

Council Proceedings of the City of Shreveport, Louisiana
April 12, 2005

The regular meeting of the City Council of the City of Shreveport, State of Louisiana was called to order by Chairman Mike Gibson at 3:03 p.m., Tuesday, April 12, 2005, in the Government Chambers in Government Plaza (505 Travis Street).

Invocation was given by Councilman Hogan.
The Pledge of Allegiance was led by Councilman Green.

On Roll Call, the following members were Present: Councilmen Lester (Arrived at 3:05 p.m.), Walford, Carmody (Arrived at 3:14 p.m.), Gibson, Green, Hogan and Jackson (Arrived at 3:05 p.m.) 7. Absent: None.

Motion by Councilman Green, seconded by Councilman Walford to approve the minutes of the Administrative Conference, Monday, March 21, 2005 and Council Meeting, Tuesday, March 22, 2005 Motion approved by the following vote: Ayes: Councilmen Walford, Gibson, Green, and Hogan. 4 . Nays: None. Out of the Chamber: Councilmen Lester, Carmody, and Jackson. 3.

Awards, Recognition of Distinguished Guests, and Communications of the Mayor which are required by law.

Councilman Gibson: Mayor Hightower, you have anything for today?

Mayor Hightower: No sir Mr. Chairman.

Councilman Gibson: Thank you Mr. Mayor. Council, is there any distinguished guests that we want to recognize? If not, I would remind the audience that if you have an item that you would like to speak on, there are slips of paper out in the foyer as you come in. Please fill that out and give it to our Clerk to my left. Those are items that are germane to the agenda will be allowed to speak at the beginning under Public Comment. Anything that is not germane, will be put to the end under Public Comments at the end of the meeting.

Reports:

Convention Center and Convention Center Hotel

Mr. Antee: Yesterday, you had asked for an executive summary. So, we've provided to everybody today a memorandum from David Livingstone with Citigroup local market explaining the rationale of the bond issue and the reason for doing a 35 day variable auction rate bond, at least through construction or some period in between. And then it's kinda self explanatory, but I'll be glad to answer any questions. We would point out that the bonds were AAA rated. A similar project which was done in New Jersey that was done in the financing mechanism that was originally proposed with the City only guaranteeing a portion of the gap was rated at the lowest possible rating which were BBB- and the blended rate on that was about 6 ½ %. So by having the City guarantee the full amount, it's a good nearly 2% off the fixed rate, 4% off the

rate that we actually have, which will save millions and millions of dollars in interest over the life of the loan.

Councilman Lester: Mr. Antee, the City getting a AAA rating on the bonds, for those of us that are new to this, what does that mean? Is the AAA rating a reflection of what the bond market believes is the strength of the project? Or how does that work?

Mr. Antee: Well, actually what it's based on is the City's rating in addition to the fact that we insured it. AMBAC insured the bonds for the full \$40,000,000, so with that you get the AAA rating. The cost of the insurance was \$950 (or 60),000, but by having that you reduce the interest rate so that you have about a 2 ½ to 3 year pay back on that cost. So basically, by buying the insurance, you lower the interest rate and you save money over the life of the loan.

Councilman Lester: And I'm sorry, I just came in from the back if you said it already. Over the live of this particular indebtedness, how much are we looking to save by or how much have we saved in getting a AAA rating at this rate versus something else?

Mr. Antee: Well, it would depend on if it was 1 ½ to 2%, but initially on \$40,000,000, 2% is \$800,000 a year, and these are 30 years bonds. Now obviously as the principle is paid down, the interest does down as well, but I haven't run those numbers, but it's substantial. Now keep in mind, your question was the liability of the project. AMBAC has insured it, so they have told the bond holders that for some reason if these debts aren't paid, we will pay you your money. And they evaluated every aspect of it from the project to the City's financial structure and determined that they would be willing to put \$40,000,000 at risk as insurance, and they were very comfortable with the project and with the City's financial condition in order to do that.

Councilman Lester: So, quite obviously, if they did not believe in the strength of the project, they would not have pledged their \$40,000,000 in sales to back the bonds?

Mr. Antee: That or they would have charged a substantially higher premium.

Councilman Gibson: Mr. Antee, am I - - - if the City of Shreveport defaults on this, you're telling us that somebody else is going to pay that debt? Is that what you said?

Mr. Antee: That's correct. But keep in mind you have insurance. I know it may be hard for you to follow, but you have insurance. If the bonds aren't paid, then the insurance company will step up and pay the bonds. But now, there is a loan agreement between the City and the insurance company, so that the City has told the insurance company they will pay that back. So they will be looking to the City for any monies that they have to pay out.

Councilman Gibson: So, I just want to be clear. I don't want the public to think - - -

Mr. Antee: I can make it real clear.

Councilman Gibson: Okay.

Mr. Antee: If the bonds aren't paid by the revenue of the hotel, the City will have to make up the difference.

Councilman Gibson: Okay, I just want to make that clear, because that may get lost in the translation. The other thing Mayor, I'd like to ask you point blank here. We sold \$40,000,000 last week, and as I understand it from the very beginning, we were talking about a \$52,000,000 total project. And it was reported by the CAO about a month ago about regarding a lawsuit that's outstanding regarding the \$12,000 in capital outlay, that, that's still pending. And as I understand it, the last delay was on the City of Shreveport's part as for an extension on this lawsuit and I guess with the lawsuit being in limbo, that could affect \$12,000,000, what happens if the group that's filed suit is successful on the \$12,000,000? What do we do with this project? Because I've got a set of plans in the construction organization that I run, that subcontractors, and minority contractors and everybody are starting to look at to do take offs.

Mayor Hightower: We hope so.

Councilman Gibson: Then, is that project premature is we lose that lawsuit, because we'll have only \$40,000,000, where is the other \$12,000,000 gonna come from if we lose that suit? And again, I realize we're hoping we don't lose the suit, but there's two sides of the coin.

Mayor Hightower: You know, we're confident we won't lose the suit.

Councilman Gibson: Right.

Mayor Hightower: We have a cooperative endeavor with the State, signed contract for \$12,000,000. During the course of the bond sale agreement, over the course of last week, the insurance company felt confident that we had a contract in place with the State of Louisiana that would insure that we would receive the \$12,000,000, thus we were able to go forward with the bond sale. Was the lawsuit hanging over our heads? Absolutely it was. But after review by AMBAC, they obviously deemed the lawsuit is not a huge threat and insured the bonds. So, we've been comfortable and we're still comfortable. And we're comfortable that we will ultimately prevail in the lawsuit. Again, we have a strong contract.

Councilman Gibson: And that's why I'm asking the question. Because again, small businesses and medium sized businesses, and large businesses are right now as we speak doing take offs working toward 1) a pre-bid conference that's taking place later this month, and then a bid opening in the second week in May. And I would hate to see something interrupt that because those companies don't get paid to estimate construction projects and I would hope that as soon as possible, that that's clarified, whether it be through the media or whatever. Because from where I sit from the construction industry, you'll have less people wanting to bid the project if they think that they're wasting their time doing the estimates. And that's why I'm bringing to your attention is I realize the courts can go either way on this situation, but now that we're moving forward, let's say the courts rule against us, you're saying the \$12,000,000 is not going to be an issue, that we'll have the money available to do the complete project.

Mayor Hightower: I'm going to say again, we have a \$12,000,000 contract with the State of Louisiana. I hope that we don't ever have to be initiator of legal action. I don't believe that we will be. But we're confident that we have the money available to bid the job. If we weren't, we wouldn't bid the job. No one's wasting their time. No one wants to see interruptions I this project. I don't. You gotta speak for yourself I guess.

Councilman Gibson: I think I've made myself clear in this conversation.

Mayor Hightower: Well up to this point I would have questioned that. But I strongly believe the money is in place. We're inviting everyone, anyone to bid the project and in 30 days, we'll know if we come in under budget or at budget. If so, then we'll move forward with construction, award a contract right a way, move forward with construction. Hopefully, we'll see dirt moving about the first of June.

Mr. Antee: Mr. Chairman, if I may clarify one mis-statement that you made. Not necessarily a mis-statement, but doesn't necessarily state the facts as they are. You stated that the City has been the one to initiate the delay in the lawsuit.

Councilman Gibson: No, I stated that the last delay was at the request of the City. I believe that there was a 30 day extension as I understand it.

Mr. Antee: But let me explain. It was actually at the request of the Attorneys General who represents the State in this matter and the City and the Attorneys General were both given the extension. The City asked on behalf of both and filed the motion with the court with the extension to which to file the exception. Those were filed last Friday.

Councilman Gibson: Again Mr. Antee, I'm not here to spar with you, I'm just saying that there was initiation, whether it be on behalf of the Attorneys General or whatever, but in your statement a few months ago, you said the City was not interested in extending this in any form or fashion, so again, whether you collaborated with the Attorneys General or whatever the fact is, there has been an extension on the thing. I want to see the court decision over with so we can move and get that behind us. Because again, as I stated before, we're promoting getting as many local companies to bid this project as possible, while I do appreciate your clarification on that.

Councilman Lester: And just to, not to belabor a point, because we have other business, but this is important. As I appreciate it, we already have a contract with the State. Between the State of Louisiana signed by this governor, whose still sitting and this City that says they're giving us \$12,000,000 for this project and I think that's clear. Now as I appreciate it and I haven't read the entirety of the lawsuit, but the lawsuit questions whether or not the State has the right to give us the \$12,000,000. Assuming, and just put my lawyer hat on for a second, that they even having standing, because I would question whether or not a local group has standing to determine whether or not the State can sign a contract, assuming that they do have standing, I don't even know that that's an issue. I mean, we've asked for an Attorneys General opinion. We've gotten them. We've hashed it out here. There's been a subject of conversation and we do have some correspondence from the State that says the \$12,000,000 is ours, all we had to do was go get the \$40,000,000. I think the better question would be if in fact we move forward with this issue and for some reason we get an adverse ruling at the District Court, then the question would be to those people who got the adverse ruling, does the City have an action against them for detrimental reliance and do they have to put up a bond for \$12,000,000 to insure the project? I think that's the question. That's not a question that we would have to ask. I think that's a question that the opponents would have to ask. But that's think the whole thing through. I guess where I am is we've had this discussion, ad nauseum. We've sold the bonds, we've gotten the money, lets build the thing, get some people over here and make something happen. And I just thing we're beleaguering the point because there is this hope that some people have, and I guess that it goes back to that whole Shreveportitis thing, that we just, that some people are just conditioned to want to see things fail. And some people are conditioned that if the wrong person is advocating something, that it has to fail, but if I'm advocating it has to succeed. And I'm glad that this Mayor and this Administration have moved forward because I certainly want to see the project built because I'm concerned because I want to see 25% participation from the African-American community and the minority community on that project. And I think that's going to be a tremendous benefit. And I want to see that hotel open, because I want to see 25% of the contracting going to the small businesses and African-American firms and I want to see the deal succeed. So, I guess I my question would be to those people who continue to beleaguer the point and fight this project, where is their civic pride? Where is there concern if they are going to continue to file these lawsuits. If we sold the bonds, why can't they just fold their tent up and go home and decide to - - - you know there's other land that's available down the street as I appreciate it and knowing real estate, not like Mr. Carmody does, but I'm pretty sure, if the price is right someone's going to sell some real estate, and if they want to build a hotel around the corner, I think this would be this would be the time for them to start doing it. Thank you Mr. Chairman.

Councilman Jackson: I think I appreciate what Councilman Lester said, I think he was a little low on his numbers.

Councilman Lester: At a minimum. Let me revise that. At a minimum.

Property Standards Report
2005 Regular Legislative Session

Councilman Gibson: Yesterday, we had the Administration's appointment for lobbyists give this body a report on the upcoming legislative session. Mr. Wainwright provided us with a very detailed overview. And I do appreciate that Mr. Mayor for due diligence on Mr. Wainwright's part. And I know that this session is going to be an interesting set of circumstances. Are there any questions or comments from the Council regarding the report that Mr. Wainwright gave us yesterday? If not, Public Hearing.

Public Hearing: None.

Confirmations and/or Appointments, Adding Legislation to the Agenda, and Public Comments.

Confirmations and/or Appointments. None.

Adding Legislation to the Agenda

1. Amend the Agenda by removing the fee waiver resolution for Bass Life (Res. No. 52) and by substituting the Cooperative Endeavor Agreement Resolution for Bass Life with the same number.

Motion by Councilman Green, seconded by Councilman Lester to amend the agenda.

Councilman Carmody: I request if we could from the Administration, if we could get a list of the cooperative endeavor agreements that we've entered into say for the last 24 months and the amount of revenue in essence being put aside for the rental of municipal facilities, I'd appreciate it.

Councilman Hogan: Mr. Thompson, this will not change the action of the first resolution right? It will still allow them to use the building rent free. Is that correct?

Mr. Thompson: It will allow them to use the building but in order to get the cooperative endeavor agreement, they have to show a benefit to the City.

Councilman Hogan: Okay.

Mr. Thompson: And that's what the resolution intends to do.

Councilman Jackson: At this point, we have a motion and a second, but I'm not clear what the action is.

Councilman Lester: To amend the agenda as I appreciate it.

Mr. Thompson: That's correct. It amends the agenda by substituting Resolution No. 52, which is now on the agenda. It's a fee waiver resolution for a resolution that would authorize the Mayor to enter into a cooperative endeavor agreement.

Councilman Jackson: So, it's a motion and a second to amend the agenda and to do those other things.

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

2. **Resolution No. 60 of 2005:** A resolution suspending the effects of certain provisions of Chapter 10 relative to alcoholic beverages and Chapter 106 relative to zoning for property located at 1906 North Market Street for celebration of Cinco De Mayo on May 5, 2005.

Motion by Councilman Lester, seconded by Councilman Green to add Resolution No. 60 of 2005 to the agenda. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None

3. **Ordinance No. 45 of 2005:** An ordinance declaring a certain adjudicated property to be surplus and to authorize the Mayor of the City of Shreveport to donate the City of Shreveport's tax interest in a certain surplus adjudicated property (Hersey Wilson Drive).

Motion by Councilman Lester, seconded by Councilman Carmody to add Ordinance No. 45 to the agenda. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None

Public Comments (*Agenda Items to be Adopted*)

Councilman Gibson: These are comments that are germane to the agenda. And we have several here. The first one which is a single request for discussion deals with an item that Councilman Green has brought before this body, and we have Parish Commissioner David Cox.

Councilman Walford: Is this something that we're adopting today?

Councilman Gibson: This is something that is on the agenda. It is an item for consideration today.

Councilman Walford: Okay.

Councilman Jackson: Mr. Chairman, as I appreciate it, in just a couple of meetings ago, maybe at the last meeting, Councilman Green has this on the agenda and Commissioner Cox came that particular day. At that meeting, it seemed as if there as some consent that we would formulate a committee that would be a joint committee of law enforcement as well as Commission and Council, my question Mr. Chairman, if Mr. Cox is here in a capacity to report on some action of that particular committee?

Councilman Gibson: I would think that that would probably part of his discussion today.

Councilman Jackson: Mr. Chairman, with all due respect, I would suggest that perhaps under Item 12, where we have Reports from Officers, Boards and Committees, that that would be an appropriate place to have that discussion and it would not limit him at this particular point to three minutes. Because three minutes may not be adequate to give us a report of what that committee has actually done.

Councilman Gibson: I have a motion and a second on the floor right now, does - - -, I'll defer to the pleasure of the body right now.

Councilman Carmody: Mr. Chairman, as the maker of the motion and professional courtesy to a fellow elected official, I'd like to go ahead and allow the gentleman to address the Council.

Councilman Jackson: Mr. Chairman, I certainly don't intend to show a lack of deference, that's not my point at all. I'm saying if we're going to follow the rules of our agenda, perhaps if he's going to give us a committee report, perhaps, what we ought to do, if we're going to extend

deference to him with regard to his time is suspend the rules and deal with that item, that I think would appropriately fall under Reports from Officers, Boards, and Committees

Councilman Gibson: Councilman Jackson, I see where you're going. I'm not sure if the committee has met, so there's nothing to report.

Councilman Jackson: That's my question. I thought y'all were saying, I think he's - - -

Councilman Gibson: I was mis-understanding. I thought you wanted to know some positive make of what was fixin' to transpire. But they have not officially met.

Councilman Jackson: I'm fine, that was just a point of order.

Mr. David Cox: (2633 Lyles Lane) I'm here today and I'll make it quick. A committee has been formed. The last puzzle was getting two Caddo Commissioners along with two City Council Members, A Parish Attorney, a City Attorney, somebody representing the City Police, somebody to representing the Caddo Police Department to do an overview of Ordinances that control dogs, cats, animal services. In doing so, we've also added citizens to this board. And in doing so, I'll introduce one of our citizens who is here today, who is over here in the corner has volunteered her time to take part in this. Ms. Beck Williams out of the south part of Caddo Parish, and Mr. Tom Cole has also agreed to be on this committee. What we're going to be going over is basically what can we do to prevent accidents? Accidents such as these. Okay? It's gruesome. And it's here now. Believe it or not. A five year old little boy out in the Highland area last week had his ear bitten off. His dad from what I was told was more interested in the dog than the son. So, we're going to address barking, running wild, amount of dogs in one yard, shots, biting, dog collars, for barking dogs electric fencing, as far as cats running wild, destruction of private property, amounts in one home. You know things that need to be addressed. We have a major problem happening here in Caddo Parish. The reason why Mr. Green and I both agree that we need a coalition of government is because 1) the Animal Control Services is governed by Caddo Parish, even though in the City of Shreveport, we have most of our calls from the City of Shreveport compared to the rest of the Parish, and we need to work together on this deal. In doing so, we can both get what we need. Better laws that govern Animal Services. I don't ever want to have to go to some guy's house and see this. Most of the attacks that are happening now are because people don't care what they have in their back yard. We have a serious issue and if you didn't hear on Channel 12 last night, the State of Texas is looking at it as a state wide referendum. So they are beefing up theirs as well. I have Dr. Dell with me today. He's with us if y'all would like to ask him any questions. He's had numerous phone calls since this has broke. The committee will meet as many times as it takes to go through all of the ordinances and see what we can do to toughen them. If people don't care about what their pets do, we will, and then they will have to pay for it. So, this is going to be a learning experience for everybody, but at the end of it, I think not only for the Parish, but the City will benefit from it.

Councilman Green: Again, our first meeting will be Thursday, at 4:30 in the conference room.

Mr. Cox: I understand that you and Mr. Green will be the representatives from City Council?

Councilman Hogan: Correct.

Mr. Cox: And like I said Dr. Dell is here and he's well aware of the problem because he runs the Animal Services for Caddo Parish, so if y'all have any questions for him, he's over here right now, if not- - -

Councilman Hogan: Just a comment for you Commissioner. I appreciate your effort today, and I think it has merit. And along with this whole concept goes the element of responsibility. And you know that's the same thing that we're going to talk about a lot of other issues on the agenda today that deal with personal responsibility. Responsibility of business owners as well. So, thanks again for coming today.

Mr. Rigoberto Salinas: (441 Summit Drive, Bossier City, LA.) I'm here representing the Cinco De Mayo Festival which has been held down at the festival site since the festival site opened. Due to circumstances beyond our control, we have asked the City if we can have our fiesta at the (inaudible) and Trejos Restaurants. We had to down scale, due to like I said, financial problems. Right now, we feel like that area we could come back and we're a 5013C organization. All our funds are raised at our fiesta fundraiser goes towards scholarships, any latino descent students in our area. So we feel it's a good cause and I thank you gentlemen for okaying this for us and if there is any question that I can answer, I am here to do so.

Councilman Lester: I just wanted to say to Mr. Salinas, I really appreciate the work that your group is doing with the Cinco De Mayo Festival. I am a member of an organization, Rho Omega and Friends and Inc. We do the *Let the Good Times Roll Festival* here in the City for about 16 years. And we started out just like you guys did. As a matter of fact, we started out as a 1 block festival over 2 actually, 1 or 2 days in the 400 block of Texas Street. Actually the 500 block of Texas Street and we have grown our festival to something very large. Haven't gotten to the level of the Revel, but we're working on that. So I just applaud what you guys are doing, and if there is anything that we can do to help that, please feel free to let us know. And Mr. Chairman, we're excited that they chose District A to have their festival. So we're very proud of that.

Mr. Salinas: Thank you very much. You know we started down there on Texas, also we have grown to where we could extend it to the Festival Plaza, but like I said last year, (inaudible) real problems. But we don't want to let it go.

Councilman Gibson: Also just as a side bar, (inaudible) before moving back to my hometown in 1996, Cinco De Mayo is a huge event in Houston, in the greater Houston area. And I'm looking forward to - - - they've had tremendous success along with the other different events in Shreveport. You're only a compliment to what's going on and thank you for your leadership.

Mr. Salinas: Well, I sure do thank you Councilman, and I hope that it will grow one day to where it's comparable with Houston.

Mr. Allan Bell: (666 Travis Street, Suite #900) I'm speaking at the request of my mother, Dorothy Bell, who owns a home at 8650 West Wilderness Way and her neighbor Susan Loftus, who resides at 8650 West Wilderness. These two homes will share the eastern boundary with proposed bank site. I have previously expressed our safety concerns with the MPC and the City Council regarding the unrestricted cut on Dumbarton. I have also attended both neighborhood meetings, where our neighbors overwhelmingly expressed their regarding the access on Dumbarton. As you will recall, the 8600 block and 8700 block of West Wilderness as well as two driveways and Line Avenue intersect on Dumbarton with approximately 200 feet of each other. That's five entrances within 200 feet of each other and now the bank wants to add another unrestricted way on the Dumbarton. I jokingly refer to this as 'malfunction junction'. In order for my 80 year old mother to exit her driveway, she must look to her left, straight, right, and further right to avoid any traffic. Now with the addition of another unrestricted access, she will have to look to her extreme right since the banks proposed entrance will be within 35 feet of

her driveway. This problem is just not hers. People leaving the bank trying to turn left on the Dumbarton will have the same problem. I asked the City Council to accept the decision of the MPC to restrict the access to light turns only. Further asked the City Council to accept your role as public servants and serve public and not the special interest of those individuals attempting to profit, before our safety. To borrow from Councilman Hogan's opinion in today's newspaper on the smoking issue, it is absolutely the duty of government to place limitations and penalties on behavior. I believe this duty of government should apply to the safety of our streets as well. Thank you.

Mr. John Squires: (608 Dumbarton) Councilman, Mr. Chairman, I'm here, not going to repeat a lot of what's been said. I live on Dumbarton, I observe the cut thrus that go through there. I know, and been told that City Engineers are taking a little different position than they did before, which I don't find uncommon, but I pulled out of my driveway last week and waited for three cars to go by and apparently come off Line Avenue, every one of them went all the way through to 70th and went to - - - across Fern Avenue which is another great City Engineer design, passed Kroger and Target which are great entrances and exits (I don't know who thought them up), but I'm just saying we don't need that kind of traffic coming through Spring Lake and it comes on a regular basis. Thank you.

Ms. Anne Higdon: (564 Dunmoreland) I want to thank you for your vote of sending our request back to the MPC, because it gave us the opportunity to go to the MPC and express our strong concerns about safety. We requested a second traffic report from the Mayor and we appreciate him having that done, however, we feel that this traffic report which has several mistakes in it that we could find. First, the date was wrong, it's dated April 21st. Second, the number of fatalities was wrong. We know that there've been more than one fatality at that intersection and the traffic report while it counted the cars, did not address our concern of a vehicle turning into Spring Lake and turning left into the bank around the median having stopped and having cars coming from all kind of ways hitting each other. The traffic report is something that we were very interested in. When we got to go back to the MPC meeting, we got to express again a very strong feeling that the neighborhood does not want another intersection here. The MPC after looking at the issue as you know, suggested unanimously a compromise. From our calls and letters to each of you on this issue before you can imagine how much we called and wrote to the MPC. And I would like to say that we appreciate our Councilman Mike Gibson who has listened to us for hours on in and been willing to accept criticism in order to stand where we have asked him to stand. We the people of Spring Lake drive through this intersection know it is an accident waiting to happen. The MPC suggested a compromise. It was not exactly what we wanted, but we accepted the compromise. It was a unanimous vote of the MPC. Now, we come back to you and ask that you accept the recommendation from the Metropolitan Planning Commission for the safety of this intersection. We know it is unprecedented for the City Council not to accept the compromise when it comes to you as a recommendation from the MPC. We the people who live in Spring Lake feel strongly that it is not right to totally ignore our feelings. We're a large tax base. We pay taxes. We're here paying taxes now. We understand the property owners want to sell the property and we don't blame them. But we ask you to support us and vote for the recommendation of the MPC because it's the right thing to do.

Councilman Gibson: Ms. Higdon, one question for you. You and one other person were on record as filing the original deal. Is that correct?

Ms. Higdon: Yes, my husband and I filed the first appeal.

Councilman Gibson: Along with Dr. Westmoreland?

Ms. Higdon: With Dr. Westmoreland and Mrs. Westmoreland is here today.

Councilman Gibson: And the basis of that appeal was no curb cut whatsoever. Is that correct?

Ms. Higdon: That is correct.

Dr. Phillip Roseman: (510 Longleaf Road) I'm a Cardiologist, a board member of the Willis Knighton Health Systems, I'm Chairman of the Region VII Healthcare consortium, but I'm not here representing those groups today. I'm here to represent a lot of people that I've cared for as a doctor. People that have been hurt or buried by cigarettes. And I want to tell you that any policy aimed at decreased smoking is good public policy. I've seen what smoking and second hand smoke does. I've seen the heart attacks and the strokes, and the lung cancer, and people unable to breath with chronic lung disease. I tell you what I tell my patients. Quit smoking, you add seven years to your life, reduce your risk of hear attacks and strokes in half, reduce your risk of lung cancer by 90% and chronic lung disease by the same. We've made progress in this country. In the generation ahead of me, I've watched the reruns of the *Andy Griffith Show*, and he's smoking and enjoying his cigarette after dinner. Smoking was very popular. It was acceptable. Over half the adults smoked. No one knew any better. As a young person, I flew on airplanes. There was a smoking section in the back. So, I understand about second hand smoke. My generation, the medical community has waged war against smoking, the no. 1 cause of preventable death in this country for the last two generations. My children's generation has seen tobacco lawsuits. Less *Joe Camel* adds, expansion of 'no smoking' locations, as you are considering today. We've made progress. Smoking has decreased in our country. And I want to thank you for having the courage to even discuss the issue. Because it's proactive and progressive. For any government body to take a stance like this. To consider policy, they would make smoking less acceptable, less accessible, less attractive. It's public policy that celebrates life. It's public policy that improves the health status of people. That's good public policy. In the argument, I think to the contrary, is law. In last month's meeting of the Governor's Healthcare Reform Panel, the keynote address was an outline of cost effective measures of this State that would significantly improve the health status of Louisiana's people. Guess what was No. 1? One person's right to smoke does bleed onto another. It's not just second hand smoke, it's not just because they don't like the smell. We're all subsidizing smokers and tobacco industry when we pay for health insurance, when we pay taxes for Medicare and Medicaid and the Charity Health Systems. We've got to make 'not smoking' the national norm. And this is what this is really about in my mind at the local level. I read today in the paper, that somehow this ordinance is being equated to something in Nazi Germany. I'm not sure where that comes from. But I'll leave you with a quote from that time period that I have in my office. The quote is "*How wonderful it is that nobody need wait a single moment before starting to improve the world*". It's written by a 12 year old girl, Anne Frank. She wrote it in here diary of a young girl. I want to thank you for being proactive and progressive for having a public discussion on this and being the government body that seeks the best for its constituents. I thank you very much.

Councilman Hogan: Dr. Roseman, I want to thank you for coming today and I want to thank you first of all for your service to the community, and with the Alliance for Education, that organization that you are President of. Is that right?

Dr. Roseman: I was, I started it.

Councilman Hogan: Past President and you started the organization. Thank you for your service here. Regarding your comments, I think you're right on target. And I liked your

terminology where you said progressive and proactive. You know we had a lot of discussion over the - - - and we're still having discussion over the hotel. And you know Councilman Lester had brought up a point, '*do we want to remain a town, or do we want to become a city?*' And I think it compliments this, and I think it falls right in line with that, you know are we going to wait to be last to do this, like Louisiana falls last on the list of a lot of other things? Or are we going to be progressive and move ahead you know like a lot of other larger cities, and in fact, some smaller cities have done. Longview has in fact enacted a smoke free ban on the restaurants. And so the comments that you read in the paper today, I just have to mention it, came from a fellow and he chided me and chastised me over the fact that there were some eerie parallels between the Nazi anti smoking campaign led by Adolph Hitler and what we're doing with this smoking ban today which I failed to understand that. I have not found anybody that agrees with that opinion yet.

Dr. Roseman: Well, it would be like Mayor Bloomberg being then new furor. It just doesn't make any sense. I do believe that this is proactive thinking, it is progressive, I would like to see our City be one of the first if not the first in Louisiana to do some of the things some other large cities like New York City have put into place. So again, thank you very much and good luck, and I appreciate y'all's work.

Mr. Jerry Jones: (401 Edwards Street, 10th Floor) I come to you again, as a private citizen on this issue. I have worked with the American Cancer Society and others in trying to have this type of legislation introduced before the City. As I told you a couple of weeks ago, this Council was one of about eight cities that passed a resolution two years ago. You passed it unanimously. It was Ordinance 23 of 2003. You had the audacity to ask the State Legislature to give you the right to determine what smoking regulations ought to take place in Louisiana. Cause see at that time, in Louisiana, the State Legislature said, the City of Shreveport, you don't have that right. You don't have the right to determine where you can smoke and where you can't smoke. But this Council had the audacity to say 'legislature, we want the right to determine whether people can smoke in the work places, we want to have the right to determine whether they smoke in their restaurants, we want to have the right to determine whether second hand smoke is something that should be made difficult in Shreveport rather than easy. I got a phone call from a young lady about two weeks - - - last week actually. She's a single mom, works in an office with four people. Three of them smoke. And she said, Mr. Jones, what am I supposed to do? They tell me that if I don't like to work - - - working in that place, that I need to quit my job. Is that what I'm supposed to do to get out of the smoking environment. And I said, well why did you take a job there in the first place? She goes, I took the job when I was a smoker. I've now quit smoking. What am I supposed to do? This isn't just a matter about property rights, I hear that. I hear, well, we gotta protect property rights. If that employer was pumping carcinogens into her office, you would move heaven and hell to stop it. But yet in this situation, I find some people in the City of Shreveport are saying, it's like Nazi Germany. I maintain not to stop this kind of treatment is more like Nazi Germany. What we're asking this Council to do is to exercise the power to the extent the State has given it to you. We can't stamp out smoking in restaurants that have alcohol licenses. The State of Louisiana won't let you do that. But it has given you the power. The absolute power to say, we're not going to allow smoking in public places. We're not going to allow smoking in work places. We're not going to allow smoking in those restaurants where they don't have a liquor license, where my children might go. Whether it's a *MacDonald's*, or *George's*, or at *Burger King*, or a *Wendy's* or at *Piccadilly's*. Dr. Roseman said it would be progressive. I agree with it, but the fact is there's 4800 municipalities

in our country that have beat us to the punch. There are 10 states in our country who have made state-wide ban of second hand smoke. Yes, we may be progressive for Louisiana, but for the rest of the country, we're really not (inaudible). We're behind the curve. And I admonish you and I ask that as you take a look at this ordinance, that we take a look at it closely to do everything we can as a municipality to protect our citizens. Thank you.

Councilman Gibson: Ladies and gentlemen, could we refrain, we've got to get through all this, so if we could hold back on the applause. And I'm not isolating you because we've had other subject matters to come before this body, and we've had outbursts and things of that nature. Lets keep everything to a professional level here. The next response is Jerry McLarty.

Dr. Jerry McLarty: (5601 Mirador Circle) Thank you and thank you for telling them to hold their applause. If I don't get applauded, it's not because I wasn't eligible (inaudible). I'm the Director of Cancer Prevention and Control at the Feist Weiller Cancer Center and I'm also on the steering committee for the state wide Tobacco Free Living Campaign which is funded by our recent cigarette tax increase. I'd like to offer some of my expertise on the affects of second hand smoke. And I can say up front that an ordinance like this will save lives and I think it's an excellent unique opportunity. Second hand smoke is really worse than we think it is. That's one point I need to make. And the second is that Louisiana is impacted carefully by second hand smoke. Why is it so dangerous? Well, it's been mentioned already that all of the chemicals, more than 4,000 chemicals that are in second hand smoke, not just what the smoker's breathing, but that the non smoker as well. Over 200 poisons including things like cyanide, formaldehyde, various pesticides, NNK which is something that we use in the laboratory to actually induce cancer in animals when we do our experiments. And more than 60 cancer causing agents. The US Government has declared second hand smoke as a classic carcinogen. That means that it's been proven beyond a doubt to cause cancer in human beings and there is no safe level. It's in the category of asbestos and radon and a number of other highly toxic substances. And here's an interesting point. Even a little cigarette smoke is dangerous. There've been numerous studies that show that even after 20 minutes of exposure of a non smoker to a smoky room that he has the same adverse affects in his arteries that can lead to a heart attack or a stroke that a smoker gets. It's a very low threshold phenomena that after a little bit of exposure, it gets the same effect. A perfect example of this, Helena, Montana passed an ordinance like we're looking at. And immediately the number of heart attack deaths in that city dropped. Now for some reason, a few months later, they repealed that ordinance and again, immediately, the number of heart attacks started going up. And this is backed up by very hard science. When New York City started to enact it's ordinance, one thing that they were concerned about is the pollution. Air pollution, and people would say well, the air pollution from traffic and everything else is much worse than cigarettes. Well, they did some studies. It's not true at all. They found out that in the bars and restaurants in New York City, the air pollution was 12 times worse in those establishments than it was in the Lincoln Tunnel at rush hour. If you've ever been in Lincoln Tunnel at rush, then you know what I mean, that's pretty bad. Second hand smoke causes 53,000 deaths every year in the United States. This is equivalent to what happened during the entire Viet Nam War to Americans over a 10 year period. I see I'm running out of time, but let me add a couple more facts. Recent studies have shown that breathing second hand smoke actually affects their cognizant abilities, especially reading levels, reading abilities at very low levels of second hand smoke. Only 1/4 of the people in Louisiana smoke. 3/4 of the people don't smoke. Non smokers are in the majority. I guess somehow that 1/4 is getting all the protection.

Two-thirds of the people in Louisiana, including smokers think that we should restrict smoking in the work place and restaurants. I think I will stop there.

Councilman Gibson: Thank you Dr. McLarty. Any questions or comments from Dr. McLarty.

Councilman Hogan: Thank you Mr. Chairman. Dr. McLarty, if you have other information there, it's not unusual for us to grant someone an extra two or three minutes. Do you need extra time?

Dr. McLarty: Sure, I could add a few more things. Thank you, I appreciate that. I don't want to overwhelm you with facts. But we do need to understand our background. Louisiana has the highest cancer mortality rate in the U.S., second only to the District of Columbia. Among all the other states, we have the highest rate. And this costs - - - the second hand smoke part of this. It costs us \$2.8,000,000,000 a year in Louisiana. That's including the direct healthcare from all of the diseases that are caused by second hand smoke, the lost productivity on the job and all of these factors are rolled together. Almost \$3,000,000,000 cost Louisiana every year just from second hand smoke, not counting the primary smokers themselves. One thing that we haven't talked about too much with - - - other cities have done it, but since they have passed their ordinances, actually things have gotten better. People quit smoking at a higher rate. Fewer children start smoking. So, it has a secondary effects, I think, that are enormous. And study after study have shown that it hasn't affected business even in a hospitality industry. In fact, many places report increases in business. I think I'll stop there.

Councilman Gibson: Dr. McLarty, I just wanted to side note Feist Weiller, they used a local general contractor subs and minorities on that fine project that just was opened here a few months ago. Y'all kept all the money here in the local economy, and thank you in your decision, your leadership over there for that, in that effort.

Councilman Hogan: Thank you Mr. Chairman. Dr. McLarty, I'd like to have you pass on my appreciation to Dr. Glass also for his letter that he wrote to the Council, and the letter that he wrote to the editor of the Times. And I understand that he wasn't able to come here today. Is that right?

Dr. McLarty: That's right.

Councilman Hogan: Okay, please pass that on for me. Thank you.

Ms. Paige Ham: (1109 Southbrook Dr.) I'm against the ban for the reason I believe Mr. Hogan, I heard you address personal responsibility. And for smokers, we believe that we are personally responsible for our own lives. And if we choose to do this, isn't it in fact our choice? And are we not responsible for that choice? And is not the City responsible for the choices that we make? And why does the Council feel that they are responsible for putting their values and pushing their values upon the City of Shreveport? We all have our own values and we all have our own set of beliefs. And I don't think it's okay for a set of individuals to push their values upon a city. Just because y'all may not agree with one thing, doesn't mean that you can enact an ordinance because you don't agree with it, or because the American Cancer Society doesn't agree with it. What about the people who do have restaurant that don't have a liquor license? That's going to put them out of business. What if you put the ventilation system in there? The cost of that - - - what if they can't afford that? Is the City going to pay for that? Is the American Cancer Society going to pay for that? Where's the money going to come from if they can't pay for that? Are the casinos going to be shut down? Are they going to go non-smoking? I can bet they're not. Because no, they bring in too much money for that. We know this. We can come to an agreement, the City can come to an agreement. City buildings, no smoking. Smokers can be

considerate and that's what it comes down to. We can be considerate and not smoke around people. We don't have to be. It's okay the way it is. Turn on the news. Just about every thing causes cancer. You can't look at anything and it not cause cancer right down to the pesticides at your grocery store. I appreciate your time.

Councilman Hogan: Mr. Chairman, just a couple of comments that I would like to make. Not questions, but comments. You're welcomed to stand there if you like, but they're not questions. I appreciate you coming down today, I really admire you for coming to speak your voice. That's very good.

Ms. Ham: Thank you.

Councilman Gibson: Councilman Hogan, let me just stop you real quick. If you've got a question for the speaker, that's fine. But if you're going to comment or make any, we need to refer that back to when we get to it. I think that would be appropriate under Robert's Rules.

Councilman Hogan: Okay, well I'll answer the question she's addressed.

Councilman Gibson: Well, I think you need to ask her some questions I believe.

Councilman Hogan: I'm fixin' to do that

Councilman Gibson: Okay. Again, I just want to make it clear. Thank you Councilman Hogan.

Councilman Hogan: That's fine. Ms. Ham, again thank you for coming today. Appreciate you for coming. And you've raised some questions that I would like to address. You said at first you said - - - you talked about personal responsibility. You know when people have talked to me about that, the question always gets back to I, me or my. You know, but the question should be 'how does my action affect other people's responsibility?' That's the key issue. You know when a person smokes and you know, there's some compromises written in the ordinances as it is. I'm not trying to take away your right to smoke. And by the way, you are a smoker I assume?

Ms. Ham: Yes sir.

Councilman Hogan: Okay, I just wanted to make sure. You are still able to smoke in the privacy of your own home. You can smoke in your car. And there's a lot of other designated places that you can smoke. You can smoke anywhere outside now is the way the law stands right now. But the issue is not what you do to yourself. I can't step in and stop you from smoking. If you want to do that to your body, that's certainly not my place to go in and tell you not to do that. It's legal. It's not a 1st Amendment Right, like some people say, but it's legal. If you want to do that, you're welcomed to do that to your body, if you want to do that. I'm not trying to stop you from doing that. What I'm mostly concerned about is how it affects other people. And the Council gets involved every meeting in issues that affect the public. That's mainly what government is all about. Places that have liquor licenses. Not all places can serve alcohol. You can drink but you can't drive. You know, we regulate behavior all the time up here. We vote on certain things that affect personal behavior. You said the ventilation system. You talked about a ventilation system in an restaurant where there is not a license for alcohol. The ordinance does not include a stipulation that makes them seal it off, have a separate area that's closed in. I don't know. That's a rumor that was circulating, but that's not true. It's not in the ordinance. But I felt like that was too restrictive. That I could not get that passed. So that's not in the ordinance. Casinos, by the way, are exempt under State Law. We cannot stop smoking at casinos. However, Mr. Roberts, the formal manager of Sam's (General Manager), he instructed me that they have systems where - - - he described it to me, where the air is sucked out every 30 seconds of the areas, of their gambling areas, whatever they do over there and they have

a special ventilation system that cost thousands of dollars. Because they recognize the damage caused by other people's smoke. And so they were willing to go the extra mile in order to protect their citizens. Why? Because they felt responsible.

Ms. Ham: May I respond?

Councilman Hogan: You sure can.

Ms. Ham: If the casinos are exempt, why are other places attacked? There are thousands of people in the casinos at a time. It needs to be across the board. You can't not touch the casinos, but touch other places. And affect other places. That's not right. That's unfair. We're talking about people's rights. You don't touch the casinos and you leave - - - the casinos aren't touched because they make money. No, that's - - - ah! It needs to be across the board.

Councilman Gibson: Ms. Ham, could I ask you to get in front of the microphone so we can hear this recording?

Ms. Ham: Oh, excuse me. Now, I know these people - - -

Councilman Gibson: You can pull that microphone down a little bit if you want?

Ms. Ham: Yeah, I am a little short.

Councilman Gibson: No, I'm not saying that. I just want to make sure

Ms. Ham: (Inaudible). That's just not right and I know you know what I'm talking about and I know y'all talked about this, and I know you've addressed it amongst yourselves.

Councilman Hogan: May I respond to that Ms. Ham? Are you - - - I agree with you on that. I'm going to surprise you that I agree with you on that. Because that is a State Law and I cannot change that. And you were talking just a moment ago. Councilman Jackson, I'm going to defer to him, he had a comment about that also Mr. Chairman, if you don't mind.

Councilman Jackson: Thank you Mr. Chairman. Thank you Councilman Hogan. Ms. Ham, and I think Mr. Jones articulated to some degree a part of the misinformation that was going out there, I want to be clear. I'm on record as having being a person who would oppose smoking everywhere. Casinos, bars, restaurants with liquor licenses, everywhere we could possible do it. I don't have the right to do that, because State Law supersedes whatever ordinance this Council could pass. The State Law says there are five areas that are exclusive. Excluded from those include 1) restaurants with liquor licenses, 2) bars, 3) casinos, 4) tobacco houses that sell predominantly tobacco, and 5) hotel/motel sleeping rooms. Those are the ones that we have no power over. But that same legislation enables us to be as stringent as what you see and perhaps some of the rumors you've heard. And most of it I'm sure is mis-information. Because most people who are for it, I might add, and/or against it have not seen the inside ordinance in it's entirety. They've made a decision based on basically a line in the sand (I'm on this side, and I'm on that side). So, I'm not trying to advocate my point, because I'm clear about where I am on it. But I want you to know anybody who says we are being prejudice against certain places and there are certain places that we are arbitrarily whether they make money or not. I don't know how much money tobacco houses make, but they are excluded as well. There are five exclusions that we have no control over. If we did, I'd try to exercise our right to make it stringent in those places as well. So, in principle, I agree with what you said, with regard to everywhere. It ought to be no discrimination, but this is something that the State Legislature put in place. We don't have the authority or the power or jurisdiction to change that. But they do give us the right to get as stringent as we can up to those five places. And therein lies the reason you see the ordinance the way it does. No one has cherry picked and decided these places over these. Though that's what's being reported, that's not the case. We're doing all we can. And

it's extreme for the folks who don't want it at all. I'm sure it's extreme. But it's as much as we can do by law.

Ms. Allison May: (2707 Beaszley) I want to thank Councilman Hogan for bringing this ordinance to this point. I favor this for our city, for our state, for our country. I believe in a smoke free environment, and if I had my choice, she wouldn't be able to smoke in her car. I became a lung cancer orphan at the age of 32. My father died from lung cancer at 58, my mom a year later at 55. Three weeks after my dad was diagnosed, he died. And two months after, my mom, she died. It was the most devastating point in my life to watch my parents suffer the way they did. They smoked, they chose to smoke. It's an addiction that you cannot get released from. My mother up until about a week before she died, told me I could smoke one this long, I want it so bad. And she knew she was dying. If I see you in Walmart buying cigarettes, I'm going to ask you if you have any children, if you have any grandchildren. And I'm going to ask you if you love the cigarettes more than your children or grandchildren, because you're making a choice. You're taking your life away and their live just from smoking around them. And I know my mother smoked all my life and she said if she could do it all over again, she would never have lit up that first one, because it is so addictive and she died at a very young age. My children who are here were 2 and 1 when my parents died. They've never known their grandparents. Some people say that second hand smoke does not affect people, but doctors have already said that. I have got a co-worker that I work with. We lived in a smoke free environment. It was a break room for smokers with separate ventilation system. He went for a physical, had never smoked a day in his life, his parents never smoked, his wife never smoked and never been around it. And when they did a chest X-ray, the doctor came back and said it appeared as if he was a light smoker because of what was portrayed on the X-ray. The only thing they could contribute it to was he worked in - - - on the floor in our building, the break room for smokers was on our floor. Again, it was a separate ventilation system, but his life was still affected by those smokers rights. I can't drive down the road with my window down and my sun roof open without smelling it. I can't walk around my neighborhood without smelling. If someone on their property is smoking. It infringes upon my rights and the rights of my children. I can go to restaurants ask for smoking environment, but if it's closed to smoking, my meal is ruined because someone else's rights are protected infringing upon mine. Our public school system teach our children in Health that smoking is wrong and detrimental to our health. The DARE Program which the City supports and teaches these children about the affects of smoking encourages them not to smoke. So I know this ordinance may not be politically correct, in the eyes of business owners, but it's time for lawmakers to do what is right and to practice what we preach to our children despite how it may affect your political futures. So, I'm begging you to do what you can here to help protect the air that I breath, the air that my children breath, the air that your children will breath one day. And again, anybody that has not watched someone with cancer dying, you cannot understand the passion I have for them. And so I beg you all to do what is right and again, thank you Councilman Hogan for your time and everybody else.

Councilman Hogan: Ms. May, no need to come back. I just wanted to thank you for coming. I know you had contacted by phone, and I know it was a real sacrifice for you to come down here to day. You had to make arrangements for your children and all, and I appreciate you coming down today, I really do. It's a compelling argument. Thank you so much for coming.

Ms. Martha Belchic: (6500 Gilbert Dr) Good afternoon and Councilmen. I live in Mr. Carmody's district. I'm glad you're here, it's my first time to address the Council, I'm a little nervous. And I've come before the Council to speak against this ordinance. I'm a non-smoker.

My maternal grandmother died of lung cancer, my mother died of lung cancer. I know probably as well, better than most the affects of smoking on one's health, I was her nurse. And I nursed her until her death. So, it may appear that I speak in opposition to this ordinance. When my non-smoking surgeon father and I dine out, we generally choose non-smoking restaurants, well based on smoking also the menu. But we in fact also both pay dues to private dining clubs that have a smoking area. When my smoking friends and I dine out, we chose restaurants where smoking is permitted. My point is that business owners should be able to chose to offer use of a legal substance at their establishments, and the public will decide for themselves whether they prefer to spend their dollars. Philosophically, as a conservative, I have a problem with adding yet more laws to the books. And I can tell you, though my mother died a non-smoker, and any of you that know my mother, you will know this is true. And Mr. Antee knew my mother, she would have spoken against this ordinance as well. As a citizen of Shreveport, I have a huge problem with the Council focusing on this health emergency, which I understand it is a health emergency. I find the timing a little suspect. While the City is drowning in a sea of other problems, infrastructure comes to mind. With me, infrastructure will always come to mind since my yard and my next door neighbor, Steve Harter's yard have been the proud owners of the holes, well no, we call them craters since last winter. The only work I have seen done on either is wrapping of crime scene tape around them. I assume the tape is to prevent someone from falling in, injuring themselves and suing the City which is the last thing that we need. I thank the Council for it's time today and for our ongoing service to this community.

Dr. Peter B. Boggs, M.D.: (4817 Gilbert Drive) And I appreciate the opportunity of being here. I'm a physician, I'm an allergist, and I take care of people with chronic nasal problems and chronic lung problems. Although the specific allergens of which allergic people are sensitive, like dust mites and boles and pollens, environmental tobacco smoke is second only to viral illness triggering their symptoms. It's one of the most common things I get in a patient's history of triggers is congestion, drainage, coughing, wheezing and difficulty breathing. Environmental tobacco smoke is a scientific term given to smoke introduced in the common air by smokers through the exhalation of fumes breathed in and the combustion of tobacco smoke on the tips of cigarettes and cigars and from pipes. 15% of the environmental tobacco smoke actually comes out in the perspiration from the person who smokes. 85% of environmental tobacco smoke comes from the tips of cigarettes, cigars, and the pipe bowls. Not from the lungs of the smokers. This is called side stream smoke. Passive smoking is common term for involuntary inhalation of smoke introduced into the air by other people. Side stream smoke is characteristics of rendering a potential health problem for everyone. It's loaded with particles on which is carries a range of chemicals that can irritate and act as carcinogens. It contains more toxins and carcinogens than the smoke that is inhaled by the smoker. These small particles inhaled penetrate deep into the lungs where they settle, and the harmful nature of these particles and chemicals are now well recognized and have the result of the environmental tobacco smoke being classified as Class A carcinogen. 21 years ago next month, the Surgeon General of the United States declared passive smoking a health hazard. The medical literature since then supports his decision and provides the following health concerns regarding passive and involuntary smoking. In children, the risks are these: Premature birth, small for age births, low birth weight, sudden infant death syndrome, acute lower airway infections like bronchitis and pneumonia, acute and chronic middle ear infections, increased asthma and increased chance of developing asthma and persistently abnormal lung function. In adults the increased risk are associated with massive smoking or cardiovascular disease, wheezing, worsening asthma,

worsening of nasal symptoms, pneumonia and cancer of the lung, head, neck, bladder and cervix. The so called no smoking areas in most restaurants and public places are a farce. You all know that. I'm aware of only one restaurant in this community that has an effective separate area for smokers. It's isolated and it's separately ventilated, but this is an exception, it's not the rule. Most people in Louisiana and the U. S. do not smoke. In fact, 76-80% of the public are non-smokers. That's the majority of tax payers, the majority of voters and the majority of this community. There is no question that smokers have a right to smoke and to be responsible for their own health. But when they exhale agents into the air that impede me from being responsible to my health, that's not a positive thing. However, what they do not have a right to do is to introduce these chemicals into the air that have been declared harmful. They're harmful to me, to you - - -. Smoking cigarettes is hazardous to your health, we all know this. It is well documented. Passive smoking, the involuntary smoking is dangerous as well. The medical literature strongly supports this and I respectfully ask for your support of the smoking ban ordinance. It's responsible leadership in government. It's proactive leadership in government. It's progressive leadership in government. But most important, it's the right thing to do for people in this community. Thank you.

Ms. Norma Candler: (9443 Wrenwood Blvd) That would be in Councilman's district. I wish to speak in support of the proposed non-smoking ordinance. I'm a mother of two and a grandmother of five. I've always promised my children and my grandchildren that the one thing I wanted them to remember about me, was that I believe in standing up for what I believed was right. And that I would hope that that would be the one thing that they would take and remember about me. That's why I'm here today, to speak in favor of this ordinance. Numerous studies have found that tobacco smoke is a major contributor to indoor air pollution, and that breathing second hand smoke is the cost of disease to healthy non smokers to include heart disease, stroke, respiratory disease, and lung cancer. The National Cancer Institute determined in 1999 that second hand smoke is responsible for the early deaths of up to 65,000 Americans annually. That equates to 325,000 people every five years. The U.S. Surgeon General has determined that simple separation of smokers and non smokers within the same air space may refute, but does not eliminate the exposure of non-smokers from second hand smoke. The EPA has determined that second hand smoke cannot be reduced to safe levels in businesses by high rates of ventilation. Even air cleaners which are only capable of removing the odor of the smoke, does not eliminate the known toxins of second hand smoke. Second hand smoke is especially hazardous to children, to elderly persons, individuals with cardiovascular disease, individuals with impaired respiratory functions and asthmatics. I want to again take this opportunity to praise the various restaurants locally which have taken the bold step to go non smoking. I appreciate their efforts to make their restaurants a safer environment for their customers. Many restaurants owners feel that business might be impacted by such a ban. Massachusetts instituted a state-wide ban against smoking last July. And according to a study done by Harvard Research, they've gained customers and even added jobs. Researchers from the Harvard School of Public Health reviewed tax records for all of the states restaurants, bars and night clubs, and they found that tax collections on meals increased by 9% over the first six months of the smoking ban. Mr. Gary Connally, one of the authors of the Harvard study said that the results disproved predictions that the smoking ban would seriously damage the restaurant industry. California and Massachusetts have passed non smoking bans that I know of. Cities such as Dallas, Phoenix, Denver, Longview and Texarkana have passed ordinances. In fact many municipalities in the United States have enacted laws that restrict where smoking is allowed. I found that - - - and this

was startling to me, that only 26.5 of Louisiana adults smoked. That means that 73.5% of adults in Louisiana do not smoke. I watched the City Council Proceedings faithfully on television, and I saw the workings of my city government. I hear you talk about how you want to see Shreveport grow, and become a better place to live, to work and even to visit, as you hope to (inaudible) to our hotel. I wish you would let this be the first step in that direction. My only concern, I understand that you're thinking about postponing this to think about it more. My only concern about postponement- - - are you doing it to study the proposed ordinance and make it better or are you looking for a way to kill it. In closing, I must hasten to remind you that you're here because the people of your respective districts elected you to represent them. I've heard many of you over and over say that you listen to your constituents. If you do, I believe the way you should vote is clear. I once again, as I did yesterday at Work Session, challenge you to do the right thing. Vote to make Shreveport a better place to live, work and visit. Thank you.

Councilman Walford: I will address one thing, and I think you and I spoke yesterday afternoon after the session about this. I am going to urge this Council to postpone for two weeks, but with that I will come forward with an amendment addressing all of our public buildings and public properties, including the new convention center which I think is important. So, I'm not doing it for a delay. I don't like everything in the ordinance, but I'm passionate about those items and I will bring them forward in an amendment.

Ms. Candler: I would just hope that it wouldn't be to kill it, that it would be to bring it forward better. Thank you.

Ms. Alison Trotter: (940 Margaret Place, Suite 220) I'm the Youth Market Director for the American Heart Association and that's who I represent today with my views. For the second time this year, a compelling study has found deadly ties between second hand smoke and the affects on the heart. The study appeared in the June 30 issue of the British Medical Journal showing an increased risk of heart disease for non-smokers as 60% when regularly exposed to second hand smoke. The U.S. Center for Disease Control has issued a warning that anyone at risk to heart disease should avoid (inaudible) environment. And that second hand smoke is particularly hazardous to elderly people, individuals with cardiovascular disease and individuals with impaired respiratory functions including asthmatics and those with obstructive airway diseases. Also, children who are exposed to second hand smoke have an increased risk of asthma, respiratory infections, sudden infant death syndrome, development of abnormality and cancer. However, the thing I'd like to focus on most today is some of what the opposition has been saying about this legislation. Opposition has been saying that it's a civil rights issue and a personal liberty issue. However, that's not the case. Second hand smoke is a public health issue. Exposure to second hand smoke is the leading cause of cancer and heart disease in the United States. And people have the right to work in a work place that is free from this health hazard. People have the right to smoke, but not in ways that harm other people. When people smoke in public places, they affect the health of everyone around them. It's not only appropriate for local government to protect the community's health, it's their duty. Opposition has also said that businesses should have the right to whether or not they allow smoking. Protecting the health and safety of the community is one of the main purposes of government. Businesses have the right operate as they see fit, but they don't have the right to endanger their employees and the public. Businesses are used to a wide variety of local health and safety regulations for sanitation, food handling, storage, etc. A few businesses would argue against this rationale. Comprehensive clean indoor air policy simply protects each citizens right to breath toxic free air. And a growing body of evidence shows smoke free laws does not harm business. Seven states

have enacted comprehensive state-wide smoke free laws and have cities ranging from western Kentucky to as stated before, New York City. And these conclusions show that the general public is supportive of the clean indoor air law, and that restaurants and bars are thriving. They have higher sales receipts, increased employment and excellent compliance. Councilmen, Mr. Chairman, Mr. Mayor, second hand smoke kills. Studies have proven it, and at greater rates than expected. Now is the time to take all of Shreveport citizens health into consideration and adopt strong and comprehensive, clean indoor air policy in all public places. Thank you for your time.

Jim Heathman: (109 Southfield Road, #97) I'm here in favor of the proposal to ban all smoking. I have before me a copy of the California work place smoking regulation, which I'll be glad to make available to you. They said in their regulation that you can smoke in restaurants, but it has to be a separate blocked off room because of the second hand smoke. If you get caught the first time, it's \$100 fine, the second time, a \$200 fine, and the third time (inaudible), it's \$500 fine. Also California OSHA will come in and do a minimum of \$7,000 fine the first time and up to \$70,000 if they catch you smoking where it's not supposed to be. In bars and restaurants and taverns, they have to be completely segregated. They aren't saying you can't smoke in here, but if you're smoking in bars, you have to stay there until you finish smoking. You cannot start smoking and eating in the bar and oh, my friends out here, let's go out there. That will bring a fine against the restaurant, also the person themselves. (Inaudible), California which is home of Vandenberg Air Force Base, has the population of (inaudible) council as Mr. Walford said, Mr. Hogan, Mr. (inaudible) go back review and pass this because it not only affects your health, it affects my health. Thank you very much.

Councilman Gibson: In that you don't mind, if we might get a copy of that because the other - - -

Mr. Heathman: I have copies for all of you.

Councilman Gibson: Because the other part of it is, is does it state how they enforce that?

Mr. Heathman: Yes sir, on actually pages 1 thru 7. The whole thing.

Councilman Gibson: What is the department that enforces that?

Mr. Heathman: OSHA is (inaudible) and then also it's run by the city.

Councilman Gibson: So, you have it that both federal and local officials reporting?

Councilman Gibson: Okay, thank you.

Mr. Ronald Toney: (9330 Ellerbe Road) I'm in Councilman Gibson's district. I have a lot of stuff wrote down here, but I'm not going to go through it all, it's just no reason to. I feel it's a violation of my property rights. I've said that probably a thousand times in the last two weeks. I can't say it again, because it doesn't mean anything. I've heard a lot of interesting stats and statistics on how many people died, and how many people smoke in the city and the state. I believe it was Mr. Jones that said you had absolute power to pass this ordinance. You don't have absolute power. I would akin that to Nazi Germany. If you had absolute power to do this, go back, put in whatever amendments you want to, pass it on your own property, just leave me alone. I'm a small man, I have a lot of already too many taxes and ordinances and regulations on my back already. Just let me go. Let me do what I want, I'm going to do it anyway.

CONSENT AGENDA LEGISLATION

TO INTRODUCE RESOLUTIONS AND ORDINANCES

RESOLUTIONS: None.

ORDINANCES: None.

TO ADOPT RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

RESOLUTION NO. 50 OF 2005

A RESOLUTION ACCEPTING DEDICATION FOR PARK PLAZA DRIVE IN THE BUSINESS PARK PLAZA , 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 Park Plaza Drive in the Business Park Plaza in Section 32 (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 Park Plaza Drive be 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.

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

2. **Resolution No. 51 of 2005:** A resolution accepting dedication for streets in the Cross Lake South Estates Subdivision, and to otherwise provide with respect thereto.

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

ORDINANCES: None.

REGULAR AGENDA LEGISLATION

RESOLUTIONS ON SECOND READING AND FINAL PASSAGE OR WHICH REQUIRE ONLY ONE READING

RESOLUTION NO. 43 OF 2005

A RESOLUTION AUTHORIZING THE PURCHASING AGENT TO DECLARE SURPLUS AND DISPOSE BY PUBLIC SEAL BID CERTAIN EQUIPMENT AND INSTRUMENTS AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

WHEREAS, Ordinance No. 108 of 1980 authorizes the Purchasing Agent to dispose of certain equipment and instruments determined to be surplus, after consultation with the head of the department concerned; and

WHEREAS, the City Council desires to retain responsibility for the disposition of all equipment and instruments having an acquisition value of \$ \$10,000.00 or more; and

WHEREAS, the City desires to dispose of, by public seal bid a Leeman PS-1000 Inductively Coupled Plasma (ICP) lab equipment and accessories, as described in Exhibit A, as attached hereto and made a part hereto, which have been determined surplus, obsolete or unusable for present and future City needs; and

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

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

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

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

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

RESOLUTION NO. 44 OF 2005

A RESOLUTION APPROVING SIGNAGE FOR THE MULTICULTURAL CENTER OF THE SOUTH, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport and the Shreveport Multicultural Center, Inc., have entered into an agreement wherein the Center is granted authority to lease, manage and operate the Multicultural Center of the South on City-owned premises within downtown Shreveport; and

WHEREAS, the agreement requires that the Center obtain City Council approval to erect signs on the leased premises; and

WHEREAS, the Center wishes to obtain Council approval for these actions.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in legal session convened, that the Shreveport Multicultural Center, Inc., is hereby granted authority to erect signage on the leased premises, with said signage to be substantially in accordance with the drawing contained in the Center's November 1, 2004, letter to Mayor Keith Hightower. Said signage shall also comply with all City permitting and zoning requirements.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof shall be held invalid, such invalidity shall not affect other provisions, items or applications of the 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 to be severable.

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

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

RESOLUTION NO. 45 OF 2005
**A RESOLUTION AUTHORIZING THE DONATION OF SHREVEPORT
POLICE DEPARTMENT PROPERTY AND OTHERWISE PROVIDING WITH
RESPECT THERETO**

WHEREAS, the City desires to donate Shreveport Police Department K9 “Basco” to Stephen Pfender which serves a public purpose and renders a public service; and,

WHEREAS, Ordinance No. 315 of 1979, requires City Council approval of an agreement made and entered into by the City of Shreveport and any person or entity, whereunder such person or entity receives a donation in return for service which serves a public purpose; and,

WHEREAS, Stephen Pfender has agreed to accept all responsibility, financial obligations and liability associated with the acceptance of this donation; and,

WHEREAS, due to age, the canine described herein is unable to perform his duties as a patrol canine for the Shreveport Police Department and is hereby deemed surplus of the City of Shreveport; and,

WHEREAS, this donation under these circumstances provides for the most humane and dignified way to retire the animal.

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 is hereby authorized to execute an agreement between the City of Shreveport and Stephen Pfender donating Shreveport Police Department canine “Basco” effective April 12, 2005, substantially the same as the document filed in the Office of the Clerk of Council on March 22, 2005.

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

RESOLUTION NO. 46 OF 2005
**A RESOLUTION AUTHORIZING THE DONATION OF SHREVEPORT POLICE
DEPARTMENT PROPERTY AND OTHERWISE ROVIDING WITH RESPECT THERETO**
By:

WHEREAS, the City desires to donate Shreveport Police Department K9 “Kaza” to William Arnold which serves a public purpose and renders a public service; and,

WHEREAS, Ordinance No. 315 of 1979, requires City Council approval of an agreement made and entered into by the City of Shreveport and any person or entity, whereunder such person or entity receives a donation in return for service which serves a public purpose; and,

WHEREAS, William Arnold has agreed to accept all responsibility, financial obligations and liability associated with the acceptance of this donation; and,

WHEREAS, due to age, the canine described herein is unable to perform his duties as a patrol canine for the Shreveport Police Department and is hereby deemed surplus of the City of Shreveport; and,

WHEREAS, this donation under these circumstances provides for the most humane and dignified way to retire the animal.

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 is hereby authorized to execute an agreement between the City of Shreveport and William Arnold donating Shreveport Police Department canine "Kaza" effective April 12, 2005, substantially the same as the document filed in the Office of the Clerk of Council on March 22, 2005.

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 Green, seconded by Councilman Carmody. The Clerk read the following amendment:

Amendment No. 1

Delete the resolution as introduced and substitute the attached resolution.

Motion by Councilman Walford, seconded by Councilman Carmody to adopt Amendment No. 1. 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 Green to adopt the resolution as amended. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

RESOLUTION NO 47 OF 2005

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE GRANT DOCUMENTS WITH THE UNITED STATES U.S DEPARTMENT OF JUSTICE, AND OTHERWISE PROVIDE WITH RESPECT THERETO

WHEREAS, the United States U.S Department of Justice has invited the City of Shreveport Police Department and the Caddo Parish Sheriff's Office to file a joint application for grant funds under the Justice Assistance Grant Program; and

WHEREAS, the award, if approved will be for a total of \$258,778, and requires no cash match by the City of Shreveport. The funds will be split equally between the Shreveport Police Department and the Caddo Parish Sheriff's Office, with each agency receiving \$129,389.

WHEREAS, the City of Shreveport shall make a joint application to receive an award as part of the Justice Assistance Grant Program to prevent and control crime based on local needs and conditions. The funds received by the Shreveport Police Department will be used to address crime trends throughout the City of Shreveport through the use of personnel overtime. The Caddo Parish Sheriff's Office will use their funds for the purchase of law enforcement equipment such as vehicles.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in due, regular and legal session convened, that it does hereby authorize the execution by Keith P. Hightower, Mayor, those grant documents necessary to apply and receive funding established within the program administered by the United States Department of Justice.

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 affect 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 Lester to adopt.

Councilman Gibson: The only question Mr. Mayor. Is the money going to be used for - - the federal money to be used for what purpose?

Mr. Thompson: Mr. Chairman, half of this goes to the Sheriff and it can be used for general purposes as I read it.

Councilman Gibson: So, general law enforcement purposes?

Mr. Thompson: That's correct.

Councilman Gibson: So about \$125,000? Somewhere in that neighborhood?

Outstanding.

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

RESOLUTION NO. 48 OF 2005

A RESOLUTION AMENDING RESOLUTION 20 OF 2005; ALTERNATIVELY AUTHORIZING A PLEDGE OF \$500,000.00 FROM COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME IN THE ABSENCE OF THE LETTER OF CREDIT; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the City of Shreveport ("City") has established the Neighborhood Recovery Project ("Project") as a comprehensive neighborhood revitalization project; and

WHEREAS, the Project will be administered by the Department of Community Development and includes several components including, but not limited to, a pilot mortgage program and lease-purchase program; and

WHEREAS, the City has been conditionally approved for a \$2,000,000.00 non-revolving line of credit from the Federal National Mortgage Association (“Fannie Mae”) for the lease-purchase component of the Project; and

WHEREAS, under the terms of the loan, the City would be required to collateralize twenty-five (25%) percent of the loan using one of several methods, including, but not limited to a letter of credit or the pledge of cash reserves; and

WHEREAS, Resolution 20 of 2005 authorized the execution of an Irrevocable Standby Letter of Credit with Hibernia Bank in connection with the Project; and

WHEREAS, time delays in executing the Letter of Credit with Hibernia necessitated that City obtain the Letter of Credit from another lender; and

WHEREAS, City has negotiated favorable terms to obtain the Letter of Credit from J.P. Morgan Chase Bank however other lenders may be identified at a later date; and

WHEREAS, City will be required to pledge twenty-five (25%) percent of the loan amount as collateral for the loan in the event City is unable to obtain a Letter of Credit. In such event, the collateral will be pledged from Community Development Block Grant (“CDBG”) program income;

WHEREAS, the pledge of the CDBG program income is for a public purpose and is a permissible exception to Article VII, Section 14(A) of the Louisiana Constitution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in due, regular and legal session convened that Resolution 20 of 2005 is hereby amended to authorize the Mayor, for and on behalf of the City of Shreveport, to execute an irrevocable standby letter of credit with J.P. Morgan Chase Bank or other lenders, and to execute any or all other documents necessary in connection with the authority granted herein, subject to review and approval of the terms of such document by the Office of the City Attorney and the Director of Finance.

BE IT FURTHER RESOLVED that in the event the City is unable to obtain a letter of credit from J.P. Morgan Chase Bank or other lenders, the City may pledge \$500,000 (or 25% of the loan amount) from Community Development Block Grant program income as collateral for the loan.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof is held to be 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 to be 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 Lester, seconded by Councilman Green to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

RESOLUTION NUMBER 49 OF 2005
A RESOLUTION DECLARING THE CITY’S INTEREST IN A CERTAIN
ADJUDICATED PROPERTY AS SURPLUS AND OTHERWISE PROVIDING WITH
RESPECT THERETO.

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

WHEREAS, Section 10-141(a) makes it unlawful for any person to sell, barter, exchange or otherwise dispose of alcoholic beverages except within those sections of the city wherein such sale is permitted by the applicable zoning ordinance; and

WHEREAS, Section Chapter 10-66(a)(7) provides that the city council may suspend or revoke any permit if a retailer 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 licenses premises without a proper license; and

WHEREAS, activities planned by the restaurant in celebration of this event will provide an opportunity for both the citizens of Shreveport and visitors to the City to partake in the celebration of Cinco de Mayo, and therefore will provide a benefit to the public; and

WHEREAS, the adoption of this resolution would allow the dispensing, sale and consumption of alcoholic beverages on the parking lot of Trejo's Mexican Restaurant, 1906 North Market Street , on May 5, 2000, between the hours of 10:00 a.m. - 12:00 a.m. for celebration of Cinco de Mayo.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened Section 106-130(6), 10-66(a)(7) and 10-141(a) are hereby suspended on May 5, 2005 from 10:00 a.m. - 12:00 a.m. for the celebration of Cinco de Mayo by 1906 North Market Street.

BE IT FURTHER RESOLVED that all other applicable provisions of the City of Shreveport Code of Ordinances shall remain in full force and effect.

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

INTRODUCTION OF RESOLUTIONS (Not to be adopted prior to April 26, 2005)

1. **Resolution No. 52 of 2005:** A resolution authorizing the Mayor to execute a cooperative endeavor agreement with Bass Life Associates, Inc., and to otherwise provide with respect thereto.
2. **Resolution No. 53 of 2005:** A resolution authorizing the Mayor to execute a cooperative agreement in the amount of \$30,000 between the City of Shreveport and the LA. Department of Natural Resources for the continuation of the Clean Cities Program.
3. **Resolution No. 54 of 2005:** A resolution authorizing the Mayor to execute a donation agreement between the City of Shreveport and Newcastle Limited Partnership, for the sanitary water and sewer main extensions and related facilities to serve Newcastle Unit No. 13 and to otherwise provide with respect thereto. (E/Hogan)
4. **Resolution No. 55 of 2005:** A resolution authorizing the Mayor to execute a donation agreement between the City of Shreveport and Hidden Trace, L.L.C., for the sanitary water and sewer main extensions and related facilities serving Hidden Trace, Unit No. 6 and to otherwise provide with respect thereto. (D/Gibson)

5. **Resolution No. 56 of 2005:** A resolution authorizing the Mayor to execute a donation agreement between the City of Shreveport and Brunswick Place, LLC, a Louisiana corporation, appearing herein through Jon E. Saye, managing member, for water and sewer facilities for Brunswick Place, Units No 7 and 8, and to otherwise provide with respect thereto. (D/Gibson)
6. **Resolution No. 57 of 2005:** A resolution authorizing the Mayor to execute a donation agreement between the City of Shreveport and Brunswick Place, LLC, a Louisiana corporation, appearing herein through Jon E. Saye, owner, for water and sewer facilities for Brunswick Place Units No. 9 and 10 and to otherwise provide with respect thereto. (D/Gibson)
7. **Resolution No. 58 of 2005:** A resolution authorizing the Mayor to execute a Historic Preservation Easement with a qualified historic preservation organization and to otherwise provide with respect thereto.
8. **Resolution No. 59 of 2005:** A resolution authorizing the Mayor to execute grant documents with the Louisiana Commission on Law Enforcement.

Read by title and as read, motion by Councilman Green, seconded by Councilman Carmody to introduce Resolution No(s). 52, 53, 54, 55, 56, 57, 58, and 59 of 2005 to lay over until April 26, 2005 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. 36 of 2005:** An ordinance closing and Abandoning Midway Street running between Maryland Ave. and Fairfield Ave. in the Fairfield Heights and Audubon Park Subdivision located in the NE ¼ of Section 13 (T17N-R14W), Caddo Parish, Louisiana and to otherwise provide with respect thereto. (B/Walford)
2. **Ordinance No. 38 of 2005:** An ordinance amending the 2005 General Fund Budget.
3. **Ordinance No. 39 of 2005:** An ordinance amending the 2005 Capital Improvements Budget.
4. **Ordinance No. 40 of 2005:** An ordinance amending the 2005 Community Development Special Revenue Fund Budget.
5. **Ordinance No. 41 of 2005:** An ordinance amending and replacing Ordinance No. 111 of 1964, and otherwise providing with respect thereto. (C/Carmody)
6. **Ordinance No. 42 of 2005:** An ordinance declaring the City's interest in certain adjudicated properties as surplus and otherwise providing with respect thereto. (B/Walford/C/Carmody/F/Green)
7. **Ordinance No. 43 of 2005:** An ordinance amending Chapter 38 of the City of Shreveport Code of Ordinances relative to housing and property standards and to otherwise provide with respect thereto.
8. **Ordinance No. 44 of 2005:** An ordinance amending Article V of Chapter 26 of the Code of Ordinances relative to funds by adding Division 8 relative to the Convention Center Hotel Enterprise Fund and to otherwise provide with respect thereto.

9. **Ordinance No. 45 of 2005:** An ordinance declaring a certain adjudicated property to be surplus and to authorize the Mayor of the City of Shreveport to donate the City of Shreveport's tax interest in a certain surplus adjudicated property (Hersey Wilson Drive).

Read by title and as read, motion by Councilman Green, seconded by Councilman Jackson to introduce Ordinance No(s). 36, 38, 39, 40, 41, 42, 43, 44, and 45 of 2005 to lay over until April 26, 2005 meeting. 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 (Numbers are assigned Ordinance Numbers)

1. **Ordinance No. 28 of 2005:** An ordinance amending Chapter 14 of the Code of Ordinances, styled Animals, and to otherwise provide with respect thereto. (Postponed – March 22, 2005)

Having passed first reading on March 8, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Walford to postpone.

Councilman Carmody: Can I ask the two members of our Body that are serving on the new committee (inaudible) that you be prepared to (inaudible).

Councilman Green: Actually we won't know until we have our first meeting on Thursday. Then we will know basically what the (inaudible) is. It's going to be a period of time and at that moment we would (inaudible).

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

2. **Ordinance No. 37 of 2005:** An ordinance amending and reenacting Chapter 50 of the Code of Ordinances by adding Article V. relative to the clean indoor air act and to otherwise provide with respect thereto. (E/Hogan)

Having passed first reading on March 22, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Hogan.

Amendment No. 1 By: Councilman Gibson

Delete the ordinance as introduced in its entirety and substitute the attached ordinance.

Councilman Walford: Mr. Chairman, I'd make a motion to postpone for two weeks both the amendment and the ordinance.

Councilman Gibson: I have a motion and a second by Councilman Walford and a second by Councilman Green to postpone the amendment and the main ordinance. Discussion?

Motion by Councilman Walford, seconded by Councilman Green to postpone Amendment No. 1. and the ordinance.

Councilman Walford: Let me just reiterate if I can Mr. Chairman, that this is not an attempt to stall this or to avoid addressing it, but I do have some issues with regard to public buildings that I would like to bring to this body including the new convention center and I will have those prior to the next meeting and try to see that the staff gets them to everyone.

Councilman Jackson: Thank you Mr. Chairman. I just wanted to say I certainly in one sense apologize to the folks who came out expecting us to do something today, but as you have heard the councilmen who are here say that we need to give some more due diligence to this particular process and I'm certainly committed to it's success and whatever it may take. So, while I'm not a proponent of postponing, I'm certainly would do so for the sake of progress. And hopefully as we come together, while we intend to perhaps look at it even more closely, I certainly will be a proponent of moving swiftly for there is nothing more that I can negotiate on because I believe you ought to be as stringent as possible. So I think that as long as we don't produce something as watered down would be disappointing to our community, then I'm all for it. I say this Mr. Chairman, in closing, that one of the fine citizens who came today talked about and it sounds like a very good, certainly passionate argument, about pushing our values on the city. Well, you know one of the things about a representative form of government in this republic in which we live and the form of democracy is that when we elect individuals, they don't have the luxury of becoming somebody different that who they are. And with every vote that we take, every time we vote, our value represent, you know, the framework for which we make decisions. That in accord and circumscribed within the bounds of the law, our values have to dictate. I don't know another framework and I can't speak for any other councilmen, but that's the best framework I have for making decisions. I think public health is a value. I think public safety is a value, and I don't apologize for subverting what some people would think are my values for what I don't know whatever else we should be using. But I want to commend these Councilmen as we move forward to not divorce ourselves of our values, but at the same time, not operate outside the bounds of the law. The law circumscribes certain things we can do and certain things we cannot do. I simply happen to be an advocate of doing all we can do within the bounds of the law. I think this ordinance articulates that. And I would ask that all of the Councilmen would certainly would with sincere deliberation give some thought to, if we're going to make it better, how then do we make it better, and are we doing all that we can? Because all of the statistics, we can be critical of the statistics if we want to, but a lot of the statistics today have suggested to us - - - you know I trust what these physicians say. Most of us do when we get sick. And I trust what these physicians say and I think liars do figure, but sometimes figures don't lie. And I think we have to look at what we do in fact to save - - - and one life saved is worth in my opinion any ordinance that we can pass. It may not be government's responsibility, but if it's my life that's on the line, then government and anybody else who can come to help me, I certainly look forward to that. And I think it's very interesting Mr. Chairman, how our country is up in arms, and our President gets out of his bed in Crawford, Texas and fly to Washington, D.C. to sign a piece of legislation in hopes of saving one life. We don't have to get on a plane, we don't have to go to Washington, D.C., but we can do something in Shreveport, I believe, without the fanfare and a lot of drama to save, what I hope, many lives. And so with that, and with all due respect to my colleagues, I hope that we would give some very

serious consideration. And we can get together and deliberate and produce something that this community can be proud of. Thank you Mr. Chairman.

Councilman Hogan: I believe we have ten minutes each to discuss, and I'm not going to take my ten minutes today. I have prepared a lot of things to say. But I'm proud that Councilman Jackson spoke before me, he certainly was more eloquent than I. Have you ever considered being a preacher?

Councilman Jackson: Never in my life.

Councilman Hogan: No seriously, thank you Councilman Jackson for those relevant comments. And I just want to thank everyone that has come today from the American Cancer Society, the American Heart Association, Feist Weiller Cancer Institute here at LSU. Others who have come today, you've taken time out of your busy schedules to come, and I appreciate that very much. Just a couple of things I want to cover real quick.. There has been some confusion the past six weeks or so that all this has been going on. One of our local radio stations one morning started a rumor that the City Council was going to ban smoking in our cars and they were going to charge you \$500 if they found you smoking in your cars. And I want to tell you, this is absolutely false. It so happens it was Friday, two weeks ago on April Fool's Day. So, they later announced that after an hour or two of people calling in irate over this, that it was an April's Fool joke. So that started the rumor mill turning, and anybody listening in this room or by TV, I just wanted to tell you that, that's not included in this ordinance. A couple of other things, I'm not calling this confusion, but Councilman Lester and Councilman Gibson came back with an amendment. I just want to make it clear, that the ordinance by Councilman Jackson and myself as written does include the language to correct what that amendment had pointed out, that in 1988 or so Ms. Glass, is that correct? Somewhere in the late 80s, the Council then enacted an ordinance that placed the authority to limit smoking in government city buildings in the hands of the CAO. And that was pointed out to me by Ms. Glass as we were, the hours that we spent working on drafting the ordinance. And so, that is included Council Members as well as people in the audience. That correction is made in the ordinance as it is written. And I'm going through my notes to see if there's anything else here. I don't want to take up a lot of time. Other people have already spoken eloquently about the dangers of second hand smoke, I'm not going to go there again. One other point I do want to mention is the fact that the number of people that have spoken today in favor of this versus the people against it lines up perfectly with the research I've done in my district. And the phone calls that I made to individuals and businesses in my community. That's better than 5-1 people are in favor of the ordinance as it is written. I think that's very important to note. I've had a lot of other calls from people in other districts that feel the same way. I think I've had three people to contact me that were vehemently against it. And Mr. Toney, I respect you are against the ordinance. I guess you would make No. 4 even you hadn't contacted me.

Mr. Toney: (Inaudible)

Councilman Hogan: Contacted me directly, so I understand. So but anyway, and I appreciate others as well that have exercised their right to come today to speak against it. I think that says a lot for you and Mr. Toney. Some guy contacted me by email. I got a call two nights ago from a guy on a private line that had a lot of choice words for me. You had the courage to come down here and talk to me personally. And last meeting, you waited on me till after the meeting and went out there and talked to me. I have a great respect for that and I appreciate what you're saying. And so, with that said, I believe that's all. There are enforcement issues, there are options. I've talked to people from Birmingham, Alabama to Dallas, Texas and

everywhere in between. And I'm not finished making phone calls yet about enforcement and Chief Cochran is here today. I've spoken with him about some things, and Chief Campbell. Corporal Collins I see you back there, we've talked about this enforcement issue, and if you would be on in the next few days, we may be contacting you in one of our meetings to talk about the important issue as well. And so with that said, I'm going to defer to anyone else, Councilman Lester. Because there's a lot of other things I want to say, but I'll save it for the next meeting.

Councilman Lester: Thank you Mr. Chairman, I just want to make a couple of brief statements. And I'm sure when we really get down in two weeks to the nitty gritty of this issue, I'll have more to say. I made some notes. Bare with me. I think the threshold question that we have to, at least in my mind, deal with is what level of government intrusion are we willing to make? At what point do we stop? At what point do we say enough is enough? At what point do we say that we're going too far or what have you? I have my own concerns as we talk about this issue. And we have a history of going back and forth on a number of different issues. We can talk about that issue about pro choice anti abortion. We can talk about the issue of certain people being for diversity legislation that creates opportunity, some people are against it. Some people are for a number of things, the hotel – against the hotel. The whole nine yards. But I think the threshold question that has to be asked or at least answered in my mind is what level of governmental intrusion are we willing to make and are we willing to pay a price for that and does this issue rise to the level that we need to do something. There are a number of exceptions in this particular ordinance. Those exceptions have basically been forced upon us by the state. I think one of the citizens that came out and spoke against the ordinance didn't get a lot of support, but I understand where she was coming from because the fundamental hypocrisy of it all is not lost on me. I mean the idea that in one instance if you have alcohol and you sit down serve it, you can smoke, but if you serve alcohol and you stand up, you can't. If you have video poker, you can, if you don't have video poker, you can't. If you serve a certain thing, you are allowed to smoke, and then you can't. And the question then becomes where is the fundamental fairness in all of this? And I understand what a lot of people are talking about in terms of we can do what we can do. And I'll be the first to say, I sponsored the resolution that Mr. Jones spoke about in terms of allowing us from the City Council, asking the State to allow us as a City Council to make the final decision on what happens in Shreveport. Because I just believe I trust the judgement of the folks in Shreveport much more that I trust the judgement of the folks in Baton Rouge. I just have a problem with people in Baton Rouge and DeRidder, and New Orleans, or whatever. Anybody that lives outside the City of Shreveport dictating to us how we live our lives in terms of our four corners of our City. The State gives us the power to do certain things. And I absolute agree that we do have the power to do certain things. But the question is how do we exercise that power at the end of the day and how do we do it in a way that's fundamentally fair, across the board, and accomplishes our goals? Someone talked about the idea about pressing your beliefs on certain people. The fact of the matter is those things don't operate outside of a vacuum. The seven of us vote our beliefs and convictions. At least I can say that I do. I believe that my colleagues do as well. And I don't want to divorce myself from those things and I don't want to divorce myself from my culture in terms of how I'm going to vote. But at the same time, I will say the arguments that have been made as it relates to this is what they're doing in New Orleans, this is what they're going in Mississippi, this is what they're doing in Massachusetts, this is what they're doing in Los Angeles, they don't resonate with me because I don't live in Los Angeles, I don't live in New Orleans, I don't live in Massachusetts, and just as an interesting

aside from a political standpoint, it's interesting to me that people who I would imagine, of course I don't know this to be the case, that did not vote, or traditionally don't support politicians from Massachusetts and a New York, and a California because they're too as we say 'liberal', or using ordinances from those, dare I say, 'liberal' jurisdictions to justify doing something in this area that is not liberal at all. And I just, there are a whole lot of things that are floating around in this *Kool-Aid* and my goal is to come up with something that deals with the culture and the mores of the City of Shreveport. That's why I offered as well as Councilman Gibson, a resolution, or an ordinance, or an amendment actually that in my mind goes as far as I'm comfortable going in terms of banning smoking in public buildings. I'm not comfortable going beyond that. Now, I will tell Councilman Hogan, as I've said to others, I'm not totally closed minded on that. If there are some arguments and some issues that they want to bring to the table, let's talk about this. Because I think the issue is that important. So again, let the mind of the public be very clear. I'm not one of those people that if I don't like something, I'll say I'll postpone it and hope it dies. Trust me. Don Walker can tell you, I'm adverse to being in the paper negatively, I'll take the heat. I mean, that's part of the - - - or the price that you pay for sitting up here. But at the end of the day, if you believe in something strongly, and you have a position, you should be allowed to state your position and vote on it. And if you get four votes, that's the way it's going to turn out, and if you don't that's the way it's going to turn out. But in this particular instance, I honestly believe at least from my opinion that this Council is going to take one position and review it, and take an opposing position and review it and somewhere in between, I hope we can come up with something that everyone can live with. But understand it that everybody's point, regardless of where that point comes from has merit. The young lady that spoke so eloquently, her point has merit as well as the business owner, his point has merit. And my heart goes out to the folks who have spoken about the tragedy that cancer has brought in their personal lives. All those positions have value, but our job up here amongst the seven of us is to put all that in the hopper and come up with something that we believe best address all of that. And certainly from my standpoint, my goal is not to vote to postpone it and hope it goes away. Because certainly, I offered an amendment. And understand my amendment was not to say that the ordinance that was proposed by Councilmen Hogan and Jackson missed a point. My amendment was to say 'this is as far as I'm comfortable going at this particular time.' And I'm looking forward to the discussions that we're going to have. I'm looking forward to getting more information in terms of issues, in terms of enforcement and things of that nature. But there are some major concerns that I had. And I've expressed those to Councilman Hogan and others. And I hope at some point, maybe we can resolve them, and if we can't then, we'll know where we are. I appreciate the time. Thank you Mr. Chairman.

Councilman Green: Thank you Mr. Chairman, would the Chief, the Police Chief - - -?

Councilman Gibson: Here comes Chief Campbell.

Councilman Green: Come on up Chief. Chief, I don't know if you've heard any of the conversations, but it has been stated by doctors that all of the bad stuff that's in cigarettes, and I'm sure you're familiar with most of it. If you got a call today, that I was at home making some stuff with all of those chemicals in it, in your wildest dreams, would I be arrested?

Chief Campbell: With the stuff that's in cigarettes?

Councilman Green: Yes. If I was making a product to sell with all of what has been said that is in cigarettes, do you think, by any chance, that I would be arrested?

Chief Campbell: Is this a trick question?

Councilman Green: No sir. No, no, no. No it's not.

Councilman Lester: Do we need the City Attorney to represent - - -

Chief Campbell: The contents of cigarettes as I know are legal. So you would not be arrested making a concoction with those - - -

Councilman Green: With those - - - and it's not a trick question. I just - - - because I've heard about all of the stuff that's in cigarettes and basically, some of the stuff that's in cigarettes is in marijuana. I mean after you lace it. And we go to jail if we had some marijuana right? Unless I had it for my eyes.

Chief Campbell: Well, some of the ingredients are different.

Councilman Green: Okay. Thank you Chief, I just wanted to - - - my statement is nobody has come to say, since it's so bad that we ought to be on our legislators as to banning the sale of cigarettes. Cause you say, you can buy it, but certain places, you can smoke it. With us knowing how bad it is. My next statement is that the Cancer Society, the Heart Society, they did not come to us to say 'here's some legislation that we want you to vote on.' We went to them. We had to drum their support up because we knew that yes, we had a hook and we could hook 'em. They didn't come up here rallying us to say 'we got this legislation, and we need your backing on it.' It's very easy for us when my cousin doesn't have a restaurant, doesn't have a store, or some of my close friends, or some of my supporters to say, what we ought not do and what we should do, it's very easy for us to make a decision on that. If my granddaddy had a store, or my cousin had a store or a restaurant, I don't think I would be basically doing something to close them down. Not that I'm for cigarette smoking, not that I - - - but I think before we make a law, before we vote, up or down, I think we ought to talk to the business owners to say educate them. This is what's happening. This is what we need to happen. How can you assist us. For instance, Dominic's Italian Restaurant over on 70th Street, he made a choice of no smoking. He made that choice, whatever bullet he had to bite, the he decided within himself, that I'm going to make that choice. For him it was a wonderful choice. I have a business, I made a choice. No Smoking. In my car, no smoking. But that's a choice I made and I think before we decide that we're going to do whatever we think we ought to do, or believe in our hearts, I think we ought to educate whoever is going to be affected before we say lets do this because we need to do this. I made a pledge to Ms. Dorothy today, that if in fact we went out to educate people, restaurant owners, store owners or whoever was involved. As high as gas is today, I would buy the gas myself and I would help her to take the packs around. That was my pledge. I know the danger of it. I know what we're talking about, but I think before, because we have two major organizations, behind us- - - it's just really ironic that the smoking commercials came on TV at this particular time, and all of that. I just think that because we can do something, I just think we ought to check to see basically is it the right thing to do or is it the right way to do it. Because you can do wrong things right. But I just think that before we do that, because we got two big major organizations to say yes, then we go home at the end of the day and say we voted on this, we got the vote, so now it's fixed. Once us seven or once us four vote on this, whether we vote it up or whether we vote it down, it's still not going to be fixed. And we know that it won't be fixed. It's something to make us feel good. So then we feel good and then we go home with okay we did this. But we really haven't done anything. Because regardless of what we say, when we leave here, whether we vote on it today, or vote on it two weeks from now, it's still not going to be fixed. The Cancer Society has been trying to fix it. I mean on a pack of cigarettes, they tried to fix it. They say whatever you're smoking here maybe a hazard to your health. We read it, and we still smoke. It's like for instance, a few weeks ago, there were some people laughing at me because I said pork kills. Well, I'm not talking about you stuffing it down

somebody's throat. I'm talking about if in fact pork itself kills, then the smoke from pork has the same ingredients that the pork was cooked. So therefore if that second hand smoke - - - so therefore if that's going to go through the ventilators as does cigarette smoke, so we've got to ban cooking pork in restaurants because somebody sooner or later is going to be offended. Right now I could walk out in the middle of the audience and say something, somebody is going to be offended. How do you stop people from being offended? I don't know, nobody here knows. But I think before we vote on this, before we ban the folk who vote for it as good guys, folk that possibly will vote against it as bad guys, I think we ought to sit down and I think we ought to talk. And I think we ought to talk to restaurant owners because if you had a business, and you are one of the seven, would you vote it up or would you vote it down, or would you try to negotiate and make the best (inaudible)? So, I just think that we need to spend some time and not rush into this and talk to people who would be affected by it. And that's just how I feel. Yes, it'll make me look good, it'd be wonderful if we could get a 7-0 vote. Whose gonna be the hero? A few weeks ago, I have a vicious dog ordinance on the docket. Mr. Cox came up, I didn't know he was interested in it, but he came up and made his statement. So I say, well lets postpone this. He recommended that we have a task force. I said our Chairman is not here, would you give him the opportunity to come that he can appoint members of this Council to that task force. If it's that important, it ought to be important enough for everybody with a stake in it to state their opinion. And I just think that's what we ought to do. And the reason that I've postponed it, is because I wanted to be a team player. And I didn't want to just take the banner out and say yeah, I got this done and this was this was me and I brought it up, and - - - . No. Because I know that just like smoking, just like restaurants, what we're going to do with the vicious dog is going to affect somebody. So at least, I would like to have everybody to be able to say 'yea' or say 'nay.' And then we make the best decision for the citizens of this city. And I just think that's what we ought to do more than saying lets just do this and you don't have a right to speak because I'm a non-smoker and that stuff offends me. Well, in fact the Bible says *'if meat offends my brother, will you still eat it?'* So, I'm a vegetarian. So I invited the Six over to eat with me. They ate all of the good meat, pork chops, German steak, roasted coon, and I had to eat vegetables. Was I offended? No, I'm glad they had a great time. So, therefore before I put my values against you, lets just sit down and talk about what is the best thing for our city. And with that if you'd like to give me applause, I'll take it.

Councilman Gibson: Thank you Councilman Green. Gentlemen, 1) I want to thank Councilman Jackson and Councilman Hogan for crafting the legislation. It is true leadership to bring this before the Body. Obviously, this was addressed some years ago. It was done as I understand it from our legal counsel it was the best that they could come up with at the time and it was a step in the right direction. Councilman Lester and I had sponsored legislation, an amendment based on our interpretation of some of the things that were taking place. It voices one spectrum versus another spectrum. And I believe it was put by Councilman Lester, there's somewhere in between here, that we can have some conversations and I was appreciative if this Body has gotten before us a motion to postpone for a couple of weeks in order to discuss this. Councilman Hogan and Councilman Jackson have been gracious enough to hear some of the concerns of this Council to try to have that and incorporate it into some of the discussion whether it be on the endorsement side of things, all the way down to some of the exemptions and things of that nature that are in this process. I do think that again this is a great city, a great country to be in. Back in the late 1700s, there was a group of people that invoked their ideas and beliefs that actually sparked the creation of this country. So to say that we're trying to force our way

onto somebody, somebody has to start with some kind of initial dialogue. And with what we've come out of this with, I'm not sure, but Councilman Jackson and Councilman Hogan are prepared to hear some of the other concerns of this Council. I'm looking forward to being part of that discussion. And hopefully in two weeks, we're going to be right back here to vote. I'm committed to being able to be a participant in that and help with that process. So with that gentlemen, if there's any other comments? Councilman Jackson?

Councilman Jackson: Mr. Chairman, let me apologize. If any of my colleagues think that I was questioning the motive for the postponement, please accept my apology. What I tried to articulate was my frustration with postponing, particularly if in fact we did not intend to do some very serious deliberation to come to an agreement of what we thought was the best document to bring, whether it is as it is now, or its to the other extreme, whatever the case may be. Obviously, it's a democracy and we ought to do that. So, I want to apologize in case anybody misinterpreted what I said. And I by no means, as I said, and I think Councilman Green referenced just a minute ago, a month ago when we had this conversation, we were talking about pork and people and those kinds of things. I in no way, shape, or form intend to reduce this to bars or reduce it to phrases and spinning those phrases with regards to anything. Nor do I care to compare it to anything that's non-germane or irrelevant to this discussion. I think its serious. You know, I've been the one versus six before and I think we have that right as Councilman Green expressed. And we ought to have the right to do so without the motivation of that right to be questioned by anybody. By law and order of the rules of our Council, don't have the right to do it. So, I would suggest to us, that even as we've done that, that we get beyond that so that we can get some meaningful discussion that's about large ideas, that's about great opportunities, and that's about as people have been saying today, progress and not about personalities. That would be tantamount to wasting our time. Not to mention the people's time. So, I just wanted to apologize if in fact it seemed I was doing anything outside of hoping or requesting that we would have a legitimate discussion and deliberate (inaudible) at some point bring this to a close. Because the other thing I don't want to do is keep stretching this thing out. So, thank you Mr. Chairman..

Councilman Hogan: Just one quick comment and I'm going to wrap it up, and I'm going to call for the question after I finish. Councilman Green, you made some good points over there a minute ago, and Councilman Gibson, you had suggested to me two or three days ago, that Me and Councilman Jackson meet individually with each of the Councilmen. If that's agreeable, right here before everyone, I'm willing to do that. Councilman Jackson, if that's okay with you. Because I think that would be a good way for us each to figure out what each of you feel like you could live with. You spoke about talking with businesses Councilman Green, and I've done that in my district. And I've surveyed and talked to I think to the businesses. I've talked to a lot of them by phone. And ironically, as I mentioned a few minutes ago, about 5-1, the people are in favor of it as it is written. And so, I plan to do a little bit more research about that. You mentioned about the state-wide TV ads that have been running. And as God is my witness, I had no idea that those ads were going to be running. Somebody else questioned me about that. And I had no idea about those ads were going to be running. We talk about getting rid of something totally. You know the Bible indeed says '*the poor will always be with you.*' And you know I think that's true. In the 20s the United States Government tried to get rid of all drinking through prohibition. You know Dr. Roseman, you could probably testify to the damaging affects of someone that was an excessive drinker. Is that right?

Dr. Roseman: (Inaudible).

Councilman Hogan: Okay. There'll always be alcohol. There'll probably always be smoking in certain places. And you know in a perfect world, we wouldn't have any of it in my opinion. That's just my opinion. But you know, I guess the point is even I talked to Chief Campbell. And one of the biggest problem in this City is people speeding. I think everybody in this room either intentionally or unintentionally been speeding. And so, although it's been about 18 years since I've gotten a speeding ticket, and I do try to abide by the law, but does that mean that we should do away with all laws against speeding? I don't think so because there's a certain degree of people as Chief Campbell pointed out in my conversation with him, that are going to comply with the law voluntarily, because they're law abiding citizens. We don't have to send the cigarette police out and around to find people. There are a lot of people that are going to voluntarily comply. I wished I had time to share my ideas and what I found out about it, but I'll save that for later. And that concludes my conversation. And with that I call the question.

Motion by Councilman Hogan, seconded by Councilman Lester to call for the question and end debate. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

Motion to postpone until April 26, 2005 approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of the Chamber: Councilman Jackson. 1.

3. **Ordinance No. 30 of 2005:** ZONING – C-11-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the south side of Mount Zion Road, 1200 feet west of Linwood, Shreveport, Caddo Parish, Louisiana, from B-2, Neighborhood Business District, to B-2-E Neighborhood Business/Extended Use District “Limited to a landscape office and outside storage of trucks/material” only and to otherwise provide with respect thereto. (D/Gibson) (Postponed – March 22, 2005)

Having passed first reading on March 8, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Gibson, seconded by Councilman Carmody to adopt.

Councilman Gibson: I want to say for the record, I do appreciate you postponing this, I was out ill the day that this came up.

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 (Numbers are assigned Ordinance Numbers) (Not to be adopted prior to April 26, 2005)

1. **Ordinance No. 33 of 2005:** An ordinance authorizing the purchasing agent to dispose of surplus real properties and otherwise providing with respect thereto. (A/Lester/B/Walford/C/Carmody/D/Gibson)
2. **Ordinance No. 34 of 2005:** An ordinance authorizing the purchasing agent to dispose of surplus real properties and otherwise providing with respect thereto. (B/Walford3.

Ordinance No. 35 of 2005: An ordinance authorizing the donation of the original Central Fire Station building to the State of Louisiana for conversion and operation as a museum and otherwise providing with respect thereto. (B/Walford)

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

The adopted ordinances and amendments follow:

ORDINANCE NO. 30 OF 2005

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTH SIDE OF MOUNT ZION ROAD, 1200 FEET WEST OF LINWOOD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM B-2, NEIGHBORHOOD BUSINESS DISTRICT, TO B-2-E, NEIGHBORHOOD BUSINESS/EXTENDED USE DISTRICT, “LIMITED TO A LANDSCAPE OFFICE AND OUTSIDE STORAGE OF TRUCKS/MATERIALS”, ONLY AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of Lots 1 & 2, Suburban Acres Fifth Filing, Shreveport, Caddo Parish, Louisiana, located on the south side of Mount Zion Road, 1200 feet west of Linwood, Shreveport, Caddo Parish, Louisiana, **be and the same is hereby changed from B-2, Neighborhood Business District, to B-2-E, Neighborhood Business/Extended Use District, “limited to a landscape office and outside storage of trucks/materials”, only.**

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

1. Development of the property shall be in substantial accord with the site plan submitted at the March 2, 2005 Public Hearing. Any significant changes or additions requiring further review and approval by the Planning Commission.

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

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

UNFINISHED BUSINESS:

1. **Ordinance No. 98 of 2004:** An ordinance authorizing the Lease of City-Owned property to North Shreveport Development Corporation, Inc. (A/Lester) (Tabled December 27, 2004)
2. **S-5-05:** Motor Finance Company, LLC, *John R. Bowman and Associates*, Northwest Corner of the intersection of Dumbarton Drive and Ellerbe Road (Line Avenue), B-2,

SPRING LAKE COMMERCIAL SUBDIVISION - UNIT 4. (D/Gibson) (Remanded to MPC March 8, 2005. Returned to the City Council on April 7, 2005 with MPC Decision)

Motion by Councilman Gibson, seconded by Councilman Carmody to approve the recommendations by the MPC.

Councilman Gibson: If I could for the record, I would like to bring Charles Kirkland forward. Charles, Mr. Kirkland, I apologize. Good afternoon. Yesterday, you had brought information back before this Body, and summarizing where we are on that. We had, if I recall, on this item in my district, we had two citizens that appealed the original decision by the MPC. That decision or that appeal was based on no curb cut whatsoever and they were representing the residents of Spring Lake. That appeal came before City Council by a vote of 5-1. I think we had one out of town that day. It was remanded back to you. As I understand from the MPC, you had two recommendations that were unanimously approved. Could you brief the Council again on those two recommendations?

Mr. Kirkland: It was to reaffirm the decision of the MPC to approve the subdivision with a revised curb cut design on the Dumbarton curb cut. And that essentially proved the plan for the Line Ave curb cut, there was no change. And on the Dumbarton curb cut, was to have a curb cut design that would force or influence, I'll say, right turns in only and right turns out on the exit only. It was also recommendation that the City in essence consider traffic calming measures to help alleviate some of the problems of the residents along that area are experiencing. Essentially, the curb cut design was the only new recommendation over by what the original recommendation the MPC had been.

Councilman Gibson: And the traffic calming recommendation was based on the concerns of the residents based on the amount of traffic?

Mr. Kirkland: It was based on what the Board Members were hearing from the citizens. As you know, that was the second time a public hearing had been held. And also some private meetings as you are all aware had been held. That one of our Board Members, as I said yesterday, Mr. Randy King, who also lives on Dumbarton. His opinion was that the bank was not the issue at all. But his was that traffic problems were far more important in dealing with the real problems that the neighborhood was experiencing. That was his single opinion, he felt it strongly enough that he wanted a recommendation come to this Council.

Councilman Gibson: And he was one of the affirming the revised curb cut which again was from what I can gather, was a compromise on behalf of the citizens of Spring Lake from the original appeal?

Mr. Kirkland: I don't know what the Board Members individually thought. I think they were well intentioned in their recommendations to this Council. They felt this was a good solution and they recommended it. Even though the traffic engineering and other professionals in the City did not see the need for it at all.

Councilman Walford: Since we've got Mr. Kirkland here, I'll address a couple of things with you. The City Engineers conducted an up to date traffic study, and they did not concur with what was adopted by the MPC. Is that correct?

Mr. Kirkland: It was absolutely clear from what Mr. Ron Norwood said to the Board, and in response to one of my questions is was there any value in having the raised curb cut design, we call it in slang language a 'pork chop' design, and he clearly said 'not at this location.' Because I use the reference, that of Youree Drive and 70th Street where we have used

those curb cut designs to influence traffic flows and patterns, but he clearly drew the distinction, that the low traffic volume at Dumbarton, and you know he's here, but my opinion of what I heard him say was very plain for the record, and that was not just his opinion. Mr. Michael Erlund whose also here had made that plain as well. But in several conversations with me, that was only relating to the Board. But again, I come back to the Board decided what, in their lay opinion, was they thought a good opinion.

Councilman Walford: Well, that was a lay opinion, they're not- - -

Mr. Kirkland: No, they're not traffic engineers as board members and nor or are there none on my staff.

Councilman Walford: Thank you. Mr. Norwood, you're just sitting back there so quietly, could I get you to come up please? I'm concerned about what's going to happen when people are forced to turn right out of that parking lot. If they want to go east on Dumbarton, then they're going to have to do a U turn at Line Ave. Is that correct?

Mr. Norwood: Correct. And what I think is going to happen is people are going to ignore that pork chop (inaudible), and they're going to go ahead and either make a left on Dumbarton or they're going to go in the entrance to the bank and exit that way, which ever is easy. I think you're creating more of a liability for the City by installing that.

Councilman Walford: So, you think it's going to create a hazard?

Mr. Norwood: I think so.

Councilman Walford: Thank you very much. Is Mr. Lafitte here? You just thought you were going to get off today Mr. Lafitte. You've heard what our engineers have said, and the situation what could conceivably be created. I've got a legal question then. If this Council were to uphold the MPC for something that we are already being told creates a hazardous situation and there is an accident, would that put the City in a liability situation?

Mr. Lafitte: Not necessarily put you in a liability situation. If the court does determine however that having been told by the engineers that it does create a hazard, then of course, whether or not a judge would decide that, I couldn't say for certain.

Councilman Walford: But that possibility is there?

Mr. Lafitte: The possibility is there. But without having more information, I couldn't say for certain.

Councilman Walford: Okay. Thank you very much. That's all. I'm disappointed I the way this whole thing got handled. And I'm disappointed in what is becoming the procedure now. Don't go to the MPC, don't go to the ZBA, wait and take it to Council where it can be political. And I think that's what happened here. If I'm not mistaken, one person showed up at the MPC's original meeting dealing with this. And then when it comes to Council and it becomes political, I guess the residents think they only have to come once instead of twice. I was very disappointed in the way this was handled. I think this sends a terrible message on economic development on any business that might come to Shreveport. I think it would make them reluctant to be here.

Councilman Carmody: Thank you Mr. Chairman. Gentlemen, I mean we've all had situations within our districts when it concerns a business and it concerns of residents (inaudible) and it's a difficult position to be in as we all know because we want to do what's in the best interest of the community as a whole. No one wants to be perceived as being anti business and in the same way, no one wants to be perceived as being anti their constituents. You can't make everybody happy. And I think it's incumbent upon those of us that are elected to represent areas to try to work to see if there is a compromise, that facilitates the business location in the

community also addresses the safety concerns of the residents around that area. And although my fellow Council Members were not on the Body that I served with the first term. A very similar situation in that I had a case in my district in which an excellent business wanted to do something that their neighbors felt like it would be detrimental to the security and safety of their welfare. And I the Council Member, I guess, did not follow the method of remanding it back or asking somebody else to do it. I guess I jumped in with both feet and tried to hear both sides of it. And in order to discern what I thought was in the best interest, all that being said, the best efforts of this Councilman, what I thought was the best compromise did not play out here at this dais. And I will tell you that that particular business, although some people do not consider that function to be a business is an excellent (inaudible) is an excellent neighbor to their neighbors. And so, hopefully, and this is my request of my fellow Council Members, is to look at the efforts that the elected representative from that area has gone through to try to discern what is a good compromise position. We cannot tell businesses basically, whether take it or leave it. But in this instance, I have not heard anybody say anything to the detriment of the business. They've stayed the course on the safety concern. And I think that we owe it to at least consider the safety issue of those neighbors. We can't figure out the best way - - - it all goes toward the smoking ban or the speeding. Why don't we just ban driving, then we won't have any speeders. You can't do that. It's not rational. But in the same way in this instance, I would say that here's an opportunity where we've addressed or tried to address the concerns of the neighbors, and we should support the efforts that have been made. And that would be my request of you to consider the amount of effort that's gone into this. And my vote will be with the Council Member from that district. Thank you.

Councilman Green: Mr. Norwood. I just ask you (inaudible) to be clear. Who instructed you to do your job in this particular incident?

Mr. Norwood: Who instructed me?

Councilman Green: Yes, as to go and check this out.

Mr. Norwood: Actually, it was a collaboration of people.

Councilman Green: I mean, whose your - - - who do you - - -?

Mr. Norwood: Mike Strong.

Councilman Green: Mike Strong?

Mr. Norwood: Yes sir.

Councilman Green: He sent you out to do what?

Mr. Norwood: Well, he actually had me get with Michael Erlund, the Traffic Engineer and look at the (inaudible).

Councilman Green: Okay, and then your finding again is?

Mr. Norwood: That first of all, construction of a pork chop at this driveway is really not necessary because of the traffic, or the traffic doesn't warrant it. And if you do it, you're, in my opinion, putting the City in more liability.

Councilman Green: Mr. Mike Strong, would you come up please? Thank you. Mike how much do you value your City Engineer's finding once they go out to check into a situation such as this?

Mr. Strong: He's the City Engineer, and that's what we have him working here for. I do not do the engineering side of it, and that's where Ron Norwood and Michael Erlund come in. So we listen at that opinions and see how it fits in. There are sometimes that items, that they say are overruled as in (inaudible) situations, but their opinions mean a lot to us.

Councilman Green: Do we pay him?

Mr. Strong: No, we pay him well, he just - - - (inaudible)

Councilman Green: Thank you. Let me ask you one other question. How comfortable are you with the findings coming back as to say this would be a liability to the City?

Mr. Strong: Councilman, there's liability in almost every area that you go into. We have to address it, we're going to have to make sure the signage is proper there, but we talk about stop signs in the areas that maybe the traffic engineer would say was not necessary. We've got stop signs there, or we don't have there or traffic signals that's in there. So, we have to look at all aspects of it so- - - am I comfortable with everything we do? The answer is no. Do I think we've got issues in this instance as well as other instances (inaudible)? The answer is yes. But it's going to be how we look at it and try to adapt to these situations.

Councilman Green: Thank you. Mr. Mayor, I just want to throw this out parenthetically. Probably around 3:30, you all were going to ask a number of questions about the liability, about the hotel and if in fact, A, B, and C doesn't go together, then we are liable for the \$12,000,000, and we are liable for the 'this', and we are liable for the 'that', and we've had meetings on liability on the convention center, liability about the hotel. And liability has been a great discussion for the last year. And then we come with if in fact, you go up and you make a turn and an accident happens, would you have this recorded as to the liability it would put the City in. And we talk about liability. And in one instance, liability is a problem, but in another instance we say forget about the liability because liability is everywhere. So, I guess my question would be to you, can you remember about how many times you've been faced about the hotel to answer liability questions?

Mayor Hightower: Greater than my toes and my hands. I know that.

Mr. Antee: Mine too.

Councilman Green: So therefore basically what we do is, we basically program ourselves as to the fights, the battles that we put our dog in, and as long as it's comfortable for me, even with the cigarette smoking that we just talked about, whatever is comfortable for us, then it's okay and we have a tendency to forget about liability. And that's what we basically talk about is liability. Just to ask the question, 'well, what if we don't get the \$12,000,000, and the contractors that are bidding, are they wasting their time? What about this liability? What about that liability? But since when we get a City Engineer who we pay to say, listen, there's no need for this, because we will basically do more harm than good, then we say forget about them. Because in this instance, they're wrong or we're not going to listen. So, I guess my question would be to Councilman Gibson as to how do we be responsible for liabilities with the hotel, with the convention center and other things that we have, and then when we hear the City Engineer, then urge us to vote for what MPC has said because now, they've come with something we like. Because when we heard this two weeks ago, it was something that we did not - - - not two weeks ago, about four weeks ago, it was something that we did not like. We did not want, so we say send it back to 'em. And then a member of the Board lives on the street. So therefore when it comes back to us now, well we've made some head way and it's okay now. That the same MPC that says, listen this is what we feel, this is how this ought to go, this is our opinion. And we say to them, y'all wrong. So today, those same group of folk come back. But the only thing that I learned today is that a member of that Board lives on the street in question. So therefore, now today we give 'em thumbs up and say, 'now y'all did a good job this time, the other job y'all did was bad.' I mean, how am I suppose to process that in my brain to say 'okay, we'll give you this and we'll give you that because the MPC has now said that this is how it ought to be.' And my question would be were they wrong the first time in saying what they said,

because they were going on what the engineers had said, or if in fact, it was like the politics got involved, and now we come with this. So, how do we decipher all of that? Because our engineer fellow that we pay says 'listen, we're going to do more harm than good.' So, I guess I would leave it to the Councilman of that district to say to us - - - and of course if in fact we do this about liability, does that mean that from this point on we can't talk about liability. We can't talk about the hotel being a liability not more, we can't talk about the convention center, we can't talk about the \$12,000,000. In fact, we've got to call those folk down in Baton Rouge that's got this suit going and say 'listen, you all are causing the City thousands of dollars every day that this suit goes on, because our attorneys punch the clock every week. So liability can no longer be another issue on anything. So would be what I've got to say. And then when you say to the rest of us, this one is good, and this one is bad. And now we've got an MPC that's really doing their job. So are you saying to Mr. Kirkland and the Board, the last time y'all didn't do y'all's job. So how do we fix it. And with that I'll stop.

Councilman Hogan: My comments are going to be brief on this. Originally, I'm going to say the truth, that I had decided to go with the bank on this. On the original design that was completed. I didn't see any problem with that. And you know I went out there to Mr. Higdon's home upon his request, and I look at the - - - went to his house and he showed me where it was, the location. I went down there and I checked it out myself. You know if this were a regional headquarters for AmSouth or Bank One, I would have different view on this. That I don't believe there's going to be a whole lot of traffic there. I made a comment yesterday about the fact that the two deaths that occurred there were before the traffic light was installed. Indicating that I was going to vote along with the bank, but I've thought a lot about this. I believe that it's a real important issues obviously. The residents believe it's important. I want to briefly tell a story about what happened in 2001. Mr. Kirkland with the Super Walmart in my district. That was a huge issue in my district, and I was watching it even though I wasn't on the Council then. Pat Speigner was in my position then, and she ended up approving that not exactly how it was proposed because Walmart wanted a curb cut on the side street at Ardis Taylor Drive. So, to make a long story short, that's how it ended up. The residents out there in Briar Cliff Subdivision now wish they had that curb cut on Ardis Taylor Drive. So, anyway, nonetheless, in favor of the residents and Mr. & Mrs. Higdon, you know I know y'all have put a lot of time into this and the other residents, all 63 or whatever residents that have come to the meetings, I think in a way, they have reached out their hand to the bank in a way to compromise by what the MPC has proposed and nobody's here from the bank. Is there anyone here representing Bank of Ringgold today? Attorney or someone from the bank? There's not. So, Mr. Kirkland, did you have - - -?

Mr. Kirkland: (Inaudible)

Mr. Thompson: Mr. Kirkland, would you come forward please?

Councilman Hogan: I'm sorry, I didn't hear what you said.

Mr. Kirkland: Well, it wouldn't be fair to not let you know, I talked with a representative of the bank this morning, and frankly, I'll say it as plain as I can say it. The bank was tired of the hassle. And they said they were not going to engage anymore in anything that might expose them to adverse criticism or public relations. So they just chose to - - - they'll go by whatever this Council decides and then they'll make their decision. And what I understand is, if any special requirements are placed on that curb cut, they're not going to exercise that agreement. Now that's what I heard this morning.

Councilman Hogan: Well, you know as bad as I, thank you for those comments, as bad as I would like to see the bank come, I'm for development. I think they still, they need to reach out their hand to the resident and say we didn't want this. The residents didn't want that either. But they're willing to say 'we'll meet you halfway, and we'll compromise.' They didn't have to go along with what the MPC approved this second time. But the compromise has been made and I think it's the responsibility of the bank to come forward and say 'we'll meet you halfway even though it's not exactly what we want.' Is it going to affect their business either way? That's the bottom line. No, no it's not going to affect the business. There are safety issues there, I understand that. But anyway along with the recommendation of Councilman Gibson and the fact that, something I mention all the time, I know you, Mike you've spent a lot of time on this. Going to the meetings, and listening to people and that is going to be the reason that I'm going to go along with the recommendation of the Metropolitan Planning Commission and Councilman Gibson.

Councilman Jackson: I think it's a pretty sad day whenever, and I said this I think yesterday as well, whenever we look to a business, we are looking to locate in the City, and when I think about what we do at this Council (inaudible) on some days, we give away the store, in my opinion, sometimes because of the number of jobs it'll produce, because of what we call the economic impact, that that particular decision will make. And so we defer taxes, and we donate land, and do all kinds of things to bend over backwards. And sometimes I question that, but I think in the larger scheme of economic development, some of those things you have to do to be competitive. But other cities who've given away their stores as well. And so, I appreciate that from a very pragmatic perspective and understanding how we carry out economic development efforts. I think it's a sad day because I want to be pro business, I've heard this Council talk in enumerable amount of times about what we must do. Pro business, pro business. You all already know my perspective when we injected the cigarette into this conversation as well. And you know what I've been hearing is we've got to protect businesses. We've got to stay out of the private sector, we've got to protect businesses and then we basically turn right around and say to businesses something about the door- - - don't let the door knob- - - or whatever the case was on yesterday and (inaudible). And whether it's 500 jobs or 10 jobs. That 10 jobs that don't exist in this community right now that 10 people I think will have. The reason I'm talking about all this, I think Councilman Gibson, Mr. Chairman knows that one of the things that was presented to us yesterday was this idea that if we went with something other than what the bank decided they wanted, then they would basically scrap their project. Well, that's the opinion under which I'm laboring at this particular time. I also must add that I don't believe the bank has the right, in my opinion, to say to us that we don't have the right to make decisions about what's best for our city as well. I think one thing is clear in this scenario that this MPC decision was not what the residents wanted, nor was it what the bank wanted. But it was somewhere, I think what they considered, in the middle somewhere. And so I think this was their effort. We're proposing to give both parties what they did not want in this situation. I'm very disappointed. I will tell you that the bank did not think enough to come today whether they're frustrated, whether they've become disillusioned by the process or whether they're just cynical. Whatever the case may be, that I think this process dictates that you've got to make your point (inaudible) as they may be in your absence, you have to be here to make your point. And I think their absence dictates at least to me, where they are in regards to where they think this project is. I think that's unfortunate, but it is an issue not of what the bank wants, and in my opinion, not of what the residents want. I think Councilman Gibson has talked to me about what

the residents want. And I certainly don't intend to be flip, nor do I want to sound as if I'm disconcerting. But this is not, we don't meet here on - - - contrary to what we've all been saying, we do not meet here to give the residents what they want. Because the residents could possibly want things that the law would not allow us to do. What do we do when we get in that situation? We are faced with residents on one side, and the law on the other side. I would suggest to you my colleagues, that is not a situation in which I feel a compromise. Because we are sworn to uphold the law. And so there are situation when we can't give the residents. I think it's unfortunate because we all go and beg them for their votes. But we have to be honest with them. There are some times we cannot give them what they want. And to tutor them in that misinformation is to set ourselves up ultimately to disappoint them as citizens of this city. We can give them what they want to the extent that we have the ability to do so. That means two things. 1) It needs to be circumscribed within the bounds of the law. 2) We better be able to get three other people to agree with us that that's what you want. Because it does not matter how vociferous, how adamant we are about our point, this is a democracy which means we have to be able to pick up the telephone, go over and visit and say 'here's what we want, and here's why the citizens - - -.' Cause I don't know what the citizens in that district want. But I depend on this Councilman who represents this district to do what I consider due diligence to come and share with me what that concern is. If in fact, 1) he has talked to me, met one challenge. The second challenge whether or not we're in the bounds of the law. In this case, I think this issue is not about what they want. I think it's about public safety. The traffic engineer has talked a little bit about liability, not enough to convince me that we're in a situation where it's an irreparable situation and we're in a situation where if in fact, we found it to be dangerous at some other time that that curb could not be removed. So that being the case, it meets, at least in my opinion, Mr. Chairman, the muster of being able in this case to give the citizens what they want. And for that reason and that reason alone, Mr. Gibson, I do in fact support what the MPC has suggested.

Councilman Green: Thank you Mr. Chairman. I would just like to make this public comment. That if in fact the Ringgold Bank decides not to build where they propose to build, to keep them from going to Bossier, we have some land in District F. And not only would we give you the curb cut, we'll give you the street and name it after you.

Councilman Gibson: Gentlemen, I'd like to close on this matter. And I really appreciate the view points of all my colleagues. One of the things that I have been extremely impressed with in the last three or four months and several of us on this Councilman Green, Councilman Jackson, Councilman Lester or others have brought forward is a sense of unity, a sense of moving things forward. This was not my intention. This was the citizens of District D, the Spring Lake residents. I was asked to hold two town hall meetings of to which again, I want to thank publicly Charles Kirkland, the MPC and Charles Kirkland's staff. I want to thank the residents of Spring Lake for stepping up and having the courage to stand up, because as I understand it, the line share of the m have been paying taxes for 20 or 30 years in this town. 2) In regarding the liability issue, at both of those town hall meetings, it was recorded in the minutes of that meeting concerns by the residents of Spring Lake about safety. In fact safety was a recurring thing over, and over, and over again. One Federal Judge who was on the front row gave his testimony on the effects of safety. He was the first on the scene that pulled out one of the - - - I'm looking at one of the residents neighbors who was killed at that intersection. I respect the profession opinion, at the same time, we also know that turning left out of that driveway is going to create another set of safety issues without a pork chop. So liability is on both sides. And I don't want to bring Ron Norwood up to confirm that, but I think I've been in

the construction business long enough and in transportation long enough to know that. I don't want to go there. The fact being is we have a liability. Mayor Hightower, thank you for your leadership last year in putting a traffic signal up out there because of the concerns of the residents of Spring Lake. That obviously, to put a traffic light in this town is almost- - and Mayor, you were a City Councilman for eight years. I consider it almost like an act of Congress to get those things done because of the expense and the logistics to go through. But obviously a traffic light was warranted. And you stepped up and towed the line. I appreciate that. But with that in mind, this is a very unique intersection that is going to continue to have problems. Obviously, the MPC in their second recommendation are telling us, urging us to do something. I'm going to take that very seriously. In terms of the curb cut, I heard that citizens may go left anyway, despite it being a one way. I heard one of my Councilmen just say a minute ago that the line share of the public are law abiding citizens. And I'm hoping and praying that the residents of Spring Lake, when they see that type of activity, they've got my cell phone, they'll call me and I'll call Chief Campbell and we will get to the bottom of that. But I think that that will be the exception and not the rule. I pledged to represent the citizens of District D, when I ran for City Council because I heard time and time and time again from the residents of District D, that they felt that they were represented by one individual who made the decisions for them. I have a professional career that deals with economic development on a daily basis. Success of the construction industry is based on economic development. But the construction industry also knows that without tax payers, without residents of the City of Shreveport, there's no future in construction. There's no future in economic development. And as a result, I have said repeatedly in my conversations with my colleagues, if I'm going to make an error, I'm going to err in the side of District D, no matter what the risk. Someone down the line will probably be bringing this out of the archives and run some television ad or some flyer or something that says 'Councilman Gibson is anti economic development.' And I'm looking at some residents of Spring Lake right now. They know the real story. And I hope at the end of the day, and I heard, and Charles Kirkland you were there along with the bank, the residents of Spring Lake say our worst nightmare is that we loose this bank. But that is a risk that the taxpayers and the residents of Spring Lake, not Councilman Gibson, but the residents of Spring Lake who have been paying taxes all these years. For my colleagues, I think it's a proud day. I think it's a proud day because the citizens come first. I heard that from Councilman Jackson, Councilman Hogan today regarding another issue that was before us early today. The citizens come first, so I consider it a proud day. I again, thank you for your time, thank you for your consideration. And with that if there's no other comments, I would like to go to vote on this. The motion was made to take the recommendations of the MPC. I believe the Chair made the motion and Councilman Carmody made the second. Mr. Thompson, I want to be consistent here. A vote in the affirmative- -

Mr. Thompson: Means that you approve of the recommendation of the MPC.

Councilman Gibson: If you vote negatively, you're against. Correct?

Mr. Thompson: That's correct.

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

NEW BUSINESS: Executive Session: Royal Air v. Roy Miller et. al. First Judicial District Court No. 460-743.

Councilman Lester: Thank you Mr. Chairman. Based upon the conversations that I had yesterday regarding this issue, I'm going to move that we not have an executive session and in the other hand, I would meet with the attorneys for the City as well as the attorneys from Royal Air to hash out any questions that I have regarding the Royal Air situation at the Downtown Airport.

Councilman Gibson: Councilman Lester, is that a motion?

Councilman Lester: That's my motion.

Motion by Councilman Lester, seconded by Councilman Jackson to remove this item from the agenda.

Councilman Gibson: And you're planning to come back with some kind of feedback?

Councilman Lester: Yes as a matter of fact, I've already had a call from the City Attorney's office on yesterday trying to coordinate our schedules, so that we can have our meeting within the next few days.

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

Councilman Gibson: Any other new business Mr. Thompson?

Mr. Thompson: No sir.

REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES: None.

CLERK'S REPORT: None.

ADJOURNMENT: There being no further business to come before the Council, the meeting adjourned at approximately 6:23 p.m.

//s// Mike Gibson, Chairman

//s// Arthur G. Thompson, Clerk of Council