment system, with the actual investments made in each of the systems each year. The report for the prior fiscal year shall be due on or before January 31, and a mid year report shall be due on or before July 31.

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.

UNFINISHED BUSINESS:

1. Alcohol Retail Permit: Ms. Deborah Hawkins (Employer: 2901 Milam St. - Take-A-Bag Grocery) (G/Jackson) (Special Meeting scheduled on Tuesday, April 29, 2003 at 3:00 p.m.)

NEW BUSINESS: None.

REPORTS FROM OFFICERS, BOARDS AND COMMITTEES:

Water and Sewerage Legislative Oversight Committee: Motion by Councilman Carmody that the Water and Sewerage Legislative Oversight Committee cease to exist, seconded by Councilman Gibson.

Councilman Carmody: Mr. Gibson this is to your question earlier, the Planning and Infrastructure Committee which was created by the adoption of Ordinance 15, incorporates the functions that the Water and Sewerage Legislative Oversight Committee actually had prior to this. And therefore there is not a necessity for this committee to continue to exist and therefore I would ask everyone to vote in favor of removing this committee as standing committee of the Council.

At this point I would ask everyone to please vote and Mr. Chairman again, if I could reiterate, when you appoint three members to this new Council, I would very much appreciate the consideration to have my name as one of those members.

Councilman Green: Yes, sir.

Councilman Gibson: I do appreciate Councilman Carmody, we are not trying to tax Mike Strong and his department for having to be at two particular committee meetings and I do appreciate the opportunity to have that incorporated into it, because I think Mr. Strong is already stretched as it is. So, I know he would be appreciate being able to focus his attention on one particular item; so, I appreciate that Councilman Carmody.

Councilman Jackson: I would like to as well, I don't remember how Councilman Carmody phrased it, but I would like to publicly lobby for appointment to that particular committee, in your consideration.

Councilman Green: Thank you very much.

Motion adopted by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

Sexually Oriented Business Committee: Councilman Walford: Nobody on the Sexually Oriented Business Committee would have their feelings hurt if you wanted to discharge that committee, now. Councilman Carmody: Ill second that. Councilman Green: Its for four years.

CLERK'S REPORT: None.

THE COMMITTEE RISES AND REPORTS (reconvenes Regular Council Meeting).

ADJOURNMENT. There being no further business to come before the Council, the meeting adjourned at approximately 5:30 p.m.

/s/James Green, Chairman

/s/Arthur G. Thompson, Clerk of Council