

Council Proceedings of the City of Shreveport, Louisiana
January 10, 2006

The regular meeting of the City Council of the City of Shreveport, State of Louisiana was called to order by Chairman Calvin Ben Lester, Jr. at 3:01 p.m., Tuesday, January 10, 2006, in the Government Chambers in Government Plaza (505 Travis Street).

Invocation was given by Councilman Green.

The Pledge of Allegiance was led by Councilman Hogan.

On Roll Call, the following members were Present: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan and Jackson (Arrived at 3:04 p.m.). 7. Absent: None.

Motion by Councilman Green, seconded by Councilman Walford to approve the minutes of the Administrative Conference, Thursday, December 22, 2005 and Council Meeting, Tuesday, December 27, 2005. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, and Hogan. 6. Nays: None. Out of the Chamber: Councilman Jackson. 1.

Amendment No. 1 to the December 27, 2005, City Council Minutes as published on January 2, 2006, in the Official Journal.

Amend the December 27, 2005 minutes as follows:

On Page 11B, Column 8, immediately before "ADJOURNMENT" insert the following:

“ The Committee Rises and Reports (Reconvenes the Regular Council Meeting)

Councilman Lester: Council Members, we added C-95-05 to the agenda, but we need to for housekeeping purposes, we need to revisit that matter. Is there a motion to introduce it.

Ordinance No. 220 of 2005: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, to rezone property located on the Southwest corner of Cleveland and Jewella Avenue, from R-1D, Urban One-Family Residence District to B-E, Community Business District, and to otherwise provide with respect thereto.

Motion by Councilman Green, seconded by Councilman Jackson to introduce Ordinance No. 220 of 2005. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Robertson, Green, Hogan, and Jackson. 6. Nays: None. Absent: Councilman Carmody. 1.”

Explanation of Amendment: Ordinance No. 220 of 2005, was introduced after the Committee of the Whole completed its session and the Council reconvened in regular session. However, that part of the meeting was inadvertently omitted from the published minutes.

Motion by Councilman Walford, seconded by Councilman Carmody to approve Amendment No. 1 to Council Proceedings, December 27, 2005. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, and Hogan. 6. Nays: None. Out of the Chamber: Councilman Jackson. 1.

Motion by Councilman Walford, seconded by Councilman Carmody to approve Council Proceedings, December 27, 2005, as amended. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, and Hogan. 6. Nays: None. Out of the Chamber: Councilman Jackson. 1.

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

Councilman Lester: Mr. Mayor, good afternoon. Do you have any awards, recognition of distinguished guests?

Mayor Hightower: No, Mr. Chairman.

Councilman Lester: Councilman Green I believe has a distinguished guest.

Councilman Green: Thank you Mr. Chairman. My guest is not here today, but I just wanted to read a script from a plaque that a very distinguished gentleman gave me and said that I was going to have a great 2006. And he started it off with a bang. I'd just like to read it to you. It says "Happy New Year 2006, you can be better, better, and better Mr. James Green. Thanks for being my friend. Dominique's Italian Restaurant, your club." And I just wanted to say, cuz, I really appreciate it. Your kindness will never be forgotten and thank you for letting that be my club. Thank you Mr. Chairman.

Councilman Walford: Mr. Chairman we do have one of our School Board Representatives, rolling her eyes, Ms. Crawley is with us.

Councilman Lester: Thank you for pointing that out. We'd like to thank Ms. Crawley for coming out to the meeting today. Thank you Councilman Walford.

Councilman Green, are you going to (inaudible) so we can copyright that phrase?

Councilman Green: Yes sir. You've got it.

Reports:

Convention Center and Convention Center Hotel (To include detailed personnel report from SMG)

Councilman Lester: I believe that we received a report on yesterday. Mr. Antee, do you have any additional information on those two items?

Mr. Antee: Mr. Chairman, the only thing in addition to that, I would like to take this opportunity to - - - you know the Boat Show will come and go before we meet again. There's a lot of activity going on at the Convention Center. And there's a lot of hard work by Yates and all of their subcontractors and Slack Alost Architectural Firm and

SMG. And I just wanted to say publicly that the cooperation the last few months in term of getting to this date has been good and we appreciate that. And I think that although it won't be 100% complete for the Boat Show, everybody that comes and goes to it, I think is going to be thoroughly impressed with what we have down there.

Property Standards Report

Councilman Lester: I believe we have some information in our packets. Does any member have any questions for Mr. Bowie at this time? Alright hearing none, we'll move on. Thank you sir.

Public Hearing: None.

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

Confirmations and/or Appointments.

Mr. Thompson: I believe you have one for the Shreveport Housing Authority and one for the Civil Service Board on your agenda.

Shreveport Housing Authority – Mr. Richard King
Civil Service Board – Bobby Madison and Lynn Braggs

Motion by Councilman Walford, seconded by Councilman Carmody to confirm all three appointments.

Councilman Jackson: The motion was one vote on all three people?

Councilman Lester: As I appreciate it and his motion was on all three. Any other questions?

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, and Hogan. 6. Nays: Councilman Jackson. 1.

Adding Legislation to the Agenda

1. An Ordinance closing and abandoning the dedicated 20 foot-wide alleyway running between Caddo and Fannin Streets located in Block 56 of the Town of Shreveport, City of Shreveport, in Section 37 (T18N-R-14W) Caddo Parish, Louisiana.

Motion by Councilman Walford, seconded by Councilman Carmody to add this ordinance to the agenda. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

Councilman Lester: Is there any other legislation?

Mr. Thompson: That's all I have Mr. Chairman.

Mayor Hightower: Mr. Chairman, we do have one piece of legislation that was discussed yesterday, the Expo Hall. Now that contract may play in future economic development for the City, and at the same time, relieve the city of a building that we will no longer be using as of January 19th. So, with that, we don't as I told you yesterday, I don't have the entire contract put together. It is a three reader, and we'd like to have that introduced by title.

2. An ordinance authorizing the lease of L. Calhoun Allen Exposition Hall to Stageworks of Louisiana, L.L.C., and to otherwise provide with respect thereto.

Motion by Councilman Walford, seconded by Councilman Carmody to add legislation as it relates to Stageworks of Louisiana, L. L. C. to the agenda.

Councilman Jackson: Mr. Chairman, I recognize and I talked with the Mayor on yesterday, maybe a couple of us were in a conversation with him, and we talked about introduction. And one of the things we talked about was a contract that has not come to fruition at least at this time, and I think many of my colleagues, well I won't speak for anybody else. Maybe we're guided by the idea of what may come to fruition, I would certainly be a lot more comfortable. And I don't think that'd be a surprise to the Mayor either that I don't know how far away we are from getting a contract. And then once we got a contract, I don't know what the level of - - - the sense of exigency or urgency is with regards to how soon you have to effectuate the contract. So, I would say that I think the appropriate time, this is my opinion, to introduce it would be whenever the Mayor has gotten that contract together and then we can introduce it and have some time to talk about the contract. Other than that, we're introducing some amorphous idea that I don't necessarily feel comfortable not knowing all the details. We don't have details right now at all. And we can introduce it if we like, but we still don't have details. I'd just feel a lot more comfortable introducing it when we had details for it as well.

Councilman Carmody: Thank you Mr. Chairman. I might defer to Julie Glass to ask this question because if we're introducing a resolution, is it not required that that resolution be in writing, that we have it in front of us?

Ms. Glass: That's correct Mr. Chairman. The resolution has to be in writing. You don't necessarily have to have the entire contract in writing yet, but my understanding from what the Mayor said was that the resolution itself was not in writing yet. Mr. Thompson told me that they do not have that.

Councilman Carmody: One other question while we're at this point. Mr. Mayor, I know that yesterday that in our discussion we had talked about the proposal to go ahead and put it on, that it would take three readings in order to get through the process. But I was contacted today by a gentleman representing Bass Life, who said that he had a contract, I believe it's in April for the lease of the facility, and asked whether or not the city was going to honor contract with their organization. Now, I only got the voice mail message. I did not speak to him. So I was wondering and his request was to verify indeed if there are existing contracts to lease that venue that the city is going to honor those contracts?

Mayor Hightower: Mr. Chairman, I'm looking at Shelly, and it's my understanding we do not have a signed contract with anybody after the month of February. Is that right?

Councilman Lester: Ms. Ragle, could you come up to the front please ma'am just so we can put that on the record.

Mr. Thompson: Mr. Chairman, while she's coming, the CAO did present to us a copy of the ordinance authorizing the lease, so we do have a copy.

Councilman Lester: So, we do have - - - so to clarify, we do have the ordinance in resolution form. It is written?

Mr. Thompson: We have it in Ordinance form Mr. Chairman.

Councilman Lester: So it is written?

Mr. Thompson: That's correct.

Councilman Lester: Okay, thank you.

Ms. Ragle: We do not have anybody contracted after mid March, March 24th I think is our last event. We've not contracted with anybody else.

Councilman Carmody: Okay, very good. I just wanted to make sure that when I got back to him to verify, that was the question that he had. I think maybe he's under a false impression that they do have a contract for a day in April. I think is what he'd said. But I will relate that to him as well. Thank you Ms. Ragle, ah - - - Ms. Stone.

Mayor Hightower: Mr. Carmody; And I think Shelly may want to verify. We have had contact by several groups that have expressed interest in certain dates further down the year, but we don't actually have contracts with anyone past the one that she's talking about. So, we are - - those names and contacts have been turned over to SMG, and they are currently in the process of contacting all of those event organizers down the road to see if we can work something out in the new convention center. If not, they'll be given back to SPAR so that we can't talk about other city owned facilities along with sharing private sector venues with those people. So, we're not trying to run anybody off by any means. We want to work to accommodate them, but it just won't be at Expo Hall.

Councilman Carmody: Then let me just make a point, and it might not be handled this way. In years past, when I had worked with different organizations and booked municipal venues, we had an annual event that re-occurred for that venue, I would go ahead and just leave basically our deposit there with the city, and I might ask SPAR to verify whether or not they're holding the deposits. The way that I would work it in the past was that you would know that my deposit was there, it was just a matter of follow up, say three months prior to the event to have the contract drawn up so that we could sign it. And if y'all would just verify again, and that's been many, many, many years ago prior to my service on the Council, whether or not there is any money that we're holding. And that might be the case or might not be the case that someone is under the impression that they have (inaudible).

Ms. Ragle: And that policy stopped probably four or five years ago, so that we're current on deposits and right now, we don't have anybody. And like the Mayor said, we've been working really hard to either move to a facility that we have that will accommodate them, or try and work with the new convention center to move them in.

Councilman Walford: Mr. Chairman, two things please. Just before coming to this meeting, I spoke to a representative of Bass Life, who frankly didn't know if they had a contract, just made the assumption that Expo Hall would be available. And I've

explained the situation. I don't think that we're jumping the gun by introducing this nor cutting ourselves short on discussion time. If it's a three reader we're talking six weeks. So, I think there's more than adequate time to do the negotiations and then have more than adequate time for the Council to discuss this. So it's merely for introduction, it certainly is something that I'm sure will get a lot of discussion down the line. Thank you Mr. Chairman.

Councilman Hogan: Thank you Mr. Chairman. Ms. Ragle, I had a question for you if you could come forward please. I had been contacted by a member of the Bass Life organization today which did quote a date to me of April 18th. He didn't say that there was a written contract, but he said there was an oral agreement from last year's about the same time that they had reserved it for this year of April the 18th. Now whether that's true or - - -

Ms. Ragle: We have actually not contracted with anybody for this year until this month that we really started doing contracts. We didn't know what to anticipate, so we have not contracted with anybody past the end of March.

Councilman Hogan: That's fine. My question is how does - - - while we're on this subject, if we get other calls from people, in fact someone from the Gun Collectors Show had called me expressing concern over it. You may just have this figure in the top of your head, but how does the Civic Center, which I know they've had a lot of dinners and awards there, they're going to have the Police Awards there next week. I know it'll hold at least a thousand. In comparison to square footage, how does it compare?

Ms. Ragle: If you were doing an event at Expo Hall, and use a bay or two bays, you can move to Convention Hall. It will hold you. One of the gun shows that we have, our old convention center will hold them. And so, we've got facilities that we can move some of these groups to.

Councilman Hogan: I think 60,000 was the number used. I've heard lately the square footage of the Expo Hall, is that correct?

Ms. Ragle: That's right.

Councilman Hogan: Versus what is the square footage in the Civic Center?

Mr. Antee: But Shell, the actual Expo Hall space is what, 48,000 square feet?

Ms. Ragle: You're talking about the old Convention Hall?

Councilman Hogan: The old Civic Center, the old one right here on the River Front.

Ms. Ragle: About 33,000. So, it's about half the size.

Councilman Hogan: 33,000? Roughly half the size?

Mr. Ragle: Right.

Councilman Hogan: And it's going to be available? Right? There's no reason we won't have it available for anybody that - - -

Mr. Antee: And also Councilman, the convention center is designed to where it can be divided, the exhibit hall can be divided into - - - you know it's 98,000 square feet, and can be divided into smaller areas. So, you don't have to rent the whole thing, if all you need is 30,000 square feet, you can have one bay. If you need 60,000 you can have two bays and something else going on in the third. So, there is that flexibility.

Councilman Hogan: Okay. I'm glad to hear that and as this continues to unfold, I'd like to get some figures from you later on about what those amounts run in terms of rent.

Mr. Antee: Mr. Carrier is here with that information today.

Councilman Hogan: Okay, I'll forego that for right now, but later on, I'd like to get some information and have it available to share with people that are interested.

Councilman Green: How many minutes we got?

Councilman Lester: I don't know.

Councilman Green: Thank you. I just wanted to recognize Commissioner Lynch Mr. Chairman, and say welcome to our meeting today.

Councilman Lester: Thank you sir. I had on my notes to the exact same thing. Good afternoon. Councilman Carmody?

Councilman Carmody: Thank you Mr. Chairman. Very quickly, a constituent had called me this morning and had asked if I would verify this information. I told them I did not know the answer and possibly SPAR could provide it to us. The year that the Expo Hall was actually built, and I told them that my recollection was I thought it was maybe a bi-centennial type project for the city, but they also asked for the cost to build that facility. And I told them I did not have that information, that I would have to request it, but if we could get that so that I can get back to this constituent, again, the year that we built the Exposition Hall, the L. Calhoun Allen Exposition Hall as well as the cost to build the facility.

Councilman Jackson: Mr. Chairman, I want to be clear and on the record and clarify that I think that everything that we do in downtown with regards to people gathering whether it be large or small, I'm an advocate that all that needs to be done in Convention Center. I don't think we need additional spaces downtown unless it's overflow spaces. And that primarily, we ought to use the new Convention Center for everything, whether it's ten people or ten thousand people, we ought to be using our Convention Center. That's what we paid for it for. That's the reason we built it, so I don't think we need a building that's there in competition with something we already have, competing against ourselves. That ain't - - - that has absolutely nothing to do with my unreadiness. That's my belief about what should happen with our convention center. The question becomes what happens with municipal assets after in fact we're getting ready to do some other things. That's my concern about a municipal asset and highest and best use for that municipal asset. That's the perspective, if you will, of my unreadiness. And I just wanted to clarify that Mr. Chairman.

Councilman Lester: I would say this. And this is to the Administration. Had an opportunity to, as most of us did, sit down and hear a presentation from the Mayor on this issue. My concerns are these. 1) Mr. Antee, I would like to know what is the process or what was the process that went into the preparation of the lease? That's number one. The second thing I would like to see, and I think all of us would like to see, a copy of the lease or proposed lease, before it's signed obviously. The other thing that I would like to see would be whether or not there would be any alternative or competing proposals. In other words, did someone else have an idea that they thought, that had some type of merit that financially, we thought this was a better proposal than the other one. I know at one point, there was some conversation and I don't even know if it's feasible about turning Expo Hall into a Sports Arena or something of that nature. So, if we could prepare those three things, at least for this councilman, it would at least give me a level of comfort to know kinda of what went into the process and where we are and we stand on due diligence.

Mayor Hightower: Mr. Chairman, I think I can answer most of that. And Councilman Jackson had some of the same concerns yesterday. And I think that's what he was alluding to earlier. In answer to the question, were there any other proposals? The answer to that is no. We have obviously known that Expo Hall was going to be unused for quite some time. So, over the past several years, we have gone out with the Economic Development Team to try to offer up the Expo Hall for other uses on the River Front. And have obviously had no takers, even at free for those all the way to even Bass Pro was actually offered the Expo Hall, and it would not work for them, and they ultimately built in Bossier City. So, we've been working on it for a long time, but no we didn't go out and solicit from any other movie type people or anything like that. This movie venture had been talked about, tax credits obtained, funding from the State negotiated. And they were looking at building a building either out at the Myatt farm, or possibly at the Port. Knowing what was happening and having visited with movie executives from *Disney* to *FX* to the *A&Es* to the production companies that are in town now, they've all expressed 1) their enthusiasm and love and cooperation that this city has put forth to help them be successful, and 2) their concern about infrastructure and being able to count on coming back to Louisiana and Shreveport because of the competition. It has not gone unnoticed. We are the talk of the movie industry throughout the country and if not throughout the world. And those guys like it here. They want to come back here, they want us to be competitive. Since Louisiana's tax credit initiative had been passed, Rhode Island and New Mexico have both passed similar legislation using the Louisiana model. They've both put together programs that are apparently a little bit better than Louisiana's model. But we have several things that they like a lot better. 1) They love the weather. They like the government cooperation, and the cooperation of the vendors. They like the cost figures. They obviously like the tax credits, that's why they're here in the first place. They also like the cooperation with the unions, there are no problems here compared to other sites. So, we have a lot going for us. Their concerns are infrastructure and what we can do to compete. They're going to look at the bottom line and if the bottom line is 2% different tax credit only, Rhode Island to Louisiana, they're going to go to Rhode Island. Unless we can show them that we have venues, we've got weather, we've got cooperation, we've got a wave pool, we've got an Expo Hall, we've have people in place to drive their cost down. And that's what this is all about. It's not - - - did it happen quickly? You bet it did. Did the movie industry dump on us quickly? Absolutely. But I think I said when I ran for Mayor, "Study, but don't study indefinitely." Let's not let this community miss an opportunity like we've missed opportunities in the past. And I don't have to go through the litany of what's happened over the past 20 or 30 years in this city, that we don't have because we wanted to study everything to death. So, no we didn't solicit any other proposals, the group of investors that we're talking about are substantial investors. It's not fly by night people. They're confident that they can put contracts together, that they can accommodate the production studios, both from a film standpoint, and from an audio music standpoint as well, which is a whole new set of tax credits that became available January 1st, thanks to the legislative delegation and the efforts of the Governor. And it's incumbent upon us I think to take advantage of those and it's incumbent upon us to take advantage and move swiftly. We can sit back and build facilities just like Rhode Island will do, or just like New Mexico will do, or just like any other state that wants to jump on the band wagon to

try to do it. The advantage we have is we have 'em here number one. They like it, we've got to hold them. We can open the Expo Hall in a matter of months where it may take a year and a half to two years for anybody else to construct. We've got a wave pool that we're negotiating with *Disney* right now that the same production group would take over that would give us a unique feature like no other in the world. In the world, there's not another one. So for us to have asset after asset, after asset, and infrastructure and people and tax credits and working governments, this is a huge opportunity for us to diversify our economy in a way that we never dreamed possible much like what happened with riverboat casinos in 1994. Nobody saw it coming and look what it's done for us. It's because we did it right. Did we do it in a hurry? We did, but we nurtured the business. We continued with your votes on the hotel and the convention center to nurture the gaming industry and to nurture another sector conventions. Like I said yesterday, I think 2006 is going to be a historic economic development year in this community because of those two sectors. And we're not going to miss out on one of them. We've made the commitment, we've built the infrastructure, we've hired the people to make it happen, and it is happening and we'll start proving that in two weeks, and the other one is this one that's been dropped in our laps with the movie business. So - - - somebody want to make a movie here? But it has been encouraging to be around the movie people around the past several weeks, and listen to 'em talk about do you have court room we can use? Do you have a mansion on a golf course we can use? And the answer being absolutely and that quick, the producer that's doing the *Factory Girl* said, I'm going to tell them to do this one in Shreveport. Just that quick. Because he's here. If he was New Mexico, he would have told the Mayor of Albuquerque the same thing. We got 'em, we got to hold on to 'em. I don't want to be hasty, I don't want to do anything that we shouldn't do. That's part of the reason that it sits before this council for three readings, to be sure that you do ask the questions and get the answers that we need, but I do think that it's imperative that we act quick. And that certainly we act prudently. But I think that we've got to look at the big picture. Are we going to make any money inside the four walls of the Expo Hall with this? No, I don't believe we are. But when we look at a \$70,000,000 *Guardian* production, A \$9,000,000 *Factory Girl* and \$3,000,000 for a TV series and on, and on, and on when you look at the economic impact that it makes city-wide, I don't think it's something that I think we can afford to pass up. That's the dollar end of it. When you start talking about nationwide recognition, and you start talking about pride in our community, and the way our citizens feel about where we live, and what we're able to do, and how we're going to look on the big screen at some point, that's immeasurable I believe. So, I think it's a real opportunity. As far as how the contract was drafted, we had our legal counsel, they had their legal counsel sit down and start hashing out contracts. We were using the model contract that we usually use, the city usually uses for lease agreements. So, that was the model. So, part of what you'll read in this preliminary draft you will have read before in other lease agreements. So - - - but there are some other things that we want to hash out and they're still working on and we will have that done prior to the next meeting so that you guys will have a chance to read I believe a completed lease. And then we can take questions from there. Was there one other point that you were asking?

Councilman Lester: You answered my question about the process of lease, the copy of the contract, and proposal and the alternative proposal. Those are the three questions that I had. Thank you.

Councilman Carmody: The Mayor answered my question. Thank you sir.

Councilman Walford: I think the Mayor reiterated the point I wanted to make. All we're doing is introducing the legislation. We're certainly not voting on it today, and we'll have more than adequate time. But I think it's prudent to go ahead and get it on our agenda, and we're absolutely under no pressure that we have to approve it three readings form now. We can postpone it as we often do. But the important thing is to get it on the agenda for the three readings. That was the only point I wanted to make.

Councilman Jackson: Mr. Chairman, I wanted to thank the Mayor for his presentation, but again, notwithstanding the sales pitch, my issue is at the end of the day, if in fact, we've done it, and I don't call it. Again, I recognize what the Mayor has said, I heard him say it a lot of times eight years ago. "Study, but don't study indefinitely." But I do think you don't substitute study for rash decisions in regards to how we handle municipal assets. Our responsibility doesn't allow us to do that. And I think authority without responsibility is tyranny. And we certainly don't want to engage in the situation where we have not at least given some thought to this process in regard to - - - the Mayor said that we solicited and then he said we had no solicitations, no proposals, and those kinds of things. I'd ask the Administration and I've asked in the meeting on yesterday whether or not we had a master plan for downtown and if in fact we did, one existed, have we assembled all the things that we said that we'd like to have to create a Cinergy in our downtown area, if we have not, then shouldn't we go back and you don't have to study that. You can go back and look at the approved documents and suggest that there may be some things that are still missing and see whether or not we can pursue those. That having been done, I think we move forward. My question was simply have done those things that would fit into our mix rather than somebody coming with a good proposal and presentation, and then we jump on it which it gives us an opportunity to take advantage of this, but it also prohibits us from taking advantage of any future opportunities that may have come, if we had sought I think some additional prospective people who could have fit into our mix. I said to the Mayor on yesterday, my question was one of Cinergy. What we're dealing with a convention center with the entertainment district, with all of those things that are downtown, I agree 100% with the Administration that we've got to make hay while the sun shines with this industry, with the movie industry, we want to keep them here. My question was, were there other buildings and facilities around the city? We don't have another central business district. We have one downtown, and if we damn our downtown up with things that perhaps don't have a Cinergistic fit if you will, then we don't have that asset available to us to be able to do that again. I think that was my concern. It had nothing to do with the legitimacy or the viability of the investors or the industry. Although I think it's a great industry. The investors seem to be proven people who have legitimate track records. My question was that municipal asset that's in that mix down there, whether or not that's the highest and best use for that asset. And so I hope that in the next few readings or number of weeks that we talk about it, that we can talk about it, if in fact the economic development team has already looked at it, who have we talked to turned us down. Who said no, we don't want to come, or we don't want to give you any of those proposals and then at that point

and time, that represents due diligence and we can say 'hey, we tried.' To date, you can say 'we tried.' I haven't seen any of that information. So, I'm saying lets inform us so that we can make sure that we know, and so when we make a decision, we can go back to our districts and to our constituents and say here's why we made the decision. It wasn't because we just shot from the seat of our pants, but here's what was on the table, here's the decision we made and this is the information we used to make that decision. And I mean that helps me, other than that, I still again would say that I'm certainly not sold to date on this particular project in this particular place. Sold on the idea, I believe it's right to do. But I'm just not sold on doing it at the Expo Hall to date. Hopefully, we'll get information that will get us to a point where either we can find a better fit of if this is the best fit that you could give us the information and make us feel comfortable about that.

Mayor Hightower: Mr. Chairman, one thing that I will try to do at the next meeting is bring a little bit of history, but I'll try to bring some of the production people down there to let them talk about why they believe Expo Hall is such an attractive venue. And the other thing that I didn't say a minute ago, that I do think is important and it's not the end of the world one way or the other, is that it cost us about \$400,000 a year to keep Expo Hall open whether we have events in there or we don't. We can't turn the air condition and heat off. We've got to keep the place clean. You know you have to do the things you have to do to maintain a facility of that size. So, certainly that way on the decision making, if you guys have to make it at some point budget wise and we eliminate that problem with the proposal that's before you. But the only thing that I would ask, we'll get the contract to you expeditiously. I would ask that if you have questions or if you have concerns that we talk about those expeditiously as well, so that we're not down to the last minute. It's not life or death three meetings from now, but at the same time, every two weeks that we can't them started on renovation, and invite production here, may be two weeks that they decide to go somewhere else. So, I just don't want to come down to the wire over this decision or these negotiations to get this done. I think it's critically important for us to be able to do this. For us to be able to do this, to be able to compete with other states throughout the country for the movie business. And we're poised to do it, we're ready to do it, we have a building that again, and I will provide some of the people that we've talked to about that building that ultimately said no, to hopefully give you a better feel of what kind of market there isn't out there, for the use of that facility. And as far as the Cinergy goes, Councilman Jackson is correct. I don't think it's going to provide a night light type atmosphere down there, however when productions are going on, you will have three or four hundred people moving around inside that facility and outside that facility. So it does create some kind of Cinergy and I hope some sort of mystique. Not only to visitors, but to residents as well to know that some of the movie superstars are inside and they're in the city and they're doing movies here. And you know that in turn may create some activity that is unforeseen to us for and the Red River District or walking the streets or whatever. I think there is a lot of spin off and a lot of things that we can't measure that will go along with this industry and it just touches people that we never would imagine it would touch all the way down to the parking lot across the street. If you came in today and you saw 1960 vintage cabs parked in the parking lot across the street, you know it's small, but it's \$5.00 more per spot that the guy that owns the lot didn't have last week. So, it's just really a huge effect again when you start looking at the budgets and the amount of money they spend here. But

Councilman Jackson, we're certainly going to try to do our part to get you feeling comfortable with it, and I understand you're not against the project at all. But again, I'll just ask that we all work together as expeditiously as we can to make this thing happen. Not just for the movie industry, but for the City of Shreveport and Northwest Louisiana as well.

Councilman Lester: Thank you Mr. Mayor. And I would just add that I appreciate your comments and any information that you can provide to us in writing, that would greatly appreciated.

Councilman Hogan: Thank you Mr. Chairman. I've been thinking about whether or not to ask this question Mr. Mayor, but I believe it's relevant at this point on the subject matter that - - - you know and you just introduced this idea to us on yesterday in our meetings. What has come to my mind is that if you mentioned this yesterday in our meeting, forgive me but, *Disney* and who else is interested in it?

Mayor Hightower: I think it's been shown to several different production companies, including *FX*, TV station *A&E* people have toured it. I'm not sure of everyone that has. *Disney* has toured it, and all give the thumbs up and think it's absolutely workable and a crucial piece of the puzzle.

Councilman Hogan: Okay, has any consideration been given to us dealing directly with them? You know do we have to have the investment group in order to accomplish our goal?

Mayor Hightower: No, we don't have to, but I think the problem in not doing that is you're going to have to have someone fulltime that's out courting the production studios around the country to come here with little or nothing at risk. Not to mention the up front cost of remodeling and equipping a sound studio and a production studio, which is - - -

Councilman Hogan: Unknown costs now too.

Mayor Hightower: Well, it's not unknown, but it's millions as in double digit millions to get all that going. I know from a budget standpoint, we don't have those kinds of resources available to go out and purchase and put together a studio of that magnitude, nor should we do it without going to hire an expert, like we had to do with the hotel, or like we've had to do with the convention center to run and manage it for us. So, I think bottom line is sooner or later, we've got to bring experts in to run the program to insure success. And this way, we have nothing at risk other than, as Councilman Jackson said, potential loss of a bigger and better mousetrap coming along over the next two years or something like that. This is zero cost to the city from an operational standpoint. In fact, it's a net zero cost for us. It eliminates \$400,000 worth of maintenance and up keep in keeping that building open. So, again I just see it as a win-win.

Mr. Antee: And the other think in furtherance of Councilman Hogan's question, keep in mind this was a project in the process that was already underway. They were going to build a brand new facility out at the Port or some other land outside the city limits. And it presented an opportunity that's beneficial to them because they don't have to go and build the infrastructure of a building that's there. They can speed up the process. This building's a good example. We got in it in about eight months, where if we would've built they building, it would have taken us about two years. They can get in and get to making money a lot quicker, and a lot faster, and a lot less expensive. They

were doing the project or right on the verge of doing the project on their own. It's a win-win situation to take an asset that's there, that could become a liability and turning it into a huge asset for the city and the whole community, not to mention taking off the burden of us having to maintain and up keep it. And for the private sector to go out and do this versus the public sector doing it, it's not going to get done in the public sector because it's too much, it's too hard to do. Otherwise, it'd be done in other areas. So that's another reason why.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

Councilman Walford: I'd like to introduce someone, he's not my guest, but I just think it's a very appropriate thing to do, if I could deviate slight backward on the agenda?

Councilman Lester: Sure. Without objection?

Councilman Walford: There's no objection. I can recall when the Mayor and I went to the mobilization ceremony for the 1st Battalion of the 156th Armor, seeing Ms. Crawley, and she's got her son-in-law here with us back from Iraq, Sgt Trinity Edwards. Why don't you stand up and let us welcome you back. Thank you Mr. Chairman.

Councilman Green: Mr. Chairman, I'd like to make a motion to suspend the rules.

Councilwoman Robertson: Second.

Councilman Jackson: Mr. Chairman.

Councilman Green: My reason is I have Mr. Wilford Claville here, and he sent a letter to the Council to request that we table Case # C-95-05. And I'd like to suspend the rules to do that at this point, so that he and the rest of the constituents from District F would be free to leave.

Motion by Councilman Green, seconded by Councilman Robertson to suspend the rules to consider C-95-05. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

Councilman Green: And with that Mr. Chairman, thank you. Mr. Wilford Claville who has Case # C-95-05 sent a letter to the Council Office for property located on the southwest corner of the Cleveland avenue and Jewella Ave. I request to have this case tabled until a latter date. Thank you, Wilford Claville. I'd like to make a motion that this be tabled.

Motion by Councilman Green, seconded by Councilman Walford to table Case # C-95-05. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

Public Comments (*Agenda Items to be Adopted*)

Mr. Herbert Coleman (3714 Cleveland Ave) On the zoning, our zoning has been as residential zoning, and they have it zoned commercial, which would increase much

more traffic in our residential area. We feel it would be terribly unsafe for as it stands for the traffic that we're already receiving coming down Cleveland Ave. Now we have quite a few businesses down on the other end of the street that's already causing a lot of problems, and a lot of loitering, and we do not need it on our end. We have some children that have extra-curricula activities that have to come home from school later than the bus times permit. And they have to travel pass these areas, and it would be considered to be somewhat dangerous for anymore commercial type activities up there. And we have problems with getting in and out of our driveways as it stands with people coming in with traffic and more commercial buildings inside the community. We have too many businesses inside the community as it stands. And more commercial buildings in there would create just more chaos and make it - - - most of the people in that area work and loiterers hang around the street watching people going to work. We don't need nobody having excuses to be up on that end of the street in that district at all. We don't need any more businesses. Most of the residents in that district area all agree that we don't need anymore extra public traffic in that area. It is unsafe and we don't want it there.

Councilman Green: I just wanted to say thank you Mr. Coleman, you said you were gonna show up today, and just appreciate you coming.

Councilman Lester: Just for your edification Mr. Coleman, we have tabled it, we're not going to be voting on that today.

Mr. Coleman: Yes, I understand.

Ms. Louise Burton: (7031 N. Lakeshore Dr) I'm here in opposition of the beauty shop at the corner of Youree Drive (inaudible). I have property as you can see located on Ardmore. And these are family homes, that's a residential street. I tried to draw in to show you how small that street is. In fact, if someone parks on one side, you have to wait if someone else is coming in the opposite direction to even pass a parked car. So, it's a very narrow residential street. There are children living in these homes. There's 2 year olds, 6 year olds. I think the way this is designed, if I understand it, this is going to be going from office zoning to beauty shop which they're looking at 29 parking spaces. And also that they will not come in off Youree Drive, the parking will come in off Ardmore which I don't know who thought that up, but this is a small tiny little residential street. And if they're going to rezone it to beauty shop, I'd really request that you have them come in off Youree. You can see the difference in the size of Youree Drive, and the size of Ardmore. It's really not feasible for us to have that many people coming in off Ardmore. A beauty shop turns about every hour to two hours, and that's 29 parking spots. That's a lot of traffic on our little street. We already have too much. I have the same problem this gentleman before me has. Because people cross through there from E. Kings Hwy which puts a lot of traffic on our street now, that it is hard to get in and out of the driveways now. And this would be causing more traffic on our little tine street. And I'm a direct homeowner of these four pieces. I do own and I rent them out, and I know there's children there. So, I bought them because my children raised their children on that street, and my mother-in-law and mother were to move on this street. I'm really against turning it into anything that commercial. We're trying to keep it residential like it is. And I oppose the parking. If you want to vote it in, I would go with that. The lady has already brought the property without getting the rezoning before she purchased it, so

I understand the position she's in. I'm just requesting to alter this where they cannot come in off Ardmore for parking. Thank you.

Councilman Carmody: Mr. Burton, I appreciate you coming down. The diagram I guess that you prepared that was handed out?

Ms. Burton: Yes, I just got it off the internet today.

Councilman Carmody: Yes ma'am. You indicate the green area as being where they're looking to put the salon? That's not the property.

Ms. Burton: Well, that's Youree Drive and Anniston right there.

Councilman Carmody: Yes ma'am, but it's actually across Youree Drive, where Ardmore goes basically back toward Greenway. This is the corner that's across the street from Broadmoor Methodist Church.

Ms. Burton: Oh, I'm sorry. I thought it was across from - - - on Ardmore.

Councilman Carmody: No ma'am. Yes ma'am and Ardmore actually, you know how it jogs right there, this is actually on the other side of Youree Drive. It's not across the street from your rental property.

Ms. Burton: Well, I'm sorry. But you know I went to the MPC meeting and this is the property they showed me.

Councilman Carmody: Yes ma'am. We're looking at a diagram in front of us that's attached to the fact sheet. And this is actually, it looks to be two blocks that are north of Ardmore on the west side of Youree.

Ms. Burton: So, it's the opposite side of Youree and it's over by Broadmoor Church.

Councilman Carmody: Yes ma'am. Across the street from Broadmoor Methodist Church. Okay? You know where Broadmoor Methodist Church is? Right there across from my home.

Ms. Burton: Yes.

Councilman Carmody: Okay, then if I were to leave my home and come out Anniston and come onto Youree Drive, I would have to cross Youree Drive, to Ardmore to these other two lots.

Ms. Burton: Okay, so they - - - okay, I understand now. So that has nothing to do with my property?

Councilman Carmody: Right.

Ms. Burton: I'm sorry for the misunderstanding, because I was told by MPC it was the property across from mine, but that was a misunderstanding.

Councilman Carmody: Well, can I ask you this? In that you filed the appeal, with the assumption that it was going to affect your properties on Ardmore near my home and they're not going to, would you wish to withdraw the appeal?

Ms. Burton: Of course. That has nothing to do with my property.

Councilman Carmody: Thank you ma'am. I will go ahead if it's appropriate.
Mr. Thompson?

Ms. Glass: Mr. Chairman, it's not going to make a difference. You still have to vote on the (inaudible)

Councilman Carmody: Very good. Then I'll make the motion to uphold the approval at that point. Thank you Ms. Burton.

Ms. Burton: Can I ask one question? I know it's completely out of order. Can I make a comment on the Expo Hall real quick?

Councilman Carmody: I'm not sure if the Mayor wants you to.

Mayor Hightower: Which side are you on?

Ms. Burton: I just wanted to say We had dinner with Steven Segall a couple of days ago, and he's going to Mississippi to make a movie. And I said oh no Steven, you have to come to Shreveport, LA. And he said why? And when I told him, he's coming to Shreveport, LA to make this movie now. And I'm going to tell you it's not something that you can wait. His movie is coming in two months and we would have passed on that if we didn't have things already set up. And they're making *The Guardian* in my place of business right now. Next week, they're filming two days. Just two days. The crew wants to move to Shreveport, LA because people here are so wonderful. The cost of living is so wonderful, and the industry is moving here. We can't put up roadblocks to that. That's already the (inaudible). We were on Larry King two weeks ago, and Larry King was talking to us backstage about Shreveport, LA. I'm going to tell you. We have an open avenue. We cannot put up roadblocks against it. We have to grow as fast as we can possible grow for this industry. Thank you.

Councilman Lester: This message brought to you by - - -

Councilman Green: I wanted to ask you a question. You can come to the mic. Since you have that kind of influence on Steven, do you think you can get me in the movie?

Ms. Burton: There's no doubt.

Mr. Antee: Councilman Green, Channel 12 sent that story about your closet about your wardrobe.

Ms. Karen Watson: (5308 Bent Tree) Since this property, the appeal was withdrawn back, am leasing the building. The correct building that's in question. And I just wanted to say that as we've seen Youree Drive become such a huge economic boom, the north section, that corridor of Youree Drive is just great for small business. It's charming, it's affordable, and I think we need to develop it for the small businesses. So, as a small business owner, it's an awesome property. I do not - - - the traffic - - - we're not a high traffic business (inaudible), so I think it would be rally awesome to be in that area and develop that whole area for small business. I think it's really affordable.

Ms. Amanda Martin Roark: (396 Ockley Drive) And obviously this has been a misunderstanding so I won't take up much of your time. But it is a great location for a beauty salon. It was a real estate company for 20 years, and it was much more traffic than it would be now, so I know that's close to your area and I don't think it will affect it. So, I appreciate the Councilmen looking at this and (inaudible). If y'all have any questions about it?

Councilman Carmody: Just an observation. Having now served for seven years in representing the area, there've been a number of requests that have come forward, specifically for a beauty shop type use along up Youree Drive corridor. The concern has been with the neighborhood, those lots that back up into the neighborhood, I have not heard from anyone that lives on this section of Ardmore, and really there's nobody - - -

Ms. Roark: There's only one house (inaudible)

Councilman Carmody: Right, that faces it. But I have not heard from anybody on Greenway. But normally the concerns that are expressed by those neighbors about the volume of traffic coming in and out.

Ms. Roark: I think we had way more traffic cause we had about 50 real estate agents working out of those three buildings. So there was much more traffic volume there. And on the beauty shop, there's just going to be in the 3650, so they're already going to be in that corner. That corner is going to be a business.

Mr. Chris Kinsey: 401 Edwards, Ste #1805) Mr. Mayor, City Council Members. I'm here to speak in favor of Giuseppe Burcia's restaurant and I wanted to re-emphasize that this is going to be a wonderful dining experience, it's going to be the lowest impact tenant possible for the Michael's building, which is currently unoccupied. And I think the redevelopment would be very beneficial for the neighborhood. And I urge you to uphold the Zoning Board's decision. And that's it.

Ms. Jo Ann Wheless: (333 Texas Street, Ste #1050) I'm here to speak in support of the Giuseppe Burcia's restaurant of the Uptown Shopping Center. I am the leasing agent for Uptown. I've been working on that project probably for the last 15 years. One of the hardest things that I've had to do within the last year and a half since Michael's been gone is to find a replacement tenant for that space. We have been through many, many prospects. We've had several proposals to lease that space. We've turned down several prospective retailers and other types of businesses for that space that I think would be a detriment to that neighborhood, and a detriment to the shopping center, and I very sincerely feel like Giuseppe's restaurant is going to be a tremendous asset to Uptown and would be a boost to our redevelopment plans for the Michael's building as well. We could have leased this building five or six times. We could have leased it to Goodwill, we could have leased it to the Veterans Bingo group, we could have leased it to a regional dialysis center, or a variety of dollar stores that would like to have leased the space as well. We turned down all of those proposals because we wanted to hold out for something that was good and upscale and would be appealing to the neighborhood. I do understand both sides of the story and I do understand the neighbors who are in opposition to this. But I do want them to be aware of the other proposals that we have had for this building that may have been a lot less desirable than the one that's before us today. So, I'd just like for you to take that into consideration when you make your decision.

Mr. Glenn Kinsey: (401 Edwards, Ste #1805) I am here to speak in support of 's restaurant. Also, having known Giuseppe, Chef Brucia for many years and been a patron of his at his various other restaurants. They're all very high quality facilities. Really nice restaurants and look forward to this operation and being a patron in the new one. And so I don't need to repeat a lot of the things that you guys have already heard. I'm just here to tell you I am also in support.

Ms. Jule Festervan McNeely: (911 Thora) And I wrote this because I'm kinda nervous and I don't want to forget anything. I have been a homeowner on Thora Boulevard for over 15 years and I ma a staunch supporter of Ristorante Giuseppe. I'm aware of the proposed hours of operation and I've read the stipulations with which Ristorante Giuseppe has agreed to comply. I think it is a fair compromise between homeowners and a business,. I do not see the installation of a restaurant of Giuseppe's caliber as a detriment to our neighborhood and property values. I see it as an asset, as an asset to attract home buyers. It is my understanding that Ristorante Giuseppe would act as an anchor at the north end of the Uptown Shopping Center, as a a lure for more upscale establishments to move into the shopping center. I see it as an incentive for a

badly needed renovation to a shopping center that has slowly gone downhill for close to a decade. What I see as a detriment to our property value is having one fourth of the Uptown Shopping Center continue to be empty. Our greater risk would be that if something of much less quality than Ristorante Giuseppe moved into the Uptown Shopping Center. The possibility of a lower end discount type store is a real possibility and would facilitate the downward cycle of what was once a unique neighborhood shopping center. Growing up in that area, not only living there as an adult, but shopping there as a child, as a teenager, it's changed so dramatically, and I'd really like to see it back to what it once was. If we review the history of our neighborhood, Audubon Place, it is possible that the building of South Highlands School was not seen as a real positive at first when hundreds of children and bells ringing several times a day, all through the week. Our neighborhood is now touted as having one of the finest public schools in the City and it helps make our neighborhood much south after. Our property values have only increased. It is also possible that when Pierremont Mall was first built, it was of great concern to the homeowners along Azalea and Cmelia Streets. It must have given them small heart attacks to think of a mall moving into their back yards. Yet Pierremont Mall, forty-five or so years later, still retains an impressive patronage of retailers and customers, and has always been an asset to our neighborhood. History has a way of repeating itself and I think this will be true in the case of Ristorante Giuseppe. As a long time patron, dining patron of Olive Street Bistro, it is my belief that Giuseppe Brucia will continue to follow the stipulations and the hours of operation ruling and the he will also be willing to work with us as a neighborhood. This belief is based on his record as an astute businessman. It is not good for business to alienate your neighbors who are also your prospective patrons. I look forward to one day soon, and this is true, this is absolutely true, all this true. I really look forward one day to walking to dinner with my husband and children just around the block to a nice restaurant. I look forward to one day soon going to meet friends for coffee, walking around the corner to meet friends at a proposed *Starbucks* and just having a light lunch and having coffee. I really, really look forward to one day seeing Uptown Shopping Center restored to what it once was. And once again being known as the wonderful jewel tucked into a really great neighborhood. All of this is possible and can become a reality beginning with the installation of Ristorante Giuseppe into the Uptown Shopping Center. I feel it would be very short sighted of us and detrimental to our neighborhood to let this opportunity to pass us by.

Councilman Carmody: Thank you Mr. Chairman. Certainly when Lambert's Landscaping was there, some of the problems that I've heard of from the neighbors that about Pierrmont Mall didn't occur. But everyone of the complaints that I've heard are regarding the pick up of the trash dumpsters earlier than the hours of operation. I've never heard any complaints from those neighbors along Azalea and the area - - -

Ms. McNeely: The traffic, the noise?

Councilman Carmody: Well, the traffic or the noise. But, and I don't blame them because again the close proximity of my home to Youree Drive, I hear those dumpsters being picked up either right before 6:00 a.m. or right at 6:00 a.m. and it is disturbing. But I agree with you. I think that those neighbors that lived there that had the perception that 'oh my Lord, (inaudible) Lamberts, and it's going to turn into some sort of problem for us.' The only problem that I've heard of in the last seven years is actually the complaints on the picking up of the dumpsters outside of the hours that they're approved.

Ms. McNeely: I think that brings up an interesting point. I think it's a concern that property values will decrease. Pierrmont Mall's been there a long time. And those houses have turned over at least once. And that's a very good side of the street whether the backyard backs up to the dumpster or not, property values have only increased. Never decreased.

Mr. Larry Russo: (8912 Creswell Rd) You all here heard a lot from me yesterday. I really don't want to monopolize more of your time. We have other people here in favor and in opposition for you to hear from. I would only say briefly, along with the Mayor's comments, as this city develops and as our younger generation comes along, eating habits have changed. People want to have quiet meals later. These are not rebel rousers, these are not trouble makers, these are hard working people. They get off these production sets at 10:00 at night, and they're looking for a nice quiet meal. And that's the kind of establishment that Giuseppe Brucia is going to bring to this area. We have made, as you know, we've worked with the neighbors. We have entered into all the compromises that we believe are permissible to allow us to go forward with this venture. We believe we have been sensitive, and we've tried to come forward with more issues that we suggested to you that that would be sensitive to the neighbors. The distances from the true points of ingress and egress and from the areas that might create noise are very far away from the home. The front entrance of the restaurant is approximately 100 yards away from Ms. Crawley's home and more than 100 yards from Mr. Adrian's home. And much farther away from the Edward's home. And I also commend Mr. Edwards for his service in Iraq and appreciate that greatly. The way the hours of operation will work and that Charles Kirkland is here and he will confirm, when we say you're allowed to operate until 11:00, that means the door is locked and everybody's out. When we say you're allowed to operate till 1:00 on Friday and Saturday, that means the door is locked and everybody is out. They will serve people from the main menu until 11:00. You can walk in at five till eleven and order from the main menu. And have a full meal that it will take you approximately an hour and a half or hour to enjoy. After 11:00 you will still be able to order from another menu, a limited menu. You'll be able to order items that will take a lesser staff in the kitchen along with appetizers, desserts, coffees and the like. Food will be served the entire time that restaurant is open. You understand with this quality of food, the kitchen when he's fully staffed, he's going to have about ten chefs in the kitchen. So you walk in at 5 till 11, you can still order from the full menu and you have all the staff there available to complete your meal. After that, the staff will begin to (inaudible) and you will have fewer people, but nonetheless, food will continue to be served throughout the evening. We have additional signatures in favor of this support that I will submit.

Councilman Carmody: Do you need additional three minutes sir?

Mr. Russo: I would rather defer to - - - unless you guys ask me questions, then I'd rather defer to the people that have sacrificed the time to be here to speak in support as well as those neighbors that are here to speak in opposition. If you'd like to ask me questions now, fine. If you'd like to defer and wait till the others speak, whatever you prefer.

Councilman Lester: Oh, I do have one question. How does that thing go?

Mr. Russo: Oh, yes sir. I hate to tell how old I was, I was there when they won the first championship, 35 years ago.

Councilman Walford: How do you do that?

Mr. Russo: Councilman Walford, they would accept that as well.

Mr. Mark Sealy: (333 Texas St, #1050) I'm here to speak in favor of Giuseppe's application and to have the additional hours for his restaurant here. As I mentioned yesterday and like to reiterate, this is going to be a first class redevelopment which is going to involve the entire shopping center. As someone had mentioned earlier, we are in negotiations with *Starbucks*, putting a *Starbucks* restaurant next door to this restaurant. This is something that when we first designed this, as I had mentioned yesterday was this is going to be a neighborhood concept. We are and I'm sure Giuseppe is targeting the neighborhood as being in support of this. The hours of operation that he's requesting are in response to his clientele. If you go to a play at the *Strand* and you got out of there at 9:30 or 10:00, it's very, very difficult to find somewhere to eat especially this type of meal. On the weekends, it's even possibly later, and I think that that's really the market that he's trying to caress here. There is Pillow Street next to this property as well as a vacant lot between the Crawley's residence and the neighborhood immediately north of this property. Giuseppe does plan on having security at the property at least full time at night, and we have a security guard full time during all the holiday hours between November 1st and usually the middle to the end of January. The restaurant does front Line Ave, so all of the primary entrance and exit and activity would happen there. Which is no different than it happens today. For a lot of the businesses along Line Ave where there are other restaurants and other facilities that have late night operations. I would also like to note that whether it was the time or what that this property was zoned B-2. I think that if you ask the MPC, that there are many shopping centers along Line Avenue that have B-3 zoning. What the reason for that was, when this was originally developed and zoned, I don't know. But there is not B-3 zoning which allows some different things that is in the neighborhood and on some adjacent property. Unless you have any questions, that's all I have.

Councilman Hogan: Thank you Mr. Chairman. Mr. Sealy, I've read over the information that Mr. Russo provided and a couple of questions that I have. I was reading over the figures where it says the owners will invest approximately \$3,000,000 to enhance the exterior of the old Michaels building. As I recall, you're going to split the building and the other half is going to be for another development.

Mr. Sealy: If I could use the overhead, I could put up a picture.

Councilman Lester: Yes sir, you can put it down there. Mr. Burton, could you help us out sir?

Mr. Sealy: What you're quoting is not exactly correct. I think we have stated about \$2 ½ to 3,000,000 that we're investing in the exterior/interior redeveloping. Everything from the parking lot to landscaping, to tenant spaces, to infrastructure that has to be - - - when you split a big building like that up, you have to split all the utilities, and firewalls and lots of things that have to happen to split up a space into a multi-space concept.

Councilman Hogan: Okay, excuse me for a moment. I want to read to you what it says. It says "the owners of Uptown Shopping Center, will invest approximately \$3,000,000 to enhance the exterior front of the old Michaels' building. I guess in my mind, I was thinking as I saw the picture, I don't have it right here, but it had a picture, a drawing of the front. Not like that, but perhaps, I'll let you go ahead and explain that.

Mr. Sealy: This is basically what we're looking at doing here is putting a laid up stone on the entire shopping center, as well as adding landscaping to the parking lot. We do not have a parking lot plan in front of you, however for example where *Starbucks* is, this is a part of the building that we're carving out to create a covered porch for *Starbucks* which would actually be some shops there, right here to the south. So, to tear all of this infrastructure out. Like I said, our budget, we've got a budget right now of about \$2.7 million. But that does include the shopping center as well as - - -you can see we're going to do the entire rest of the property with an entirely new façade. We're looking at possibly putting brick pavers creating much more neighborhood kinda feel for the center, as opposed to now, it probably feels a little bit like 70s and 80s. You know metal banisters and those types of things. So, you know our investment is in the overall project.

Councilman Hogan: Okay, so when I heard the \$3,000,000 on the exterior of this building, I thought in my mind, you could tear it down and build a whole new building for that almost, but - - -

Mr. Sealy: This figure includes the rest of the shopping center. And you know we're contributing to Giuseppe's build out at least the demising of this space and contributing to building on his restaurant also. They have a huge investment. But we have investment in building up to a certain point in giving them an allowance obviously to build a restaurant in there. So, this additional dollars, it would be \$2 ½ to 3 million on our investment on the whole project.

Councilman Hogan: Okay. You know that's staggering. That's a sizable investment in anyone's eyes, and I guess I wanted to be clear on that. That it was that much. And it'd probably be safe to say when somebody drives by there after it's a finished product, they can look over there and won't even recognize compared to what it used to be.

Mr. Sealy: I hope that they don't. I really hope that they don't. You know whether this is a good comparison or not, but if any of you are familiar with the property like Highland Park Village in Dallas, yes I know it's in the middle of one of the highest end residential areas, certainly in this region. But I would like to make this look similar in terms of feel. Very casual and relaxed, but upscale feel. But again, the shops that we'll have in there will be the typical neighborhood shops you find along Line Avenue. We're able to do things even with that investment, to rent spaces at a lower rent than Youree Drive, because of the new cost of infrastructure there. And again, hopefully with this revitalization, can capture some of those type upscale tenants. And the Line Avenue areas obviously prime for that.

Councilman Hogan: Okay. You know it sounds exciting to me. It's not in my district, but I applaud you for your willingness to step out and go forward with this investment. If you could clarify one point for me. I've heard the pronunciation in different ways. I've heard Gisepe's. I've heard Gaseppe's, I've heard Jiseppe's. And so is there - - -? He's here today. Welcome to the meeting.

Mr. Brucia: Thank you.

Councilman Hogan: Could you give me a correct pronunciation?

Mr. Brucia: Ju-sep pe.

Councilman Hogan: Okay, thank you. And if there's anyone here from the assessed values, be sure and take note of that that there'll be a \$3,000,000 increase in the value of the property.

Mr. Sealy: But also take into account, I may be over assessed now. Just joking.

Ms. Sara Hearne: (742 Thora St) And I'm here in favor of Giuseppe's restaurant. I have lived on Thora for 25 years, and have enjoyed the neighborhood very much. And as Julie stated, I look forward to being able to walk to a restaurant in my neighborhood and have a very nice meal. I don't feel like the clientele will be a problem to the area. I don't feel like it's going to be like a *Burger King* or any of the noise or routy crowd associated with it. And I would just like to say that I am much in favor of it.

Mr. John S. Odom, Jr.: (2124 Fairfield Avenue) Thank you Mr. Chairman. Mr. Chairman, could I just start by saying that I was with Mr. Russo during that football game, and as a Baylor graduate, you will never know how hard it was to learn to make - - I can't do it. I just can't do it. But regionally, I pull for the Horns. I think my diploma has now been revoked.

Councilman Lester: Fortunately we're not on a Texas station, so it's our secret.

Mr. Odom: Oh please don't let that out. I'm here this afternoon to support wholeheartedly Giuseppe Burcia's restaurant. Chef Brucia has worked with me on pronunciation of his name Councilman Hogan, so I had a little bit of advance notice on that one. I have a unique perspective that I'd like to share with the Council and reasons that I support it. I think primarily speaks to the question about traffic and noise of the neighbors to the prospective location have voiced. I grew up at 903 Erie Street which is immediately adjacent to South Highlands Elementary School. My mother lived at that location until very recently when she moved to the Glen. The reason I bring that up is that is located approximately the same distance from Line Avenue that some of the homes of the opponents are located. I can tell you that I lived there before there was an Uptown Shopping Center. Before there was a Pierrmont Mall, and I can tell you that throughout the period of time that I live there at 903 Erie, the only noise that you heard from anything was the sirens going up and down Line Avenue from the Fire Station that's located approximately (inaudible) to that. As the Council is aware, that is the location of one of the EMS services for ambulances. So there is siren noise on Line Avenue. That's what you hear is the sirens from the public service provided by the Fire Department. But I offer a second prospective in that I have been Chef Burcia's commercial neighbor for more than six years now. Our facility at 2124 Fairfield Avenue is a law firm in the old Thigpen mansion there, on the same side of the street as the Cambridge Club. Now Chef Brucia has been gone from the Cambridge Club for several years, but the nature of that business' operation has not changed at all. My building at which I'm a co-owner at 2124 Fairfield is only 55 yards from the Cambridge Club's property line. As in the nature of my business, I'm in the office frequently at 7, 8, 9, sometimes 10:00 at night, and have frequently had opportunities to speak with clients at length standing on our parking lots before we both got in our cars and went home. I can state categorically, you never hear any noise from the Cambridge Club. And the Olive Street Bistro is just a little bit farther, and you never ever hear any noise from that. What you hear traffic noise from is I-49. These restaurants do not generate noise outside. Valet parkers do not generate noise. The prevent noise from happening quite frankly, because they are more efficient in getting people in and out. So, I offer the perspective neighbor to Chef Burcia's former location and his current location and suggest to that noise from his operation is simply not an issue from the neighbor standpoint. Thank you.

Mr. Billy Buin: (847 Thora Blvd) Which is two streets behind where the restaurant is going to be, down the street from Ms. Festervan, and next door to some of the other speakers that you may hear. I come as a property owner primarily in that area. I've lived there for 15 years. Thora Boulevard is obviously a boulevard. It is a very nice residential street between Fairfield and Line Avenue. My home is in the direct line where this restaurant is going to be. In other words, I'm just two blocks going this way. I'm in support of the restaurant. When Michael's went out of business or withdrew from the shopping center, my wife and I were very concerned about what would go into that space. And what I've heard, it's been vacant for apparently about a year and a half now. We would drive up and down Line Avenue going past that, and it's just a blank looking wall right now. I'm very impressed with the documentation that I've seen, the diagrams about what the developer is going to do with this property. I'm excited as a property owner in that area to see that that kind of money and that kind of effort from both the restaurateur as the property owner and the developer is going to go into this property. Like I said, my wife and I are really excited, in fact, we would drive by and we'd look at that space and wonder about what would eventually go there and both of us would say, 'boy that would be a great place for a high end, high scale, top notch restaurant. And lo and behold, you know a year later, it looks like that's going to happen. I don't have anything to do with it, I don't have any financial interest in it. I strictly think that it's a great thing for the community. But I looked at the plans, and from what I saw, I was very impressed. And so as a property owner, I'm completely for the proposal. I also hear the trucks and the dumpsters going off. I don't think we're looking at anything like that from Giuseppe's restaurant that has been proposed. So, Shreveport needs businesses like this. One of the speakers has indicated or someone has indicated about a place to go late night, where you, as a neighborhood person, you don't have to drive five miles to get to a restaurant. You don't have to cross into Bossier City to go to a casino to go out to eat late at night. You get back from - - - you get back from a movie, the movie lets out at 9:30, where are you going to go eat and get a fairly good meal that late? Very few places, and so I think this is really good for the neighborhood. I think it's good for Shreveport, and I think it's good for the South Highland's area, and it's good for that shopping center. We need to (inaudible) that shopping center as the hub of activity and business in the neighborhood, and that's why I support this position. Thank you.'

Mr. Jack Shuey: (941 Thora) It's been expressed well. This is the highest and best use of the property. I am a neighbor and I'm just here in support.

Mr. Antee: Mr. Chairman?

Councilman Lester: Councilman Antee.

Mr. Antee: Don't promote me. As an attorney and you're an attorney, isn't amazing how brief these three attorneys have been when they don't get paid?

Councilman Lester: I know, I was just noticing that myself.

Councilman Carmody: Such brevity. Is that the nature of Pro Bono work is brevity?

Councilman Lester: Generally speaking? Yes.

Mr. Giuseppe Burcia: (3306 Shadowood, Haughton) I am here to talk about the restaurant. I live in this country for 30 years now. And I never had any difficulty with customer. Nobody complain. I don't know what the people want. I spend too much money for my kitchen to come from Italy. I don't understand that. I have a good

reputation. I'm a Christian man. So, I don't know why I need to lose all this money. I work so hard, burn my hand trying to prepare and cook food for the people of Shreveport. I don't understand why you complain (inaudible) after. The complain for the trash. Okay. The trash come pick up at 8:00. I told the company no come 6:00 to pick up the trash, come at 8:00 or 9:00. It's no big deal. So what is the problem to open a good restaurant. The Mayor say (inaudible) the movie come here, so they see that they grow more. All other restaurant (inaudible), not just me. So, everybody will complain (inaudible) restaurant, (inaudible) Shreveport will grow. I think America is free, and I'm Italian-American now. What is the problem? To go against me. I never did nothing to them. I have a good reputation. People come to my meal, eat the food, go home. Everybody's happy. I live in (inaudible) 70 years, old building full of people, the restaurant was downstairs. Not one person complain. And these people here start to complain before I open the restaurant. Make no sense in my mind thinking in the Italian way, have no sense. In Italy, I have a restaurant, in the building, the people live upstairs. In New York, look New York how many restaurants have the building and the people live upstairs. The restaurant is open late, people finish theater, movie go to direct to restaurant. I understand if it was the *MacDonald*. Okay the kids go over there and make noise. But I think all my restaurant, we're Italian people with good reputation. Lawyer, Doctor, Judge, City Council, they come in my place now. Think about the (inaudible). So give me the opportunity to open and then we see what's happening. But not that (inaudible) hour. (Inaudible) And if they (inaudible) I don't need to have a good meal, because it cost money to produce good meal. The Chef in the kitchen is lots of money. So this is the idea to have a good restaurant in Shreveport, LA. It's up to you to vote yes or no, but your understand my problem. Already invest much money to know what's going on. But the money is already invested. It was in the kitchen, the kitchen that I have - - - it's huge kitchen, 2,200 square foot kitchen. Do you imagine what kind of kitchen would be. You come to see this kitchen and you will say in your mind, you never saw a kitchen like that. Because I invest too much money. I want the best. That's why I'm here. Because I believe in Shreveport, I live in Shreveport the rest of my life. People ask me why I no go San Francisco? One guy offer me \$3,000,000 to open a restaurant in San Francisco. I say no. I come here in 1974, and I decide to stay here to raise my children. And my children are raised here. Thank you very much.

Councilman Carmody: I would make a motion to allow Chef Burcia three additional minutes if he needed that.

Councilman Walford: Second.

Councilman Jackson: Mr. Chairman, I thought he was finished. Does he need three additional minutes?

Councilman Lester: Do you need three additional minutes?

Mr. Burcia: No, I'm done.

Councilman Carmody: Then Mr. Chairman, I will withdraw my motion, but I do have some questions for him.

Councilman Lester: Okay, I'm going to Councilman Green, then Councilman Carmody.

Councilman Green: Sir, I didn't a whole lot of what you said, but if you can cook like how you talk, I'm going to vote for it.

Councilman Carmody: Thank you Mr. Chairman. I understood you very well sir, but let me clarify something, because I think that a lot of times it does become a very personal matter when people appeal an approval. And I have not heard a single individual criticize you or your reputation or your food. The concerns that the neighbors around the site expressed to me is primarily in the noise factor. And I'll finish my comment because I just want to make sure you kinda understand that I think most people have had the opportunity to patronize your establishment, at least Olive Street Bistro. And have enjoyed their experience there, I know I always have. The neighbors that have filed the appeal are not directing that personally at you. Their concern has been in how long the business would be open beyond the limits of the B-2 zoning. B-2 zoning only would allow a business to operate until 10:00 p.m. at night. Of course what the original application listed was that y'all were seeking approval until 2:00 a.m. for Friday and Saturdays. And I believe that after some discussion with the neighbors that the application was modified and if I read it correctly here, that y'all had come back and agreed to a 11:00 p.m. closing from Sunday through Thursday, 11:00 p.m., and Friday and Saturday nights at 1:00 a.m. And that the patio area, the outside area of the dining area would close at 10:00 p.m. 7 days a week. Having said that, and I know what it's like, when you feel someone is attacking you, it becomes a very personal matter, but I just want to reiterate to you, that's not anything that I've heard from anyone regarding your character or your ability in your chosen profession to do what you do. Having said that, there are some questions that I would like to ask you though sir. What time will you send, and I believe that Mr. Russo had mentioned that you would have 10 chefs in your restaurant. At what time will those chefs be sent home? And if you will, break it down so that I understand, because again, your approval is basically from Sunday through Thursday and then Friday and Saturday.

Mr. Brucia: I tell you the oldest chef leaves (inaudible). Me and somebody else will stay for limited menu. But if you come at 20 minutes to 10, and then you want to eat. No. I offer you a limited menu. That's your choice. If you want to eat, you eat that, if you don't, you can go. Because I have no other chef.

Councilman Carmody: And if I arrived at 20 minutes till 10 or at 9:40 on a week night, and when I say week night, lets just say I arrive on a Wednesday evening . Okay? Then you would serve me or be able to offer me the limited menu. Okay, but you do understand that when we designate a closing time - - -

Mr. Brucia: It's 11:00.

Councilman Carmody: Correct. But if a patron were to arrive at 10:55 on a week night where you were closing at 11:00 - - -

Mr. Brucia: You can have a coffee and go.

Councilman Carmody: I can have a coffee and go?

Mr. Brucia: Right.

Councilman Carmody: Okay, but I would not have the ability to say, 'just let me in and please I'll wait for you to serve me off your limited menu, and then when you finish sweeping up and putting your chairs on the table, I'll walk out with you.

Mr. Brucia: I can say to you, 'let me put a sandwich together, you take in your pocket (inaudible)

Councilman Carmody: Okay, I just wanted to make sure.

Mr. Brucia: Yeah I understand your point. I understand and I respect this. Yes.

Councilman Carmody: Yes sir. But on any night, and let's again use the Friday and Saturday, y'all are asking to be open until 1:00 a.m., a patron that arrived, and again I hate to sound redundant, but a patron arrived at a quarter till 1, at 12:45.

Mr. Brucia: I will serve regular menu. Because I will close at 1:00.

Councilman Carmody: You will close at 1:00.

Mr. Brucia: If you come at 15 minutes to 11:00 you will have regular menu. After that you will have limited menu.

Councilman Carmody: Okay, that's on the week nights.

Mr. Brucia: The week night only.

Councilman Carmody: Okay, but again, I guess my question would be that if I arrived at 12:45, and if you had the approval to close at 1:00 - - -

Mr. Brucia: I don't think it close for 45, I go I will go in the kitchen to take out everything to prepare a meal. I think it's no point.

Councilman Carmody: Yes sir, I just wanted to make sure I kinda understood that. Yes sir. And then yesterday during our Work Session, Mr. Russo I think had heard not only this elected official, but also the neighbors regarding the hours of limited operation and the noise factor and had mentioned that the concern that they might have as far as outside speakers - - -

Mr. Brucia: I will have no speakers - - -

Councilman Carmody: I wanted to make sure that we heard that from you. That you do not have a problem with - - -

Mr. Brucia: There will be no speaker outside or music or whatever. That's no problem at all.

Councilman Carmody: Thank you sir. That's the last of my questions. Thank you Mr. Chairman.

ISG William Edwards: (915 Delmar) I'm here in opposition to Restaurante Giuseppe. I really do not oppose the restaurant. I oppose the hours. I believe Louisiana and Shreveport is a great place. I've told people across this world how great Shreveport is. I believe that we should build our community bigger and better and bring more things to Shreveport. I like the idea of building up the Uptown Shopping Center, making a beautiful restaurant. But I don't want hours till 2:00, 1:00 even midnight. There was mention of the school being built. School bells don't ring at midnight. People talking about walking to the restaurant. That's fine. But I don't think anybody's going to walk to the restaurant at midnight. \$3,000,000. Yes, it's a lot of money, and it's going to be good money spent to renovate that place and make it look better. But I don't think it's just for the Restaurante Giuseppe. It's for the whole shopping center. So, when more people move in, are they going to allow them to stay open till 1:00, 2:00 to compensate the money they're going to need to pay for this renovation. I think not. It's a B-2 zone. Been that way for years, and we've all been happy. I think we should keep it at a B-2 zone. And keep our neighborhood the way it was when I first moved there. I know I haven't been there for 15, 25 years like most have, but I did move there for a reason. It's a quiet beautiful neighborhood. I'd like to keep it that way. Thank you.

Councilman Carmody: Sir, I do want to make a comment. I don't agree with why you're there, but I appreciate the fact that you are there. And when we acknowledged you a few minutes ago, we did something that we shouldn't. Let me

address what I think is a wrong. Let's stand and give him a rising ovation please, because I think we should have stood up.

ISG Edwards: I thank y'all for that, but I'd like y'all to remember the guys that we did leave behind. Those are the guys that paid the ultimate sacrifice. The ones that came home, we didn't pay it. Thank you sir.

Mr. Edwin Adrian: (4735 Thornhill) Wow, when we were talking about movie making in Shreveport here earlier. I feel almost as if I had been dropped into some kind of movie today, a documentary entitled "The Selling of a Restaurant." Look at me, I'm chubby. I love food. I love a restaurant. And the prospect of a new one is exciting. We have so many new restaurants in town, that I haven't caught up with auditing. I'm still behind many, many restaurants. And I have eaten at the Olive Street Bistro, and there's no denying that we have a fine chef with fine food. The only thing is, I like to get in the car and drive to a restaurant rather than walk to one out my back door. If you notice, that so many of the people that are speaking in favor of the restaurant, they don't live in my neighborhood. They don't live next to the Michael's building. They live on Thora Blvd, or Longleaf or Creswell, or the Chef even lives in Bossier. So, they're not right there with me and my neighbors to hear any noise that might result from operation of the restaurant. I contend that if you offer a first class business, an operation of food, restaurant or what have you, that people will patronize that business. That you don't have to worry about that. There's nothing nicer than a nice restaurant. But I don't think that you have to stay open late at night to make a living with a restaurant. And this is not a mom and pop storefront operation that they're talking about. It's a grandiose remodeling and idea and all. But notice that they're filing for an exception in the B-2. They stated right out that they wanted 2:00 a.m. And that's an attention getter right there. And that is something that really excited us to the point where we said we don't think that's going to be too good. And we have a big picture of traffic coming and going and noise. People slamming car doors and disturbing the neighborhood. So, I'd like to point out that we live in a society today that is a noisy society. The noise level experts tell us have risen many decibels over the decade to where it's very noisy, and it's hazardous to our health. All the high noise that we're subjected to daily in our lives. And I'm anti noise, not anti food. So, I like peace and quiet, and any noise disturbs me. And believe it or not. You may say Line Ave with it's exciting police and fire truck sirens and all like that, sure, that's the day time. But night time, Line Avenue quiets down beautifully. So, anyway there seems to be noise abatement movements under foot in the nation today, and many cities I read, have noise abatement ordinances and what have you. But be that as it may, what we have is a situation for allowing late night operation and I think that the B-2 zoning that says hours shall be 7:00 a.m. to 10:00 p.m., I think that's good enough. Having said that, I'd like to remind the Council that I told them previously, that I've lived 42 years at 4735 Thornhill, 42 years. And years back, there was a forest kinda behind us protecting me from Line Avenue noise and what have you. And when developers wanted to build behind me, they came to me and the other neighbors and talked to us, and they promised if you will agree to let us develop behind you, we will have no late nights, all night, or undesirable businesses. We'll have the businesses that will operate during normal daytime business hours. So, they kept their promise. They put an office building and they put a nice bank there, and that has worked out very well. Excuse me, I get dry throat, my medicine dries my throat out when I'm talking. But today, we have a different

situation. Proponents of the Giuseppe restaurant, they simply went in and filed for an exception and variance to the B-2 to allow the restaurant and they asked for 2:00 a.m. They had no contact with the neighbors surrounding and we only learned of this filing when a notice was received in the mail from the Planning Commission enclosed in an envelope that looked like the water bill. And following this, Mr. Russo, put a restaurant. He walked our neighborhood handing out a flyer about a restaurant and getting signatures on a petition which simply states that they support the zoning application submitted by the restaurant. No times were mentioned. And Mr. Russo stopped by and he talked to me, and he gave me a copy of this flyer and told me about the restaurant, and gee, wow, what a salesman. It really sounds great. And I had mixed emotions about it, and I got to thinking about my backyard? And - - - but he didn't ask me to sign his petition, but he asked the neighbors to sign it. Later Mr. Russo and Mr. Kinsey met with me and the Crawleys and Mrs. Edwards, and Mr. Crawley had to leave in the middle of this meeting. And he left early. And Mr. Russo proposed some stipulations concerning restaurant operations and I thought that the stipulations and all that he talked to us about, I thought that he would introduce these at the Zoning Board hearing and let them handle it. But the next morning he stopped by the next morning, and he had a prepared form that he wanted me to sign. And he wanted the Crawleys to sign. And this would - - - this form that he prepared, he typed up said we completely withdraw our opposition to the variance. Well, that was not the way that I understood it. I understood he was going to introduce these stipulations and all at the zoning board. But even so, after the meeting, and they left, we had a friendly meeting. We shook hands, but we didn't commit ourselves or agree to those stipulations exactly. So later the Adrians, and the Crawleys that evening discussed the matter further, and decided to completely reject the restaurant plans on the grounds of the late night hours, and the disturbance from the noise that would be generated. Our neighborhood has many small children who are fast asleep in bed by 10 p.m. And the adults enjoy the peace and quiet we want to preserve. My neighbors work and care for children, and cannot take the time to appear before you today, but their wishes are stated clearly in a petition that I had them sign. And you have a copy of this, and it says "The following area neighborhood residents do hereby object to any variance, re-zoning or deviation from the present B-2 Zoning hours of operation limited to 7 a.m. to 10 p.m. to allow a late night operation of any business on the grounds that the resulting traffic and noise generated would disturb the neighborhood peace and quiet and have a negative effect on the neighborhood property values." So, I have almost two pages full of neighbors and they're up and down Delmar and Thornhill Streets. Okay, so the zoning board has overlooked the City's commitment to our neighborhood with the B-2 zoning that has protected us for some 50 years since the Uptown Shopping Center was built. And they overlooked our objections to a late night operation. One that is next door to us and they voted to allow the restaurant. So bottom line, I ask the Council to overturn, to deny the Zoning Board's Decision and restore the City's commitment of a B-2 zone. Thank you.

Councilman Green: Mr. Adrian, Nice tie.

Mr. Adrian: Thank you sir. We're in a league of our own.

Councilman Lester: That's for sure.

Ms. Terri Settig: (837 Thora Blvd) I'm about five houses just straight like if you stand on my carport, you can see Michaels. Anyway, my concern is just the noise. I

mean it's just the hours of operation. And I totally want the restaurant, and I'm happy about that and I certainly have been to his restaurants before, and he's a wonderful chef, and so forth, and so I will go to this restaurant, but the hours are my concern, because as it is, in the morning I'm woken up by the dumpster at like 5 or 6 in the morning, that dumpster comes every time, so we're woken up by the dumpster. So then if we're at night with car doors closing or so forth, if that would be if we were up or at least they would be more so than me, I'm five houses away. Even though I'm on Thora. But still you know, there's no way that's a concern. It's just those hours. If it were the normal hours that all the other businesses have, that would be better I think because when you get late, most of the time, you're not having so much eating. I think what no one's talked about is they have bar in there, and like *Superior Grille* I think that's what they want happening. And so therefore you have more bar patrons at that late hour which has a little bit more noise involved in coming and going. And so, I know they'll serve limited food, but that's the time of night that you get more of that. People coming for that reason. So that's my concern. I just want our quality of life on that quiet neighborhood setting to keep the same. But I do not want to - - - I hate to offend the chef. I don't want to offend him or anything like that because that's not my point, or Mr. Russo or any of those that are - - - so thank you.

Ms. Bridget Kennedy Edwards: (915 Delmar) Good afternoon Mayor Hightower and City Council Members. My husband and I drained our savings to buy a house in South Highlands. So far, we've been very pleased with our decision since it is a quiet peaceful neighborhood. The only business is around our home are an office building, which closes by 6 and retailers within the Uptown Shopping Center which most of them close well before 10. And all of them do close by 10. Any business within 300 feet that remains open past 10:00 is going to bring the noise of traffic into the neighborhood. There's just no way around that. I wish Giuseppe and his restaurant well, but they claim that they cannot have a successful that closes by 10:00 every night, there are a lot of successful restaurants that close at 10:00 every night. All those restaurants on Youree Drive close at 10:00. *Semolina's* close at 10:00 which is in Pierrmont Mall. So if they can't close by 10:00 every night, then I think they need to look elsewhere for a location. Locating within 300 feet of a nice quiet neighborhood is just simply not acceptable. They insist on having late night hours. They want to compete with *Superior Steak House*. Which if you've driven by, it's packed with cars when it comes to a bar after 11:00 p.m. They have very high clientele as well. *Superior Steak House* does, but everyone knows it's a bar at night. My husband and I both work and go to bed by 10:00 so that we can get up early and go to work. My 4 year old son is in bed by 9, however for security, the police have told us to leave the front porch light on and other front room lights on, so that nobody can just drop by and tell whether anybody is home or even whether or not we're in bed. The group from the neighborhood who were able to come today is diverse and very representative of the neighborhood. It was a community mostly retirees and now, it has a broad range including young families such as mine. And the people who live the closest to this proposed restaurant are the ones that are here in opposition. And we're the ones that are going to be the most affected by this. We aren't being paid to be here. We receive letters notifying us of the proposal of the zoning change, so rightfully, we the neighborhood are supposed to have a say in this and we're saying no to any late night business. There is good reason for the original B-2 zoning and nothing has changed to

warrant any variance in it. The neighborhood is still there and driving. I say please protect it and overturn the Zoning Board's decision, and I leave you with the most important and really the only question that matters. Do you want a *Superior Steak House* or anything comparable to it, in your backyard? I certainly do not and I hope you will agree with me. Thank you.

Mr. Charlotte Crawley: (4741 Thornhill) I'm glad my dad wasn't hear to Mr. - - - Councilman Walford mention that I rolled my eyes. Sometimes when I'm out of my element, I'm a little bit nervous, and I got a little nervous about that. But anyway thank you for your recognition. Yesterday, I spoke with a realtor I was working on her kitchen, but I told her I couldn't meet with her this afternoon, because I'd be here, and I told her why. And she said, and she's a prominent realtor. She said, "Put your house on the market now before it's done." And I'm not putting my house on the market. I bought that house 12 years ago. I love it, I have an acre right there at the end of Thornhill. Thornhill and Delmar end there. John Hussey's family were the ones who had the house before me and when they built Uptown Shopping Center, he saw to it that they closed Thornhill so that thee couldn't be any through traffic. He's left a wonderful legacy there by doing that. I do oppose them calling it a vacant lot. It is my yard. And it is large enough that my husband tells me, and he has not convinced me of this that one day, we may build our retirement home in that extra land there, because it's a large lot. And we could build a retirement home there, but I like having a big yard. I'm from the country, I have a garden there. And so, it's not a vacant lot. Please don't think of it as something that's been vacated there. It's part of my property. I pay property taxes on it. I have a mortgage on it. Mr. - - - one of the Councilmen talked about the valet parking and that he would park in the closest spot, rather than pay valet. Well, the bank has a parking lot that is truly right behind my house. You saw it in the picture yesterday. And if I were a smart person going to that restaurant and if it happens to be a real crowded parking lot, they'll be parking right there by my house. And one of the people who spoke grew up on Erie, spoke about how quiet Line Avenue is. That's true. It's because all the businesses there north of Pierremont other than *Brookshires*. Now *Brookshires*, but *Brookshires* is way at the other end of Uptown Shopping Center. But *Semolina's* which would be a direct shot and nothing to block its noise, closes at 10. and at 11 on weekends. The other restaurants, everything closes by 10 except for *Brookshires*, and like I said, it's on the other end. Probably if this restaurant was going to be where the *Subway* is or over there beside *Brookshires*, there probably wouldn't be anybody here to oppose it. I could fill the Expo Hall with people who are excited about this restaurant. In fact our whole neighborhood signed it and then somebody who signed it went and writ up a letter, and she's an OR Nurse over at the hospital. Could I have another three minutes?

Councilman Carmody: Yes. I'll make a motion.

Ms. Crawley: And I'll try to wrap it up.

Mr. Thompson: Mr. Chairman, we're getting you another pad.

Councilman Lester: Thank you.

Ms. Crawley: That I would fill up the Expo Hall with people who want this restaurant. And that's kind of what has happened here today. One person lives at 742 Thora, that is even on the other side of Line Avenue. None of those folks received the letter. They were not within that 300 feet. They did not receive the letter from the Zoning Board that it was going to be rezoned. So, they're not considered affected by

this. You don't have anyone here except for us that will be affected. And these folks and other folks would be here if - - - my husband didn't even make it here. He had an appointment. But this is important to him. He attended that meeting, that we had with Mr. Russo, and he told Mr. Russo that we could not make a decision, that he had to leave, but that we would discuss it that night when he got home. And that's what we did. But anyway, I was talking about that. There's nothing - - - let me see what else. If you can - - - everyone who spoke either had a monetary interest in it or they didn't live within the affected area. No one within the affected area spoke today in wanting the restaurant. There is one thing that I would ask you. If you're leaning toward not overturning the Zoning Board's - - - if you're leaning to not overturn the Zoning Board's opinion because of the Christmas and New Year holiday in there, we had to have our appeal filed by the 5th, and then today is just the 10th, we had a hard time getting our neighbors. Catching them. They did sign that petition when they understood that it wasn't just a restaurant. That it was going to stay open and the agreed time with the Zoning Board was 1:00 a.m. That's not a night time, that is an early morning time. If you cannot overturn it today, I would ask that you postpone your decision and let us have a neighborhood meeting of Thornhill and Delmar. And as one Councilman said, we could study this. Why can't he make - - - can he not make a living and close at 11:00 on weekends. He may need to know that, instead of just giving him the - - - letting him push it as far as the law will go. And they tried with the 2:00. I think they just wanted an open, just let me do whatever as long as - - - you let me have my restaurant. I know it's a wonderful restaurant, but let me push it to the legal limit. And I understand asking, but what you asked for is not necessarily what you always get. People sometimes have to (inaudible) your in and tell you, this is a B-2, this is a neighborhood. People are in bed by 10:00. I had a really bad year in 2001. I was undergoing chemo and radiation, and so I spent a lot of time in bed. During the day when Michaels was there, it was not restful. The doors slamming, people talking. All kinds of things like that. But at night, its quiet. I know from experience what it would be like to have a parking lot full of cars. I'm sorry for going over, but please know that there is an important reason for the B-2 zoning. You know that. Some of you've been on the MPC. But anyway, I'd just appreciate it. Highland Park in Dallas, they don't have restaurants that stay open by those big fancy homes til 1:00. They wouldn't allow a restaurant to stay open til 1:00. You're talking 11:00. I appreciate your indulgence. Either let the restaurant follow the rules or encourage him to build his beautiful wonderful restaurant in a location where it is appropriate. Thank you.

Councilwoman Robertson: I've got a question. Y'all - - - the people that came up and talked, they made mention about the fact that when they got the notice, they didn't realize what the notice was and somebody had a fax number or whatever. But there were six people that attended the MPC for the zoning. So, when there's not what is there 18 homes on y'all's - - - is it just that the people didn't - - - you know now they're coming to rally against it or whatever, I'm just not understanding why. Did some of them get it and some of them didn't or they just didn't notice it?

Ms. Crawley: It's just a lot of things. If you even - - - anybody who knows Political Science, people don't even show up to vote. What 25-40% of the people vote these days for their Mayor? For their School Board Member? This is confrontation. They do not want to show up for this. They'll show up for it to say yes much easier than they will - - - my husband, and I don't think I could have drug him up here, even though

he's terribly opposed to it. He managed to make an appointment during this time. Don't put me on the record saying this.

Councilwoman Robertson: That's fine.

Ms. Crawley: But that's how it is. They got it. I didn't get it until someone faxed it to me. Like I said.

Councilwoman Robertson: On this first petition that y'all wrote, you know when everybody (inaudible), from my understanding was y'all did kinda meet and neighbors were talked to about it, and they all were in favor of it. So, they had to have known what the hours were if they got the letter.

Ms. Crawley: Right and they were opposed to the hours. When we met, they wanted to close by 11:00. And they said no, they couldn't make a living on that.

Councilwoman Robertson: They changed it to the 1:00.

Ms. Crawley: They changed to 1:00, but that was never acceptable.

**CONSENT AGENDA LEGISLATION
TO INTRODUCE RESOLUTIONS AND ORDINANCES:**

RESOLUTIONS: None

ORDINANCES: None.

TO ADOPT RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

1. **Resolution No. 1 of 2006:** A resolution authorizing Rosenwald III & IV Partnersip to connect to the Water & Sewer system of the City of Shreveport and otherwise providing with respect thereto. (A/Lester)

Read by title and as read, motion by Councilman Carmody, seconded by Councilman Lester to withdraw. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

RESOLUTION NO. 2 of 2006

A RESOLUTION AUTHORIZING JOHN GAUTHIER & LYNDA BURRIS GAUTHIER LOCATED AT 381 FLOURNOY LUCAS RD., TO CONNECT TO THE WATER SYSTEM OF THE CITY OF SHREVEPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that John Gauthier & Lynda Burris Gauthier, be authorized to connect the building located at 381 Flourniyo Lucas Rd., to the water system of the City of Shreveport.

BE IT FURTHER RESOLVED that if any provisions or items of this resolution or the application thereof are held invalid, such invalidity shall not affect other

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

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

Read by title and as read, motion by Councilman Robertson, seconded by Councilman Green to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

RESOLUTION NO. 3 of 2006

A RESOLUTION AUTHORIZING JOHN GAUTHIER, LYNDIA BURRIS GAUTHIER, AARON PAUL GAUTHIER & BRENDA LEA HERBERT GAUTHIER., LOCATED AT 9510 POWERS RD., TO CONNECT TO THE WATER SYSTEM OF THE CITY OF SHREVEPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, John Gauthier, Lynda Burris Gauthier, Aaron Paul Gauthier, and Brenda Lea Herbert, have agreed to secure all permits and inspections required by the Shreveport Comprehensive Building Code. Said party having submitted a petition for annexation to the City of Shreveport, and having agreed to fully comply with the regulations of the City of Shreveport in connection with said property, all as set forth in Section 94-1, et. Seq., of the Shreveport City Code. Said request and petition are attached hereto.

BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that John Gauthier, Lynda Burris Gauthier, Aaron Paul Gauthier, and Brenda Lea Herbert, be authorized to connect the building located at 9510 Powers Rd., to the water system of the City of Shreveport.

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

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

Read by title and as read, motion by Councilman Robertson, seconded by Councilman Green to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

RESOLUTION NO. 4 of 2006

A RESOLUTION AUTHORIZING CON-WAY TRANSPORTATION SERVICES INC., LOCATED AT 7460 WEST BERT KOUNS INDUSTRIAL LOOP, TO CONNECT TO THE WATER & SEWER SYSTEM OF THE CITY OF SHREVEPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, Con-Way Transportation Services, Inc. have agreed to secure all permits and inspections required by the Shreveport Comprehensive Building Code. Said

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

BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that Con-Way Transportation Services, Inc. be authorized to connect the building located at 7460 West Bert Kouns Industrial Loop to the water & sewer system of the City of Shreveport.

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

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

Read by title and as read, motion by Councilman Jackson, seconded by Councilman Carmody to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

RESOLUTION NO. 5 of 2006

A RESOLUTION AUTHORIZING R & L CARRIERS, INC., LOCATED AT 7219 WESTPARK RD., TO CONNECT TO THE WATER & SEWER SYSTEM OF THE CITY OF SHREVEPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that R & L Carriers, Inc, be authorized to connect the building located at 7219 Westpark Rd., to the water & sewer system of the City of Shreveport.

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

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

Read by title and as read, motion by Councilman Jackson, seconded by Councilman Walford to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

ORDINANCES: None.

REGULAR AGENDA LEGISLATION

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

1. **Resolution No. 214 of 2005**: A resolution authorizing the Mayor to execute a cooperative endeavor agreement with the Louisiana Science Teachers Association and Louisiana Association of Teachers of Mathematics relative to holding its Annual Conference in Shreveport, and to otherwise provide with respect thereto. *(Postponed – December 27, 2005)*

Read by title and as read, motion by Councilman Jackson, seconded by Councilman Lester to withdraw. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

Mr. Antee: Mr. Chairman, just as an update, I think SMG and the association are very close to having everything worked out where everybody is going to be happy.

Councilman Lester: Thank you Mr. Antee. Thank you Mr. Jackson for your indulgence in that matter.

RESOLUTION NO. 226 OF 2005

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A DONATION FROM CADDO BOSSIER OFFICE OF HOMELAND SECURITY AND EMERGENCY PREPAREDNESS AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY:

WHEREAS, the Caddo Bossier Office of Homeland Security and Emergency Preparedness has offered to donate four Dodge Durangos to the Shreveport Police Department for use as Homeland Security vehicles.; and,

WHEREAS, the vehicles are valued at eighty-three thousand two hundred and twenty eight dollars (\$83,228.00); and,

WHEREAS, Shreveport City Code Chapter 26-187 requires City Council approval for acceptance of any donations valued in excess of five thousand dollars (\$5,000.00)

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 accept the donation of property referenced herein and execute any necessary documents to complete the donation,

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 Walford, seconded by Councilman Carmody to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

INTRODUCTION OF RESOLUTIONS *(Not to be adopted prior to January 24, 2006)*

Councilman Carmody: Just for the benefit of those who are not here in the Chamber, I did not know if it might be beneficial for the public to at least read them into the record as introduced so that the public would be aware of what we would be considering on the 24th. Would Council entertain going ahead and allowing, Mr. Chairman, the motion still stands and is still valid, but I would think it would be helpful..

Councilman Lester: The Chairman would ask Mr. Thompson to read items 6-10.

1. **Resolution No. 6 of 2006**: A resolution authorizing the Mayor to execute an agreement with the Southern Hills Business Association and the Parish of Caddo and otherwise providing with respect thereto. (E/Hogan)
2. **Resolution No. 7 of 2006**: A resolution authorizing the employment of Special Legal Counsel to represent the City of Shreveport, and otherwise providing with respect thereto.
3. **Resolution No. 8 of 2006**: A resolution authorizing the employment of Special Legal Counsel to represent the City of Shreveport and otherwise providing with respect thereto.
4. **Resolution No. 9 of 2006**: A resolution authorizing the employment of Special Legal Counsel to represent the City of Shreveport and otherwise providing with respect thereto.
5. **Resolution No. 10 of 2006**: A resolution giving preliminary approval to the issuance of not to exceed Twenty-Three Million Dollars (\$23,000,000) aggregate principal amount of Airport System Revenue Refunding Bonds of the City of Shreveport, State of Louisiana, providing certain terms of said bonds; making application to the State Bond Commission for approval of said Bonds; and providing for other matters in connection therewith.

Read by title and as read, motion by Councilman Green, seconded by Councilman Carmody to introduce Resolution No(s). 6, 7, 8, 9, and 10 of 2006 to lay over until January 24, 2005 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

INTRODUCTION OF ORDINANCES

1. **Ordinance No. 1 of 2006**: An ordinance authorizing the Mayor to execute an act of donation of the McNeil Street Pumping Station from the City of Shreveport to the State of Louisiana and otherwise providing with respect thereto. (B/Walford)

2. **Ordinance No. 2 of 2006**: An ordinance authorizing the lease of L. Calhoun Allen Exposition Hall to Stageworks of Louisiana, L.L.C., and to otherwise provide with respect thereto.
3. **Ordinance No. 3 of 2006**: An Ordinance closing and abandoning the dedicated 20 foot-wide alleyway running between Caddo and Fannin Streets located in Block 56 of the Town of Shreveport, City of Shreveport, in Section 37 (T18N-R-14W) Caddo Parish, Louisiana.

Read by title and as read, motion by Councilman Walford, seconded by Councilman Green to introduce Ordinance No(s) 1 and 2 of 2006 to lay over until February 14, 2005 meeting, and Ordinance No. 3 to lay over until January 24, 2006. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

ORDINANCES ON SECOND READING AND FINAL PASSAGE *(Numbers are assigned Ordinance Numbers)*

1. **Ordinance No. 217 of 2005**: An ordinance to enact sections of 30-91 through 30-93 of the City of Shreveport Code of Ordinances relative to Fire Prevention and Protection and to otherwise provide with respect thereto.

Having passed first reading on December 27, 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 Carmody, seconded by Councilman Walford to adopt.

Councilman Hogan: Thank you Mr. Chairman. I was reviewing the paperwork on this and I after yesterday when we had our Work Session, it was this morning, and I began to understand that this ordinance carries some stiff penalties for violators dealing with fireworks. And it also makes it unlawful, as I've done. I have children and I've (inaudible) our fireworks, and sometimes we don't use them all up and we hold them until New Years or July 4th, and it makes it unlawful to do that. So, I therefore will stop doing that. But anyway, I just thought it could be beneficial just as Councilman Carmody mentioned a few minutes ago for the public to understand. If you could just give us a thumbnail sketch of this and briefly go over it for the benefit of the public, so they'll know what we're dealing with, what we're about to pass.

Councilman Lester: And just for the record, he made that admission without the advice of counsel.

Chief Lewis: Good afternoon. I appreciate the opportunity to come speak to you. Council, Ladies and Gentlemen and Mayor. Sir to answer your question, which reference to the fines, we have not increased our fees in several years. In 2003, we adopted the National Fire Protection Association Fire Prevention Code in Shreveport. The Fire Prevention Code that address fireworks was in the old ordinance 166 of 1976, which was replaced by the new ordinance. This proposed ordinance that we have before you today is for the most part similar to that other ordinance that we had with the exception of the penalties for late application and the sparklers. And I'd be glad to address those if you'd like. In the past, we have had - - - we've worked diligently with all the other agencies, the State Fire Marshals office, Zoning, Permits and everything that are a part of the

process for the fireworks vendors to obtain their license. We are the last agency in the City to issue a permit for that vendor to sell retail their fireworks. One of the problems that we've had consistently in the past is vendors coming in from out of town and they'll come in at the last minute and they'll apply for a fireworks application. Sometimes they come in on a Friday afternoon, 4 or 5:00 and they'll apply and there is protocol that has to be followed. You know they have to have a certificate of occupancy and all the different things that they have to have to apply for the different inspections and all. For them to obtain their permit, they're required by law, not only City Ordinances, but State statutes through the State Fire Marshal to go through this process. Many times, they don't go through this process and what happens is we'll go out there on the weekend and we'll find that they are already opened. They have not gotten their permit they're required, and we haven't had an opportunity to check them as is required by law. Thus, we felt like we needed a stronger way to get the vendors to get in early enough to go through the process with them if the different inspections and procurement of the different permits if they needed to be licensed within our city limits. Also just for the record, this is consistent with penalties in our other cities in Northwest Louisiana. Does that answer your question?

Councilman Hogan: You have, but I guess my main concern would be as it pertains to consumers. But you know, I just as I was reading over it, and I saw the part about the applications, and not too many people here today in the auditorium that are interested in applications, but I guess as it pertains to the Consumer using them is what my main concern was. Is that I saw it appears that the way I read over it, I mean it's several pages long, but it's fees - - - \$500 fees to consumers that are found to be violating the usage on the rules of operation, hours of operation rather. Am I understanding that correctly?

Chief Lewis: Yes sir, that's been in place for years. That's not a - - -

Councilman Hogan: That's nothing new.

Chief Lewis: That's nothing new. That would be for a consumer that's in violation. I don't know the last time we cited one. Normally when we get something like that, it's just a consumer that does it out of ignorance, and we're able to give them a warning and they take that and they don't do it again.

Councilman Hogan: And those typically get reported to the police. If somebody still popping firecrackers at 3:00 in the morning, usually the police gets a call on that.

Chief Lewis: Well, they normally call the 911 Center and they route it to our Fire Investigator whose on call. We have a Fire Investigator on call after hours, round the clock. During working hours, we dispatch one of our inspectors, and then after hours, we send an investigator out. And they go out and they deal with the situation at the time.

Councilman Carmody: I'm certainly in support of the legislation, but I did want to relate that most of the time that we implement laws, those are primarily (inaudible) the public safety. And over the holidays, I understood from my brother who is in his residence in Ophthalmology, that he was called in to LSU Medical Center to address a bystander who was not even involved in the shooting of fireworks. And the gentleman basically was hit with a bottle rocket in his eye and then the bottle rocket detonated, causing him to lose that eye. And again, what we're talking about here is actually the penalties to persons who are possession of these fireworks outside of the permitted time to use 'em. But I just wanted to make the point that public safety really is what should be

paramount here, and I like most everybody else enjoys a fireworks display. But we must insist that people be responsible when they are shooting fireworks, especially to those persons that aren't participating with them, are not paying attention, and then somehow or another are injured, is just not acceptable. So, I appreciate your indulgence to the Council, and will vote in support of this.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

2. **Ordinance No. 208 of 2005** - ZONING – C-89-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the northwest corner of West 63rd and Linwood Avenue, Shreveport, Caddo Parish, Louisiana, from R-1H, Urban, One-Family Residence District, to B-2, Neighborhood Business District, and to otherwise provide with respect thereto. (F/Green)(*Postponed – December 27, 2005*)

Having passed first reading on November 29, 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. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

3. **Ordinance No. 218 of 2005** - ZONING APPEAL – C:93-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the northwest corner of Ardmore and Youree, Shreveport, Caddo Parish, Louisiana, from SPI-3 (B-1) Commercial Corridor Overlay (Youree Drive) (Buffer Business) District. To SPI-3-E (B-1 Commercial Corridor Overlay (Youree Drive)/Extended Use (Buffer Business) District, limited to “A Beauty Salon”, ONLY, and to otherwise provide with respect thereto. (C/Carmody)

Having passed first reading on December 27, 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 Carmody, seconded by Councilman Green to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

4. **Ordinance No. 219 of 2005** - ZONING – C-94-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the south side Terry Bradshaw Passway (Hwy 3132), 2600 feet west of Jewella Avenue and being just west of Summer Grove Baptist Church (South Park Mall), Shreveport, Caddo Parish Louisiana from R-1D, Urban, One-Family Residence/Extended Use District, limited to “A Safety Training Town for School Aged Children ONLY, and to otherwise provide with respect thereto. (E/Hogan)

Having passed first reading on December 27, 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 Hogan, seconded by Councilman Carmody to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

5. Ordinance No. 220 of 2005 - ZONING APPEAL - C-95-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, to rezone property located on the Southwest corner of Cleveland and Jewella Avenues, from R-1D, Urban One-Family Residence District to B-3, Community Business District, and to otherwise provide with respect thereto. (F/Green)

Having passed first reading on December 27, 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 adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7.

The adopted ordinances and amendments follow:

ORDINANCE NO. 217 OF 2005

AN ORDINANCE TO ENACT SECTIONS 30-91 THROUGH 30-93 OF THE CITY OF SHREVEPORT CODE OF ORDINANCES RELATIVE TO FIRE PREVENTION AND PROTECTION AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal and regular session convened that Sections 30-91 through 30-93 of the Code of Ordinances of the City of Shreveport is hereby enacted and now reads as follows:

Section 30-91: Consumer Fireworks

Definition The term “fireworks” whenever used in this section shall be held to mean any Division 1.4 firework, to include but not limited to, sparkler, squib, rocket, firecracker, roman candle, signal lights, fireworks, or other devices or composition used to obtain visible or audible pyrotechnic displays.

Possession or sale prohibited It shall be unlawful for any person to have, keep, store, use, manufacture, offer to sell, handle, or transport any pyrotechnics within the City except as herein provided, it being the intention of this section to prohibit the sale of, distribution of, or discharge of pyrotechnics of any kind or description whatsoever within the City. In addition to those fireworks, the possession, sale, and use of which is prohibited in this section and Title 51 of the Louisiana Revised Statutes of 2001, it shall be unlawful for any person to, at any time, possess, sell, or use any type of bottle rockets or sky rockets with sticks. It shall be unlawful for any person to, at any time, possess, sell, or use sparklers containing chlorates or perchlorates.

Exceptions Nothing contained in this section shall be held to apply:

- (1) To the possession of use of signaling devices for daily consumption by railroads, trucks, or vessels requiring them.

(2) To pyrotechnic display of fireworks in public parks or other open places where a permit for such display has been issued by the Chief of Fire Prevention.

(3) To the discharging of permissible fireworks which shall include, but not be limited to, the following Division 1.4 pyrotechnics subject to approval of the Chief of the Fire Department and/or Chief of Fire Prevention as described in LA Title 51 R.S.:650

d. Permit applications, use, etc. Application for permits shall be made in writing to the Chief of Fire Prevention at least 15 days before 5:00 P.M. in advance of the date of the display. After such privilege shall have been granted, sale, possession, use, and distribution of fireworks of such retail sale and display shall be lawful for that purpose only. No permit granted hereunder shall be transferable. The Fire Department has the authority to waive fees as determined by the Fire Chief or his designee.

(1) If after 5:00 P.M. of the fifteenth (15th) day in advance of the retail sale and display date, there will be a five hundred (\$500.00) dollar penalty fee which must be paid by check to the City of Shreveport before any application will be approved.

(2) After 5:00 P.M. of the fifth (5th) day in advance of the retail sale and display date, there will be a one thousand (\$ 1,000.00) dollar penalty fee, which must be paid by check to the City of Shreveport before any application will be approved.

e. Sale and Use of sparklers

(1) Before the sale, offering for sale, or use within the City, of any sparklers, the retailer of the sparklers shall submit upon request sufficient samples for inspection to the Fire Inspector. Documentation must be provided from the manufacturer or distributor to Fire Prevention at the time of application to sell retail fireworks documenting that the sparklers intending to be sold DO NOT contain chlorates or perchlorates.

(2) All sparklers sold in the city shall be sold in boxes and each box shall be clearly marked that the sparklers contain NO chlorates or per chlorates.

(3) Fireworks for retail sale may not be manipulated from the design in which they were manufactured and intended to be used.

(4) Any manipulation or alteration from the manufacturer's intended design and use of retail fireworks will be considered a violation and the Louisiana Revised Statutes (LRS) and/or federal laws will be used to determine the violation committed.

f. Unused fireworks Any fireworks for retail sale that are not sold must be packaged and stored properly according to manufacturer's guidelines and any state or federal authority that has codes, laws or guidelines for the safe packaging and storage of fireworks.

g. Seizure The Chief of Fire Prevention or his authorized representative may seize, take, remove or cause to be removed at the expense of the owner, any items they deem or reasonably believe is a hazard to life and/or property, or is stored or held in violation of this section.

h. Penalties Any person who violates any provision of this section shall be punished as provided in City of Shreveport Code of Ordinances Section 30-55.

i. Permissible Fireworks: Fireworks legal for sale and use in Louisiana by the general public.

j. Permissible location for discharge: Fireworks shall be discharged on private property only unless approved by the Chief of the Fire Prevention Division.

Dates and hours for sale, discharge, ignition or explosion of fireworks:

1. The sale, discharge, ignition or explosion of fireworks authorized for sale pursuant to R.S. 51:650 through R.S. 51:660 is prohibited in the city limits, except from noon June

25th through 10:00p.m. July 5th and noon December 15th through 10:00 p.m. January 1st of each year. The hours of discharge, ignition or explosion of lawful fireworks are restricted to those in subsection (2) of this section.

On the dates set forth in subsection (1) of this section, it shall be unlawful for any person to discharge, ignite or explode fireworks within the city limits between the hours of 10:00 p.m. and 8:00 a.m.; provided, however, such activities shall not be unlawful on December 31 of each year between the hours of 10:00 p.m. and 12:00 a.m. and on January 1st of each year between the hours of 12:00 a.m. and 1:00 a.m..

Section 30-92: Outdoor Display Pyrotechnics

a. General. Outdoor Display Pyrotechnics are devices primarily intended for public displays that are designed to produce visible or audible effects by combustion, deflagration or detonation, including salutes containing explosive composition not considered permissible fireworks; aerial shells containing a lift charge not considered permissible pyrotechnics, and other exhibition display items that exceed the limits for permissible pyrotechnics.

b. Codes. The outdoor display of pyrotechnics in this city shall be governed by the most current editions of the Louisiana State Fire Marshal’s Act, National Fire Protection Association (NFPA) 1123 Code for Fireworks Display, Life Safety Code 101, NFPA 1 Fire Prevention Code and any other applicable codes.

c. Applications

(1) Applications and instructions that state requirements for display are established and authorized by the Chief of Fire Prevention and shall be obtained prior to any fireworks display.

(2) All applications for permits for display shall be received by the Fire Prevention Division at least 15 business days before the fireworks display is to be held.

(3) Application for a permit to operate a fireworks display in conformance with this article shall be made, in writing, on forms provided by the Fire Department.

(4) Such application shall be accompanied by a check that is nonrefundable for the amount of fifty (\$50.00) dollars paid to the order of the City of Shreveport.

(5) The Fire Department has the authority to waive fees to non-profit organizations making application.

d. Permit

(1) A permit will only be issued when a fire inspector has completed a satisfactory inspection.

(2) The issuance of a permit under this division shall not relieve the applicant from the responsibility of obtaining approval or permits from other agencies, including but not limited to the Federal Aviation Administration and the United States Coast Guard.

e. Other Restrictions on Display Use

(1) Pyrotechnics for display may not be manipulated from the design in which they were manufactured and intended to be used.

(2) Any manipulation, alteration from the manufacturer’s intended design and use of display pyrotechnic shall be considered a criminal offense. The (LRS) Louisiana Revised Statutes and or Federal Laws will be used to determine the violation committed.

f. Unused pyrotechnics

(1) Any pyrotechnic that remain unfired after the display is concluded shall be immediately treated in a safe way according to NFPA 1123 and the manufacturer's instructions.

g Penalties

(1) Failure to comply with a fire inspector's instructions and/or order of correction will void application, and a permit will not be issued and the display will not be allowed to be conducted.

(2) Failure to obtain a permit or comply with any fire inspector's order concerning the display will be considered non-compliance and the following shall apply: Fines for violations shall not be less than five hundred (\$500.00) dollars.

Section 30-93: Use of Pyrotechnics before a Proximate Audience

a. General Use of pyrotechnics before a proximate audience shall be considered any time pyrotechnics are involved and the devices are primarily intended for public displays indoors or confined areas or designed to produce visible or audible effects by combustion, deflagration, or detonation, that contain explosive composition not considered outdoor display fireworks.

b. Codes The use of pyrotechnics before a proximate audience shall be governed by the most current edition of the Louisiana State Fire Marshal's Act, National Fire Protection Association NFPA 1126: Code for Use of Pyrotechnics Before a Proximate Audience, NFPA 101, NFPA 1 Fire Prevention Code, and any other applicable codes.

c. Application.

(1) Applications and instructions that state requirements for display are established and authorized by the Chief of Fire Prevention and shall be obtained prior to any fireworks display.

(2) All applications for permits for the use of pyrotechnics shall be received by the Fire Prevention Division at least 15 business days before the pyrotechnics are to be used.

(3) Application for a permit to operate a pyrotechnic display in conformance with this article shall be made, in writing, on forms provided by the Fire Prevention Division.

(4) Such application shall be accompanied by a check that is nonrefundable for the amount of fifty (\$50.00) dollars, payable to the order of the City of Shreveport.

d. Permit

(1) A permit will only be issued when a fire inspector has completed a satisfactory inspection.

(2) The issuance of a permit under this division shall not relieve the applicant from the responsibility of obtaining additional approval or permits from other agencies, including but not limited to the Louisiana Office of State Fire Marshal, State Federal Aviation Administration and the United States Coast Guard.

e. Other Restrictions on Display Use.

(1) Pyrotechnics for display may not be manipulated from the design in which they were manufactured and intended to be used.

(2) Any manipulation, alteration from the manufacturer's intended design and use of pyrotechnics shall be considered a criminal offense. The Louisiana Revised Statutes and/or Federal Laws will be used to determine the violation committed.

f. Unused pyrotechnics.

(1) Any pyrotechnics that remain unfired after the display is concluded, shall be immediately treated in a safe way according to NFPA 1126 and the manufacturer's instructions.

g. Penalties.

(1) Failure to comply with a fire inspector's instructions and/or order of correction will void the application, a permit will not be issued, and the display will not be allowed to be conducted.

(2) Failure to obtain a permit or comply with any fire inspector's order concerning the display will be considered non-compliance and the following shall apply: Fines for violations shall be not less than five hundred (\$500.00) dollars.

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

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

ORDINANCE NO. 218 OF 2005

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE NORTHWEST CORNER OF ARDMORE AND YOUREE, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM SPI-3 (B-1) COMMERCIAL CORRIDOR OVERLAY (YOUREE DRIVE) (BUFFER BUSINESS) DISTRICT, TO SPI-3-E (B-1) COMMERCIAL CORRIDOR OVERLAY (YOUREE DRIVE) /EXTENDED USE (BUFFER BUSINESS) DISTRICT, LIMITED TO "A BEAUTY SALON", 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 414 and 415, Broadmoor Subdivision, Unit 2 and a 16 foot strip adjacent on W, Shreveport, Caddo Parish, Louisiana, located on the NW corner of Ardmore and Youree Drive, **be and the same is hereby changed from SPI-3 (B-1) Commercial Corridor Overlay (Youree Drive) (Buffer Business) District to SPI-3-E (B-1) Commercial Corridor Overlay (Youree Drive)/Extended Use (Buffer Business) District, limited to a beauty salon, only.**

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

- 1. Development of the property shall be in substantial accord with a revised site plan to be submitted showing landscaping. Any significant changes or additions shall require further review and approval by the Planning Commission.**
- 2. Planned Building Group (PBG) approval will be required by the MPC.**
- 3. The two lots will need to be re-platted prior to the issuance of a Certificate of Occupancy.**

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.

ORDINANCE NO. 219 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 TERRY BRADSHAW PASSWAY (HWY 3132), 2600 FEET WEST OF JEWELLA AVENUE AND BEING JUST WEST OF SUMMER GROVE BAPTIST CHURCH (SOUTH PARK MALL) SHREVEPORT, CADDO PARISH, LOUISIANA FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT TO R-1D-E, URBAN, ONE-FAMILY RESIDENCE/EXTENDED USE DISTRICT, LIMITED TO “A SAFETY TRAINING TOWN FOR SCHOOL AGED CHILDREN, 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 property located on the S side of Terry Bradshaw Passway (Hwy 3132), 2600 feet W of Jewella Avenue and being just W of Summer Grove Baptist Church (South Park Mall) Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from, R-1D, Urban, One-Family Residence District to R-1D-E, Urban, One-Family Residence/Extended Use District, limited to “a safety training town for school aged children, only.**

A tract of land located in the S/2 of the SW/4 of Section 33, T17N-R14W, Shreveport, Caddo Parish, Louisiana. Said tract being more particularly described as follows: From the SE corner of the SW/4 of said Section 33, run thence N00°07'E a distance of 969.20 feet to the P-O-B of the tract herein described. Thence run N89°56'W a distance of 300.00 feet, thence run N00°07'E a distance of 350.00 feet; thence run S89°56'E a distance of 300 feet; thence run S00°07'W a distance of 350.00 feet returning to the P-O-B.

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

- 1. Approval is limited to a Safety Training Town to be operated by the Caddo Sheriff's office or other appropriate public entity for public educational purposes only.**
- 2. Development of the property shall be in substantial accord with a revised site plan to be submitted to and approved by the Zoning Administrator, indicating a six-foot high wrought iron security fence to be erected and maintained to ordinance standards around the entire perimeter of the site, with any significant changes or additions requiring further review and approval by the Planning Commission. In the event that the undeveloped adjacent property is ever developed residentially, the**

wrought iron fencing along the south and west property lines, must be substituted with a six-foot high solid wood screen fence.

3. Vehicles utilized for touring the mock town on the internal roadway system shall be limited to electric powered vehicles only. No gasoline powered vehicles will be allowed for touring.

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:

Ordinance No. 93 of 2005: To amend and reenact Section 3.01 of Ordinance No. 96 of 1980 relative to exemptions and exclusions from sales and use taxes and to otherwise provide with respect thereto. (Introduced – 6/14/05 - Tabled on July 12, 2005)

Councilman Lester: Is there a motion to take any unfinished business off the table? Hearing none, that takes us to New Business.

NEW BUSINESS:

MPC Approval Appeal:

C-85-05: *Commodore Medical Services of LA, L. P.*, for MPC Approval in an I-2 District of property located at the end of Cedar Street, 1734 feet west of Park Street. (A/Lester) (*Postponed – December 27, 2005*)

Motion by Councilman Lester, seconded by Councilman Carmody to overturn the decision of the Metropolitan Planning Commission.

Councilman Lester: I'd like to make a brief statement if I could. Just briefly, Members, I appreciate your indulgence. This has been a long and arduous process. And I've done a lot of research associated with this. I've heard from the proponents, the business owners, and I've also heard from the people in the neighborhood. At our last meeting, we had some conversation with the CEO of the company. I've made copies of those notes of the transcript. You have them with you. One of the things that Mr. Freeman said, and I will just read here "That they have proposed a fine, we have appealed that fine, regardless of how that situation turns out, it is still a technical violation. There is not one allegation of mishandling of waste or improper disposal of waste." I had an opportunity to speak with the folks from the Attorneys General from the State of Illinois. The proponents gave us their packet, and I got some additional information from the folks from the Attorney's General's office in Illinois. In fact the violation was not a mere technical one. If you read through the packet of information that I have, there were

several very serious allegations. Item 29 says that Commodore Medical Services as the operator caused or allowed the placement of potentially hazardous medical waste and the container is not meeting the requirements of regulations. Item 30 said that Commodore Medical Services as an operator failed to place leaking container into another container that meets the requirement of the regulations. Item 32. Pursuant to another Illinois State Code, Commodore Medical Service as an operator failed to transport medical containers under conditions to minimize putrescence. 37 – Commodore Medical Services as an operator and owner failed to maintain medical waste in a non-putrescence state. Charge 40 – Commodore Medical Services as an operator failed to adequately display signs identifying the presence of a bio-hazard. No. 41 – Commodore Medical Services as an operator and Ron Crawson as an owner failed to maintain a contingency plan for the storage site. I can go on and on. No. 44 – Commodore Medical Services as an operator and Ron Crawson as an owner caused or allowed the storage of potentially hazardous medical waste in excess of 72 hours at temperatures exceeding 45 degrees Fahrenheit. Clearly there was more than just a technical violation here, and the pictures that accompany their submission on page 1, you see photograph 1. You actually have a box with the medical waste that is leaking out inside the tractor trailer. Now, in our conversation, we asked some questions and I asked some questions and Mr. Freeman said, “There are simply not allegations or charges or citations that revolve around a pollution issue. A pollution issue, one that I would describe as “hey this company has either negligently, intentionally or otherwise polluted the environment. Waste has been left on the ground, waste has been put into the water system. That is not the situation. Certainly not to minimize our situation and our citation in Illinois, but simply to try to paint an accurate picture. We believe we’re very good corporate citizens, we’re certainly not perfect. We stub our toe every now and then and we try our best to correct it immediately. The situation in Illinois for example was corrected to the state’s satisfaction within 24 hours when we received word, and we actually contacted the state.” That’s not true. Commodore Medical Waste did not contact the State of Illinois. There was a complaint logged by a citizen that brought out the inspectors from the Illinois Department of Environment Quality. And you have that narrative. I’m not going to read that narrative to you, but in the packet, that goes from page 35 all the way through pages, and that narrative stops at page 54. This is the actual narrative of the individual, the inspector that actually went out and made this situation. In their response to this, and I might add just for those that don’t know, there was a lawsuit that was filed. A default judgement was gained. Now what is a default judgement? The short answer is the lawsuit was filed, and they did not even bother to answer. Admitting obviously that the charges were accurate. There was a motion for default judgement in March of 2005, and that default was entered and gained - - - and there is a default judgement against the company in Illinois. So, the assertion that they are appealing - - - I did a search on Lexus Nexus and there is no appeal to this default judgement. In fact the only reason why and in talking with and I shared this with the Members, the email that I got from the actual attorney that was handling the case. The only reason that they did not move forward to collect a judgement against them was - - - what Commodore did was get a license, change their name and get a license to operate within the State of Illinois under another name. And to make the judgement executory would have been very expensive because Commodore is in Tennessee rather than a partnership. So what would have had to

happen was the Illinois Attorneys General would have had to get the judgement, take it to Tennessee, make it executory over property because there was no property that Commodore Medical Services had in Illinois. So basically what you have is a charge that was leveled that was not answered, a default judgement that was entered on the basis of this pollution in this card, in these 18-wheelers, and they did not answer. And the only reason that they did not attach it is because Commodore did not have any property in the state. So that judgement is still out there for \$18,000 against this company. At the end of the day, this probably may be a safe process. But given the history of this company, and more importantly given the very, very close proximity from this industrial area to a neighborhood of senior citizens that cannot protect themselves and have us to protect, I cannot in good conscious ask that we place this type of development there. This development probably is a good business. And it probably needs to stay where it is. In an area that is completely surrounded by industrial areas. But to put this type of facility that close to a residential area makes absolutely no sense at all. And I think it would be a breach of my duty to protect the citizens of my district. And I would ask that we vote to overturn the MPC's decision. That's my statement. Any other questions or concerns by any Council Member?

Councilwoman Robertson: I have a question and I don't know if we need to direct this to someone from Commodore. But who in their interim period from December 31st to now like the hospitals and all that had waste, what has taken place with that?

Mr. Lee: (2604 Brownlee Road, Bossier City, LA)

Councilwoman Robertson: What has taken place? I know that y'all were having to vacate your other location on the 31st and therefore your - - -

Mr. Lee: The current landlord called me. He saw the hearing on TV, and out of good conscious, told us to pay him another month's rent and we could stay there. He actually don't have anybody going in there until February the 1st.

Councilwoman Robertson: Okay, so do you think between say now and February 1st, y'all might be able to find a place that's maybe an industrial site that y'all could move to?

Mr. Lee: Well Madam Councilwoman, the site we're proposing is zoned for heavy industrial, and we're light. To get straight to the point, we have regulatory agencies here. The Department of Health and Hospitals, they regulate us, and the Department of Environmental Quality. As you know, we've been permitted by the Department of Health and Hospitals. Furthermore, I got an email yesterday from DEQ saying once we could get this by you all, we have to put up \$23,000 as a financial assurance. That's that last piece of information that I was telling you guys that they are waiting on. But we don't want to give them \$23,000 and not be able to operate. But I do want to say this. We have the Louisiana Department of Health and Hospitals and Louisiana Department of Environmental Quality that regulate us, monitor us. They know what you know Mr. Chairman. So, they have permitted us. They've done their homework. They know the deal. We don't deny anything. And Mr. Freeman is an attorney, he knows. But I ask you all to let the regulatory agencies in this state, that we should believe in govern us at the end of the day. We have two agencies in this state to regulate us. And they've permitted us, they've done their homework also. There's nothing here. There's not pattern of bad business practices. For eight days, I was fined

\$50 by Louisiana Department of Ethics for filing a report late. Is that bad business practice. I just forgot. But I talked them down to \$100. But all I ask, let the regulatory agencies deal with us. You all believe in them.

Councilwoman Robertson: And Mr. Kirkland, if I could ask you, because I'm looking at the site, and it was an R-3?

Councilman Lester: No, it's an I-2.

Councilwoman Robertson: I guess what it was - - - oh, apparently I got the wrong map.

Mr. Kirkland: You have the wrong map?

Councilman Lester: It's the wrong map attached on the hyperlink.

Mr. Kirkland: What is your question?

Councilwoman Robertson: I was wondering if it was industrial. He was - - -

Mr. Kirkland: It is industrially zoned and has been for many years. I-2. It's still requires MPC approval for this type of use to occur.

Councilman Green: Yes, I wanted to ask Mr. Mike Strong a question, I saw him go out with the Mayor. Mr. Mike Strong, since this company has been in town, as to your knowledge, have they been cited for any violations? Tell me about it?

Mr. Strong: Councilman (inaudible) this company I think we're talking about dealing with AEGIS and the company that is Commodore here. I know that the Commodore has bought AEGIS. The people that have been here and have been here some five years.

Councilman Green: The company that has been here, that they just bought. Have they been cited for anything?

Mr. Strong: To my knowledge, they have not been cited. I know that I actually went out and inspected the company when they came in originally to see the operation, to see how they were going to do. We have not had one complaint or through our department has not cited them at all.

Councilman Green: So, they've had no problems, no violations. If we were not here now, how would we even know that this particular company exist? That they do what they do?

Mr. Strong: I'm not following your question sir.

Councilman Green: How would a normal citizen know, unless we were talking about it on TV, with how they operate, how would we know that they're there?

Mr. Strong: I tell you what. From the operations that I have seen that may have been there, you probably wouldn't have known that's in here. And knowing what this facility is, this is an I-2 zoned which was an old junk yard before that. What it is, it's going to be somewhat different than that. It's going to be quieter, cause I know where the other one is. And to say this too, this is an important area. This is a process for medical waste. In fact, it's the only process that I think we have in this area, other than what they have at local facilities, some of the hospitals have this too. And I think the closest medical waste process to us in Reserve, LA, which is down south. And there used to be an incinerator over in Springhill. I don't think it's there anymore. So, I mean, this is important for keeping some businesses going in our area. And for the hospitals and medical facilities, they'll have a place to get it to.

Councilman Green: How close is the closest house?

Mr. Strong: I couldn't give you an exact number that's in there, but I know that where the facility is, I don't know exactly where this is going to be on the lot itself, but I do know that there is this facility goes up to the ditch line of the road there, and then across the road. I believe is the houses. So, if you figure that there's probably a 50 or 60 foot right of way of the road from that and then wherever it is on the business will be further than that. So, it's probably going to be 100 plus feet. Somewhere in that neighborhood.

Councilman Green: How much pollution can this pollute?

Mr. Strong: You're using a system of the heat generation through the autoclave process. This is going to be something that we're concerned and we watch is through the discharge of the sewer. And that's why they're under a permit with our department for pre-treatment, so we're going to be looking in that area of it. They're not required to do an air permit. So there's not gonna be any pollution there, but it's going to be through what would be discharged through the sewerage is what you're going to look at. And then what would be coming in their containers. Now I do know an I just heard what some of the things were being said about the containers leaking. I know that when some of these containers originally came out, they were basically cardboard boxes. They were disposable type boxes. Now, they're going to the reusable boxes that are the sealed boxes that are in there. And I'm not even sure if they're going to be using that type of box. But there's different kinds of boxes that they do use now, and the hospitals are requiring more at the different facilities.

Councilman Green: So, there's no air pollution, it's going through the sewerage?

Mr. Strong: Yes sir. And understand they have not had any kind of a violation with us over the time that they've been there.

Councilman Green: Thank you Mr. Chairman, can I ask - - - Brother Terry?

Councilman Lester: Sure. You still have the floor.

Councilman Green: He said since - - - the company that's before, that's been bought out, you all have been working and there've been no violations. Will the working staff change?

Mr. Lee: No sir.

Councilman Walford: I think you answered the question. Mine was going to be had there been any violations of this company that's being purchased?

Mr. Lee: No sir.

Councilwoman Robertson: I think I need to address this to the Mayor. Last time we had a meeting about this, and there was something that came up about the fees for our landfill and all. This those get straightened out between the company?

Mayor Hightower: No, we have not had any further discussions.

Mr. Lee: I can answer that for you. I need to if that's okay.

Councilwoman Robertson: Okay.

Mr. Lee: At the last meeting, it's just a misunderstanding on Mr. Mayor's part. He stated that we were in violation because the waste wasn't going to the landfill. The waste has to be treated, sterilized before it can go to the landfill. So, we're hauling the waste to Nashville to be treated, and that's why it goes to a landfill in Tennessee instead of here. You can't send live waste to the landfill. It has to be processed, treated, sterilized.

Mayor Hightower: It was not a misunderstanding on my part, because the ordinance is pretty clear. That all waste generated inside the City Limits is to be disposed of at the Woolworth Road Landfill. Now whether you treat that in Shreveport or you treat it in Nashville, technically, it should be disposed of at Woolworth Road. Obviously I think there's - - -

Mr. Lee: Right, but that's where we've been going with it anyway. But I just wanted you to know that it needs to be treated.

Councilman Hogan: Thank You Mr. Chairman. Mr. Lee, you know we've met personally, we've talked about this, and I had received your packet that you sent you Federal Expressed to me or your firm did from Tennessee, and I just received this information today, that Councilman Lester had just gone over. And to be quite honest with you, I'm in shock over what he has just gone over. This is 58 pages along with the other, all the other information that I have here to go over, I didn't read this 58 pages. And I relied on Councilman Lester to present this information. I think he has done that in a very good way. I don't think the issue for me, most people know I'm pretty black and white, but the issue for me is trust. The issue for me is not that is the waste going to be a dangerous thing. It has risen to the level for me that your firm or Mr. Freeman or whoever sent the information was not clear on all these other violations. The truth has been revealed, and in my opinion, you misled us through the other information that you sent to us. And that's a huge issue with me. You know it's already been revealed that you violated one of our ordinances, in here about shipping the waste. And I had come to the meeting, and I'm not necessarily asking you questions, you know, I'm just stating my opinion. I had come to the meeting prepared to vote in favor of this today along with the MPC approval. But without knowing this information, I'm going to have to change my vote which is something I rarely do. If I give somebody my word on something, I don't go back on it. However, I think this is a big issue. And for me, it's trust. And I don't believe you've been totally honest. You just said just a moment ago that you knew about that. You didn't deny that. And so, when you were talking a few minutes ago, I might have misunderstood you, but anyway that's my opinion, and I'm prepared to vote along with Councilman Lester on this. As bad as I want business in this city, as much as I understand how important that we have a medical waste facility, my vote is going to be along with Councilman Lester with this. I don't have any questions for you.

Mr. Lee: If you don't mind Councilman Hogan, Mike, Mr. Strong used to be Assistant Secretary, DEQ. He could tell you more than I can about - - - all I know with the regs, the state regs, what they tell us, before that waste goes to a landfill, it has to be treated. But I didn't understand that we're just going by the DEQ and Department of Health and Hospitals. City ordinance? I didn't know that. Okay, but I didn't mislead you. I want you to most certainly know that. And like I said, Mr. Freeman, went back. He FedExed that stuff to you. He responded to you, but I don't want you saying it's me and I don't think he misled you either. I really think he was honest with you/

Councilman Jackson: Mr. Chairman, I had decided that I was not going to comment. But let me just say, Councilman Hogan just brought up something, and he talked about a matter of trust. Let me suggest to you that the MPC exist for purpose. City Council exist for a purpose. People overturn and right here I got a call, and I guess the City Council - - - about a decision we made just a few weeks ago. People always - - - the process is largely adversarial. And so what we do, is we trust bodies that we put in

place to make decisions and to give the prudence and the diligence necessary to make those decisions. Part of that process Mr. Strong spoke to, just a minute ago, strikes me, and I don't disagree with Councilman Lester's concern for the district. There are lots of things in our districts that perhaps are causing us hazards, if you will. But we put in place and we trust. Councilman Hogan brought up that term. We trust that Department of Environmental Quality is working everyday, not just at a council meeting when it's on the agenda. But it's working everyday to in fact enforce, to in fact regulate, to be sue that companies, not just this company, for me, it's not about this company. I never knew this company, don't know this company well at this point and time. But that we put these agencies in place for a purpose. And that purpose is to regulate, to fine and to recommend even the termination of businesses who do not follow the state's statutes and the states regulations. We have the Department of Environmental Quality, we have Department of Health and Hospitals, and we have all these agencies that we put in place. And I'm not suggesting that we don't have the authority to subvert our wisdom for theirs. I'm suggesting that they work everyday and we do trust, and we depend - - - in Illinois, I have no jurisdiction in the State of Illinois. Perhaps it goes to as the Councilman said, to a pattern. The one good thing about patterns particularly with businesses, when these things happen, they have a chance to improve, they have a chance to do better, and they have a chance to do it again. Certainly the businesses that are in our city face that. We have casinos down this river on both sides, who have organizations or operations in other cities, who at some point and time been fined themselves. But my hope is that our gaming commission will continue to regulate so that the State of Louisiana doesn't experience what Illinois or Las Vegas has experienced. And so I do also think it's a matter of trust. The question is gotta be who are we going to trust. Which businesses in our city deserve our trust and others. I don't know that that's my position to make that particular judgement, but to get the information. As Councilman Lester said, I would be 100% with Councilman Lester, if he had said that happened in New Orleans or Baton Rouge. Because I would say DEQ has already proven that they are a hazard to the State of Louisiana. I'm sure that there are some issues that we've got - - - SMG who is in our city is from other cities who operate areas in other cities, may have some issues as well. My concern is not that I'm not concerned about the safety and welfare of the people in this city. I'm suggesting that I'm not concerned about the safety and welfare just in this case. I'm concerned about the safety and welfare of our people all the time, and that we ought to always be concerned about the safety and welfare. And one of the ways we do that, is we put in place regulatory bodies to be sure that they hold us to making sure that we walk circumspectly within the boundaries of whatever law, whatever ordinances that we have. And when it comes to trust, I don't trust any company, but I do trust those agencies that we put in place to regulate those companies. Because they're supposed to be established to look out for the well being of the citizens of the State of Louisiana. A business as far as I'm concerned, they're there to look out for maximizing the profit for that business. So when it comes to trust, I don't trust any business. That's why we've got regulations, licensing procedures, and all those things. If you all had failed that, wouldn't even be an issue to me, because we wouldn't be talking, because you would have failed the public trust with regards to becoming licensed, getting permits and all those things. For us to issue a permit on one hand, from Mr. Strong's department and then reject you on this hand, is confusing to me and becomes almost oxymoronical when

you juxtapose the two situations. And I can't in good conscious suggest to us that that's the right thing to do. I trust what the MPC did. I trust Mr. Strong and his department, and if it comes down as my colleague has said, to a matter of trust, I feel comfortable that we can trust people that we employ. And if we can't, we gotta change that. I will err on the side of having confidence in our employees and our state agencies and our regulatory agencies and these bodies who volunteer at the MPC and others to make good decisions and make good judgement. And I just wanted to add that to this conversation Mr. Chairman.

Councilman Green: Mr. Strong, the company that Commodore bought, they've been in our city about how long?

Mr. Strong: Five years.

Councilman Green: I trust your statement. I trust you. Since they've been here, to your knowledge, how many violations have they received?

Mr. Strong: None.

Councilman Green: If they don't do this, is it safe to say that somebody is gonna do it?

Mr. Strong: Somebody is gonna do it or somebody is gonna do it somewhere else.

Councilman Lester: Thank you.

Councilman Green: So, somebody's going to do it somewhere else.

Councilman Jackson: And employ people somewhere else.

Councilman Green: So, Mr. Kirkland, when you all voted to rezone this, were you aware how long this company had been here?

Mr. Kirkland: Yes sir, we approved them when they first came here and quite a bit of investigation went on at that time. Mr. Strong I think alluded to that earlier, and sure the MPC, and again we knew also that everything's been said, that other regulatory agencies also monitor their operations and we're not aware of any problems that they've experienced since they've been here.

Councilman Green: Thank you. My final comment would be I don't think it's fair for us to punish the them, the Terry for something that happens in Illinois, that he possibly had no knowledge of. I don't think that's fair. I think that I ought to be judged on what I've done and what I do. Because if we search this room here, we will discover that we all have some violations. In fact we got some violations that we could possibly even go to jail if the police knew about it. You got two types. You got the caught and you got the un-caught. But because of His grace and because of His mercy, He gives us not just a second chance, but He gives us another chance, and another chance, and another chance. And so therefore we have to be careful as to - - - because I wish that I could trade this particular company for a company that's in my district. That whatever they do goes through the air, and you can smell it, and it's dangerous and whatever. I would trade this one for any day. For me to be judge and jury to say because of something that happened in Illinois, that you all got a good record, but because somebody bought you, now I'm going to punish you. I don't think that's very fair. And so, we have to be careful as to how we do what we do, because somebody is going to do this and somebody is going to be employed from somewhere. And the company that we get will possibly have violations as well. So, how do we deal with this. How do we do it? I'm the preacher, I'm the Councilman, I'm the whoever, but I got some problems. And we're

not a bunch of straight folk, we're a bunch of crooked folks being straightened out by God. And so we have to be careful as to how we handle power. So, we looked to Mr. Strong on one hand to say Mr. Strong, tell me about this. We looked to Mr. Kirkland and then when they come and they say, this is a company here with a straight record, no problems. Now the company that bought 'em, they had some problems, but this particular company for five years, there are no violations, so we're going to say, we're going to punish you for not having a violation. I don't think that's fair. And I just think that even if we said we will give you and opportunity for a year to operate, then we will come back. Because we've done that. Even when people come up here who have had drug violations and the Police Department comes up and say, "we recommend that this person not have their ABO Card." Because of our mercy and our grace, we say, "Well forget about what the Police Department say, we're going to give this person a site specific." If Cpl was here, he would testify to that. It bothers him, he's the police. He's done his research, but we say we want 'em site specific. I just think that we at least ought to be balanced to say, "okay, you've operated here for five years, no violations, we at least going to be customer friendly to say, "we'll give you a year, we'll say we'll give you six months, we'll give you some time. I just don't think that we ought to just kick folk out of the door and penalize them when they don't deserve it. So, I just think that it's very important because there's a circle that goes around. It may not be at your house today. I could tell you a story about the White House. A year ago, everybody was flying high. A year later, that circle come around. It's a circle that don't have no clock, it doesn't have any hands on it. But it will come to your door. I don't care how good you've been, how bad you've been. To everything there is a season. And I just think that for us to say to this company that's just moving from right across the street up the street to say for you doing that, we're going to penalize you. I think that's very unfair. Thank you Mr. Chairman, thank you for the opportunity.

Councilman Walford: I find it almost believable looking at a local company with a five year proven track record of good business that wants to move two blocks into an area that's zoned I-2, that could have many, many, many more offensive uses. But we're going to say no. We're going to take this opportunity to put you out of business because you want to move two blocks. And oh, by the way, we're also gonna get rid of your 27 employees. We talk economic development, but we're going to take advantage of an opportunity to put you out of business because of something another company did in Illinois. And I've got a problem with that. If they had a proven bad record here, I could go along with it, but I can't. And I can't understand how in good conscious we could do that. So I am going to vote for you Mr. Lee.

Councilwoman Robertson: I would just like to make a comment. Along the same lines Mr. Walford, but this company was great for five years, but another company bought 'em. Whose to say that Mr. Lee who now is working for this other company can't take on their practices. Is he going to be able to stand up and say, this isn't how we did it, this isn't how we do it in Louisiana. So, we need to - - - I guess it goes back to trust, but he's going to do that. And this other company isn't going to try to put their laziness on their procedures onto him. Thank you.

Councilman Lester: I want to make a statement real fast. Let me ask this question. Mr. Kirkland could you come up please? The place where they're moving, this company is right now, how is it zoned?

Mr. Kirkland: I believe it was industrial, I'd have to pull that record to be sure. It did require the MPC approval.

Councilman Lester: Okay, and the place where they want to move is zoned I-2?

Mr. Kirkland: I-2. Heavy Industrial.

Councilman Lester: Okay, you've been affiliated with zoning issues in Shreveport for - - -

Mr. Kirkland: Too long. 25, 27 years.

Councilman Lester: 25, 27 years, and you have been a member of the MPC before you were Director of MPC?

Mr. Kirkland: 18 years as Director and about 7-8 years as a commissioner.

Councilman Lester: Okay, so it would be fair to say you are very knowledgeable on zoning issues? In the City of Shreveport - - - Caddo Parish?

Mr. Kirkland: Yes sir.

Councilman Lester: Is this the only I-2 zoned area in the City of Shreveport?

Mr. Kirkland: Oh, absolutely not.

Councilman Lester: Okay, so anyone that would assert that they're going to go out of business because they can't move here would be basically making the argument that this is the only I-2 in the city. But that wouldn't be correct, would it?

Mr. Kirkland: That would be a fairly shallow comment.

Councilman Lester: Very, very shallow. That's it for you. You know, we've sat through a lot of conversation in this meeting. We've got a good bit of dispute in the neighborhood in District C. And they're discussing whether or not they want this \$3,000,000 restaurant to revitalize their neighborhood or not. Some folks that are proponents are saying we want to have this because this is going to make our neighborhood better. The opponents are here saying, "well, we don't necessarily have a problem with the restaurant if you must have it, but let's scale back the hours. In my district, we arguing about putting a medical waste facility in the same distance from people who live as the distance they're talking about a \$3,000,000 restaurant, and that's what's wrong. It's not about whether DEQ has done their job, because let's talk about the job that DEQ has done. DEQ and people who sit on this Council 20-30 years before me had the unmitigated gall to put an industrial I-2 zoning 100 yards from a neighborhood. And there is no way under God's green earth that they would do that in District E, District D, in District B or District C. And because it's been done in the past, my people, the people I represent are supposed to just roll over and say, "well, we can't do anything about it, it's already there." If that's what I'm expected to do, you elected the wrong person. It's not right. My district, if you drive down Pierre Avenue, we've got an ordinance that says you cannot have alcohol within certain feet of schools and churches. Within one block, of my district on Pierre Ave, you've got two liquor stores, a YWCA, and a schools. But it's not like that in Broadmoor. It's not like that in Whispering Lake. It's not like that in other parts of town, because people for years did not represent the people that look like me, and live in communities like I live. And it was DEQ, it was the City of Shreveport, it was the Board of Commissioners, it was the Zoning Board and the MPC that did not protect people years ago, that have put us in this position. So yes. If I have a bone to pick with MPC, and ZBA, and DEQ and whatever alphabet organization there is. I have a right to have it and anybody that lives in Allendale has a right to have it. There is no way in the world, no way that we would even have this conversation if

this was an issue in Broadmoor. No. Would not happen. Southern Trace? Would not happen. Wouldn't even think about it. Wouldn't even think about it. How dare you put an industrial development 100 feet from my neighborhood. It's not about Mr. Lee, because I like Mr. Lee. He's an honorable gentleman. Not about him. It's about the company. It's about the people that I represent. Because understand something. DEQ is not elected to represent the people in Allendale. That's not their job. That's my job. And I don't see any of my responsibility to protect the people that I represent to MPC, to ZBA, to DEQ or anybody. Because that's our system of government. If it wasn't then DEQ would make all the decisions and it would not be a process for the City Councilmen of a district of a people that were representatives speak up and speak out. We wouldn't need me. We would go to the (inaudible), get a ruler and we would go home. We don't even have to be here. But we are here. And we have a job to do and I'm doing it. The idea that we seed our responsibilities and trust MPC and we trust ZBA, and they're doing the right thing to use one of my colleague's term of terms, is oxymoronic because dependent on what the issue, we overturn the MPC faster than you put on a pair of flip flop shoes. We overturn ZBA decisions faster than you put on a pair of flip flop shoes. In my district and everybody has done it. There is a possibility we might be overturning MPC in our next vote. We do it all the time. This idea that you know what, I don't want to put people out of work. I don't want to put people out of work, I don't want to do that. But you've got people that live in the neighborhood that if something happens, if something happens, how am I going to look them in the face? Sorry. You've got medical waste. That could be anything, and it usually is anything. The question you have to ask yourself is "is it worth the risk?" That one violation. That one discharge. Is that one discharge within 100 feet of a residential neighborhood worth telling this company you have a good process, you have a good company, it's needed, just don't do it 100 feet from a neighborhood. No one up here, and I'm certainly not saying they can't do what they're supposed to do. I'm not saying that at all. Not saying that there is not a need for it. Hey, I'm a capitalist just like everybody else. But at the end of the day, if I'm forced to chose between giving someone a zoning within 100 feet of a neighborhood, to save 27 jobs, or protecting the people that I represent, that's not even a question. Because if this Council votes to overturn the MPC, they're just going to have to go select another site. Mr. Kirkland, who for the lawyers that are here, if we take five more minutes, I would have him qualified as an expert, he said that this is not the only I-2 place in the City of Shreveport. So, it's not like they can't find another location. And I have it on pretty good authority that a couple of people in here own plenty of warehouses in my district, that aren't close to any residential areas. Not calling any names. Go to Agurs. It's an industrial area. How about that? That's still in my district. Wouldn't have a problem with it because they don't have the people living right next door. Heaven forbid we go to the south part of town, but we know that's not going to happen, because we just don't accept that over here. Why is it that the people that I represent in my district and the folk that look like me have to be dumped on literally all the time? That's not right. And just because somebody years ago, had such little respect for the people that live in Allendale, that they put an I-2 zoning. Does that mean that I have to, 30 years later uphold that mistake? No, not in the life that I live. Because the life that I live says if you get an opportunity to address a wrong, and you don't, you have the moral obligation and God is looking at you, because he gave you an opportunity to correct a wrong, and that's

why I'm sitting here. Again, AEGIS doesn't have any violations. But their parent company does. And when giving an opportunity to speak about it, either one or two things happened. He misled us, he forgot to tell us, or he lied. One of the three. But the fact of the matter is there are violations with the parent company that is now the owner, that is not calling the shots. It's is not a local company anymore. They are a Tennessee limited partnership. Those are the facts. Again one someone said, we routinely give people another chance as it relates to ABO Cards. True we do. And I've voted to give people another chance, but lets factually distinguish those situations. An ABO Card or a drivers license permit deals with an individual. If he makes a mistake, he makes that mistake and he individually pays the price. If there is a mistake at a place like this, you have a whole neighborhood of folks. And for what it's worth, the people in Tennessee aren't even here. They don't even have to deal with it. They don't live next door to them. You say it's a local company, but I don't see anybody that's associated with this deal living in Allendale on Yale Street, on Harvard, on Oxford on Laurel Street. They don't live over there. It's out of sight, out of mind. It's just not right. I might lose this, I might lose this. But I'm going on record that if my choice is between voting to put somebody in an industrial district 100 feet from a neighborhood in the district that I represent, versus telling them go somewhere else, that's not even a choice. That's not even a choice.

Councilwoman Robertson: Mr. Lee, I kinda asked before, you had stated that you had till February 1st. If this Council were to decide to possibly postpone this, if we withdrew a motion and postponed this until our January 24th meeting, do you think between Commodore, or you could convince them or whatever that y'all could find a place that was not backing up to a residential neighborhood

Mr. Lee: That's very tough to say, and the reason why to haul to Nashville - - - like Mr. Freeman stated, we have particular couple of customers here that we pick up everyday, and - - -

Councilwoman Robertson: Can you not take that to Reserve? Isn't that your (inaudible) company?

Mr. Lee: Oh no, no, no, no. That's another company there. It has to go to Nashville. We have a site there in Nashville. That's the issue, the hauling. It's such a long way. Petroleum is high.

Councilwoman Robertson: Okay, it would be a matter of possibly not being in business versus taking - - -

Mr. Lee: Well, the company won't go out of business, but evidently, you know here, most certainly. I mean that's - - -

Councilwoman Robertson: Okay and that's what I'm saying. Instead of possibly going out of business, taking two more weeks to see if you were able to find a spot that was not backed up to a residential area that was industrial. Were there any other sites that y'all looked at prior to this?

Mr. Lee: Yes, we looked at a couple, but this one here is just more efficient for us. I mean you've got - - - I want to say 23 acres. We're only using three or four. But the problem is when you go through the permitting process with DEQ, that can take you a year or longer, and they understand the need for such business, so they're considering, and they should decide this week, depends how it goes here, to give us a temporary permit which is good for three years. And that way, that'd give us enough time to gather

all the required data that they need. But it might take them a year to get to this particular application to review it for a standard permanent application.

Councilwoman Robertson: Okay, when you said you had 23 acres, is there some way, if you're only using three, is there a way to - - - and like I said, the map on here is not accurate, so I can't look at it. But is the building maybe, can it be moved further from the residential area?

Mr. Lee: It is. We're up toward Cedar Street. Cedar Street is a dead end road. See you have a 200 feet buffer zone. Okay in which DEQ requires that you can only operate. Okay within that buffer zone. Because they don't want you near residential area. So, they create this buffer zone in which you can operate in. So we meet the buffer zone requirement is what I'm saying to you in regards to the neighbors there, Mr. Chairman. We meet that requirement there.

Councilwoman Robertson: Mr. Kirkland, do you by chance have their site plan?

Mr. Kirkland: Yes, I do. In fact if we can get Robert in the control room to turn on this camera and I'll show you the site. This is the site shaded that's all the I-2. The specific location where they're locating the facility is right here, and according to our measurements, that's about 260 some odd feet from the closest residence. But that's about, if you look at the land use area, that's about as removed from being next to residential as you can get. If you're familiar with the site, that's about where Terry Pike's old office area is located. As far as Ms. Robertson time, they certainly could find a lot of other I-1, I-2 sites, but the process alone, the earliest they could get on our agenda again would be in probably March. And then if it got appealed, it's back to you in probably April, you're talking months down the line. But regardless, that is the site. Now the actual site plan is one page over. But I agree with you, it doesn't really - - - you're looking now at the buildings that will be used and how they would be used. But this operation is proposed for inside this building right here. Is that right Mr. Lee?

Mr. Lee: That's exactly right.

Mr. Kirkland: And so that is what was explained to the MPC. For whatever it's worth, this type of use perhaps other considerations, even though maybe not called for by DEQ, could be considered if this Council wanted to take some extra steps to investigate this site. There are ways, and Mr. Strong and some of his folks know the methods that are used to contain in the event of a spill. There are improvements that can go into embankments and liners that go under the soil and things of this type. There are also filters for air, any venting. Although Mr. Lee and others have said, there's no contamination. There are some very sophisticated air scrubbers, if you will. Things that possibly this company would be willing to consider doing, although certainly at increased expense. But that would help provide a safeguard against the what we hope would never happen. But again, all this would come down to human inspections and those of us in the regulatory fields for the Louisiana officials or us doing our job and monitoring and investigating what the private sector is doing. And that's what the process is about. Again I think that's what I would mention to you. If you wanted to give them another two weeks to it, to see if some further safeguards could be put in place, if the company were willing to do it, that might be worth it. There could be physical barriers built. Enough said.

Councilman Green: Mr. Chairman, along with what Councilwoman Robertson said, I would like to make a Substitute Motion to do what Mr. Kirkland just said to

present this, have him present this to his company as to some safeguards that could come about to see if they are amenable to do those things and if not on the last meeting this month, then we would bring this matter up again.

Substitute motion by Councilman Green, seconded by Councilman Robertson to allow Commodore Medical to consider further safeguards be put in place.

Councilman Jackson: I guess if we don't have specific parameters to give the company, if we don't have the safeguards already in mind, I don't know whose going to be responsible for telling them to come up with some safeguards. Do we have some safeguards specifically that we want to say, do A, B, C, and D. Because if not, then it will be tantamount to just waiting another two weeks. If we have safeguards that we - - - cause none certainly not into motion, there were lined out with specificity particularly which particular safeguards we're talking about. And to me it seems general, and we don't want to be, I don't think we want to engage in an action that would be seen as just an arbitrary inquiry, or asking them to do something like that. And so, absent of some specificity, I would think that we certainly don't want to go down that particular road Mr. Chairman.

Councilman Lester: Yes, and I would say this and then I'll give it back to Councilman Green as the maker of the motion. I'm pretty clear on where I am, and if the Council votes, and I'm going to be voting against the motion to substitute, but if the Council votes to give two weeks, I think at a minimum, one of the things that should be done, should be to ascertain whether or not there is another location that will fit under I-2 other than this place. And I would think that any proposal as it relates to any type of safeguards should be, a meeting should be held between the proponents of this and the residents of the neighborhood. For what it's worth, I'm voting no.

Councilman Green: My motion was to along with what Mr. Kirkland had said about those safeguards along with what he had just said as to working with Mr. Strong to come up with those safeguards along with what he had proposed. That was my substitute motion, that some of the things that he said that possibly could be done. Also in the process that they would at least have the opportunity that if they wanted to look for another site within that two weeks, then they would also have that opportunity. So, that was my substitute motion.

Councilman Jackson: And Mr. Chairman, my final concern, you know as I listen, and I certainly can appreciate the concerns, cause when we talk about environmental equality, and environmental accusations of historical environmental racism, I don't think that anybody would disagree with a lot of the things that my colleague has said. However I experience it as does Councilman Green first hand in the air, with regards to the factory located on Jewella and the Greenwood Road area - - -.

Councilman Green: Two factories.

Councilman Jackson: Two factories, if you will, located there. So I certainly do not disagree. But what I don't want us to lose site of is when we start talking about searching for additional I-2 areas, the idea is to suggest then that there is some other place and some other people who deserve the same danger that we're talking about mitigating in this particular location. I would suggest to you that we certainly ought to be concerned about the entire city and you certainly are concerned and justifiably so, about your

particular district. But we ought to be concerned, we start talking about new places, that if we consider it a danger anywhere, then it must be consider a danger everywhere. It must be universal if it's going to be true. And so that's my one concern about where is it? As long as it's not in my back yard. I don't know if that's going to be a palatable option, certainly not for me. And what I want to say is that while many of these arguments appeal to emotions, my concern is about the reality of what happens. Because the truth is this. Here's what happens. We asked Mr. Strong are there any air pollutants? Is there any danger there? His answer was no. So, what would be the pollutant that might be an issue? Councilman Green asked. He said well, in the sewer, because it goes in the sewer. Let's talk about what happens to waste, when actually this process takes place. Because it's not just about what neighborhood this is in, and our people and those kinds of things, it's about the reality. Councilman Lester said facts. Here's a fact. The fact is in this process, the first thing must happen is that it's got to be treated. You do hot water or boil it to do the treatment, because it can't enter into our sewer system without first being treated. So that's the first process that's gotta happen, there's got to be a treatment process. Secondly, it enters when it's treated into our sewer system. And once it enters into our sewer system, it's not like the sewer system is kinda underground under our streets, it goes through a pipe system, it goes through the pipes. The real eminent danger happens whenever the pipes bust, and everybody, in my opinion, is exposed at that particular time, because the sewerage is going from where ever it is deposited down to another place, somewhere far from where any of us live, and it's going to that particular place. Once it gets through those pipes, the eminent danger if there is a main that burst, then everybody is exposed. Lets just assume it doesn't burst when it comes out the Allendale area, but it goes a little further and bust somewhere else. That is an eminent danger to the people who live in that particular area. We have to be concerned about every place where there's infrastructure, because there's also the possibility, the equivalent possibility of that pipe busting at any particular place. That being the case, my concern then is if we're going to be legitimately concerned, what about all the heavy industrial waste that's going through there now? Are we not that eminently exposed to that at this particular point and time? This is no new danger, this is a danger that exist in Shreveport now, has existed, and so it's not fair to work up that particular community to suggest that they are uniquely exposed to that, because they are not uniquely exposed to that by that being located in that area. All of us have the exact same danger, the exact same level of the propensity of the level of exposure for all of us. All of us have that concern. And that's the nature of those kinds of businesses and that's why we've got regulatory agencies to be sure that we try the best that we can to mitigate a lot of those exposures and dangers. So I think it's unfair to say to people and it may appeal to their emotions, but the truth of the matter is, it is not a neighborhood problem. You don't want to know what a bigger neighborhood problem is, is when these toxins are in the air. When they become airborne like they are at Calumet, and those places and areas that I represent. So to suggest that there is no sympathy and there is no understanding about it, I certainly cannot agree, at least that particular part of it, and I'm suggesting to us that unless the facts can prove something otherwise that suggest to us that the people who live here are more eminently at danger than the people along the path of that pipe way where sewerage would be going the whole time, then I can't buy into that argument, because that's the fact, that's the truth about the transporting of the sewerage from place to place.

A – it’s got to be treated before it ever gets there. B – it’s goes through pipes to it’s final destination flowing not just under the people in Allendale’s house, but the people all the way along the pipeline’s house, and then finally what happens now? And what are we doing to mitigate against the heavy industrial waste that is already as we sit at this Council Meeting, flowing right now through those same pipes?

Councilman Lester: I would only say this in response. We talk about mitigation, and I think mitigation is important, but at the same time, lets also be honest. I mean, certainly if I had an opportunity whether or not I was going to put a Calumet with everything that Calumet is and my district, having the beautiful 20-20 vision and hindsight, I don’t think anybody up here would vote to locate a Calumet in the middle of the neighborhood. I mean all things considered, and certainly I think - - -

Councilman Jackson: That’s the reality we live with.

Councilman Lester: I understand that, but my grandmother would say, I’m not trying to pour gasoline on the fire, and this particular situation, you’re talking about putting some gasoline on the fire of a neighborhood. Again, the reality, and obviously there are competing realities, but the reality of this particular situation is I’m quite certain that we would not be having this discussion if this was in District C, or District D, or District E, or District B. I’m quite certain of that. And we cannot divorce the decisions that were made 20 years ago of how we zoned things from how we have to deal with things now. You cannot divorce that, and quite obviously, everyone is concerned. And I’m concerned about what’s flowing under our streets. I think we all have a responsibility and a concern about that, but again my concern is and lets say for the sake of argument, everything that you said is true, and it’s a safe process and the whole nine yards. The question is if something goes wrong, are we better to mitigate that by placing it in an area that’s not around 100 feet from a residential neighborhood. I mean, if they can find a place and I know that there is a place in my district, that is not 100 feet from a residential area that is an industrial area that was recently brought into the city. Starts with “A”, ends with “S”, rhymes with Agurs, that you can put something like this, because they have a number of industrial areas over there that don’t deal with the pollution issue, that don’t back up to the neighborhood, I don’t have a problem with that. On those terms. But given what I have and again, they tell us in law school “bad facts make for bad law.” This is a situation where I’m having to chose between putting this right next to a neighborhood, and that just doesn’t make sense. It doesn’t make sense, because our primary responsibility is to protect the people that elected us.

Councilman Green: Mr. Chairman, I withdraw my substitute motion and she’s withdrawing her second. And we’re ready to vote.

Motion to overturn the decision of the MPC failed by the following vote: Nays: Councilmen Walford, , Robertson, Green, and Jackson. 4. Ayes: Councilmen Lester, Carmody, and Hogan. 3.

Councilman Lester: So that motion fails. Mr. Thompson, what is - - -?

Mr. Thompson: You have not taken any action. You need a motion.

Motion by Councilman Jackson, seconded by Councilman Green to uphold the decision of the Metropolitan Planning Commission. Motion approved by the

following vote: Ayes: Councilmen Walford, , Robertson, Green, and Jackson. 4. Nays: Councilmen Lester, Carmody, and Hogan. 3.

1. **C-93-05**: Mrs. Louise W. Burton, property located on the northwest corner of Ardmore and Youree. (C/Carmody) (*Ordinance No. 218 of 2005 – Adopted*)
2. **C-95-05**: Mr. & Mrs. Wilford and Margaret Claville, property located on the southwest corner of Cleveland and Jewella from R-1D to B-3. (F/Green)(*Ordinance No. 220 of 2005 – Tabled*)

Zoning Appeal:

BAC-112-05: 4800 Line Avenue, *Ristorante Giuseppe*, Giuseppe Brucia SEALY UPTOWN, LLC (within the Uptown Shopping Center), Special Exception Use and variance in the hours of operation in a B-2 District. (C/Carmody)

Motion by Councilman Carmody, seconded by Councilman Jackson to modify the decision of the Zoning Board of Appeals by upholding the decision with stipulations as rendered with the following additional stipulation:

8. **No music shall be played outside of the building and no loud speakers shall be located outside the building.**

Councilman Carmody: Mr. Chairman, if I could ask Cpl Collins to come forward please? Good evening Cpl Collins, how are you?

Cpl Collins: How are you?

Councilman Carmody: Yesterday at the Work Session, I had asked if you could please research the Police records for the years 2003, 2004, and 2005 regarding the calls to Olive Street Bistro. Can you please go over your report for all the Council Members? They should each have a copy in front of them.

Cpl Collins: I emailed each a copy and should have a hard copy also. What I did is took from 1 January 2003 until 21 December 2005. There is a total of 15 calls for all three years. The only call at all that was actually at fault by the business was a underage drinking charge back in '04. All the rest of the calls as you can see, abandoned vehicle, silent alarms, a theft. There's one down here, you see disorderly person, that you might think was caused by the business. That was actually a case that happened at the intersection, they pulled into the business parking lot where they called the police. So out of three years, basically there's one call. There was no disturbance to the public, it was just a violation of Chapter 10 ordinance.

Councilman Carmody: Thank you Cpl Collins, I appreciate it. If I could ask Giuseppe Brucia to please come forward please? How are you sir? The report that we that we have in front of again covers the last three years. The only violation that actually was shows cited against the business was for in 2004, in Jun a claim regarding a glass of wine being sold to a minor in an underage sale operation. Do you recall that incident?

Mr. Brucia: At that time, I was on vacation. I was in Italy.

Councilman Carmody: I think that the concern that the neighbors had expressed to me beyond just the noise factor, and you understand the stipulation that I'm asking my fellow Council Members to consider would require that there be no outside speakers, no outside music. In addition to that, I think that their concern is that any business that would go into the Michaels building could potentially be a nuisance by the hours of operation. I like most everybody else that's elected to represent people take very seriously that responsibility, and be it one person or be it 400 people, when they ask me to investigate and look into a situation, I try to do so. The reason that I asked the Police Department to look at the last 3 years is because you are a business and a businessman that has a track record in this community. What my concern was whether or not there had been any problem with your existing business on Olive Street at 1027 Olive Street regarding it being a nuisance to the adjacent residential area. And granted, some of those homes might very well be owner occupied, but being rental properties or a combination of both. I believe there's another gentleman that spoke earlier in favor of your proposal had said that he owned a business and did not have a problem with that. But much of what we have to consider is based upon past history of businesses. It does not appear at least within the last 3 years, and I had talked with Councilman Walford, and I've also spoken to former Councilman John David Stewart, who served that district prior, as to the problems with that business and the Cambridge Club, and they have said that they have not received any complaints. Based upon that history, I am trusting that you are going to be a good proprietor of a business near and in very close proximity to my constituents in South Highlands. Certainly you and your partners as well as the property owner are banking on that. That you will not be a nuisance, and that you will be an amenity to that area. I trust that you will be. I want to, while I've got you at the podium, just read and again, I'm sorry that my other three members of the Council are not here, but to read again, what those stipulations are that were granted to you. And I will read the additional stipulation that I am putting on, so that we're clear. The ZBA voted 6-0 to approve a special use and variance in the hours of operation to permit a restaurant with an on-premise consumption of high alcoholic content beverages with outside dining subject to compliance with the following stipulations: Development of the property shall be in substantial accord with the site plan submitted with any significant changes or additions requiring further review and approval by the Zoning Board of Appeals. Alcohol and food service and/or sales shall be restricted to the areas specifically designated for this purpose on the site plan. Hours of operation shall be as follows: INSIDE = Sunday – Thursday close at 11:00 p.m. and Friday – Saturday close at 1:00 a.m. PATIO AREA = Close at 10:00 p.m. - 7 days a week. Applicant shall provide at least one Commissioned Security Guard on duty for both interior and exterior security from 7 p.m. until closing any time restaurant is open for business. I'm going to stop right there and ask you to do this for me. Would you please instruct your security to make sure as I'm sure you would do anyway.

Mr. Brucia: I am already service of (inaudible) restaurant, Thursday, Friday, and Saturday. So it's not new for me to our guard that the restaurant until it's closed, the last customer leaves. So - - -

Councilman Carmody: But I would ask that you instruct them to be very proactive in making sure that patrons entering or leaving your facility respect the fact that they are in close proximity to a residential area.

Mr. Brucia: Tell them to make no noise - - -

Councilman Carmody: Yes sir, I'm not asking them to tick a lock and not say a thing, but I'm you know. You understand what I'm saying.

Mr. Brucia: Sure.

Councilman Carmody: 5. Trash/Waste Pickup shall be limited to 7:00 a.m. - 7:00 p.m., only. There shall be no pick up at night.

Mr. Brucia: Again, in the Bistro, nobody come to pick it up the trash at night time, because I don't want to. So I like to see when they come and when go (inaudible).

Councilman Carmody: Very good. 6. Receipts from food sales shall be at least 60% of the gross food and alcoholic beverage sales. Food services shall be available at any time the restaurant is open for business.

Mr. Brucia: Yes.

Councilman Carmody: Yes sir. No. 7 says this restaurant shall have valet parking from 7 p.m. until closing any time restaurant is open for business. And then the No. 8 stipulation that I have asked the Council to consider and to approve is that no music should be played and that no loud speakers shall be located outside the building.

Mr. Brucia: No, no. no.

Councilman Carmody: Yes sir, you understand all these stipulations? Thank you sir. My fellow Council Members again, I think that we certainly want to encourage redevelopment of all of our community. And not to the detriment of those existing residences that are adjacent to them. We just spent an exorbitant amount of time discussing another matter which granted, that's what we're here to do. Our time is valuable, but that's what we asked the people to do is to allow us to take our valuable time to come down here and serve them. So, I'm asking my fellow Council Members at this time to vote with me to basically uphold the approval along with the additional stipulation of no outside music or speakers at this establishment. Thank you Madam Vice-Chairman.

Councilwoman Robertson: Does anyone else have any questions or comments? Mr. Thompson, can we call for the vote?

Mr. Thompson: Yes, the voting machine is open.

Motion approved by the following vote: Ayes: Councilmen Walford, Carmody, Robertson, Green, Hogan, and Jackson. 6. Nays: Councilman Lester. 1.

Property Standards Appeal: Decisions rendered January 9, 2006

Ms. Myrtie Fischer - PSG04000062, 148 East 67th Street, Shreveport, LA (C/Carmody)

Z. R. Giles: PSD 050015, 1949 Abbie St., Shreveport, LA (A/Lester)
PSD 0500307, 1928 Anna St., Shreveport, LA (A/Lester)
PSD 0500182, 2225 Hawkins, Shreveport, LA (A/Lester)

REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES: None.

CLERK'S REPORT: None

THE COMMITTEE RISES AND REPORTS:(Reconvenes Regular Council Meeting)

ADJOURNMENT: There being no further business to come before the Council, the meeting adjourned at approximately 7:07 p.m.

//s// Calvin Ben Lester, Jr., Chairman

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