********COUNCIL PROCEEDINGS OF THE CITY OF SHREVEPORT AUGUST 12, 2003

The Regular Meeting of the City Council of the City of Shreveport, State of Louisiana, was called to order by Chairman Monty Walford at 3:00 p.m., Tuesday, August 12, 2003, in the Government Chambers in Government Plaza (505 Travis Street).

Councilman Carmody led the Invocation.

On Roll Call, the following members were Present: Councilmen Lester (3:05), Walford, Carmody, Gibson, Hogan, Green and Jackson. (3:10). 7. Absent: None.

<u>Approve Minutes.</u> Motion by Councilman Green, seconded by Councilman Gibson to approve the Administrative Conference Summary Minutes of July 21, 2003 and the Council Meeting Minutes of July 22, 2003. Motion approved by the following vote: Ayes: Walford, Carmody, Gibson, Hogan, and Green. 5. Nays: None. Absent: Councilman Lester and Jackson. 2.

Awards, Recognition of Distinguished Guests, and Communications of the Mayor Which Are Required By Law.

Councilman Green: Mr. Milton Williams is here and some time ago we recognized him and we didn't have his plaque and I would like to present to him today.

Councilman Gibson: I've seen Mr. Williams down here quite a bit, I'm thinking about maybe turning over the reins for District D back over to him. He can down and sit in my seat.

Mr. Williams: You can call me anytime.

Councilman Green: On behalf of the City of Shreveport and the City Council I would like to present this to you and may God bless you.

Mr. Williams: Thank you very much. Today, I went up to the Council Chamber to get a copy of the resolution, I didn't know they had it framed. But I told somebody they wrote it a lot better than I could have written itself so I would like to have a copy of it. Thank you very much I appreciate it.

Councilman Hogan: I have some special guests here in the audience today, a surprise visit from my family and I would like to recognize my wife Sherry and my three daughters: Hanna, Rachel and Holly (would ya'll stand up, please).

Convention Center and Convention Center Hotel Project Report.

Mr. Antee: Since the last meeting, we did receive the bid packages for the bids that we re-issued for bid, that number they are still working on. We do have a number of 9,295,448. One bid package in there, ornamental steels, the only one that looked out of line and we are trying to get some answers as to that.

Basically, where we are is now we are in a position to know or to have a good understanding as to what the cost of the building will be and we will be meeting this week with Safeco to try and finalize any negotiations or any settlement that we can have with them. If we are unable to reach a settlement with them, then I think the matter will end up in court, but by the end of the week, we should know which direction it is going to take.

Councilman Carmody: Mr. Antee, the cost of the building?

Mr. Antee: If you include the General Conditions that Barton Malow has placed on it which we believe is at least \$1 million, closer to a \$1.5 million and half too high, it is \$78,274,769.00. And, there again we think that there is plenty of room to save under General Conditions as well as some questions to be answered on the ornamental iron package which Barton Malow had estimated to be \$200,000 and came in at a \$1,400,000 and that was a single bidder, so we are trying to find out what the difference was there.

Councilman Gibson: Mr. Antee, I heard you reference General Conditions, a couple of time. Are the requirements that were in play with Barton Malow in terms of the requirements or the specifications and Scope of Work in the General Conditions, the same at the beginning versus where it is now? Has there been material changes in requirements of the construction manager with Barton Malow versus

Whitaker?

Mr. Antee: Not that I'm aware of. Now, there has been a change in the foundation which Barton Malow has stated, added two more months to the length of the construction. However the length of the construction set out by Barton Malow is 30-months which by all indications from several other contractors appears to be fairly long period of time which adds to the cost of General Conditions.

In addition, we've had from other construction managers some feedback and input and it appears to me that the number of people that Barton Malow proposes to put on this project, being 24, is way more than excessive.

Councilman Gibson: Well, I am going to refer to you on that. I would say that this is not your most usual project. It is probably a little bit different than your standard construction management contract. I guess my, there has been no changes, no additional requirements of the construction manager from the beginning to current or present with Barton Malow, then? The same type of requirements and scope of work has been the same from beginning to end?

Mr. Antee: Well I am not complete, there have been changes throughout.

Councilman Gibson: I am asking, I guess my question being is, you are saying that they may be \$1 million dollars, there is some \$1 million dollars over. I guess my question being is, have we asked anything additional of them that would cause that number to increase?

Mr. Antee: Councilman Gibson, where I am getting the number from is not based on comparing the Whitaker contract or the Whitaker Scope of Work to the Barton Malow Scope of Work.

Councilman Gibson: I understand.

Mr. Antee: Where I am getting the \$1.5 million is from one construction manager that said we will sign a guarantee to perform the duties that need to be performed by a construction manager and we will do it for an amount that is a \$1.5 million less than what Barton Malow is saying they will do it for and they are saying that based on the bid packages that have been bid and not looking at anything prior to that, so we are talking apples to apples.

Now, to answer you question has anything changed? The slab has changed. It has gone from an on-grade to a structural slab. Barton Malow has stated that an additional, there needs to be additional road work for a crane and those sorts of things. Now, that is about the best way I can answer it because I can't go through and tell you specifically everything that has changed from Whitaker's initial General Conditions bid which we at the time negotiated with a not to exceed number saying that we would come in once we had all of our subcontractors because we felt like that number at that time, was extremely high as well.

Councilman Gibson: Well, I asked the question two weeks ago that I guess, I've got some concerns from what I am hearing because again, it appears to me that there has been some changes from the beginning to where we are right now in terms of requirements of this construction manager. And, it also sounds to me like and I don't like to use this word, but it sounds like we may be bid shopping if now we have another company that is coming in and saying that they can do it lower when in fact they may not be privy to all the things that came into play.

And I guess if we are looking at that, then I would ask you to look at the architectural fees on this project and look back on what we are doing on that because it does disturb me that I asked you 2 weeks ago if the company, the proposed construction manager, was it the intent of the City to use the proposed construction manager and from what I have been able to see, there has been some material changes in terms of what we are asking the construction manager to do now versus what we did before. If you are saying it is not, then I guess I'll take that on face value but there has been some changes from what I have heard and if that is the case maybe there is some material changes in there, what their estimates are on the General Conditions. But, I think that we ought to be also looking at what we have in place on the design professional side too because I don't think that those things are in line and I don't hear anything being discussed on that, but we are talking about the General Conditions of a Construction Manager and now bringing in or looking at the possibility of bringing somebody else in.

I would like to know who that other company is that you are talking to because again, I think this

City has sent a word to a company to come in, in good faith and work with the City through a very difficult process. I think everyone would agree that Barton Malow has done that very thing and if we change horses, what kind of message is that going to send to future companies to come in here and trying to do business with the City? One thing I think this Administration has pride itself on is trying to stick to agreements on the front-end and not change midstream and I'm sensing that we are trying to change midstream in this process.

I think there is other cost savings. I also was going to ask you about value-engineering. We got \$4 million dollars worth of value-engineering and I understand the design professionals only approved \$700,000; I don't understand that process.

Mr. Antee: It is because we wouldn't take a cheaper building, Councilman.

Councilman Gibson: Again, I'm not going to say cheaper. I am going to look at the design of this project. I've had conversations about this situation from Day 1 about the design. Contractors are in the business of building not designing.

And I also will ask you, we had an inordinate low amount of bidders on this project—both 45 days ago and again last week and I was at that bid opening last week. And the construction industry is telling me the reason why they didn't bid the project is because we didn't have solid drawings on this project.

Again, I'm a little bit disturbed that, again, all I'm hearing is General Conditions of the construction manager and then one package that has ornamental steel to save some more money and if we are going to be looking at saving some more money, I think there is other ways to be looking at that.

Mr. Antee: To answer your first question, it is not our intent to change in midstream. It is not our intent to use anybody other than Barton Malow but that doesn't mean we are going to give them an open checkbook and let them charge us whatever they want to charge.

It appears by all indication by Safeco's people, by other people in the business that it is excessive. If Safeco wants to pay the full amount in General Conditions, we've got no problem with it. Well, lets get after and go on. I don't think they will. And I think if \$1.5 million dollars is going to get in the way of us building a building, building the building that we want and that the citizens deserve, then Barton Malow needs to look to see if they can't do a better job of managing it rather than 24 people maybe look at 10 people which other companies say you can do it with 8 people. But if Safeco wants to pay that amount, I don't think the citizens of Shreveport should have to pay that amount.

And as far as trying to bring in an architect. I'm not sure where you are coming at with that. We are looking at the cost of the building. And the amount of the value-engineering that the City has already agreed to and has put into the redesign or the bids has been several millions of dollars and those have come, not the decision hasn't been with the architect. Information is provided by the architect and then the decision comes from the Mayor as to whether or not we want to cheapen the building any more and we got to the point to where if it is going to cheapen the building, then we are not agreeing to it. Safeco can either pay for it with their bond or not and we don't want change. We want to keep going. We want Barton Malow to start breaking ground Thursday, if possible.

But I don't believe Safeco is going to sit back and pay anymore than what they are going to have to or what is a fair price and that is the only thing we are pushing for. When you go to look at a car, you don't buy the first car that is given to you at sticker value. You go and look and see if you can get another deal if you don't feel like you are getting the value that you should be and that's is what we have done. Rather than just sit back and say, Barton Malow has told us that they can build the building and this is—we are treating you fairly and we are giving you the best deal possible, we went and did our homework to look to see, is that the truth. And what we found is there is a lot of areas in their General Conditions that we don't believe we are getting a fair price. And I understand that you are in the business of trying to protect contractors, but we are in the business of saving the taxpayers' dollars.

Councilman Gibson: Alright, I am going to stop you right there, Mr. Antee. Okay, this has nothing to do with the contractors. This has to do with, I asked a question about/did has the change in the Scope of Work taken place with that.

If we want to get down with brass tacks, how much did we do, investigation on Slack Alost & McSwain? We are paying double the fees of Slack Alost & McSwain, the City has never paid that amount of fees on Slack Alost & McSwain and I don't hear you talking about the situation, in terms of saving money. And on top of that, I think we need to bring Slack Alost & McSwain down here in the future meetings to explain some of the things that they have done on the design of this project because in fact if we are going to talk about the way we spend tax payers' money/dollars, lets get down to brass tacks on this thing.

So this has to do, I started this question by asking, the Administration: Have we changed anything in the requirements of the construction manager? I have heard that we have and that is why their General Conditions reflects a higher price. If you are saying they didn't, then obviously then, there is some discussion. But you are going in the opposite direction saying that maybe they need less than what the original agreement was for them to step up on the table, that is what I heard you say. But, if we want to look at saving money, that is what I am saying. Look at the architect fees too, look at everything. There is a lot on the table that still can save money on this project if we are going to get Safeco and the Administration on the same page.

Mr. Antee: We are open to any suggestions.

Property Standards Program Report. None.

Confirmations and/or Appointments:

1. <u>Board Appointments.</u> Councilman Green: We have two names to the Downtown Development Authority: Bill Bailey and Arlena Acree.

Councilman Walford: I that for confirmations today? *Motion by Councilman Green, seconded by Councilman Carmody to add the confirmations to the DDA and to confirm the appointments.*

Councilman Lester: Are we confirming those appointments, today?

Councilman Walford: Yes, the motion is for confirmation.

Councilman Jackson: No, no. The motion is for adding to the agenda, I thought?

Councilman Walford: No, those were confirmations to be added, that was my understanding of the motion for approval today.

Councilman Green: We can add them to the agenda and then when we. . . .

Councilman Walford: Do we need to do it as a separate motion to add them and then to confirm them?

Mr. Thompson: Yes.

Councilman Green: We are adding them to the agenda.

Councilman Jackson: We are voting to add.

Councilman Walford: At this time, we are voting to add those to the agenda (motion unanimously approved.)

- 2. Motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Hogan</u> to confirm to the Caddo-Bossier Port Commission: Milton Williams (motion unanimously approved.)
- 3. Mr. Thompson: Based on the comments that I made yesterday, we would ask that you would just remove this from the agenda. Motion by Councilman <u>Jackson</u>, seconded by Councilman <u>Lester</u> to remove from the agenda, the confirmation to Fire and Police Civil Service Board: Sergeant John deVries and Detective Rodney Johnson (motion unanimously approved.)
- 4. Arlena Acree and Bill Bailey to the Downtown Development Authority. Motion by Councilman Green, seconded by Councilman Gibson to consider the appointments together.

Councilman Gibson: Is this a re-appointment.

Mayor Hightower. No.

Councilman Gibson: We didn't have any other citizens, that we have a City employee going to serve on the DDA?

Mayor Hightower: That's my recommendation is that we put Arlena on there. She has been obviously instrumental, in particular in the Red River District and in Downtown projects in general, so certainly offices downtown which is one of the requirements to serve on the DDA. Certainly with her

past experience as being Chamber President, I would go on and on I guess, but I think that she is certainly well-qualified and would represent the City well.

Councilman Gibson: I am not questioning her background and things. I asked the question, did we not have any other citizens before we step to have a City employee on the DDA? I guess the answer was, no.

Mayor Hightower: Councilman, there are probably several thousand citizens that work downtown that would be eligible, but there is no prohibition against City employees serving on the DDA. Again, I think she is a great choice would. . . .

Councilman Gibson: Just ask the question.

Mayor Hightower: I understand.

Councilman Jackson: I was just wondering in the same vein, ask the Mayor, I am not acquainted very much with the structure of the DDA and the board make-up. Do they have ex-officio positions or is anybody a part of that from the City automatically?

Mayor Hightower: No.

Councilman Jackson: Nobody is.

Councilman Hogan: I am familiar with Arlena Acree. I know her personally and I know her background, but Bill Bailey is someone that I am not familiar with and I would just like a brief background.

Mayor Hightower: You should have received a resume'. You did not receive one?

Councilman Hogan: No.

Councilman Carmody: Point of Clarification. If we are appointing for the first time, is it not a requirement of the Council that these appointments lay over for 2 weeks for consideration?

Councilman Walford: Mr. Thompson, is it a requirement that these lay over for 2 weeks?

Mr. Thompson: Yes. I think we've had them, I don't know if you had them for that length of time. We've had them since the 4th. There is a requirement that it lay over for two weeks.

Councilman Walford: So we would be out of order in approving these/confirming these today? Mr. Thompson: That is the rule of the Council. You can always override your own rules.

Councilman Gibson: Point of Order. I thought we just, 5 minutes ago, introduced this as adding to the legislation. And if so, if we added to the legislation how could it, if we have a practice of lay over for 2 weeks.

Councilman Walford: I would agree with your Mr. Gibson, that it would have to lay over for 2 weeks. So I would ask if you would be interested in withdrawing your motion.

Councilman Carmody: We are adding legislation.

Councilman Walford: We voted on the addition 7-0. At this time. . . .

Councilman Green: We had a motion to confirm. I will withdraw that motion (Councilman Walford: And Mr. Gibson had a second so that is withdrawn).

Councilman Hogan: I did find some information about, Mr. Mayor and I have Arlena Acree's information but I don't have anything on Mr. Bailey.

Mayor Hightower: We'll get it for you.

Councilman Hogan: Some time before the next meeting.

Mayor Hightower: We will have it to you today.

Councilman Walford: Before I go on, Mr. Mayor do you want to discuss Mr. Mitchell as Parking Hearing Officer. Any comments?

Mayor Hightower: couple of weeks ago.

5. Motion by Councilman <u>Green</u>, seconded by Councilman <u>Carmody</u> to confirm Steve Mitchell, Parking Ordinance Hearing Officer.

Councilman Jackson: Did we ever come up with or do we have a contingency plan or were we just going, for example if something should happen Mr. Mitchell, we would just go through this process again or re-appoint somebody. There is not another person perhaps who is at the DDA or wherever who can do the same thing if he is not there or he is sick or something like that for what may be extenuating

circumstances or an extended amount of time. Do we have or is there some kind of contingency? I don't know if that is just naturally built into these kind of scenarios?

Mayor Hightower: Via the ordinance, there is not. As you know the DDA chairman is about to leave and I think your suggestion last time will certainly worthy of consideration so it could have hearings going on simultaneously. So, we will take a look at that, but currently the ordinance does not provide for that but, I hear you (motion for confirmation unanimously approved.)

<u>Adding Legislation to the Agenda.</u> Motion by Councilman <u>Green.</u> seconded by Councilman <u>Lester</u> to add the following to the agenda:

- 1. Resolution No. 125 of 2003: A resolution waiving the prohibition against jury trials in suits against the City of Shreveport, as provided in La. R.S. 13:5105, and otherwise providing with respect thereto.
- 2. Resolution No. 126 of 2003: A resolution authorizing the employment of special legal counsel to represent the City of Shreveport and otherwise provide with respect thereto.
- 3. Resolution No. 127 of 2003: A resolution authorizing the acceptance of a donation in the amount o Fifty Nine Thousand Eight Hundred Seventy Four Dollars and Fifty-two Cents from Red River Entertainment, Inc., D/BA/ Harrah's Shreveport Casino and Hotel and to otherwise provide with respect thereto.
- 4. Ordinance No. 117 of 2003: An ordinance amending the 2003 budget for the Community Development Special Revenue Fund and otherwise providing with respect thereto.
- 5. Ordinance No. 118 of 2003: An ordinance to amend Section 90-273 (c) of Ordinance Number 84 of 2003 relative to traffic and vehicles and to otherwise provide with respect thereto.
- 6. Ordinance No. 119 of 2003: An ordinance to amend Ordinance Number 41 of 2003 relative to authorizing a servitude and an encroachment on a portion of the Clyde E. Fant Memorial parkway right-of-way for the Regional Visitors Center and to otherwise provide with respect thereto.
- 7. Ordinance No. 120 of 2003 Councilman Lester: An ordinance authorizing and providing for an encroachment on a portion of the Norma Street and Poland Street rights-of-way, and to otherwise provide with respect thereto.

Councilman Jackson: Of these items, how many were there, Ms. Clerk?

Ms. Lee: I think there was a total of six and I his would make 7.

Councilman Jackson: How may of them are ordinances and how many of them are resolutions?

Ms. Lee: Four and Three.

Councilman Carmody: These are just for Introduction? Councilman Walford: These are just for Introduction.

Public Comments.

Jim McClain (357 Leo Avenue): I am here on behalf of the Broadmoor Neighborhood Association to ask the City Council to revoke the permit granted to Tina Burch at the July ZBA

Meeting. Having businesses move into formally all residential Broadmoor neighborhood will lower property values and lead to a deterioration of neighborhood values.

Ms. Burch had a petition had a petition signed that she presented to ZBA meeting by some of her neighbors approving of her business. I am afraid that friendship will cost them if they ever have to sell their homes. Would you like to have a business next to your residence with cars and customers coming and going every business day?

Last summer a permit was granted to another beauty shop a block away on the same street. Ashley Tridico, the operator, almost immediately brought in a helper in violation of City Ordinance 106-240. She also failed to comply with a stipulation that she hard surfaced a parking lot. Instead of being penalized, she was awarded a permanent permit at the July ZBA meeting.

Since the City seems incapable of enforcing its own rules, we as homeowners in Broadmoor ask you to draw a line, revoke Ms. Burch's permit and not approve any more businesses in residential neighborhoods.

Ken Kreft (175 Archer): I am the President of the Association mentioned by Mr. McClain. He is my Zoning Board member, representative. I would echo is comments and only add that the City today has an opportunity as it has had recently in a zoning matter in another part of town to use its discretion and its judgment. There are many vacant buildings on Youree Drive available for rent for a beauty salon or other businesses. Certainly the individual would then have to pay a monthly lease, so certainly it is advantageous from her perspective to have it at home. I guess there would be no lease.

But we feel when we voted at our June 24th monthly meeting, we had a unanimous vote then the ZBA at its July 9th meeting, voted unanimously to award the permit. And so we brought it up again at our July 22nd meeting, three weeks ago and even though the vote was split most of the votes supporting her were people--her husband, her parents, and neighbors and there is nothing wrong with that.

So, in closing give it you due consideration and my main concern is if the ZBA is upheld by the Council this afternoon, this will be just, not the first because we have already had a couple but the next in a long line and 20 years from now when we look back and wonder what happened to Broadmoor, we will know that incrementally and marginally, businesses were allowed to move in and it is not an overnight thing. It takes many years but it is like, it has to be ruled and I think we have fairly good laws and Clingman, as you know, is a block west of Youree Drive. I mean it is walking distance from Youree Drive. And I think this location is 6 or 7 houses from the corner going south to Leland, so it is not even a corner and it is certainly not on a major thoroughfare. It is on a very, I think the traffic speed limit is 25 on Clingman; so, once again, thanks for ya'lls consideration.

Councilman Walford: Ms. Stacy Brown, I am going to apologize. I made an error and told you that we were considering the matter you wanted to discuss today and I find that that was my error and it can't be considered until our next meeting. Had I been able to catch you when I found that out at about five to 3:00 I would have let you know, but it would be better, I think next meeting. We have your request. You would have to speak at the end of the meeting, so I did want to let you know that.

Mayor Hightower: Could I ask to introduce a couple of guests that we have here today. We have got, and some of you may have had the opportunity to meet with these folks as well, but we have got Lois Wright and Jeffery May. Jeffery is the Director of Fair Housing Action Center in New Orleans and Ms. Wright is with the Louisiana Commission on Human Rights out of the Governor's Office, and also, Rodney Braxton. He is also one of the Governor's Aides that

is in town with us today, as well; so, I did want to recognize their presence in the Chamber.

CONSENT AGENDA LEGISLATION:

TO INTRODUCE RESOLUTIONS AND ORDINANCES ON CONSENT:

RESOLUTIONS: None. **ORDINANCES:** None.

TO ADOPT RESOLUTIONS AND ORDINANCES ON CONSENT:

Motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Lester</u> for Adoption of the Resolution Nos. 118, 119 and 120 of 2003 on the Consent Agenda. Motion approved by the following vote: Councilman Lester, Walford, Carmody, Gibson, Hogan, and Green. 6. Nays: None. Out of Chamber: Councilman Jackson. 1.

RESOLUTIONS:

RESOLUTION NO. 118 of 2003

A RESOLUTION AUTHORIZING WILLIAM ROBERT PIERCE & KATHERINE JUNE PONDER PIERCE, LOCATED AT 9539 PLEASANT HILLS RD., TO CONNECT TO THE WATER SYSTEM OF THE CITY OF SHREVEPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, William Robert Pierce & Katherine June Ponder Pierce 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 William Robert Pierce & Katherine June Ponder Pierce, be authorized to connect the building located at 9539 Pleasant Hills 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.

RESOLUTION NO. 119 OF 2003

A RESOLUTION ACCEPTING DEDICATION FOR IBIS COURT, CATAWBA DRIVE, AND BACCARAT DRIVE IN THE BRUNSWICK PLACE UNIT NO. 7, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for Ibis Court, Catawba Drive, and Baccarat Drive in the Brunswick Place Unit No. 7 in Section 33 (T17N-R13W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

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

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

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

RESOLUTION NO. 120 OF 2003

A RESOLUTION ACCEPTING DEDICATION FOR ST. CHARLES BOULEVARD AND ASCENSION CIRCLE IN THE ST. CHARLES PLACE SUBDIVISION UNIT NO. 4, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for St. Charles Boulevard and Ascension Circle in the St. Charles Place Subdivision Unit No. 4 in Section 29 (T16N-R13W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

BE IT FURTHER RESOLVED that the original plat reflecting the dedication for St. Charles Boulevard and Ascension Circle be and recorded in the official records of the District Court for Caddo Parish, Louisiana.

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

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

ORDINANCES:

Motion by Councilman <u>Green</u>, seconded by Councilman <u>Carmody</u> for Adoption of the Ordinances 98 and 99 of 2003. Motion approved by the following vote: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

ORDINANCE NO. 98 OF 2003

AN ORDINANCE TO CREATE AND ESTABLISH A STOP INTERSECTION AT THE INTERSECTION OF ASHLEY RIDGE BOULEVARD AND NORTH ASHLEY RIDGE LOOP AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY: COUNCILMAN GIBSON

BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened that the intersection of Ashley Ridge Boulevard and North Ashley Ridge Loop is hereby created and established a stop intersection, North Ashley Ridge Loop shall stop for Ashley Ridge Boulevard.

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

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

ORDINANCE NO. 99 OF 2003

AN ORDINANCE TO CREATE AND ESTABLISH A YIELD INTERSECTION AT THE INTERSECTION OF DARIEN STREET AND MABEL STREET AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY: COUNCILMAN JACKSON

BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened that the intersection of Darien Street and Mabel Street is hereby created and established a yield intersection, Mabel Street shall yield to Darien Street.

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

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

REGULAR AGENDA LEGISLATION:

The Deputy Clerk read the resolution by title: Resolution No. 53 of 2003: A resolution authorizing purchase of Snap II properties from the United States Department of Housing and Urban Development and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman <u>Lester</u>, seconded by Councilman <u>Carmody</u> to postpone the resolution until the August 26, 2003 meeting.

Councilman Carmody: Just to the Administration, do we anticipate a time when we may be able to move on these property?

Mayor Hightower: Not at all.

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

RESOLUTION NO.116 OF 2003

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE GRANT DOCUMENTS WITH THE UNITED STATES BUREAU OF JUSTICE ASSISTANCE, AND OTHERWISE PROVIDE WITH RESPECT THERETO

WHEREAS, the United States Bureau of Justice Assistance has authorized the City of Shreveport Police Department to apply for grant funds and accept under the Local Law Enforcement Block Grant Program; and

WHEREAS, the award, if approved will be for a total of \$195,340, and will require a cash match by the City of Shreveport in the amount of \$21,704; and

WHEREAS, the City of Shreveport shall make application to receive an award as part of a national program to combat violent crime and to expand community policing. The funds received by the Shreveport Police Department will be used for law enforcement purposes to be determined at the time of actual application.

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

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

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

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

The Deputy Clerk read the resolution by title: Resolution No.117 of 2003 by Councilman Gibson: A Resolution requesting the Louisiana Supreme Court ad/or the Judiciary Commission of Louisiana and/or the Louisiana Attorney Disciplinary Board to investigate the practices of the Shreveport City Court and the Offices of the Shreveport City Attorney relative to plea bargains, the reduction of charges, sentencing and the reduction of fines in criminal cases and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Gibson, seconded by Councilman Carmody for passage.

Councilman Green: I would like my colleagues to vote against this. But, I would also like to say, some things that are lawful sometimes are not expedient. Some times things that are expedient are not lawful.

When you look at this particular item, talks about helping poor people, talk about helping any people, you are talking about helping people, period. Power is good but it all depends on how you handle it when you have it.

There is a circle in life. It is an invisible circle. There is some hands on it. You can't touch them but you can see them. There come a time in life when every man, every woman, every boy or girl will come in contact with that circle because we all have what is called, seasons.

Some time bad things happen to good people, so you have to be careful how you make laws. And I think the judicial system, this is something that they ought to handle. I think that this their business. A lady came to my office Monday. She happen to be at the post office and she pulled in a handicapped parking. She didn't know that it was handicapped, it was on the ground. The police came by and saw her there and she was in her car and gave her a ticket for \$300. She got to pay it. Good person just got off work, worked all night, but she has to got pay \$300. She don't have \$300 so she has got to make arrangements to do it.

In fact, it is to my surprise that the individual who sponsors this legislation, in 1999, did a plea bargain himself. Got a speeding ticket, pled guilty, charges was dismissed but it was under Article 892. What Article 892 says is that, it is a plea bargain. You pay the ticket but it don't get on your license. Now, I mean, the speed limit was about 11 to 15 miles over, but he went to court, pled guilty on the charge, paid the money, but he made an agreement that I will do this providing this doesn't go on my record because if it go on my record then that simple means that my insurance is going to go higher. So sometimes in life, we have to be careful when the shoe is on somebody else's foot as to how we handle the business. And I just think we as a body ought to handle our business over here and let the judicial system handle their's because there is going to come a time in life when that circle is going knock at your door and then it was good in '99 to make a plea bargain but in 2003, it is bad. And I just think that we ought to leave some stuff alone.

Yes, we are trying to get money, raise money because we are short. It doesn't matter who you are. There is going to come a time, every season, every city, every state, is going to be a shortfall in every life. You are not going to have, always. There is a time to every season. You can not avoid it.

So, I don't think that we ought to start penalizing folks just because we are trying to raise money because our budget is bad or whatever, it is just one of those bad years. And I just think that we as a body ought to just bite the bullet and know that good days are coming and while they are not here, lets just do what it takes to get us there.

Now, there are a lot of things that we can come up with that will get us in the news, get us on t.v. and over here we will get a handclap or whatever, but we have to be careful with the power that is in our hands because not only will everybody's day up here come for some bad thing to happen to a good person, but everybody in America, it doesn't matter if you are little baby. Little babies will have their season, grown folk will have their. I just think that when you have that power, you need to be careful how you handle it.

And I would just like to ask my colleagues on this particular deal, because plea bargains there are going to be, I don't care what we do, what we say, we make plea bargains everyday. In fact, the art of politics is who gets what, when, where and how and so we do that everyday.

So, we have to be careful how we handle these citizens that we pledged to do whatever, but we didn't tell them that we were going to make their burden hard. And and I just think that when it comes time to help our citizens, we ought to do just that..

So with that, I just think that we ought to just vote this down because again, strange how stuff pop up. The person who is sponsoring the legislation, in 1999 according to Article 892 it was a plea bargain. It says, under the provisions of Article 892.1 of the Code of Criminal Procedures, the conviction is set aside and the charge is dismissed because I'll pay the ticket, I'll plead guilty, but I don't want it to go on my record because if it come up on my record, my insurance is going up and then we got this nice legislation to say, all of this ought to go and I think that is just wrong.

And just like whoever day is here now, I know that my day is going to come and I am going to ask somebody to have to have some mercy and that is why I like about the God that I serve: He got Goodness, he got Mercy. And if those two fail you, he got Grace and I think Grace simply means giving one an opportunity. We all need a grace period in life and I just think before we do this, we ought to think, do unto others as we would have them do unto us.

Councilman Carmody: Could you help the Council understand, what are the plea bargains and what functions do plea bargains serve in the adjudication of matters that are brought before City Court?

Mr. LaFitte: Plea bargains of course are nothing new. This is something that was going on before this Administration, will go on after this Administration. It is not just in Shreveport City Court, it is in city courts across the country—district, state district courts across the country as

well as federal courts across the country. It would be virtually impossible to prosecute every case that come before the Prosecutors Office, be it the DA's Office or the City Prosecutor's Office it is virtually impossible to do so. Some cases, you might not have the evidence there to convict a person, so you plea bargain. Older tickets, police officers may not be on the force anymore. You plea bargain. So there is just numerous reasons why a prosecutor or assistant attorney may plea bargain. It is too numerous to even list and it is done on a daily basis.

Councilman Carmody: But for those of us don't practice the law as a profession, what I think I hear you say is that some times there is a lack of evidence on the part of the prosecution to be able to bring all the citations or violations which are issued to an individual before a judge because of insufficient evidence to prosecute?

Mr. LaFitte: Yes, that is just one example I used. Some times a witness may not be available, many circumstances that may crop up which would cause one to plea bargain.

Councilman Carmody: Mr. LaFitte, I had a gentleman that called me today that does practice the law and he brought up a couple of points that I wanted to discuss with you. And first and foremost let me say that he had pointed out that experiences at the City Prosecutor's Office does a lot of good work for the amount of work that they are required to do. That his observation is that a lot of time that the persons that are required to appear in City Court are there to have matters before the judge and that the volume is so large that in order to try and cull down the docket (and tell me if I'm using the wrong words because I think I'm repeating correctly, but anyway to try) and reduce the amount of workload that if you can solicit a plea bargain from an individual and get them to in essence streamline the process to get them through so that more matters are heard, that, that one effective use of a plea bargain. Is that not correct?

Mr. LaFitte: That is one effective use. As I mentioned earlier of course, the volume of traffic matters coming through on a daily basis is so enormous that it would be virtually impossible to prosecute every one of them and try them.

Councilman Carmody: The other observation that he made and I think you kind of touched on it was the fact that part of the evidence that the City Prosecutor needs to bring is the witness to the offense.

Mr. Lafitte: Absolutely.

Councilman Carmody: And that therefore, that every time an officer has to appear in court in order to testify as to why he wrote the ticket or issued the citation that, he is there pretty much for the day.

Mr. LaFitte: That is true.

Councilman Carmody: And that, as this gentleman said it is disturbing to think how many officers are there for the full day waiting to have the case that they are suppose to appear and testify before when they are off the street for that period. Although they are working for the City of Shreveport they are required and ordered to adjudicate the matter, they have to be there in court in order to testify. So again, I am coming back around to the plea bargain. If some persons has all the matters which are charged against him or her and they are all adjudicated and yet they do not have the financial ability to pay the fines, what occur?

Mr. LaFitte: They would be incarcerated if they do not pay their fines.

Councilman Carmody: And if they are remanded to the City jail, then what occurs when the jailers say, well we can't take any more prisoners because the jail is currently full?

Mr. LaFitte: I don't know what the City Marshall would do in a situation like that, if he would release them or not. I just don't know, that is out of my jurisdiction.

Councilman Carmody: And again it is out of mine, it was a question that was asked of me and so I said that I would certainly ask it but apparently neither you nor I know the answer to that question. But I think that the gentleman was trying to make a point with me and that was that sometimes persons offenses are not so egregious that they really should, because of their financial situation, be required to be sentenced to jail time.

Mr. Lafitte: That true.

Councilman Carmody: And that therefore, at least I am extrapolating from what the gentleman told me because I think he was trying to lead me into his thought process that, some times you use the plea bargain in order to get the most serious of the offenses addressed.

Mr. LaFitte: Right.

Councilman Carmody: But not to unfairly penalize someone and incarcerate them because they are financially unable to meet that obligation.

Mr. LaFitte: That is a good way of putting it.

Councilman Jackson: Mr. LaFitte while you are there, I guess what I heard you say was, that in fact this happens in City Court not unlike State Court, District Court, if you will and Federal Court.

Mr. LaFitte: It is the same in all courts across the country.

Councilman Jackson: I am assuming that the blind of justice suggests that it does not matter what socio-economic level you are on, whether or not the plea bargain fits or doesn't and that the court does not as a first matter of fact, find out whether or not you are poor or rich because justice is net/needed out, for lack of a better term?

Mr. LaFitte: No, evenly applied across the board.

Councilman Jackson: Mr. Chairman, I guess my concern was I wanted to ask whether or not—and I'll have to admit up front that I am assuming that I understand the spirit of the legislation.

The issue that I have with it is, whether or not we have in fact done what we should do at this level. We talk about here that, the Louisiana Supreme Court, the Judiciary Commission of Louisiana, the Louisiana Attorney Disciplinary Board, should exercise supervisory jurisdiction and investigate policies, procedures and practices of the Office of the City Prosecutor and the Shreveport City Court relative to plea bargains, the reduction of charges, sentencing, and the reduction of fines in traffic and criminal cases, to see if said policies procedures and practices are applicable and appropriate or if they are not.

I guess my question is have we queried the court system and do we have corresponding documentation that would suggest to us that, it does not rise to the level of our understanding in such that we ought to invoke a supervisory investigative team that is made up of the Supreme Court, the Commission or whatever else?

Because, if not then I would suggest that we have been to some degree while we may not have been derelict in our duties, that maybe we have not done as much as we can at this level prior to doing it because when we do this, a red flag goes up and in my opinion unjustifiable accusing this court system and our City Prosecutor's office and City Attorney's office of something that we really are not sure about.

We do understand as every parish, every city, every town in the state of Louisiana that people since I've been able to understand what driving meant, have always talked about getting a ticket fixed if you will, and it is common.

I am sure there is a laundry list of people who have socio-economic wherewithal and influence whose names would overshadow those who may be poor who get those tickets. I don't know if that is the issue. I think the real issue is whether or not we have done what we could do before we go out and take, if I could talk just kind of in the house, before we take our business outside and suggest this.

What are we moving forward on, a newspaper article? Are we moving forward on solid documentation, solid information that then causes us to scratch our heads and say, we need to take this to another level?

I guess what I am saying is I have not seen the fundamental basis in writing as a form of documentation that would suggest that it is time to move to another level. I have heard innuendo. I have heard people say things different than perhaps other people—the newspaper and all of that

kind of stuff saying different things and I just hope that our motive and our motivation and I mean 'we' as a body will not be to take what is written in 'The Times' no aspersions on 'The Times' but that is either on televison or in 'The Times' and then we start governing based on what the media puts out there for us. We grab and then we all of a sudden begin to panic.

I think it is our responsibility to know what is happening in all areas of our City because the next question becomes then what about the Department of Operational Services? What about Community Development? When do we invoke, to all of this when we talk about our property standards? The City has not done a good job is what we have been saying for the last 10-months. We didn't call in the Governor to come and check out what is going on. We must have some bad people, maybe the Mayor is not doing his job. We didn't do all of those things. What I am suggesting to us is that, until we've done like we done with Property Standards, we've gotten involved, gotten inside of it, rolled our sleeves up, got dirty and tried to figure out, what the problem was and then how we could, in our responsibility, try and take care of those things that fall under the purview of this Council before we would go out and craft this kind of legislation.

Again, I think the spirit of it is what the spirit of much has been on this Council and that is to try to find out how we can get money owed to the City because we are in a situation where the economy is bad and our economic situation is not what we would have it to be, but I think that is the motive. If that is the motive, I don't know that we've done all we could do at this level prior to doing what I think is making embarrassing move to accuse a system that we've not ourselves looked at personally and take it to another level and ask the Supreme Court and other folks to get involved in business that we ought to be able to take care of in Shreveport.

Councilman Green: Mr. LaFitte, would you explain Article 892.1. Are you familiar with that particular?

Mr. LaFitte: It has been some years of course since I've looked at it, since I was in private practice. But you explained it quite well when you indicated that it is an opportunity to keep a traffic citation from going on your driving record therefore keeping your record clean, keeping your insurance rates down and things of that nature.

Councilman Green: Would that be in the same form of a plea bargain?

Mr. LaFitte: Yes it is a plea bargain. It is a tool used in plea bargaining.

Councilman Green: So of course, this happened in '99. Would the plea bargain change in 2003? Would it be another word in 2003?

Mr. LaFitte: No, sir they are the same.

Councilman Walford: First of all I want to thank you and your department because I did ask questions, I wanted to know and I've asked you, I've asked a number of other attorneys, I've gotten a number of unsolicited comments. I've talked to some members of the judiciary to find out about plea bargains and I am more than comfortable that plea bargains make the system work, that it is not going to work if we stack them all up and couldn't process them nor can we make the court big enough to do it. So, I appreciate the information you gave me and the education you gave me by telephone; that is all I've got for you and I don't think I have any more questions.

But, 've got some comments that, I think what this resolution is doing is what kind of happened to this Council. We all got painted with a broad brush and it wasn't right but I don't think that we are doing right when we are saying that for whatever reason, we want to have the entire system investigated by the judiciary committee. I can understand that there has been a great deal of public concern. I am comfortable now after having the situation explained to me that it was at the discretion of the prosecutor and the city judge and we certainly, to address something that Mr. Jackson said, we really can't go and investigate the courts, it is not within our purview and I think that you and I had a little—I got something, an e-mail or something where we talked about that. It is just—it is not within the purview of this Council to investigate the courts.

If there are questions about a specific event or a specific plea bargain or something that gave the wrong perception, I might support going for that. I won't support this broad a

resolution. If it is amended and we want to look at something specific, that's fine.

Going to expand on what Mr. Jackson if we have a collection problem in the courts which 'The Times' has alluded to, then I think that is appropriate to look at, lets find out what the collection problem is and lets take action to correct it if it is within our purview. I understand at one time they actually (I may call you back up on this Mr. LaFitte to help me) they actually had a collection agency working, a contract within the courts over there for some collection action.

Mr. LaFitte: I think that may have been correct. I am not sure. That would not have been through my office, that would have been through the Clerk of Courts Office.

Councilman Walford: I understand that they did and that is not active at the present time and if that is what we need to do, then I think we should look at it.

If we need to look at a budget amendment that gives them more manpower in the Marshall's Office or whoever serves the warrants to play catch up and it is a cost effective thing because it is going to bring us more than we spend, I'll support that.

But again, I think we are painting with too broad of a brush on this. If it is amended to include some specific event, then I certainly would support it. I just think that we are painting with too broad a brush and this goes far, far to broad.

I don't think we need to investigate all the plea bargains. I am comfortable with them based on my own investigation over what Mr. LaFitte, the last 10 days or whatever that ya'll have helped me and I see the necessity of them. I have gotten it now from prosecutors, I've gotten it from defense attorneys, I got it from the City Attorney, two members of the judiciary and I'm comfortable, that our plea bargains are handled as they have to be, by necessity. Is that a good way. I think that is what you convinced me that they are necessary to make the system work, so, that's where I am and thank you very much.

Councilman Hogan: I am on the same page with you basically, Mr. Walford. And Mr. LaFitte, I am not sure, I am not convinced that we need an investigation here but I do know that we need accountability and I am not suggesting by that that there has been wrong doing. I understand also the plea bargaining process and it helps expedite the system and the fees and whatever has be paid. However, it is my understanding that and Ms. Graham (you are back there), with the City Court this does not fall under our internal audit system as far as what fees are charged and what fees are paid, am I correct?

Ms. Graham: Yes, we can investigate that. We can review the collection practices of the City Court.

Councilman Hogan: Has that been done before?

Ms. Graham: Not in a while. It is on our schedule, actually, to review City Courts, this year.

Councilman Hogan: That answered my question a lot, right there because I know that we need accountability and I am not saying that something has been underhanded or under the table, but as far as simple the charges that were agreed on, the fees that were agreed on were they in fact, what happened on the charge. Was it somebody couldn't pay, they were incarcerated. You know, just to have sort of a check and balances system where somebody comes along behind them and make sure that everything that been done as it was agreed on and that is my main argument.

Councilman Gibson: 1. I am the sponsor of this legislation and have one of my colleagues, he is referring to a 1990 issue, I am not aware. Because I am the sponsor and I've never received a ticket in the city of Shreveport since I moved back here, so I want to make sure we are clear on that so he might be looking at wrong information.

2. This issue arose based on a fire storm of information that surrounded one of our colleagues, as a matter of fact, but at the same time I am a little bit kind of thrown back by some of the comments here today when in fact we don't have oversight.

I do have major concerns about what is happening in terms of our court system based on

the statistical information that has been put in writing, based on the dollars that are owed.

We had a unfortunate incident that took place with our Police Department. The first thing some of my colleagues said, lets refer to the Justice Department and quickly jumped up and we put it up to the Justice Department which it is currently being reviewed. I didn't' hear anybody talk about that we were infringing upon the Police Department and saying that they were, you know, not doing their diligence.

Mr. LaFitte, DWIs are things that are heard in the courts, correct?

Mr. LaFitte: Yes. I think 1st and 2nd offense are considered misdemeanors.

Councilman Gibson: I am going to amend in just a minute specifically this issue to be more specific. But on DWIs, off the top of your head, what type of percentage of prosecutions do we do on DWIs?

Mr. LaFitte: We get quite a number of those. How many are prosecuted and what have you, I have to pull the numbers.

Councilman Gibson: I'd like to see those numbers because I've been told that more times than not, we don't prosecute DWIs in this community. That is a statement I'll stand by, you prove otherwise; that is one example. I want to be specific if we are going to have to be specific with my colleagues.

I think we've got an issue. I tried to dance around this issue based on the fire storm that has taken place in the information and the plea bargain and we were pretty specific here in trying not to be too specific in having the group that is suppose to oversee our court system.

But Mr. Chair at this point and time, you give me no recourse but I would like amend the motion to specifically, in order to appease my constituents and others in the City that I've talked to because of lack of credibility with what is going on. I have had numerous requests of which you and I, Mr. Chair, have had conversations on this and several other colleagues on this, where constituent and citizens have asked how they can get their money back on tickets that they've paid, how they can get the deal on current tickets.

And now we are going to get into well if we prosecute them all, we are not going to have a place to put them when in fact I've heard many a time we have got plenty of space to put people into our jails, but that is another subject for another day.

But I would like to amend that this specifically look at the Calvin Lester plea bargain and also DWIs (seconded by Councilman Carmody).

Councilman Green: Point of Order. We've already got a motion on the floor. We are discussing the motion that is already on the floor.

Councilman Gibson: I have an amendment.

Councilman Walford: Are you offering a substitute motion Mr. Gibson?

Councilman Gibson: A substitute motion, if that will.

Councilman Green: Point of Order. From my understanding, the amendment that he is offering would have to be in writing. You can't just jump up and just do an amendment without putting it writing. You can't amend, no writing.

Mr. Thompson: That's correct, all of our amendments must be in writing.

Councilman Walford: Mr. Gibson, that would have to be in writing and submitted to the next meeting.

Councilman Gibson: That is fine.

Councilman Green: I wanted to clarify something. And here again, Mr. Gibson if that is not true. Yes, you are the author of this and from this court minutes it says: This person was Michael G. Gibson, so maybe that is not you.

Councilman Gibson: No it is not.

Councilman Walford: Okay gentlemen, lets put that to rest. I have a substitute motion on the floor which was not in order, it would have to be in writing. Do they need to withdraw the original motion and the substitute?

Mr. Thompson: I think that would be up to the author. I mean there have been other incidences where the Council has allowed the staff time to write the amendment but that is up to the Council, I mean you have done that in the past.

Councilman Green: Point of Order. I think we have a motion on the floor and at this particular time, I would like to call for the question.

Councilman Walford: State your motion for me, Mr. Gibson. Your substitute motion is to look at. . . .

Councilman Green: No, his substitute motion is over. He wanted to do an amendment. Councilman Gibson: I will be willing to wait two weeks on this issue.

Councilman Walford: So, do you wish to withdraw your original motion? The substitute motion was not in order, so we are back to the original motion.

Motion to call for the question seconded by Councilman Jackson and approved by the following vote: Ayes: Councilman Lester, Walford, Hogan, Green and Jackson. 5. Nays: Councilman Carmody and Gibson. 2.

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

RESOLUTION NO. 125 OF 2003

A RESOLUTION WAIVING THE PROHIBITION AGAINST JURY TRIALS IN SUITS AGAINST THE CITY OF SHREVEPORT, AS PROVIDED IN LA. R.S. 13:5105, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, Louisiana Revised Statute 13:5105(A) provides that no suit against a political subdivision of the State of Louisiana should be tried by a jury; and

WHEREAS, in the 1996 Special Session, the Louisiana Legislature passed House Bill No. 239, thereby enacting the "Louisiana Governmental Claims Act" which provides that any political subdivision may waive the prohibition against jury trials by general ordinance or resolution; and

WHEREAS, it is in the best interest of the City of Shreveport to waive the prohibition against jury trials in litigation against this political subdivision and to authorize the City Attorney to waive the prohibition against jury trials by demanding same in any pending lawsuit or any future lawsuit as he/ she deems appropriate.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in due regular and legal session convened that:

Section 1: The provision of La R.S. 13:5105(A) prohibiting jury trials against a political subdivision are hereby waived as to the City of Shreveport in any pending lawsuit and any future litigation arising against the City of Shreveport.

Section 2: That the City Attorney is hereby authorized to demand a jury trial in accordance with applicable law in any pending lawsuit or any future litigation whenever he/she determines such to be in the best interest of the City of Shreveport.

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

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

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

Councilman Lester: My question to the City Attorney was, what is the sum benefit of us waiving the jury trial?

Mr. Antee: That originated from the lawsuit filed by Whitaker Construction for the additional monies on the Stadium where they've also sued the City for damages as a result of their bankruptcy saying the City caused their financial ruin. And if we don't pass the ordinance then we will not be able to make a demand for a jury trial in that suit and the answer is due in Bankruptcy Court tomorrow.

Councilman Lester: So is it that we are doing this based upon, Mr. Lafitte?

Mr. Antee: Based upon the City's desire to try these issues before a jury on the Stadium lawsuit.

Councilman Lester: Mr. LaFitte, I was asking about, as it relates to these jury trials, waiving of the jury trial, that ordinance, is that something in your opinion or our Counsel's opinion going to be a strategic advantage to the City?

Mr. LaFitte: Yes, and I've discussed it at length with counsel that is representing us in that particular matter as well as with Mr. Antee and we do feel like that it is going to be to our best advantage.

Councilman Lester: Now will this be in all cases or is this ordinance specific to this just this particular case?

Mr. LaFitte: It is specific.

Councilman Lester: It is specific to this particular case?

Mr. LaFitte: Right.

Mr. Antee: I don't mean to interrupt but on the last question that was asked is this specific for this litigation, no it is not. It is as a result of the litigation but it is not specific to this particular legislation.

Councilman Lester: So then in the future we are not going to, if we are in litigation, we are not going to be trying cases in front of a judge, all of our trials will be jury trials?

Mr. Antee: No, that is not what it does.

Councilman Lester: Okay, that was my question, that was my question.

Resolution adopted by the following vote: Ayes: Councilman Lester, Walford, Hogan, Green and Jackson. 5. Nays: Councilman Carmody and Gibson. 2.

INTRODUCTION OF RESOLUTIONS:

- 1. Resolution No. 121 of 2003: A resolution authorizing a contract between the City of Shreveport and Raycom Media, Inc., relative to the Fourth of July Celebration and to otherwise Provide with Respect Thereto
- 2. Resolution No. 122 of 2003 by Councilman Walford: A resolution authorizing the Mayor to execute a Cooperative Endeavor Agreement with the Central Trades and Labor Council of Shreveport and Vicinity, AFL-CIO relative to holding the Union-Industries, Trades & Service Show in Shreveport, and to otherwise provide with respect thereto.
- 3. Resolution No. 123 of 2003: A resolution authorizing the employment of special legal counsel to represent the City of Shreveport and otherwise provide with respect thereto.
- 4. Resolution No. 124 of 2003: A resolution authorizing the employment of special legal

counsel to represent the City of Shreveport and otherwise provide with respect thereto.

- 5. Resolution No. 126 of 2003: A resolution authorizing the employment of special legal counsel to represent the City of Shreveport and otherwise provide with respect thereto.
- 6. Resolution No. 127 of 2003: A resolution authorizing the acceptance of a donation in the amount of Fifty Nine Thousand Eight Hundred Seventy Four Dollars and Fifty-two Center from Red River Entertainment, Inc., D/BA/ Harrah's Shreveport Casino and Hotel and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Lester</u> for Introduction of the Resolutions to lay over until the August 26, 2003 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan Green and Jackson. 7. Nays: None.

INTRODUCTION OF ORDINANCES:

- 1. Ordinance No. 109 of 2003: An ordinance authorizing the issuance of not to exceed Six Million Dollars (\$6,000,000) of SEWER Revenue Bonds, Series 2003A, of the City of Shreveport, State of Louisiana; prescribing the form, terms and conditions of said Bonds, providing for the payment thereof in principal and interest; providing for the sale of the Bonds; and providing for other matters in connection therewith.
- 2. Ordinance No. 110 of 2003: An ordinance declaring certain adjudicated properties to be surplus and to authorize the Mayor of the City of Shreveport to sell the City of Shreveport's tax interest in certain surplus adjudicated properties, and to otherwise provide with respect thereto.
- 3. Ordinance No. 111 of 2003: An ordinance amending the 2003 Capital Improvements Budget and otherwise providing with respect thereto.
- 4. *Ordinance No. 112 of 2003: An ordinance to amend and re-enact Section 66-105 of the Code of Ordinances of the City of Shreveport to st parameters for cost of living increases.
 - Read by title and as read motion by Councilman <u>Green</u>, seconded by Councilman <u>Lester</u> to withdraw Ordinance No. 112 of 2003 from the agenda. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan Green and Jackson. 7. Nays: None.
- 5. Ordinance No. 113 of 2003: An ordinance to amend and re-enact Chapter 66, Article II, Section 66-64(8)a, of the Code of Ordinances Relative to the Employees Retirement System Management of Funds to allow investment of a maximum of 65% of the funds in Equities and to otherwise provide with respect thereto.
- 6. Ordinance No. 114 of 2003: An ordinance to amend Section 10-190(b) of the City of

- Shreveport Code of Ordinances relative to Alcoholic Beverages and to otherwise provide with respect thereto.
- 7. Ordinance No. 115 of 2003: An ordinance amending Chapters 26 and 62 of the Code of Ordinances of the City of Shreveport relative to rental of City property and otherwise providing with respect thereto.
- 8. Ordinance No. 116 of 2003: An ordinance to enlarge the limits and boundaries of the City of Shreveport a tract of land located along the North Hearne Avenue, North Market Street, Grimmett Drive, Cross Bayou, and Twelve Mile Bayou Rights-of-way in Sections 23 and 26 (T18N-R14W), Caddo Parish, Louisiana, and a Portion of Grimmett Drive Right-of-way (La. Hwy. No. 3049), and to otherwise provide with respect thereto.
- 9. Ordinance No. 117 of 2003: An ordinance amending the 2003 budget for the Community Development Special Revenue Fund and otherwise providing with respect thereto.
- 8. Ordinance No. 118 of 2003: An ordinance to amend Section 90-273 (c) of Ordinance Number 84 of 2003 relative to traffic and vehicles and to otherwise provide with respect thereto.
- 9. Ordinance No. 119 of 2003: An ordinance to amend Ordinance Number 41 of 2003 relative to authorizing a servitude and an encroachment on a portion of the Clyde E. Fant Memorial parkway right-of-way for the Regional Visitors Center and to otherwise provide with respect thereto.
- 10. Ordinance No. 120 of 2003 Councilman Lester: An ordinance authorizing and providing for an encroachment on a portion of the Norma Street and Poland Street rights-of-way, and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman <u>Green</u>, seconded by Councilman <u>Walford</u> for Introduction of the Ordinances to lay over until the August 26, 2003 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan Green and Jackson. 7. Nays: None.

ORDINANCES ON SECOND READING AND FINAL PASSAGE:

1. Ordinance No. 85 of 2003: An ordinance to amend and re-enact Section 2-1 of the Code of Ordinances of the City of Shreveport to require certain officers and employees to reside and be domiciled in the City of Shreveport and to otherwise provide with respect thereto.

Having passed first reading on <u>July 8, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Carmody</u>, seconded by Councilman Gibson for adoption.

Councilman Carmody: I think that we've certainly talked around this particular ordinance now, seems like it has been well over a month, maybe 6 weeks and again to clarify the spirit of the legislation that, to add the three words *and be domiciled* is to remove any gray area in the intent that this City requires department heads to reside, meaning to live, to have their primary residence within our city limits.

Councilman Lester: I am going to urge my colleagues to vote against this and at the next meeting I will be moving forward with an ordinance to remove the residency requirement (in audible).

Shreveport is not Mayberry anymore. We are a City, we are not a town. Employees are not representative. The only thing that should matter to us is, are we getting a quality person, not where they live, not their race, not their creed, nothing else. The only qualification should be this person is a good person, has some good ideas and is qualified and I don't think residency is a requirement to work for the City. If it would, we would require everyone to live in the City and we don't because we can't.

Why would we do something, this is something that, I don't know I wasn't on the Council back then but if I was, I would have voted against it then and so now that I am here, and will be here, I will be moving against this; so, I would just ask my colleagues to vote against this particular measure and lets bring our city, for lack of a better term, to a complete city-way of thinking in to the 21st Century.

Councilman Gibson: I can appreciate the fact that we are looking for quality. I think that I've never heard from the Administration or from anybody since I've moved back here that we haven't been receiving quality candidates for department head. And if we have, I would like to know from some people out there that we haven't been receiving applications because I think most of the time when department heads come up, we have a laundry list of people willing to apply for these type positions.

One of my colleagues later on is going to be talking about economic development. He talked about it yesterday. I will suggest to you in talking with some people in the Administration that we've got 'x' amount of department heads which accounts for approximately about \$1.5 million dollars worth of payroll.

You factored in their home and the whole nine yards, economic development and most economic developers will tell you that for every dollar that you keep within your community, it is going to circulate four or five times over. And this individual on this Council is going to talk about economic development in a few minutes and I question his motives because he'll say one thing and do something completely different in the fact that it starts at home.

Our department heads are the people who set the example for the people that work for them. Just like we set the example for people in the community as political leaders. If we are not willing to set the example at the department heads, and I understand just off the cuff and in a conversation with the Administration that we have close to 40% of our employees that don't live in the city. I don't know if that statistic is right, but even if it is in the ballpark, it affects our population. Population also affects federal and state dollars that we receive. The moneys in the department heads are reinvested through economic impact four to five times over, but then when we come to talking about pay raises and benefit increases, those people that live outside of the City of Shreveport, aren't impacted. The citizens that live in the City of Shreveport are the ones that are going to foot the bill. What kind of message does that send in terms of we are

talking about department heads, here?

And for the life of me, I don't understand why when again, the Mayor has the authority to hire and fire, but when he puts out the word that he is looking for a department head that you have the opportunity as an individual to apply for that position. And whether it is a condition of your employment, again, I haven't seen any evidence that shows that we've had a lack of quality of candidates and that is only compelling reason why we should not vote for ths piece of legislation but again, it starts at the top. How does city employees that currently do live in the City look to the department head that may live somewhere else. What's to keep them from moving out of the City and if we moved with that, where is our population and where's our investment in the community going to come from. And again if everybody takes that attitude then at the end of the day when it comes for pay increases and infrastructure dollar and things of that nature, where are we going to get that money from. I look at if you live in Bossier, hey, happy for you but at the same time when pay raises come around, who foots the bill? Not the citizens of Bossier but the citizens of Shreveport.

And when you are looking at the overall big picture which we have fiduciary responsibility up there along with that Administration to be able to look at those kind of things, it kind of actually burns me up to even think that we are not holding department heads accountable and responsible, to want to live here.

If they don't want to live here, why in the heck do I want them as a department head? Why should I sit here and approve the Mayor's recommendation to have somebody work here as a department head and I am not talking about the people that have been grandfathered in. I don't have a problem with that, but I think that we are sending a dangerous message to this City which is already strapped with revenue stream problems and we are only compounding the problem. But, the next time we talk about pay increases, and the next time we talk about issues like that, we only have to look at our selves and wonder, why we have these problems.

So, again, I talk about tax base, population, and setting a standard or responsibilities to department heads. That is what I bring to the table to tell that I think you ought to support this.

The ones so far that have said, don't support this, is that we don't think that we have quality candidates. And, I will suggest to you, I think we got the best quality candidates as department heads in this City right now and some that are looking to be confirmed that when they applied they knew, hey they were going to have to live here; that is a condition fo employment. They didn't have to apply if they didn't like that.

And I guess worse case scenario, even we don't, I guess the Mayor can always he's got the power to hire and fire, but I think that we set the example right here, right now on this particular issue.

Councilman Jackson: Thank you Mr. Chairman. I would like to ask the Mayor and perhaps the Finance Department, Ms. Washington is here, a few questions so that we can clarify a few things. Mr. Mayor, would the Director of Finance know about the amount of money that we spend on payroll and I'm only talking ballpark. I don't want to know to the nickel or any of those things, Just want to talk about ballpark. Mr. Dark, whoever. I just want somebody who could just answer a few, what I hope will be succinct and concise questions.

Mr. Dark: Between us we can try . . . But I'm just. . . \$70 to \$75million something

like that.

Councilman Jackson: Let me ask you my question, that's not my question. I just wanted to know if you had, if you knew something about . . .I mean who would know something about the payroll. I want to ask you two questions in reference to it.

Mr. Dark: We will try to answer between us.

Councilman Jackson: Thank you. 1. Councilman Gibson made reference to and I think the number is 14 of department heads that are affected by this. Do we know and I think he said, I don't have any reason to challenge these numbers. He said some million, I don't know what the number was.

Councilman Gibson: About a million and a half.

Councilman Jackson: Million and a half. What. . . the total payroll again for all employees?

Mr. Dark: Our guess is \$70-75million somewhere in that area.

Councilman Jackson: \$75million. And I don't know the percentage, what \$1.5million is of \$75?

Mr. Dark: 2% sir.

Councilman Jackson: How much?

Mr. Dark: 2%

Councilman Jackson: 2%. Okay, 2% is what we're... we've crafted an ordinance to deal with 2% of the payroll. And probably 99% of the employees are not affected by this, because they can live wherever they want to live. Am I correct?

Mayor Hightower: Correct.

Councilman Jackson: Now, Thank you. Mr. Chairman, I heard my colleague say that we've got people who are of quality now, have no reason to dispute that, I think it's correct. The situation as many of them had to move in. You know while they were quality people, many of them had to in fact move in.

To not have a problem with people who were grandfathered in, yet to have a problem with everything that happens in the future, leaves me to question what the real substantive issue is. Because if a person was grandfathered in or not, they still don't live in Shreveport. They're still a part of the payroll. They just happen not to have been now coming under this legislation. It would seem to me, that if I were against this, so that I could escape the appearance of being hypocritical, I would have a problem with everybody, whether you'd been grandfathered in or not because at the end of the day, you still don't live within the City of Shreveport. Doesn't make you anymore competent or qualified than anybody else, you still don't live in the City of Shreveport.

I have a real problem with this idea. We're using department heads to set examples. Set examples for what? I mean to me, all of the comments are contradictory. Because we want them to set examples for employees who don't have to live in the City. So, if they live in the City setting an example that what? You ought to move in the City? I mean, I think its asinine to believe that, that's some kind of example that's being set. Its not about setting examples or setting standards. The second thing I said to you before.

2. The problem I have is that we don't give these individuals, these 14 individuals also happen to be 14 individuals who are not civil service, 14 individuals who have no long term contract, 14 individuals who work at the behest and at the pleasure of the Mayor. And at any point and time in his four tenure, he can decide if they are not

delivering the quality product, I don't care if they move from Timbuktu, you gotta go and now, you're not affecting an individual, we are affecting a family and that's what I think we've been so superficial as to believe that we only affect these individuals.

We affect these families when we ask them to up root. What's the reward to a man who served 29-30 years in the Police Department, rise to the level to be come the Chief, he's raised his family where he chooses his family and now, he's coming back. He's coming back now and he's being forced to move into the City because now, you've earned this. You've earned the right to not worry about the investment that you have. Five miles outside of the City, and you can get to the City closer than somebody that lives perhaps within the City limits, 12 miles away and so we talk about proximity. I guess my question is what are we really doing?

When I hear Councilmen, the colleagues of mine who support this, talk about set asides, they talk about preferences—'cause we've set aside the department head jobs for folks who live in the City. We give preferences to folks who live in the City. And as a matter of fact, it's a mandate that all 14 of these jobs is quota: all 14 of these jobs have to go to people who live within the City. Basically what we've set up is a system of quotas, preferences and set aside.

Now, I would suggest to you that we argue vociferously, if that were applied to anything besides this. I think that puts us in a situation of saying one thing, I think if I can quote Councilman Gibson, saying one thing and doing something else. And when you in my opinion, you juxtapose the number of total employees against the number of department heads which is 14, Mr. Mayor, how many total City employees we have?

Mayor Hightower: About 3,000.

Councilman Jackson: 3000. So, we're talking about 14 out of 3,000. \$1.5million out of \$75million. Its an emergency. I think we need to do something about this. I'm being facetious because I don't see the urgency. I don't see the emergency, I don't see where this ought to take prominence against anything else we have to do in this City.

If \$1.5million of a \$7.5million budget is what's gonna save us, we're already in trouble. And if 14 out of 3,000 people living in the City is what's gonna save us, we're already in trouble.

I would suggest to you and I would encourage my colleagues to vote against this, because it just in my opinion mandates that we set up something in that we don't want to follow in other areas. So I would suggest to us and I would encourage let me say, my colleagues to consider voting against this as it is before us. Thank you Mr. Chairman.

Councilman Green: Mr. Chair, I call for the question (seconded by Councilman Lester and approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Green and Jackson. 6. Nays: Councilman Hogan. 1.)

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

2. Ordinance No. 86 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the North side of South Lakeshore Drive 500 feet west of Municipal Pier Road, Shreveport, Caddo Parish, Louisiana. from R-1D, Urban, One-family Residence District, to R-1H(PUD) Urban, One-family Residence (Planned Unit Development) District, and

to otherwise provide with respect thereto.

Having passed first reading on <u>July 8, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Lester</u> adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

3. Ordinance No. 87 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the southeast corner of South Lakeshore Drive and Willow Ridge Boulevard, Shreveport, Caddo Parish, Louisiana. from B-3, Community Business District to R-3, Urban, Multiple-family Residence District, and to otherwise provide with respect thereto.

Having passed first reading on <u>July 8, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Lester</u>, seconded by Councilman <u>Carmody</u> adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

4. Ordinance No. 89 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the South side of West 70th Street 1700 Feet east of Raspberry Lane, Shreveport, Caddo Parish, Louisiana, from, R-1D, Urban, One-family Residence District, to B-1, Buffer Business District, and to otherwise provide with respect thereto.

Having passed first reading on <u>July 8, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Green</u>, seconded by Councilman <u>Lester</u> adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

5. Ordinance No. 90 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the southwest corner of Essex Street & Hearne Avenue, Shreveport, Caddo Parish, Louisiana. from B-1, Buffer Business District to B-3, Community Business District, and to otherwise provide with respect thereto.

Having passed first reading on <u>July 8, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Green</u>, seconded by Councilman <u>Carmody</u> for adoption.

Councilman Hogan: I'm just wondering. Currently we have B-1 zoning on this and what was the reason and justification to need a B-3? Wouldn't typical upgrade be to B-2 zoning? Mr. Kirkland, are you available?

Mr. Kirkland: A portion of the property is already zoned B-3. If you look at your vicinity map it shows that and they wanted compatible zoning on the entire tract and so there was no objection from the neighbors that lived in the area. There is buffering on the site plan that provides adequate protection for the residential from the B-3. But

essentially, the bulk of the tract was already B-3. And, this type of operation would operate until Midnight and with a drive-in window, pick up window which is typical in B-3.

Councilman Hogan: Is this in a residential area? I've not been by the property? Mr. Kirkland: I suspect you know that Mr. Smith owns the property next door, maybe you don't.

Councilman Hogan: No. Jim Smith?

Mr. Kirkland: But he had no objection to it but there is residential next door. Councilman Hogan: What is the side street this is near? Is that near Merwin

Street?

Mr. Kirkland: (unclear) is on the corner at this corner zone. Your vicinity map will show you Councilman if you've got it.

Councilman Hogan: I don't have it with me, but I'm okay.

Mr. Kirkland: Well, I could put it on the overhead for you.

Councilman Hogan: I'm okay. That's fine based on what you've told me, I'm fine.

Mr. Kirkland: And Mr. Smith didn't oppose it so. . .

Councilman Green: Councilman, its just basically Dominos Pizza is right there and they're just moving their business next door.

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

6. Ordinance No. 91 of 2003: An ordinance authorizing the Purchasing Agent to dispose of surplus real property Lot 14, Yarbrough Subdivision and otherwise providing with respect thereto.

Having passed first reading on <u>July 8, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Lester</u>, seconded by Councilman <u>Green</u> adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

7. Ordinance No. 92 of 2003: An ordinance authorizing the Purchasing Agent to dispose of surplus real property Lot 15, Yarbrough Subdivision and otherwise providing with respect thereto.

Having passed first reading on <u>July 8, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Lester</u>, seconded by Councilman <u>Green</u> adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

8. Ordinance No. 93 of 2003: An ordinance authorizing the Purchasing Agent to dispose of surplus real property Lot 26, West Shreveport Subdivision and otherwise providing with respect thereto.

Having passed first reading on July 8, 2003 was read by title and on motion ordered passed to

third reading. Read the third time in full and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Green</u> for passage. The Deputy Clerk read the following amendment:

Amend the ordinance as follows:

In the NOW, THEREFORE, BE IT ORDAINED section, at the end of the second indented paragraph, delete the last sentence and substitute the following: "The minimum bid amount will be \$4,900.00."

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

9. Ordinance No. 94 of 2003: An ordinance authorizing the Purchasing Agent to dispose of surplus real property Block 5 of Solo Hood Partition and otherwise providing with respect thereto.

Having passed first reading on <u>July 8, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Green</u> for passage. The Deputy Clerk read the following amendment:

Amend the ordinance as follows:

In the NOW, THEREFORE, BE IT ORDAINED section, at the end of the second indented paragraph, delete the last sentence and substitute the following: "The minimum bid amount will be \$2100.00."

Motion by Councilman <u>Gibson</u>, seconded by Councilman <u>Carmody</u> for adoption of the Amendment. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

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

10. Ordinance No. 95 of 2003: An ordinance authorizing the Purchasing Agent to dispose of surplus real property Lot D of Carrie Hood Allen Partition and otherwise providing with respect thereto.

Having passed first reading on <u>July 8, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Carmody</u>, seconded by Councilman Lester for passage. The Deputy Clerk read the following amendment:

Amend the ordinance as follows:

In the NOW, THEREFORE, BE IT ORDAINED section, at the end of the second indented paragraph, delete the last sentence and substitute the following: "The minimum bid amount will be \$650.00."

Motion by Councilman <u>Gibson</u>, seconded by Councilman <u>Carmody</u> for adoption of the Amendment. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

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

11. Ordinance No. 96 of 2003: An ordinance authorizing the Purchasing Agent to dispose of surplus real property Lot 9, Morningside Subdivision and otherwise providing with respect thereto.

Having passed first reading on <u>July 8, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Lester</u> for passage. The Deputy Clerk read the following amendment:

Amend the ordinance as follows:

In the NOW, THEREFORE, BE IT ORDAINED section, at the end of the second indented paragraph, delete the last sentence and substitute the following: "The minimum bid amount will be \$500.00."

Motion by Councilman <u>Green</u>, seconded by Councilman <u>Carmody</u> for adoption of the Amendment. Motion approved by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

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

12. Ordinance No. 97 of 2003: An ordinance declaring 740 Stephenson Street to be surplus property; authorizing the donation of same to Volunteers of America of North Louisiana; and to otherwise provide with respect thereto.

Having passed first reading on <u>July 8, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Green</u> for adoption.

Councilman Gibson: I asked for a motion to delay on this please, postpone?

Motion by Councilman <u>Gibson</u>, seconded by Councilman <u>Green</u> to postpone the ordinance until the August 26, 2003 meeting. Motion passed by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

13. Ordinance No. 100 of 2003: An ordinance to amend certain provisions of Section 42-197(a) of the City of Shreveport Code of Ordinances relative to Licenses Permits and Business Regulations and to otherwise provide with respect thereto.

Having passed first reading on <u>July 22, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Gibson</u> adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

14. Ordinance No. 101 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the east side of I-49, 200 feet south of East 85th Street, Shreveport, Caddo Parish, Louisiana, from, R-1H, Urban, One-family Residence District, to B-3, Community Business District and B-1, Buffer Business District, and to otherwise provide with respect thereto.

Having passed first reading on <u>July 22, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Gibson</u>, seconded by Councilman Carmody for adoption.

Councilman Lester: Mr. Gibson on yesterday indicated that he was going to give us some information on items 101 and 103. I was wondering if he was in a position to do that?

Councilman Gibson: Mr. Kirkland, could I ask you to come forward on that please?

Mr. Kirkland: On 101, Lennard Properties. That's an undeveloped piece of property off of that street. Small church is right there next door to it. It lies next to and adjoins a railroad tract. Probability is that very little development will ever occur. Mr. Lennard is a Real Estate Broker and Developer. He acquired the property I think through tax/sale. He plans to do so development of some small warehouse storage units on it. He also, in order to further buffer the Church, agreed to donate a part of the property to them and the Planning Commission approved it only with the provision that, that part would be B-1 zoned and the Church Minister was there and essentially, we are reasonably certain that, that will happen as agreed to.

So, there was some concern in the neighborhood about what I believe Mr. Lennard originally wanted some I-1 zoning. Anyway that's the genesis of it or the nut of it but the Board was unanimous and there was no opposition that we were aware of at the time it passed. Anything further?

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

15. Ordinance No. 102 of 2003: An ordinance Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on west side of North Hearne, 1000 feet south of Forum Drive, Shreveport, Caddo Parish, Louisiana, from B-2, Neighborhood Business District, to R-3, Urban, Multiple-family Residence District, and to otherwise provide with respect thereto.

Having passed first reading on <u>July 22, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Lester</u>, seconded by Councilman <u>Gibson</u> adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

16. Ordinance No. 103 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on west side of Fern Avenue, 2000 feet north of Business Park Drive, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-Family Residence District, to B-1, Business Buffer District, and to otherwise provide with respect thereto.

Having passed first reading on <u>July 22, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Gibson</u>, seconded by Councilman Carmody for adoption.

Councilman Lester: On yesterday Mr. Gibson indicated that he was going give us some information regarding item 103.

Councilman Gibson: Mr. Kirkland, could I ask you to come forward on that one also.

Mr. Kirkland: If most of you have driven that section of Fern between 70th Street and I'll call the Auto Mall area, you know where it begins on the south end, that's virtually undeveloped once you are headed south pass the apartments. On the west side, backed up to Bayou Pierre, about maybe two-thirds of the way down on the south side on the undeveloped portion, there is also a nice City jogging path or walking path or whatever you want to call it, that across that Bayou Pierre is part of Spring Lake and the folks, Mr. Humphrey and his investors want to put a nice office center and it's a good beginning we would think of an office center development and one story, perhaps some might be two story.

They presented an excellent plan. Mr. Bob Griffin, who many of us know from Channel 12 Sports, he and some of his neighbors were at the hearing, spoke to the concerns about whether it would be unsightly from their point of view, which is quite a few hundred feet away, but the developer and the Planning Commission agreed that there would be landscape improvements of a height and a type spaced that would break the silhouette of these office buildings. Of course, Mr. Al Childs with Vintage Realty and others that are involved. The Crow family owns the property. Apparently they are also putting some type private requirements on it; so, the nut end of it was that everybody was in agreement, that it probably would be a good development and frankly, we look forward to it happening.

Councilman Gibson: Mr. Kirkland, thank you and also, I will say for my colleague, in my district if these things come up, I will assure you that I'm one of the first

to get a phone call. If Mr. Kirkland doesn't get it before me, I'm sure y'all get phone calls.

But on both of these items 101 and 103, I haven't one constituent call me with concerns that they haven't already voiced through the proper channels, through the Zoning Board and also through the MPC. So, I do appreciate y'all's due diligence, but from a Council perspective, everybody in my district either has my phone number or my cell phone and I'm sure that if there is a concern, they're going to call me in a heartbeat; so, I do appreciate your feedback on that.

Mr. Kirkland: Thank you. And if I might add, I hope you don't mind as Council members, but one of the things we say in our opening monologue is Mr. Walford remembers at the Board meetings at MPC and ZBA is if you have questions, call your City Councilman or your other elected officials, your Parish Commissioner. So, we don't ever refer them to you Mr. Mayor, you get enough calls already.

Mayor Hightower: Thank you.

Councilman Lester: I appreciate Mr. Gibson giving me that information and I'm encouraged to know that things operate in a fashion in District D, the way they operate in District A. Thank you.

Councilman Gibson: Just take your lead Mr. Lester.

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

17. Ordinance No. 104 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the southwest corner of Meriwether Road & Jewella Avenue Shreveport, Caddo Parish, Louisiana, from B-3, Community Business District, to B-3-E, Community Business/Extended Use District, Limited to "Warehousing, Manufacturing, and Assembly" Only, and to otherwise provide with respect thereto.

Having passed first reading on <u>July 22, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Gibson</u>, seconded by Councilman <u>Hogan</u> adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

18. Ordinance No. 105 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on east side of Woolworth Road 600 feet south of Shirley Francis Road, Shreveport, Caddo Parish, Louisiana, from R-A, Residence Agriculture District, to R-1H, Urban, Onefamily Residence District, and to otherwise provide with respect thereto.

Having passed first reading on <u>July 22, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Green</u>, seconded by Councilman <u>Carmody</u> adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

19. Ordinance No. 106 of 2003: An ordinance amending Chapter 106 of the Code of

Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the southeasterly side of Buncombe Road, 1070 feet north of Woolworth Road, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-family Residence District, to R-1D-E, Urban, One-family/Extended Use District, limited to "an Accessory Building" only and to otherwise provide with respect thereto.

Having passed first reading on <u>July 22, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Jackson</u>, seconded by Councilman <u>Gibson</u> adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

20. Ordinance No. 107 of 2003: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located within the Huntington Park Shopping Center, Shreveport, Caddo Parish, Louisiana, from B-3, Community Business District, to B-3-E, Community Business/Extended Use District, limited to "6 rental vehicles as applied for" only, and to otherwise provide with respect thereto.

Having passed first reading on <u>July 22, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Jackson</u>, seconded by Councilman <u>Lester</u> adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

21. Ordinance No. 108 of 2003: 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 Norris Ferry Road and Southern Loop, Shreveport, Caddo Parish, Louisiana, from R-A, Residence Agriculture District, to B-2, Neighborhood Business District, and to otherwise provide with respect thereto.

Having passed first reading on <u>July 22, 2003</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Gibson</u>, seconded by Councilman <u>Carmody</u> adopted by the following vote: Ayes: Councilman Lester, Walford, Carmody, Gibson, Hogan, Green and Jackson. 7. Nays: None.

The adopted Ordinances as amended follow:

ORDINANCE NO. 86 OF 2003

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE NORTH SIDE OF SOUTH LAKESHORE DRIVE 500 FEET WEST OF MUNICIPAL PIER ROAD, SHREVEPORT, CADDO PARISH, LOUISIANA. FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT, TO R-1H(PUD) URBAN, ONE-FAMILY RESIDENCE (PLANNED UNIT DEVELOPMENT) DISTRICT, 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 Lot 3, Lakewood Subd. & Lakewood Estates (a resub of Lot 4 of Lakewood Subd.) less & except lots A-4 thru K-4 and adjacent common area, Shreveport, Caddo Parish, Louisiana, located on the north side of South

Lakeshore Drive 500 feet west of the Municipal Pier Road, be and the same is hereby changed <u>from R-1D, Urban, One-Family Residence District, to R-1H (PUD) Urban, One-Family Residence (Planned Unit Development) District.</u>

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

1. Development of the property shall be in substantial accord with the preliminary PUD plan submitted, with any significant changes or additions requiring further review and approval by the Planning Commission.

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

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

ORDINANCE NO. 87 OF 2003

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTHEAST CORNER OF SOUTH LAKESHORE DRIVE AND WILLOW RIDGE BOULEVARD, SHREVEPORT, CADDO PARISH, LOUISIANA. FROM B-3, COMMUNITY BUSINESS DISTRICT TO R-3, URBAN, MULTIPLE-FAMILY RESIDENCE DISTRICT, 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 southeast corner of South Lakeshore Drive and Willow Ridge Boulevard, Shreveport, Caddo Parish, Louisiana, legally described below, be and the same is hereby changed from B-3, Community Business District to R-3, Urban, Multiple-Family Residence District.

Parcel in Section 6, T17N-R15W, Shreveport, Caddo Parish, Louisiana, described as follows: beginning at the intersection of the S'ly R-O-W of South Lakeshore Drive and Willow Ridge Blvd., run N50°35'42"E a distance of 200 feet, thence run S34°52'01"E a distance of 200 feet, thence run S50°35'42"W a distance of 200 feet, thence run N34°52'01"W a distance of 200 feet to the P-O-B, said tract containing 40,000 square feet.

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

1. Development of the property shall be in substantial accord with the revised site plan submitted on June 4, 2003, with any significant changes or additions requiring further review and approval by the Planning Commission.

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

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

ORDINANCE NO. 89 OF 2003

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTH SIDE OF WEST 70th STREET 1700 FEET EAST OF RASBERRY LANE, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM, R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT, TO B-1, BUFFER BUSINESS DISTRICT, 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 the south side of west 70th Street 1700 feet east of Rasberry Lane, Shreveport, Caddo Parish, legally described below, be and the same is hereby changed from R-1D, Urban, One-Family Residence District, to B-1, Buffer Business District:

A tract of land located in the NE/4 of Section 25,T17N-R15W, Shreveport, Caddo Parish, Louisiana, said tract being more fully described as follows:

From a found 1-inch diameter iron pipe marking the NE corner of Section 25, run thence S89°56'27"W a distance of 653.48 feet (called S89°20'W-653.40 feet). Thence run south a distance of 54.05 feet (called S-54.2 feet) to a found one inch diameter iron pipe being on the south R-O-W line of W. 70th Street. Thence run S89°35'42"W along the south R-O-W line of W. 70th Street a distance of 268.83 feet to a set ½ -inch diameter iron pipe being the P-O-B of the tract herein described. From said P-O-B, run thence S00°24'18"E a distance of 413.44 feet to a set ½- inch diameter iron pipe, thence run S89°35'42"W a distance of 398.39 feet to a set ½-inch diameter iron pipe, thence run N10°54'08"W (called N11°02'W) a distance of 420.48 feet to a found 2-inch diameter iron pipe being on the south R-O-W line of W. 70th Street, thence run N89°35'42"E along the south R-O-W line of W. 70th Street a distance of 475.00 feet to the P-O-B.

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 showing landscaping to Ordinance standards, to be submitted to and approved by the Zoning Administrator, with any significant changes or additions requiring further review and approval by the Planning Commission.
- 2. The solid wood screening fence requirement is hereby waived.

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

ORDINANCE NO. 90 OF 2003

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTHWEST CORNER OF ESSEX STREET & HEARNE AVENUE, SHREVEPORT, CADDO PARISH, LOUISIANA. FROM B-1, BUFFER BUSINESS DISTRICT TO B-3, COMMUNITY BUSINESS DISTRICT. 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 Lot C, Marianne Subd. Unit #3, located on the southwest corner of Essex Street & Hearne Avenue, Shreveport, Caddo Parish, Louisiana, be and the same is hereby changed from B-1, Buffer Business District to B-3, Community Business District.

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 the site plan submitted with any significant changes or additions requiring further review and approval by the Planning Commission.
- 2. Re-platting of the two lots into one will be necessary prior to issuance of permits.
- 3. A six-foot concrete masonry wall shall be installed along the west property line, beginning 15 feet south of the property line on Essex Street, and extending southward the entire length of the property.

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

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

ORDINANCE NO.91 OF 2003

AN ORDINANCE AUTHORIZING THE PURCHASING AGENT TO DISPOSE OF SURPLUS REAL PROPERTY LOT 14, YARBROUGH SUBDIVISION AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

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

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

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Lot 14, Unit #6, Yarbrough Subdivision - 5912 Dianne Street, a subdivision of Shreveport, Caddo Parish, Louisiana, bearing Assessor's geographical number 171512010001400.

Purchasers acknowledge and agree that the City of Shreveport shall retain, in perpetuity, a permanent servitude of drain encompassing the entirety of said lot, for use by the City, at its direction and/or discretion. Purchasers and their heirs, assigns or successor owners are prohibited from constructing or placing buildings, structures or other personal property, movable or immovable, on the above described property, as said property has been determined to be prone to flooding. Furthermore, purchasers and their heirs, assigns, or successor owners shall make no alteration of existing ground cover or topography without the express written consent of the Shreveport City Engineer's Office. Additionally, purchasers and their heirs, assigns, or successor owners shall defend, indemnify and hold harmless the City of Shreveport from any losses or damages or any action or proceeding of any nature whatsoever. The minimum bid amount will be \$550.00.

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

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

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

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

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

ORDINANCE NO. 92 OF 2003

AN ORDINANCE AUTHORIZING THE PURCHASING AGENT TO DISPOSE OF SURPLUS REAL PROPERTY LOT 15, YARBROUGH SUBDIVISION AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of

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

Lot 15, Unit #6, Yarbrough Subdivision - 5908 Dianne Street, a subdivision of Shreveport, Caddo Parish, Louisiana, bearing Assessor's geographical number 171512010001500.

Purchasers acknowledge and agree that the City of Shreveport shall retain, in perpetuity, a permanent servitude of drain encompassing the entirety of said lot, for use by the City, at its direction and/or discretion. Purchasers and their heirs, assigns or successor owners are prohibited from constructing or placing buildings, structures or other personal property, movable or immovable, on the above described property, as said property has been determined to be prone to flooding. Furthermore, purchasers and their heirs, assigns, or successor owners shall make no alteration of existing ground cover or topography without the express written consent of the Shreveport City Engineer's Office. Additionally, purchasers and their heirs, assigns, or successor owners shall defend, indemnify and hold harmless the City of Shreveport from any losses or damages or any action or proceeding of any nature whatsoever. The minimum bid amount will be \$550.00.

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

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

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

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

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

ORDINANCE NO. 93 OF 2003

AN ORDINANCE AUTHORIZING THE PURCHASING AGENT TO DISPOSE OF SURPLUS REAL PROPERTY LOT 26, WEST SHREVEPORT SUBDIVISION AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport has acquired certain real property; and WHEREAS, the property listed herein is no longer needed for public purposes and should, therefore, be declared surplus and excess; and,

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

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Lot 26, Block 20, Kenneth Avenue, West Shreveport Subdivision - a subdivision of Shreveport, Caddo Parish, Louisiana, bearing Assessor's geographical number 181435019002600.

Purchasers acknowledge and agree that the City of Shreveport shall retain, in perpetuity, a permanent servitude of drain encompassing the entirety of said lot, for use by the City, at its direction and/or discretion. Purchasers and their heirs, assigns or successor owners are prohibited from constructing or placing buildings, structures or other personal property, movable or immovable, on the above described property, as said property has been determined to be prone to flooding. Furthermore, purchasers and their heirs, assigns, or successor owners shall make no alteration of existing ground cover or topography without the express written consent of the Shreveport City Engineer's Office. Additionally, purchasers and their heirs, assigns, or successor owners shall defend, indemnify and hold harmless the City of Shreveport from any losses or damages or any action or proceeding of any nature whatsoever. The minimum bid amount will be \$4,900.00.

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

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

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

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

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

ORDINANCE NO. 94 OF 2003

AN ORDINANCE AUTHORIZING THE PURCHASING AGENT TO DISPOSE OF SURPLUS REAL PROPERTY BLOCK 5 OF SOLO HOOD PARTITION AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

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

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

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

Tract 2, Lying in Block 5 of Solo Hood Partition in Fractional Section 31, T17N, R13W of Shreveport, Caddo Parish, Louisiana.

Purchasers acknowledge and agree that the City of Shreveport shall retain, in perpetuity, a permanent servitude of drain encompassing the entirety of said lot, for use by the City, at its direction and/or discretion. Purchasers and their heirs, assigns or successor owners are prohibited from constructing or placing buildings, structures or other personal property, movable or immovable, on the above described property, as said property has been determined to be prone to flooding. Furthermore, purchasers and their heirs, assigns, or successor owners shall make no alteration of existing ground cover or topography without the express written consent of the Shreveport City Engineer's Office. Additionally, purchasers and their heirs, assigns, or successor owners shall defend, indemnify and hold harmless the City of Shreveport from any losses or damages or any action or proceeding of any nature whatsoever. The minimum bid amount will be \$2100.00.

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

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

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

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

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

ORDINANCE NO. 95 OF 2003

AN ORDINANCE AUTHORIZING THE PURCHASING AGENT TO DISPOSE OF SURPLUS REAL PROPERTY LOT D OF CARRIE HOOD ALLEN PARTITION AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of

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

Tract 1, Parcel 2-13, Linwood Avenue and Ellerbe Road, tract of land lying in Lot D of Carrie Hood Allen Partition, a Resubdivision of Block 6 of Shreveport, Caddo Parish, Louisiana.

Purchasers acknowledge and agree that the City of Shreveport shall retain, in perpetuity, a permanent servitude of drain encompassing the entirety of said lot, for use by the City, at its direction and/or discretion. Purchasers and their heirs, assigns or successor owners are prohibited from constructing or placing buildings, structures or other personal property, movable or immovable, on the above described property, as said property has been determined to be prone to flooding. Furthermore, purchasers and their heirs, assigns, or successor owners shall make no alteration of existing ground cover or topography without the express written consent of the Shreveport City Engineer's Office. Additionally, purchasers and their heirs, assigns, or successor owners shall defend, indemnify and hold harmless the City of Shreveport from any losses or damages or any action or proceeding of any nature whatsoever. The minimum bid amount will be \$650.00.

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

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

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

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

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

ORDINANCE NO. 96 OF 2003

AN ORDINANCE AUTHORIZING THE PURCHASING AGENT TO DISPOSE OF SURPLUS REAL PROPERTY LOT 9, MORNINGSIDE SUBDIVISION AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

WHEREAS, the property listed herein is no longer needed for public purposes and should,

therefore, be declared surplus and excess; and,

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

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

Lot 9, Block 10, Morningside Subdivision - a subdivision of Shreveport, Caddo Parish, Louisiana, bearing Assessor's geographical number 1714141510009.

Purchasers acknowledge and agree that the City of Shreveport shall retain, in perpetuity, a permanent servitude of drain encompassing the entirety of said lot, for use by the City, at its direction and/or discretion. Purchasers and their heirs, assigns or successor owners are prohibited from constructing or placing buildings, structures or other personal property, movable or immovable, on the above described property, as said property has been determined to be prone to flooding. Furthermore, purchasers and their heirs, assigns, or successor owners shall make no alteration of existing ground cover or topography without the express written consent of the Shreveport City Engineer's Office. Additionally, purchasers and their heirs, assigns, or successor owners shall defend, indemnify and hold harmless the City of Shreveport from any losses or damages or any action or proceeding of any nature whatsoever. The minimum bid amount will be \$500.00.

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

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

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

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

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

ORDINANCE NO. 100 OF 2003

AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF SECTION 42-197(a) OF THE CITY OF SHREVEPORT CODE OF ORDINANCES RELATIVE TO LICENSES PERMITS AND BUSINESS REGULATIONS 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 Section 42-197 of the Code of Ordinances of the City of Shreveport is hereby amended and now reads as follows:

Section 42-197 (a). Fee for Appearance Bond

Pursuant to the provisions of R.S. 33:2334, a fee of \$15.00 shall be allowed for each appearance bond taken by the Shreveport Police Department when required to do so.

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. 1010F 2003

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE EAST SIDE OF I-49, 200 FEET SOUTH OF EAST 85th STREET, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM, R-1H, URBAN, ONE-FAMILY RESIDENCE DISTRICT, TO B-3, COMMUNITY BUSINESS DISTRICT AND B-1, BUFFER BUSINESS DISTRICT, 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 east side of I-49, 200 feet south of East 85th Street, legally described below, **be and the same is hereby changed_from R-1H, Urban, One-Family Residence District, to B-3, Community Business District:(Tract 1) and B-1, Buffer Business District (Tract 2).**

TRACT 1 (B-3):

Said property legally described as follows: a certain tract of land in the NE/4 of Section 36,T17N-R14W, containing 17.01 acres, M/L more particularly described as commencing at the point where the north line of Section 36 crosses the east boundary line of the R-O-W of K.C.S. Railway, marked by an iron bar, thence east on said north line of Section 36, 104.36 feet to a corner marked by an iron bar, thence S26°12'E parallel to said R-O-W line 208.71 feet to a corner marked by an iron bar, thence east parallel to said north line of Section 36, 313.06 feet to a corner marked by an iron bar, thence S26°12'E parallel to said R-O-W line 104.36 feet, thence east parallel to said north line of said Section 36, 92.1 feet to a corner marked by a 2-inch pipe, thence S26°12'E parallel to said R-O-W line 1288.8 feet to a corner marked by a 2-inch pipe, thence S63°48'W 456.9 feet, M/L to the east boundary of said R-O-W, thence N26°12'W along said east R-O-W line 824.2 feet, M/L to the P-O-B, less and except the following: a tract of land in the NE/4 of Section 36 T17N-R14W, containing approximately 1.68 acres more or less, more particularly described as follows: Commencing at the point where the north line of Section 36 crosses the east boundary line of the R-O-W of KCS Railway marked by an iron bar, thence east on said north line of Section 36,104.36 feet to a corner marked by an iron bar, thence S26°12'E and parallel to said railroad R-O-W 208.71 feet to a corner, thence east parallel to said north line of Section 36 113.06 feet to the P-O-B, thence continue east 200 feet, thence S26°12'E parallel to said R-O-W line 104.36 feet, thence east parallel to said north line of said Section 36 92.1 feet, thence S26°12'E parallel to said railroad R-O-W line 225 feet thence west parallel to said north line of Section 36 175 feet, thence north parallel with said railroad R-O-W 200 feet, thence west parallel to north line of Section 36 100

feet, thence north parallel with said railroad R-O-W 200 feet to P-O-B.

TRACT 2 (B-1):

A certain tract of land in the NE/4 of Section 36 T17N-R14W, containing approximately 1.68 acres more or less, more particularly described as follows: Commencing at the point where the north line of Section 36 crosses the east boundary line of the R-O-W of KCS Railway marked by an iron bar, thence east on said north line of Section 36,104.36 feet to a corner marked by an iron bar, thence S26°12'E and parallel to said railroad R-O-W 208.71 feet to a corner, thence east parallel to said north line of Section 36 113.06 feet to the P-O-B, thence continue east 200 feet, thence S26°12'E parallel to said R-O-W line 104.36 feet, thence east parallel to said north line of said Section 36 92.1 feet, thence S26°12'E parallel to said railroad R-O-W line 225 feet thence west parallel to said north line of Section 36 175 feet, thence north parallel with said railroad R-O-W 200 feet, thence west parallel to north line of Section 36 100 feet, thence north parallel with said railroad R-O-W 200 feet to P-O-B.

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

1. Development of the property shall be in substantial accord with the site plan submitted at the July 2, 2003 Public Hearing, with any significant changes or additions requiring further review and approval by the Planning Commission.

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

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

ORDINANCE NO. 102 OF 2003

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON WEST SIDE OF NORTH HEARNE, 1000 FEET SOUTH OF FORUM DRIVE, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM B-2, NEIGHBORHOOD BUSINESS DISTRICT, TO R-3, URBAN, MULTIPLE-FAMILY RESIDENCE DISTRICT, 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 west side of North Hearne, 1000 feet south of Forum Drive, Shreveport, Caddo Parish, Louisiana, legally described below, be and the same is hereby changed from B-2, Neighborhood Business District, to R-3, Urban, Multiple-Family Residence District:

That part of the W/2 of the SW/4 of Section 23, and the E/2 of the SE/4 of Section 22, T18N, R-14W, Shreveport, Caddo Parish, Louisiana, lying south and west of Forum Drive and west of Hearne Avenue, more fully described as follows: from the SW corner of said Section 23, run thence S89°07'35"E a distance of 71.26 feet; run thence S89°07'35"E a distance of 220.63 feet to the NW R-O-W line of Hearne Avenue as dedicated; run thence N35°15'52E a distance of 115.04 feet along said NW R-O-W of Hearne Avenue, as dedicated to the P-O-B of the trace herein described: run thence N57°17'26"W a distance of 599.15 feet, run thence N35°15'52"E a distance of 86.42 feet, run thence N30°23'43"E a distance of 213.84 feet, run thence

S57°17'26"E a distance of 583.19 feet, to a point on the NW R-O-W line of Hearne Avenue as dedicated, said point being on a curve curving to the right having a central angle=02°41'19", T=110.14 feet, R=4693.73 feet, run thence along the arc of said curve a distance of 220.25 feet to the Point of Tangency, run thence S35°15'52"W a distance of 81.21 feet, (the preceding two courses being along said NW R-O-W line of Hearne Avenue, as dedicated) to the P-O-B., containing 177,761.5242 sq. feet or 4.0808 acres.

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

1. Development of the property shall be in substantial accord with a revised site plan showing 6' to 8' solid wood screening fence along the rear property line to be submitted to and approved by the Planning Director, with any significant changes or additions requiring further review and approval by the Planning Commission.

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

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

ORDINANCE NO. 103 OF 2003

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON WEST SIDE OF FERN AVENUE, 2000 FEET NORTH OF BUSINESS PARK DRIVE, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT, TO B-1, BUSINESS BUFFER DISTRICT, 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 west side of Fern Avenue, 2000 feet north of Business Park Drive, Shreveport, Caddo Parish, Louisiana, legally described below, be and the same is hereby changed from R-1D, Urban, One-Family Residence District, to B-1, Buffer Business District:

A tract of land located in fractional Section 29, T17N-R13W, Shreveport, Caddo Parish, Louisiana, and being a tract of land bounded on the west by the High Bank of Bayou Pierre, on the north by the Millicent Way R-O-W, on the east by Fern Avenue, said tract being more fully described as follows: From the intersection of the west R-O-W line of Fern Avenue with the north line of the Business Park of Shreveport-Bossier, run thence along the west R-O-W line of Fern Avenue the following two calls: along a curve to the right, a distance of 292.34 feet (said curve having a radius of 735.52 feet and a chord of N21°29'02"E 290.40 feet) N10°05'53W a distance of 1,462.11 feet to the P-O-B of the tract herein described, from said P-O-B, run thence N89°39'11"W a distance of 468.48 feet to a point on the Old High Bank of Bayou Pierre, thence run along said Old High Bank of Bayou Pierre the following three calls: N00°20'49"E a distance of 362.60 feet, N09°06'49"E a distance of 120.00, N03°59'49"E a distance of 52.67 feet to a point on the south R-O-W line of Millicent Way, thence run S86°05'53"E along said south R-O-W line a distance of 337.53 feet to a point on the west R-O-W line of Fern Avenue; thence run S'ly along said west R-O-W line of Fern Avenue the following two calls: along a curve to the right a distance of 26.53 feet (said curve having a radius of 20.00 feet and a chord bearing S48°05'53"E 24.63 feet) S10°05'53"W a distance of 504.86 feet to the P-O-B.

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 showing enhanced landscaping along the bayou at the rear of the site, to be submitted to and approved by the Planning Director, with any significant changes or additions requiring further review and approval by the Planning Commission. The intent of the enhanced landscaping is to break up the silhouette when the development is viewed from the bayou side.
- 2. The fencing requirement is hereby waived until such time as the property to the north and south is developed for residential use.

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. 104 OF 2003

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTHWEST CORNER OF MERIWETHER ROAD & JEWELLA AVENUE SHREVEPORT, CADDO PARISH, LOUISIANA, FROM B-3, COMMUNITY BUSINESS DISTRICT, TO B-3-E, COMMUNITY BUSINESS/EXTENDED USE DISTRICT, LIMITED TO "WAREHOUSING, MANUFACTURING, AND ASSEMBLY" 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 southwest corner of Meriwether Road and Jewella Avenue, Shreveport, Caddo Parish, Louisiana, legally described below, be and the same is hereby changed from B-3 Community Business District, to B-3-E, Community Business/Extended Use District, limited to "warehousing, manufacturing, and assembly" only:

From the NE corner of the NE/4 of the SE/4 of Section 33, T17N-R-14W, Shreveport, Caddo Parish, Louisiana, being the intersection of the centerline of Meriwether Road (as dedicated) with the center line of Jewella Road (as dedicated); run thence S0°45'38"W along said center line of Jewella Road a distance of 55.00 feet; run thence N89°09'56"W a distance of 50.00 feet to the real P-O-B, being a point on the west R-O-W line of Jewella Road; run thence S0°45'38"W a distance of 756.54 feet along the west R-O-W line of Jewella Road, to the north right o line of the Inner Loop, as dedicated; then thence N89°07'21"W a distance of 326.48 feet; run thence S81°01'52"W a distance of 790.84 feet (the preceding two courses being along the north R-O-W line of the Inner Loop); run thence N0°49'10"E a distance of 920.94 feet to the south R-O-W line of Meriwether Road (as dedicated); run thence S89°09'56"E a distance of 995.00 feet; run thence S0°45'38"W a distance of 15.00 feet; run thence S89°09'56"E a distance of 95.00 feet; run thence S44°11'52"E a distance of 21.21 feet (the preceding four courses being along the south R-O-W line of Meriwether Road) to the P-O-B, containing 919,910.74 square feet, or 21.1182 acres, M/L.

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 the revised site plan submitted at the July 2, 2003 Public Hearing, with any significant changes or additions

requiring further review and approval by the Planning Commission.

- Outside storage is limited to the specific area shown on the site plan, within the 8' solid wood screening fence. The maximum height of materials stored shall not exceed the 8' height of the fence.
- 3. Extended Use designation is limited to the following warehousing, manufacturing, and assembly uses only:
 - · Air conditioning sales and service
 - · Automotive vehicle storage; inoperative vehicles must be enclosed within structure
 - · Barber and beauty supplies and equipment sales
 - · Brooms and brushes manufacture
 - · Carting, express, crating, hauling and storage
 - · Clothing manufacture
 - Drug manufacture
 - · Dry goods, wholesale
 - · Elevator maintenance and service
 - · Farm equipment and supplies sales
 - · Fixture sales
 - Food products, wholesale storage and sales
 Freight depot, railway and/or truck
 - Fruit and produce, wholesale
 - · Furniture manufacturing
 - · Hardware manufacture
 - Hardware, wholesale storage and sales
 - · Laundry, linen supply, or diaper service
 - · Lumberyard and building materials
 - · Machinery; tools, and construction equipment, sales and service
 - · Mail order house
 - Manufacture of electronic and communication equipment
 - · Metal products fabrication
 - · Millwork and similar wood products manufacture
 - · Mini-storage, retail storage
 - · Office
 - · Office equipment and supplies manufacture
 - · Optical goods, wholesale
 - · Packing and gasket manufacture
 - · Paper or corrugated packaging products, warehousing, distribution and fabrication from container-board rolls or corrugated sheet material
 - · Paper supplies, wholesale
 - · Printing, publishing, and allied industries
 - · Sporting goods store, wholesale
 - Tool and equipment rental
 - · Transfer and storage
 - · Wholesale and warehousing

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. 105 OF 2003

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON EAST SIDE OF WOOLWORTH ROAD 600 FEET SOUTH OF SHIRLEY FRANCIS ROAD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-A, RESIDENCE AGRICULTURE DISTRICT, TO R-1H, URBAN, ONE-FAMILY RESIDENCE DISTRICT, 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 east side of Woolworth Road, 600 feet south of Shirley Francis Road, legally described below, **be and the same is hereby changed from R-A, Residence Agriculture District, to R-1H, Urban, One-Family Residence District:**

From the NW corner of Section 3, T16N-R15W, Shreveport, Caddo Parish, Louisiana, run N89°35'56"E a distance of 40.00 feet to a found ½ inch iron pipe on the east R-O-W of Woolworth Road, thence run along the east R-O-W of said road, S00°38'07"E a distance of 204.19 feet to a set 3/4 inch iron rod and the P-O-B, thence run N89°35'56"E a distance of 1279.43 feet to a set 3/4 inch iron rod; thence run S00"28'31"E a distance of 686.76 feet to a found ½ inch iron pipe, thence run S89°53'28"W a distance of 1277.55 feet to the east R-O-W of Woolworth Road and a found ½ inch crimp top pipe. Thence run along said R-O-W, N00°38'07"W a distance of 680.24 feet to a set 3/4 inch iron rod and the P-O-B.

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

1. Development of the property shall be in substantial accord with the site plan submitted with any significant changes or additions requiring further review and approval by the Planning Commission.

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

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

ORDINANCE NO. 106 OF 2003

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTHEASTERLY SIDE OF BUNCOMBE ROAD, 1070 FEET NORTH OF WOOLWORTH ROAD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT, TO R-1D-E, URBAN, ONE-FAMILY/EXTENDED USE DISTRICT, LIMITED TO "AN ACCESSORY BUILDING" 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 south 198 feet of the north 1414.39 feet of SW/4 of Sec. 3T16N-R15W, Shreveport, Caddo Parish, Louisiana, lying east of Buncombe Road southeasterly side of Woolworth Road, **be and the same is hereby changed_from R-1D, Urban, One-Family District, to R-1D-E, Urban, One-Family/Extended Use District,**

limited to "an accessory building" 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 showing fencing to ordinance standards to be submitted to the Planning Director for approval, with any significant changes or additions requiring further review and approval by the Planning Commission.
- 2. Approval is granted for a period of 18-months from date of this approval to allow applicant time to construct a residence on this site.
- 3. Use of the accessory building shall be only for purposes which support the construction of and use of a residence on this site.

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. 107 OF 2003

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED WITHIN THE HUNTINGTON PARK SHOPPING CENTER, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM B-3, COMMUNITY BUSINESS DISTRICT, TO B-3-E, COMMUNITY BUSINESS/EXTENDED USE DISTRICT, LIMITED TO "6 RENTAL VEHICLES AS APPLIED FOR" 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 within the Huntington Park Shopping Center, legally described below, **be and the same is hereby changed from B-3, Community Business, to B-3-E, Community Business/Extended Use District,** <u>limited to "6 rental</u> vehicles as applied for" only:

From the SE corner of Section 24, T17N-R15W, Shreveport, Caddo Parish, Louisiana, run west along the south line of said Section 24, said line also being the centerline of West 70th Street, a distance of 2869.37 feet to the intersection of said West 70th and Rasberry Lane; thence proceed N0°02'W along the centerline of Rasberry Lane, a distance of 2040.73 feet; thence run S89°58'W, a distance of 923.36 feet to the P-O-B; from said P-O-B proceed S42°03'26"E, a distance of 38.68 feet; thence run S47°56'34"W, a distance of 599.07 feet; thence run N42°03'26"W, a distance of 21.89 feet; thence run S47°56'34"W, a distance of 166.75 feet to the E'ly R-O-W line of Pines Road; thence run N'ly along said E'ly R-O-W line of a curve to the left, a distance of 35.72 feet (said curve having a radius of 933.44 feet; thence run N47°56'34"E, a distance of 160.0 feet; thence run N42°03'26"W, a distance of 150.0 feet; thence run S52°35'55"W, a distance of 145.11 feet to said E'ly R-O-W line of Pines Road; thence run N'ly along said E'ly R-O-W line on a curve to the left, a distance of 32.53 feet to end of curve (said curve having a radius of 933.44 feet); thence run N43°56'W along said R-O-W line, a distance of 2.50 feet; thence run N52°35'55"E, a distance of 145.50 feet; thence run N42°03'26"W a distance of 158.11 feet; thence run N47°56'34"E, a distance of 599.07 feet; thence run S42°03'26"E, a distance of 361.32 feet to the P-O-B.

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 the site plan submitted with any significant changes or additions requiring further review and approval by the Planning Commission.
- 2. Rental vehicles shall be stored in the recessed area on the south side of the existing building as shown on the shopping center site plan submitted.

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. 108 OF 2003

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 NORRIS FERRY ROAD AND SOUTHERN LOOP, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-A, RESIDENCE AGRICULTURE DISTRICT, TO B-2, NEIGHBORHOOD BUSINESS DISTRICT, 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 northwest corner of Norris Ferry Road and Southern Loop, Shreveport, Caddo, Parish, Louisiana, legally described below, be and the same is hereby changed from R-A, Residence Agriculture District, to B-2, Neighborhood Business District:

A tract of land located in the SE/4 of Section 20, T16N-R13W, Shreveport, Caddo Parish, Louisiana, being more fully described as follows: Beginning at the SE corner of said Section 20, run thence N01°05'49"E a distance of 130.00 feet; run thence N88°49'08"W a distance of 40.00 feet to the P-O-B of tract, said point also located at the intersection of the W'ly R-O-W line of Norris Ferry Road and the N'ly R-O-W line of Southern Loop Road; run thence along said N'ly R-O-W line of Southern Loop Road N88°49'08"W a distance of 380.00 feet to the SE corner of Lot 11, Norris Ferry Landing Subdivision, Unit No. 1; run thence along the rear property lines of Lots 11 through 7 of said Norris Ferry Landing, Unit No. 1, N01°05'49"E a distance of 318.26 feet to the SE corner of Lot 5 of said Norris Ferry Landing Subdivision, Unit No. 1; run thence along the rear property line of Lots 5 through 1 of said Norris Ferry Landing Subdivision, Unit No. 1, S88°57'13"E a distance of 380.00 feet to a point on the W'ly R-O-W line of Norris Ferry Road; run thence along said W'ly R-O-W line S01°05'49"W a distance of 319.16 feet to the P-O-B.

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

1. Development of the property shall be in substantial accord with a revised site plan showing monument signs and enhanced landscaping that is more in keeping with a rural setting, to be submitted to and approved by the Planning Commission, with any significant changes or additions requiring further review and approval by the Planning Commission.

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

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

UNFINISHED BUSINESS:

1. Alcohol Retail Permit: Ms. Deborah Hawkins [Employer: 2901 Milam St. (Take-A-Bag Grocery)] (G/Jackson) (Deferred 45 days from Tuesday, April 29, 2003)

Mr. Thompson: I did notify Mr. King and Mr. Jones that this matter will be heard at the next Work Session on the motion that was filed by Mr. King and I believe you have copies of e-mails in front of you.

- 2. Resolution No. 88 of 2003: Amending Sections 1.8 and 1.11 of the Rules of Procedure of the City Council (Public Comments). (A/Lester) (*Tabled on June 24*)
- 3. Ordinance No. 40 of 2003: Changing the names of the Shreveport Blanchard Road from the Roy Road to North Hearne Avenue, and of Ford Street from North Hearne Avenue to Pete Harris Drive, and of Caddo Street from Pete Harris Drive to the Clyde Fant Parkway to Hilry Huckaby III Avenue. (A/Lester) *Tabled *As Amended on July 8 **Changing the name of the Shreveport Blanchard Road from the Roy Road to North Hearne to Hilry Huckaby III Avenue.)
- 4. Ordinance No. 80 of 2003: Amending the 2003 Riverfront Development Special Revenue Fund Budget (disparity study). (G/Jackson) (Tabled on July 8)
- 5. BAC-39-03, *D. Richard Carroll, Jr.*, 1401 Oden #2: Special Exception Use in a R-3 District Expanded Home Occupation (home office with one employee). (C/Carmody) (Postponed on July 8 until October 14)

NEW BUSINESS:

1. BAC-57-03, *Tina Burch*, 4441 Clingman Dr., Special Exception Use in an R-1D District, commercial body art and salon. (C/Carmody)

Councilman Lester: Mr. Chairman at this time, I'd like to move to suspend the rules and allow Ms. Burch to make a statement before we vote on this issue, seconded by Councilman Jackson to suspend the rules.

Councilman Walford: Mr. Lester, do you want to do the discussion for the benefit of the other Council Members?

Councilman Lester: Apparently Ms. Burch has been here and she filled out a comment card, but at the time, I think she didn't realize that she needed to fill out a comment card earlier. We've already had other people to speak and as opposed to making Ms. Burch wait until the Public Comment at the end of the meeting, I just thought it was fair to allow her to give her side of this particular issue before we voted. That's why I'm asking that we suspend the rules to allow her to make her statements. (Motion approved by the following vote: Ayes: Councilman Lester, Carmody, Gibson, Hogan and Green. 5. Nays: Councilman Walford. 1. Out of Chamber: Councilman Jackson. 1.)

Ms. Burch (441 Clingman Drive): I did attend the last Broadmoor Neighborhood

Association Meeting that they had, where they discussed whether they would vote on appealing the vote of the Zoning Board to give me permission to work out of my home.

And after asking questions with them, my conclusion was that the Broadmoor Neighborhood Association basically blanket-ly doesn't want anybody to work out of their home, no matter what they do or where they live in that area. And I just felt like that would be. . . that, that is very unfair, that there are no restrictive covenants in Broadmoor. And he came up with some reasons that were going to be a problem and I haven't had any problems with the parking. The value of the homes are not going to deteriorate because I'm working there. In fact, if anything, it'd make it easier for me to maintain a home if I'm not having to pay rent in a business district which I did do. I did work off Youree Drive for two years and it just got to be too expensive.

So, I thought as a single parent it would be better for me to work at home. And I love my neighbors, one of my neighbors is watching my daughter right now and I'm a member of the Association and I want to do what I can to make Broadmoor a better place and I don't think I'm hurting anything; so, that's all I want to say.

Councilman Green: I would like to defer to Mr. Carmody that it is his district to give some leadership.

Councilman Walford: We're not to that issue. We need to go back to regular session (that's what I thought your motion was going to be.)

Councilman Lester: We don't have to do that. After she finished speaking, we automatically go back.

Councilman Walford: If we're out for that one issue, we go automatically back?

Councilman Green: That's what I thought.

Councilman Walford: Okay, thank you.

Councilman Carmody: As I stated yesterday, I'm going to ask the Council to act in support of the neighborhood association and hadn't spoken to Ms. Burch about the particular approval that was granted to operate a business in a residential area. I understand that she is a single mother and I understand that she is doing everything that she can to take care of her child, but what I had mentioned to her was that my concern really is for the residential character of the neighborhoods and not just in Broadmoor, but citywide. And we all would like to have the ability I guess to operate our businesses from the convenience of our homes and not have the overhead. And, as I explained to Ms. Burch, my feeling would be that I could certainly save on my overhead, but it is the cost of doing business that I have to have an office and that, that office is in a business zoning.

My concern is again that those persons that own property and or lease property in a residential area have the assurance that it is a neighborhood and that it is not a business district. Granted that the City has in the past allowed exception uses for home occupations and I think we talked about this yesterday with the idea that those type special exceptions would be invisible and I appreciate the fact that somebody desires to operate a business without having any affect on their adjacent neighbors. But my concern here is that are we in essence going to create a block of Clingman that is going to be a little Youree Drive. Because now, we'll have two businesses which are operating in this residential area.

And I applaud a single mother trying to take care of her children. I think that, that is very commendable and I think that's the responsibility of any parent but in the same way, I don't want to ask this Council to support something that I think would be the detriment of the residential area.

And so, I will ask the Council for their support in upholding the appeal of the approval for this and I guess I would ask Mr. Kirkland to come forward and make sure that we clarify exactly what the motion needs to be.

Mr. Kirkland: It takes a simple majority of the Council on a ZBA matter. Your motion would be to overturn the decision of the Zoning Board which approved it and thus deny the request.

Councilman Carmody: Thank you sir. That is my motion.

Motion by Councilman <u>Carmody</u>, to overturn the decision of the Zoning Board which approved it and thus deny the request seconded Councilman <u>Walford</u> to overturn the decision of the ZBA.

Councilman Jackson: I didn't get a chance to ask Ms. Burch, but just from where she is, I'm sure she can answer the question. Actually, I'll just ask . . . Councilman Carmody, have you met with Ms. Burch?

Councilman Carmody: We've spoken on the telephone. Yes sir.

Councilman Jackson: About this deal?

Councilman Carmody: Yes sir.

Councilman Jackson: And she came before the ZBA with this already and they approved it. But we were . . . unanimously. And you talked with the people who live. . . I'm assuming Clingman people or what have you on that particular street, but you did have a conversation with her?

Councilman Carmody: Yes sir.

Councilman Jackson: And she knew that you were in opposition?

Councilman Carmody: Yes sir. Councilman Lester: Mr. Kirkland.

Councilman Walford: Oh, I'm sorry, I thought you were through.

Councilman Jackson: It seemed that she had a dissenting view, I wanted to see if Ms. Burch would come up. Now, you were shaking your head 'no'? Did you have a conversation?

Ms. Burch: I spoke to Mr. Carmody before the meeting that I went to and he just kinda . . .

Councilman Jackson: Before the ZBA Meeting?

Ms. Burch: Before the meeting that the Broadmoor Neighborhood Association had when they voted to appeal the Zoning Board's decision. And my interpretation with the conversation that I had with him was not that he was in agreement with the Broadmoor Neighborhood Association. He was just asking me to be very respectful and not to go in there and pitch a fit, you know, which I didn't. I was very respectful and I understood.

I just wanted to find out why they were opposing me. And after finding out that they just oppose everybody, no matter who they are (which they do) then I really didn't know what else to do. But they had a problem with Ms. Tridico which does live within 300 feet from Mr. Jim, that was here, McClain. So in essence what the City does is they send letters out to the people 300 feet within your property and ask them if there are any complaints within your neighborhood of what you're doing. And the people that were at the Broadmoor Neighborhood Association Meeting lived half a mile, a mile away/two miles away, I don't see how I can affect them.

If you drive by my house, you can't even tell that I work there. There's no signs, I don't have traffic coming and going. You know, its basically what he was saying, invisible. I feel like I'm an invisible person working out of my house. Its not like a big business where I have 100s of people coming in and out everyday. And I don't know how you can figure out who can and who can't. I don't know what the guidelines are. If I knew what the guidelines were, then it would be up to me to follow those guidelines. And I understand with Ms. Tridico's situation, there were some things that she was supposed to do that she didn't do and therefore, I'm gonna be punished because she's not doing what she's supposed to do. And she's two blocks down, most of the clients that may come to me are not gonna go all the way down the street. I don't know which way they're going to drive, but basically, when I worked on Youree Drive, I was in my backyard.

The building that I leased for \$2700 a month off of Youree Drive, I am literally, if you went to the back parking lot and jumped the fence, I'm in the backyard and I bought that house because I wanted to be right there in the same area.

Councilman Jackson: Right. Alright thank you Ms. Burch.

Mr. Kirkland, what was the. . . ? You have a record of the number of people who spoke in opposition at the ZBA meeting?

Mr. Kirkland: Yes sir, its here in our record and I know there were several folks who did speak. In fact it's also, in probably your record that may be readily available. Let me find it.

Councilman Jackson: Hold on, let me see.

Councilman Carmody: It shows one person. . .

Mr. Kirkland: And then I'd like to give you a couple of quick comments if I may, Councilman?

Councilman Jackson: Yes sir.

Mr. Kirkland: As to why the Board hears the personal services type uses as home occupation. There is a reason they have to apply and they're not by right.

Councilman Jackson: One person.

Mr. Kirkland: One person spoke in opposition.

Councilman Jackson: I see it now.

Mr. Kirkland: Now, I believe they were representing a number of there people. May I make a comment or two?

Councilman Jackson: Did you have a petition or something?

Mr. Kirkland: If I do, it was turned in as part of the record. I don't know what the opponents. . .

Councilman Jackson: That's okay, I just wanted to know if you had one just readily.

Mr. Kirkland: There is a letter here from Broadmoor Neighborhood, signed by Ken Kreft and Jim McClain and I think there were some other neighbors.

Councilman Jackson: That's good enough.

Mr. Kirkland: I don't see their names on here.

Councilman Jackson: I was just trying to get some information for my personal edification.

Mr. Kirkland: Let me just give you a little information. I'll keep it brief. If I may?

Personal services type of uses like beauty parlors and a few other personal services. . . the reason by ordinance they are not by right as a home occupation is these type of operations can become very successful almost overnight.

And when they become very successful, they have many customers waiting for their services, so it's like a very personal service as we know, as someone who does---although my barber's been cutting my hair, what little I've got left of it for a long time, he's still my barber---and I think folks who use these type of services and then they recommend their friends. So, but we want to make sure that when these folks want 'em to have a home occupation, it's not because they're not an acceptable home occupation. It is to make sure that the applicant knows what the rules are: No employees, they've gotta have parking and all the other things we. . .almost literally go down the list of all the requirements. The advertising, the signage and all these things really to re-affirm that if they are approved for a home business, that they're gonna have to go by these rules and so, its really putting more emphasis on these types of business because the nature of it is to become successful.

And as Ms. Burch said, she knew that. That's why the Board felt confident that she would go by all the rules and they were unanimous, 6-0 to approve it and she said she understands the rules.

And so, that's the only reason that it comes before the board is to make sure that they do. Ms. Tridico is the same way. So. . .and dozens more across this City; so, anyway that's all. Thank you.

Councilman Lester: Okay, so months ago, we declared an emergency downtown to deal with an issue regarding signage because we were concerned something was going to happen and we didn't have any rules.

This is the second meeting and I suspect we will continue to have these scenarios where on one hand a citizen says 'I want to have a home based business, one or two different ways either it is detached or its in their home. And concomitant with that you have the neighborhood comes and says 'no, no, no, no, no.'

So, the question I have is why are we continuing to go through this loop. Because what I see has happened, certainly during my tenure is that we, the council more often than not decide with the neighborhood associations or the group of residents as opposed to an individual. Why can't we just establish a bright line rule and say we're against home owned businesses?

I mean certainly as I appreciate you have articulated a Zoning Ordinance, you don't have a right of a home based business by . . .

Mr. Kirkland: Certain types you don't but yes, there are many, many types that do have a right to apply for and would be approved with no hearing, no anything other than a recognition of all the rules and regs if they would go by them, and we must have hundreds in this city and parish.

Its some though, Councilman that we know as I said that have the potential for either because of success or other factors related to their business, that if they want to apply and they have the legal right to do so and be heard---and you're right, most of the time the appointed and elected officials do agree and side with the neighborhood groups, but what that board is looking for is more than just a popularity contest.

Councilman Lester: I understand, I understand.

Mr. Kirkland: They are looking for rationale that relates to. . .

Councilman Lester: My question is if something happens at ZBA and then it comes

to Council. Now granted, I'm not gonna give up my authority to do anything. Because I think at the end of the day, our responsibility is to be that last back stop in the process. But I guess my question is can't we at some point decide to . . .I think what we need to do is declare an emergency as it relates to these type scenarios. Especially given the fact that certain ones of the home based businesses that can be quantified, that can be enumerated, that seem to be growth related, i.e. hair care and things of that nature and exclude those from that entire purview and set up a new scenario so that those don't go in the process.

Because from where Ms. Burch is standing, she says okay, I go to the ZBA, I make my case, the ZBA says 'yes.' And the neighbors say 'no.'

And the Council is a political body and we can count and we're going to vote 'no.'

So, at some point, it would seem that we need to maybe take a look at the way we're doing at least those types of scenarios in terms of certain enumerated home based businesses.

Mr. Kirkland: Councilman, if I may. Several years ago, we did amend this very ordinance dealing with beauty parlors and these type of personal services to make it more difficult to obtain it as a home business. And that was the reason we changed that was because of the problems that...we have more problems with these type (I say these type, I'm talking about the personal services, beauty parlor type operation), but I hope we never get to the point where we tell our citizens they can't apply for something and be heard.

Now, we're not talking about 'by right.' What ya'll see and what the MPC and the ZBA see is I mean not even the tip of the iceberg. We deal with literally hundreds of home businesses that are never heard by our board, that are never a problem. But the ones that we know have that potential, we don't make it easy for them to get it and this is an example of that. But we never, I don't believe want to preclude someone's right. I don't think legally we can.

Councilman Lester: I don't think you can either.

Mr. Kirkland: But we have taken steps with the type of businesses that do tend to have more problems, parking and other operational hours and what not, to make it tougher to get those as home businesses. But I think, Thomas you may remember, it was about three years ago just about. Now again, you're the legislative body. If you as the legislative body direct MPC to make it tougher, we can certainly look at that and try to respond to it. I would recommend you not do so, but we'll listen to you.

Councilman Green: Mr. Kirkland, say if we in fact vote along with the Councilman of that District, how soon would she be out of business?

Mr. Kirkland: She does have a legal right to operate now and therefore, she really shouldn't operate at all if this is denied.

Now and again, you do know the board recommended to you or made a decision of a 1 year period, sort of a trial experience factor; so, they didn't give her unlimited approval.

Councilman Hogan: Ms. Burch, you know I was laid off from my job a few months ago, when I worked for SWEPCO and I was forced to do something else and I chose to go into real estate. And that's been almost 10 years ago. And at that point, I came down and applied for my license and I got an occupational license and I work out of my home. I still have an office out of my home.

In light of all sorts of reasons why people are having to work out of their homes nowadays. For their family, increasing commercial rent and the list goes on, I think we're going to see more and more cases of this isn the future. And my heart goes out to you and I'm willing to . . . I'm just trying to think if we can offer some sort of compromise maybe.

Mr. Kirkland, could you come forward again please. And my mind goes back now to in my district, the lady that had the dog daycare, you know where we . . .

Mr. Kirkland: That was a good case, Councilman.

Councilman Hogan: Anyway, it was a year ago, when that came up before the Board, a compromise was offered there. Where she had a 1 year temporary permit, where if she could prove herself and she could show that she was going to abide by the rules and play by the rules. Is it possible for us and Mr. Carmody, I just want to say first of all, that I'm willing to go along, I'm following your lead on this, but I'm just trying to offer a compromise that possibly we could give her six months or so to compromise and see how things are going to go within six months, see how the neighbors like it, hear back from the association; I'm just offering that as a compromise.

Mr. Kirkland: And what Councilman if you do go there as a Council, then we normally offer to the applicant the right to reapply prior to the time expiring without fee. And that can be indefinite—six months, a year, nine months and monitor whether it's a problem or not.

Normally, if they can operate for a year, we've found that they have kinda gotten over whether they're going to be real successful or not and they settle into a what amounts to a low profile use. It's a good way to go has been our experience but you haven't made it permanent either.

Councilman Hogan: Well, I really believe that in light of what's happening in our community with our economy, we're going to have to as a Council start offering some compromises because more and more people are going to try to do home based businesses.

And if we keep telling them no, those are part of the people that are going to contribute to the decrease in our population here that we are talking about, the decrease in the tax base and all that goes along with that.

Mr. Kirkland: I couldn't agree with you more in that we are going to see more of our folks having to do this in our city especially in light of the big conglomerate type businesses that the small business is being relegated more and more to a small home base type use. But, how to deal with the impacts, the negative impacts and not deteriorate property values, that is the real challenge to us but to draw a line, really between the last Council meeting and the detached use, there is a rational as to why it is required to be in the home. If it is in the home, like I said yesterday it is less likely to become a problem because it doesn't grow as big or grow unchecked because they are still conducting their family uses inside that home.

So, if you let us move outside to a detached building, which this is not asking for, but that was a distinction, that last case that Councilman Jackson had to deal with and you did, was they wanted to detached rights. They still have the legal rights to operate inside that one and there is a good reason for that. Most of that is based on experiences that we've had over many years with this law and most of that experience is good.

Councilman Hogan: Mr. Carmody, I would just like to get your feedback on that. I am willing to go along with you, whatever you'd like to do but is it possible for us to offer a compromise on that?

Councilman Carmody: Councilman Hogan I do want to point out that part of the decision that as listed on information sheet was that the approval was granted for only one year prior to the expiration of said one year period, the applicant would have the right to reapply without a fee so that was incorporated into their approval.

Councilman Walford: Let me clarify one thing, I got to go back to my ZBA hat.

Broadmoor Neighborhood Association did not oppose all home based businesses, I can remember two examples that they supported. I would like to clarify that they did come forward and support two that I remember.

Mr. Kirkland: Broadmoor Neighborhood is like any other active neighborhood group although they are one of the more active in the City. They look at each thing on a case by case basis. And I know, Councilman, you've been there, Mr. Carmody to a lot of meetings, I have been to a lot of them but they are human beings like us. They react and they vote.

Councilman Jackson: I was just asking when he stated what he did about what was printed there about the 1 year which was the special exception for that use, was he saying that 6 months or whatever Councilman Hogan was offering, was unacceptable?

Councilman Carmody: I just was pointing out that there was already a mechanism incorporated by the Zoning Board of Appeals to allow it, basically a temporary time and to give it an opportunity to see if this was going to cause any problems.

Councilman Jackson: I am saying, does it mean that it is acceptable or it is not, I don't know?

Councilman Carmody: I am sorry. I made a motion, Mr. Jackson, to basically overturn the decision and approval for the business.

Councilman Jackson: I know that. I was asking if what Councilman Hogan had said in his commentary was anything that appealed to you, that is what I was asking?

Councilman Carmody: And again, all I was doing was trying to point out to him that there was already a 12-month approval granted for this particular use. If we changed it to 6-months, I am still going to ask for us to overturn the decision to approve.

Councilman Jackson: So you are just against the decision.

Councilman Carmody: Yes, sir that is my motion.

Councilman Walford: So if you voted against his motion to deny you would be granting the temporary 1 year.

Councilman Carmody: Correct.

Councilman Walford: I think is what he is trying to say, that is what the Zoning Board gave.

Councilman Jackson: Oh, no I understand. I just didn't know if he had. . . .

Councilman Walford: Oh, you are asking his position.

Councilman Jackson: . . . from Councilman Hogan said.

Councilman Green: Councilman Carmody are you recommending that we vote 'yes' or are you recommending that we vote 'no'?

Councilman Carmody: As I appreciate it, my motion is to overturn the approval and I think that would call for an affirmative vote if you followed my recommendation.

Councilman Green: We would vote 'yes' on this particular item?

Councilman Carmody: Yes.

Councilman Walford: His motion is to overturn, so a 'yes' vote would. . . .

Councilman Carmody: To support the overturn, would be a 'yes' vote.

Councilman Walford: Would support the overturning.

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

2. BAC-58-03, *Ashley Tridico*, 4304 Clingman Dr., Special Exception Use in an R-1D District, hair salon limited to one operator and one employee. (C/Carmody)

Motion by Councilman <u>Carmody</u> to deny the applicant of the right to have a sign in a residential area for this commercial business, seconded by Councilman <u>Gibson</u> (to deny).

Councilman Walford: I am asking Mr. Kirkland to come up, so would you be good enough to explain the appeal.

Mr. Kirkland: All I would say and I can paraphrase it rather quickly. If you look at the appeal and you have it in your packet, it simply says 'I am appealing the (inaudible) the decision of the Board to approve a sign' not the use. No one appealed the use. They could have. The only thing before you is whether you want to approve what the ZBA approved which is a sign, although they approved some other rights as well or deny the sign and so the letter to me is extremely clear. The letter of appeal says the sign, only. It would have been very easy to say, the beauty parlor or any other home business uses if absolutely there is no reference whatsoever anything other than the sign.

Councilman Walford: I was on the ZBA when Ms. Tridico got her original approval. It was a situation and I am saying this for the benefit of the board members, she got 1 year to operate and had to come back. She came back. The Board granted her certain things and added the fact that she could have a sign. I am saying that for clarification.

Mr. Kirkland: She asked for permanent rights to run her home business, a beauty parlor, she asked for an employee, she asked for a sign. The Board denied the employee. The Board approved the permanent rights as the beauty parlor, they approved the sign, so she got two out of three. The sign was appealed.

Councilman Walford: And we are now here with Councilman Carmody's motion to overturn the approval of the sign and at this point.

Councilman Carmody: I would be happy to make some comments. Well first let me add, Mr. Kirkland a question. The experiences has been with this particular applicant, can you run through what has occurred over the previous 12-months, at least from what. . .

Mr. Kirkland: I will try to summarize, keep it brief. Part of our job on the MPC and Mike you know this from working with one on your district and the rest of you do too from the experiences you've had, is to help our citizens and to work with them, they are not experts on zoning laws or any other law and you have different folks in different ideas. But Ms. Tridico is obviously reacting to economic pressures and moved to her home to start a business to try to continue to be in business and make a living and she do got children.

Anyway, bottom line as that one year trial period, we find that she was doing a few things maybe that weren't exactly right, but then we'd get a call from Jim McClain or someone and we'd call and we'd go out there and we'd talk to her and eventually, in my opinion, Ms. Tridico finally understood 1. we are going to monitor and the neighbors are going to monitor or any other home business, the neighbors are going to let us know and I won't call his name, Mike, if there is a problem with a home business. In fact, they are our eyes and ears most of the time and we respond. And the good news too on a home business

is they have got a 2 year renewal that they have to sign up with or Zoning Administrator every two years, regardless and that's too a check point on home businesses.

But essentially there were a few areas and like Mr. McClain he kept thing that parking was a problem. In my opinion the parking was dealt with properly and we did not have continued problems with folks parking on the street, that was one of the original complaints.

There was a question about an employee and there were some signs that were placed on the home that weren't proper, but she complied when we told her you can't do that but that is not unlike a lot of citizens, so.

Councilman Carmody: And then today, what we are considering again is just specifically the 3 x 2 sign, that is the only matter that was appealed.

(Mr. Kirkland's response inaudible.)

Councilman Carmody: Correct. And so this Councilman's motion is to make sure that you understand that I am going to ask for denial for the approval of the 3 x 2 sign. And that again a sign that is in essence an off premise sign advertising for a business in a residential neighborhood is in my opinion is not the appropriate place again for a business. And, that I think that the applicant understood that there were some stipulations as part of her approval to operate in this neighborhood and that this was one of those that she was not granted. So I appreciated it when I spoke to her when I said about that I am under some stipulations where I can't put may address into the phone book, again, that is something that she agreed to before—that is part of the whole thing. And I think her point was that I need to have some relieve granted.

But again I would say that you make a choice or you come before the zoning authority to ask their permission to do something that would have to be a special exception use and when they grant it with stipulations that you need to comply with those stipulations and I would ask at this point, basically for the support of the Council to overturn this ruling of the sign in the neighborhood.

Councilman Lester: Mr. Kirkland and then to Mr. Kreft, please enlightening me because I am lost here. Ms. Tridico at 4303 Clingman was approved for a hair salon. As I appreciate it she when through the exact same process that Ms. Burch when through in terms of going before the ZBA. Apparently she talked to the people in the neighborhood association. The ZBA said yes, we will give you year with certain stipulations.

Mr. Kirkland: Right.

Councilman Lester: Apparently either the Broadmoor Neighborhood Association either did not appeal or if it did, the Council at the time allowed her to have her home based business.

Now, we have Ms. Burch, just a moment ago at 4441 that have a body art and other type of salon that went through the exact same process that talked to Broadmoor Neighborhood Association and the ZBA said, yes and they were given, from ZBA, a year. How is it different and maybe you are not the person, maybe Mr. Kreft the person. How is the Tridico situation different from the Burch situation? Because, from where I'm sitting it sounds like I just was a party to an arbitrary and capricious decision that is going to be very easily overturned by, I guess, Ms. Burch's counsel so? So, Mr. Kreft could someone?

Mr. Kirkland: Let me just say the ZBA was consistent in approving. . .

Councilman Lester: My beef is not with ZBA. I am just saying, I heard earlier that we don't like home based businesses, blah, blah, blah, blah. Okay and we voted with the

Councilman not to do a home based business in the 4400 block.

Mr. Kirkland: But Broadmoor Neighborhood was opposed to Ms. Tridico from the beginning, as well.

Councilman Lester: Apparently, what I am trying to figure out what is different in the 4400 block and the 4300 block with a body art scenario and a hair scenario and one person was given 1 year and the other person wasn't?

Mr. Ken Kreft (157 Archer): The difference is when Ms. Tridico's appeal, the Association almost unanimously there were I think, I think it was she and friend, when this came up, the appeal never made it from BNA to the City Council because the Zoning Chairperson at the time, Patricia Patton (for a lack of a better term) failed to get that information to you. I don't remember that the appeal every got to you all. Oh, it did. I beg your pardon and then I guess this body then voted with the ZBA, I guess.

Councilman Carmody: To grant the 1 year.

Mr. Kreft: You granted to approve it for a year. Okay maybe we were not as vocal then. But I think Charles is right, our Association in both of the beauty salons on Clingman, did vote to oppose both and did vote to appeal both.

Councilman Lester: And this was just last year?

Mr. Kreft: I think it was in '01, wasn't it? I don't know the exact.

Councilman Lester: '02.

Mr. Kreft: Last year. We were the same and there was a difference in this body, in the elected officials.

Councilman Lester: I guess will be of Mr. Carmody, what is the difference between—what is it that Ms. Tridico did or didn't do that Ms. Burch did or didn't do that says that one person in the 4400 block, they don't get the year and the person in the 4300 block. . . .?

Councilman Carmody: I agree with your, Mr. Lester. As a matter of fact, I am going to revise my motion to say that I would like to see the Council overturn the approval of this home based business in a residential area, as well. Now, again, I don't think I have the discretion to do that because the only thing they appealed was the approval of the sign, but if given my opinion, I would say that I don't. . . .

Councilman Lester: Hold on.

Mr. Kirkland: Councilman, let me suggest strongly to you that before we. . . .

Councilman Lester: My question is, because quite obviously I wasn't on the Council at that point and apparently from listening to Mr. Kreft, the Broadmoor Neighborhood Association voiced the same objection to Ms. Tridico that they did for Ms. Burch.

Mr. Kirkland: Correct.

Councilman Lester: That's correct. And they lodged that complaint with this body and you have been and were the duly elected City Councilman in District C in 2002 as you are today. So my question to you is, what is different? Why is it that you voted for Ms. Tridico's scenario in the 4300 block to allow her to get the year with certain stipulations and now we voted against Ms. Burch in the 4400 block with basically almost the exact same facts? Because it sounds like we are doing something arbitrary and capricious and we could subject ourselves to some serious ligation, which we will lose, so that is my question.

Councilman Carmody: When this matter came before the Council, of course the request was that it be granted for a 1 year period and she is back up for her 1 year period of the approval. And, that is what I said given the ability to say that I would be consistent and say that Ms. Burch, I asked ya'll for the support to overturn the approval of the business in

that residential area, I would ask you the same thing here.

Councilman Lester: Well Mr. Carmody, with all due respect, that is not the question that I asked.

Councilman Carmody: Well I am about to get the answer to the question that you asked.

Councilman Lester: Okay, okay.

Councilman Jackson: We are waiting.

Councilman Carmody: If we have to wait all night, we are going to wait.

Councilman Lester: Mr. Kobochoff, we will wait. We will wait.

Councilman Carmody: Take your shoe off. The reality of this is that the businesses although they have come before the Zoning authority with the desire as I'm sure that Mr. Walford heard on his service, to be invisible, to not be a problem in the neighborhood, to be more or less a business which does not create a nuisance or a problem. But what occurs is that the neighbors contact their representative which I am sure that you will be contacted when these situations come up just like every other member of this body will be to say, that I live in close proximity to business and I have a problem with it. And so when you say that we are going to grant it for a 1 year period then that kinds of brings out in the wash, so to speak what potential problem that can occur. And so as I say, the only appeal that as made was on the sign.

The question that I had from the get-go, why didn't you appeal the whole approval? Because I am going to ask the Council to overturn the approval on the 4441 and I would be amenable to asking them to overturn the approval after the year for 4304, but that is not what occurred. What has occurred is that they have appealed just the sign, so today I am asking ya'll to overturn the approval for just the sign. I'd love to be consistent with you, Mr. Lester and say that no I am not in support of businesses operating within a residential area and I understand where Mr. Kirkland is coming from and saying that you know some times and we have them all over the city, these things operate without any problem.

But, I also agree with what you have said before, is that maybe it is time for us to look at this because it is going to continue to be, and I hate to use this expression, but I would say that the zoning authority is not the political body. They don't have to look at it with the political scope that you and I and the rest of the Council have to look at it. They would look at it from the particular of, is this use right, in this area? And there is where the disagreement seems to come is within their discretion, they say, a business in a residential area in this incidence, works. And then we hear from the persons who reside in a residential area as residents only who say, I have a problem with it.

And so there comes back to answer to it. If I had the ability to ask you to overturn the approval for this business the same way as the previous business, then I would do it. But as I appreciate it, all I have the ability to do today is to ask you to overturn. I mean the comments I have heard is, first you give the business, you give it with stipulations. The stipulations are not adhered to, but we contact the City, they go back out and remind the person they have stipulations they have to live by; so, then they come into compliance with the stipulations.

Now, you are coming back and you are going to grant them to put a sign in a residential area to advertise their business. How much more are ya'll going to give? I mean at what point to you take Clingman and re-zone it to allow use-by-rights in that area, which is residential and residential in character to allow civic businesses to go in there.

Granted in District C, we have kind of an unusual scenario and for those of you who are familiar with Youree Drive this was a residential corridor which was dissected by LA 1 in the late '50s and as you drive from downtown to almost 70th Street, it is still residential in character but the genesis of the Broadmoor Neighborhood Association was a direct result of businesses on Youree Drive which were going into traditional residential areas where commerce and commercial development wanted to go and because of the close proximity to the existing residential areas, just like Clingman is just one street off of Youree Drive, we continue to have these type issues brought us.

And I will can tell you for the rest of our terms continue to have the same thing occur. But most of the citizens who are opposed to these type activities have now found that I am not going to fight my battle at the ZBA or the MPC, I not going to either bother to go down there because I know that the rubber meets the road when it comes before the Shreveport City Council and so, I'll hold my water until then and then make my case.

Councilman Walford: Thank you Mr. Carmody. That was an answer to your (Councilman Lester) question. You still have the floor although time is getting short.

Councilman Lester: I appreciate it. I appreciate everything you said.

But we are still coming back to the issue, what is different with the 4300 as opposed to the 4400 block and let me distinguish a few things.

Councilman Carmody: Sure.

Councilman Lester: I have got much banter about my lawyer skills, sometimes it comes in handy and sometimes it doesn't, for what it is worth.

Nevertheless, as I appreciate listening to what Mr. Kirkland said, listening to what Mr. Kreft said, the arguments that they made against Ms. Tridico in the 4300 block were the exact same arguments that were made against Ms. Burch in the 4400 block. And as I appreciate it, a year ago, they brought those concerns to the ZBA which said 'no' we are going to give Ms. Tridico 1 year with certain stipulations. They appealed that, as I appreciate it to this body, having to do absolutely nothing with a sign. Their concern was this home based business in this block, as I appreciate and I think I am on track because I am getting affirmation from the crowd.

Now, in the 4400, and you were the Councilman at the time and you voted to allow Ms. Tridico the 1 year even though it had been, the Broadmoor Neighborhood Association voted against it, and you voted to uphold the ZBA.

Now, juxtapose that against Ms. Burch who lives one block over. I am not that familiar with Broadmoor but I think it is about a block over.

Councilman Carmody: Can we take a look at the map. Here is where the answer is to what you are asking, and I'll show you.

Councilman Lester: Sure. Please. Although I don't think that the number of blocks is the issue.

Councilman Carmody: No, but the location is. Ms. Tridico is actually on the corner of Leo and Clingman, on the corner right here at the intersection of these two streets whereas, Ms. Burch was in the middle of the block and

Councilman Lester: So when I ask you, when I ask you the question what will be different, so your answer should have been the difference between the situation Ms. Burch found herself in and the situation Ms. Tridico found herself in was apparently Ms. Burch was closer to the residential character of the neighborhood as opposed to Ms. Tridico although as I've heard your eloquent colloquy about the history of the area juxtaposed against the

highway that went through, it is all still a residential neighborhood.

Again, my question comes down to, why is it that we or you were for Ms. Tridico in the 4300 block with the salon 1 year ago against the Broadmoor Neighborhood Association and today you are saying Ms. Burch in the 4400 block with the same objections going through the exact same process you are for it? The arguments lay down squarely on the four corners and my concern is that we, it seems more so now than ever that, that decision was arbitrary and capricious.

And when I ask what can we do, your position was, well lets overturn Ms. Tridico. Well that sounds good, but to use another court term and hate to do this because that is how I am trained, but that is not before the court, that is not properly before the court. You can not expand in pleadings, we are dealing with was before us. So it would seem to me that the things to do to be fair and so that the City is not subjected with litigation that is going to be successful is that we would move reconsider Ms. Burch in the 4400 block of Clingman and allow the same year under the exact same scenario that we did for Ms. Burch in the 4300 block.

And having said, please explain to me why we should not extend to Ms. Burch the same respect, courteous, whatever that we did with Ms. Tridico given the fact that the scenario not only are analogous, they are almost identical?

Councilman Carmody: And I disagree with you there.

Councilman Walford: Mr. Carmody, ya'll are on Mr. Lester 10 minutes and we are right at it.

Councilman Carmody: That's alright. I disagree with what you say as being the two being identical.

Councilman Jackson: I got up because the mind can only absorb what the feet can endure. I had gotten to my point of endurance.

As a matter of fact in all of this Councilman Lester said, I think colloquially in all of the conversation you basically have answered my questions and I will yield the balance of that time.

Councilman Green: I will Councilman Carmody, I am going to support you because 1. you are the Councilman of that area and I am in hopes that when the tables are turned and something happens in District F that you would give me that same support. 2. The other reason I am going to support it is because I am running for Senate in District 39. They may have some friends over there (Councilman Walford: No politicking from the. . . .) I am sorry. Robert, take that off the tape.

Councilman Walford: I am going to support Councilman Carmody and I have to tell you, I think a sign for a home based business is wrong and I am surprised that it was granted and I am just more than happy to vote against it. So at this time a 'yes' vote will support Mr. Carmody's motion to overturn that portion of the ZBA decision that was appealed with is the 3 foot x 2 foot sign.

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

Councilman Lester: I am going to prevail on our Clerk. If I wanted to move to reconsider action on BAC-57-03, would this now be the proper time to do that, as per Robert's Rule?

Mr. Thompson: I would move that re reconsider the vote on BAC-57-03. Motion by Councilman Lester to reconsider the vote on BAC-57-03 (motion died for lack of a second).

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 7:40 p.m.

/s/Monty Walford, Chairman /s/Arthur G. Thompson, Clerk of Council