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Council Proceedings of the City of Shreveport
September 14, 2004

The regular meeting of the City Council of the City of Shreveport, State of Louisiana was called to order by Chairman Theron Jackson at 3:04 p.m., Tuesday September 14, 2004, in the Government Chambers in Government Plaza (505 Travis Street), Shreveport, Louisiana.

Invocation was given by Councilman Green.

On Roll Call, the following members were Present: Councilmen Walford, Carmody, Gibson (Arrived at 3:11 p.m.), Hogan, Green and Jackson. 6. Absent: Councilman Gibson. 1.

Approve Minutes: Motion by Councilman Carmody, seconded by Councilman Green to approve the Administrative Conference Summary Minutes of August 23, 2004 and the Council Meeting of August 24, 2004. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Hogan, Green, and Jackson. 6. Nays: None. Absent: Councilman Gibson. 1.

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

Councilman Jackson: Mr. Mayor, do you have any awards or recognition of distinguished guests, or communications?

Mayor Hightower: Mr. Chairman, I do have a communication if I could take a minute. Over the past couple of weeks and I know Council Members and the Public in general have been exposed to what I think is a City non-issue, and that's the talk about the City's debt. And I just wanted to talk about that for just a second. Although I know Council Members are well informed of where we are from a debt standpoint. I'm not sure that the general public as a whole understands the rhetoric of the past two weeks. So, I'd like to make it clear, 1) that the City is not drowning in debt. Our debt has increased, but so have the revenues that come to the City that pay those debts. So, when you take a look at how quickly we pay off our debt, 70% of our debt will be paid off in ten years. Currently, our G. O. Bond capacity for borrowing is \$82,000,000, and that's without raising millages. And we all know that millages are about to drop. So, without raising the millages, \$82,000,000 that we could go borrow, if we were so inclined to do so. Our debt to income ratio is slightly up, but it's virtually unchanged throughout the 90s. Probably the biggest increase that we've ever had in debt to income ratio was back when Mayor Hussey was the Mayor and got real aggressive on streets and drainage projects and passed a, I think it was \$105,000,000, I think it was bond issue at the time. But the fact of the matter is our debt to income ratio is virtually unchanged. And I think we've got to all remember that it's not Keith Hightower or Tom Dark or Liz Washington that are only in control of the budget numbers, certainly, you guys are, but even stronger than that, we have Moody's, and we have Standard and Poor's, who rate the City of Shreveport in the "A" category. The highest. One of 'em is

A3 and one of 'em is A+. So, we have a solid bond rating, so that we can go borrow money at advantageous rates at any time the City chooses to do so. If there was any reason, even beyond Moody's and Standard and Poor's, to think that the City was not able to fund the borrowing, we wouldn't have any purchases of bonds. They simply would go away. They would say no. They would purchase bonds from another municipality or some other form of investment on the stock market. But fortunately for the City of Shreveport, we've been in the kind of shape that warrants aggressive activity when we go out to sell bonds. It hasn't changed, it won't change. In a press conference that was called last week by Councilman Gibson, he showed the general public \$865,000,000 in debt, in City indebtedness. Now, I don't want to get caught up in the numbers, whether \$865, is right or \$866, is right or \$855 (million) is right. I don't think that really matters. What I do think matters is the misconception of that money could be called in a matter of minutes if need be and we would have that type of debt that we had to pay. Our financing is no different than Council Members financing, every American family's household financing. If you go buy a house, you finance it for the most part. At the end of a 30 year period, if you take your \$100,000 house and you add up your house notes for all 12 months of the year times the 30 years, I don't think most of us are shocked us to know that we pay more than \$100,000 for that house. We probably pay about \$300,000 for that \$100,000 home. It's no different with City finances, obviously it's just on a much larger scale than that. So, I don't think that should be a surprise to anyone or anyone should have to be told to wake up, they've got a debt problem that's going to hit 'em 30 years down the road, that's just not the case. The truth of the matter is we've taken advantage of 40 year historically low interest rates over the past five years. The Federal Government lowered the interest rate to spark the economy. We were in the right place at the right time. We've taken advantage of that, and the bottom line is we have something to show for our debt that benefits the citizens of this City for years to come. Although the Convention Center seems to get all the attention and is largely the reason for the overage, I guess compared to two years back, we've done a whole lot more than that. We've moved City Hall downtown. We've financed and renovated Independence Stadium so that we could keep the Independence Bowl here for many years to come, to secure contracts with the SEC and the Big 12. \$70,000,000 worth of bonds were sold for neighborhood improvements. That was streets, drainage, fire stations, fire protection, a new jail, a new police facility, take home cars for police officers. \$70,000,000 in water and sewer improvements, large improvements to the water and sewer plants and treatment centers. There's just no question in my mind that the money has been spent in the proper way and again, I think the bond holders on Wall Street are the ones that'll say yes or no. And they've continuously said yes. Are we in the Economic development business? There's been some question about should we focus strictly on water and sewer/streets and drainage/police and fire? I think that you have to have a good mix of the two, but to say that we're not in the Economic development business and shouldn't be in the Economic development business is closing the coffin. And I refuse to do that and I think most of you refuse to do that. If we weren't in the Economic development business, we wouldn't have General Motors' new line here. We wouldn't be in line for an H-3. We wouldn't

have Libbey Glass' new addition of employees here, we wouldn't be getting a new facility with Libbey Glass, we wouldn't have Continental Airlines. Today, I was at a ribbon cutting where Continental Airlines announced some more jobs in their continued growth, thanks to the economic development efforts of this City and the Airport Authority. We wouldn't have the Call Centers we have, the new retail that we have. Some comes on it's own, but some is hustle, and I think that's always something that we have to do. So, to say that we shouldn't be in economic development business is like saying we don't want any new jobs. And I don't anybody on this Council feels that way or should feel that way. We've got to continue to do everything that we can to sell this City, not only to prospects, outside this City, but to business in this city, to our own constituency in this City, because we're only going to be as good as the product we deliver, the features we deliver and the sales people we have out promoting this City. And so for anybody to suggest that we shouldn't be in that, I don't get it. Now whether it's about a hotel or what, I don't know. But it was interesting for me to see and Councilman Gibson, I'm glad you arrived. You know, I listened with interest the other day at the verbiage in your press conference. You know, I was just reading back some comments that you had actually made and it said the one concern in an interview that Gibson has is that our political leaders have to break the mold of studying the economic opportunities too long. If we do not act on these opportunities, businesses will not wait for us to finally make a decision. The window of opportunity will eventually close and this will result in a return to an era that no ones wants to revisit. And that is a major economic downturn of the late 80s and the early 90s. Economic Development is something that this area needs to always put first and not allow side agendas to detract away from the opportunity or the opportunity will go to another community. I think that's perfect. And that's what we have done over the past six years. That's what we'll continue to do over the next two years. And again, I just want to insure and assure the general population that this City's debt of \$865,000,000 or \$850,000,000 is a non issue. We have sufficient income to do what we are doing. To take care of the problems that need to be taken care of and the infrastructure, continue to fight for jobs and economic development. Will we ever get it all done with the amount of money we have? I think we all know the answer to that. But we don't all get it done at home either. There's never enough money to go around. So, priority and prioritizing always have to take place. And that's what'll happen this fall when you guys get to take a look at the budget that'll be ready shortly. But again, I think you'll see a fair balance has you have seen in the past. And again, our commitment is to continue to grow this City, to protect this City, to reinvest in this City, so that for generations to come, it'll be a place that they'll want to live. It'll be a place that businesses that the City has prepared for businesses to come, thus opportunities to come, so- - -. Again, you have my commitment as I've told you time and time again, I won't sit back, I won't sit down, I won't rest for the next two years. We're going to continue to work, invest and move this City forward. So, I hope that the general public understands that the debt issue is a non issue. Thank you Mr. Chairman.

Councilman Jackson: Alright, thank you Mr. Mayor.

Councilman Walford: At this point, I really think this bares some discussion from

the Council and I would make a motion to suspend the rules to allow us to discuss it.

Motion by Councilman Walford, seconded by Councilman Gibson to suspend the rules to discuss this particular issue, approved by the following votes: Ayes: Councilmen Walford, Carmody, Gibson, Hogan, Green, and Jackson. Nays: None. Out of Chamber: Councilman Lester. 1.

Councilman Walford: If I could Mr. Chairman, address this first to Mr. Thompson. I'd like several clarifications. Mr. Thompson, in some of the local print media, they say that the Council Staff determined that the City is in debt to the tune of \$865,000,000?

Mr. Thompson: That's correct.

Councilman Walford: Y'all actually came up with that figure?

Mr. Thompson: That's correct. We ran it by finance and also Tom Dark.

Councilman Walford: How did you derive those figures?

Mr. Thompson: By looking at the debt service for the City for an extended period of time, looking at the principal plus the interest.

Councilman Walford: Okay. Was this just something that y'all undertook.

Mr. Thompson: Mr. Gibson asked us to do it.

Councilman Walford: Okay. And now Mr. Chairman, if I could, I'd like to ask Ms. Washington to come up.

Councilman Jackson: Okay. Ms. Washington?

Councilman Walford: I've been in business a long time and I've gotten financial statements on each company every month. I've never in all of my years, nor in any of my accounting classes, my MBA classes, have I seen debt stated as the total of principal and interest all the way out. Is there something different in municipal accounting? Do you do it differently?

Ms. Washington: No, I can tell you what the debt outstanding in total, principal and interest over the life of the bond.

Councilman Walford: But that's not generally how it's stated is it?

Ms. Washington: Yes sir, and we show in our financials each year the principal and interest that's outstanding as of year end.

Councilman Walford: But if we actually had to pay off our debt tomorrow, wouldn't it be more like \$514,000,000 or let's say at the end of this year, wouldn't it be more like \$514,000,000?

Ms. Washington: I had my staff look at the debt outstanding as of August, it was like *seven hundred and some thousand – seven hundred and some million..*

Councilman Walford: Hundred thousand, I was going to urge the Mayor to let's go pay this off. Okay. Well, again, I had not seen it displayed as the total paid out over 30 years or whatever in the financial statements and that kind of surprised me.

Ms. Washington: What we show is what the debt outstanding is at the end of the year and then the five year increments. I show what to do each year and then the five year increments there out till the debt is paid off.

Councilman Walford: Okay, thank you very much. Thank you Mr. Chairman.

Councilman Carmody: Mr. Mayor, you made the statement that 70% of the present debt will be paid down in the next ten years?

Mayor Hightower: Correct.

Councilman Carmody: You had also mentioned that, and as one of the improvements that the City's undertaken and completed I guess is the Independence Bowl. At lunch today, I was asked point blank, if we had secured a title sponsor for the Independence Bowl this year. And of course, I told them that, that's really a function of the Independence Bowl Foundation and not the City of Shreveport, but they'd said that they felt like, that the Administration would be aware.

Mayor Hightower: Would be aware?

Councilman Carmody: Would be aware of whether or not we had secured a title to sponsor - - - .

Mayor Hightower: To my knowledge, no.

Mr. Antee: To our knowledge no, but the Independence Bowl and the Executive Committee is strictly doing that and we'll probably find out when everybody else does, when we read it in the paper.

Councilman Carmody: But our contract. I guess with the network to televise the game is contingent upon having that title sponsorship?

Mr. Antee: No.

Councilman Carmody: It is not.

Mr. Antee: No. The contract with the SEC, and I know this from my experience with the Independence Bowl, the contract with ESPN was renewed about two years ago and I think it's a seven or eight year contract. Doesn't have any bearing on title sponsor. Neither does the contract with the Big 12 or the SEC. Now, what the title sponsor does is allow the bowl to have sufficient money to pay in accordance with the terms of the contract with the Big 12 and the SEC, but they're not contingent upon each other.

Councilman Carmody: So, but I mean, is there a point Mr. Antee, where the Independence Bowl Foundation needs to apprise us if they've got a title bowl sponsor, so that - - - does it fall back on the City of Shreveport to incur that expense to pay the SEC and the Big 12?

Mr. Antee: Absolutely not. The City does not guarantee anything for the Independence Bowl with the exception of the debt on the score board at the stadium.

Councilman Carmody: Thank you sir. Thank you Mr. Chairman.

Councilman Jackson: Are there any more questions? Are there any more distinguished guests that need to be recognized, any other awards or anything?

Reports:

- a. Convention Center and Convention Center Hotel
- b. Property Standards Report

Councilman Jackson: If not, yesterday we received a Convention Center and Hotel report and Property Standards report.

Public Hearing: None

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

Confirmations and/or Appointments. None.

Public Comments:

Councilman Jackson: First, I would like to call Mr. R. E. Feather. I'm

sorry. It doesn't look as if this is on an item that's on the agenda today. We'll hold that public comment. Mr. Feather, we'll have to hold this until another point on our agenda, the Public Comments at the end of the meeting. I'm sorry.

Mr. Thompson: Mr. Chairman, I believe you skipped adding legislation to the Agenda?

Councilman Jackson: Oh, did I? I'm sorry. I sure did. Do we have some Mr. Clerk?

Mr. Thompson: I show that we have three.

Adding Legislation to the Agenda

The Clerk read by title:

1. Resolution No. 205 of 2004. A resolution authorizing the institution of expropriation proceedings against certain described property within the City of Shreveport in connection with the City-wide drainage (Swim Club Lane), project 01-D015, parcel nos: D-15, and otherwise to provide with respect thereto.

Councilman Carmody: Mr. Chairman, this shows to be in Councilman Lester's district. He's not here, but I'll go ahead and make a motion that we add it to the agenda.

Motion by Councilman Carmody, seconded by Councilman Walford to add Resolution No. 205 of 2004. Motion approved by the following vote: Ayes: Councilmen Walford, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Out of the Chamber: Councilman Lester. 1.

2. Resolution No. 206 of 2004. A resolution canceling the public hearing called for September 27, 2004 on the matter of increasing the millage rates on various Ad Valorem taxes.

Motion by Councilman Carmody, seconded by Councilman Green to add Resolution No. 206 of 2004. Motion approved by the following vote: Ayes: Councilmen Walford, Carmody, Hogan, Green, and Jackson. 5. Nays: Gibson, 1. Out of the Chamber: Councilman Lester. 1.

3. Resolution No. 207 of 2004. A resolution authorizing the Mayor to execute an amendment to the agreement between the City of Shreveport and the State Fair of Louisiana, Inc.

Motion by Councilman Carmody, seconded by Councilman Green to add Resolution No. 207 of 2004. Motion approved by the following vote: Ayes: Councilmen Walford, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Out of the Chamber: Councilman Lester. 1.

Public Comments:

Councilman Jackson: Alright, now Public Comments. All of these items are agenda items to be adopted right?

Mr. Thompson: No, the resolution authorizing the amendment cannot be adopted. It has to lay over.

Councilman Jackson: I want to ask first Mrs. Pearlie Ansley.

Ms. Pearlie Ansley: (*6706 Sagewind Drive*). I have lived at this address for the last six years and I've lived in the Western Hills community for 20 years. And I'm here to ask Councilman Jackson and other members of the Council to uphold the August 11th decision of the Shreveport MPC Zoning Board as well as the codes, covenants and restrictions that govern our subdivision. Each member of the Council has been provided a copy of the Western Hills Estates declaration of covenants, conditions and restrictions. The properties described in the covenant were sold and conveyed to each owner subject to the conditions and restrictions listed therein. It further states that the covenants, conditions and restrictions shall run with the real property and shall be binding on the parties having or acquiring any right, title or interest in the described properties. And to me this means that this is a contract. A legal agreement that I and all of my neighbors agree to abide by. Article I of the declaration of covenants and conditions and restrictions identifies and describes land use and building type. The detached building at 4103 Santa Monica has a storefront facade, a bathroom within and is totally lacking the design features commonly found in a garage. Thus, I was curious as to whether it was identified in the applicant's building permit as a garage or a storage facility. Upon visiting the tax assessors office, to take care of a personal tax matter, I was told that there was no record of a detached garage or storage building at this location, nor was there a building permit for such. And I'm wondering how often do we find a 768 square foot building constructed on a slab foundation inside of the city limits with no evidence of it's existence in the tax assessors office. If this issue was about the Nunleys and the Bowies as some people seem to think it is, then I think that this is evidence that it is not. It is about a set of codes, covenants and restrictions that we believe as members of the community were our rights when we purchased the property. Article No. XVII of the Declaration of Covenants and Codes, states that the covenants are enforceable by the owner of any lot. Moreover, it states that an instrument signed by not less than 75 % of the lot owners is required to amend the codes and covenants. The amendments must also be properly recorded. The codes, and covenants, and restrictions of our subdivision have not been amended. They were not amended. They were not amended prior to the construction of the applicant's building, nor have they been amended since. Therefore, I'm asking the Council to uphold and support the declaration of our codes and covenants that we all promised to abide by. To allow a variance and special exception at 4103 Santa Monica or any other location within this subdivision would say to residents of this subdivision, that this document, our codes and covenants mean nothing. It also would say that it is okay to amend our codes and covenants without the consent of the majority of the neighbors within this subdivision. So, again I'm asking the City Council to uphold the motion that was made by the Zoning Board on August the 11th. And also, the codes and covenants of our neighborhood, and

disallow a special variance at this address.

Councilman Carmody: Ms. Ansley, thank you for coming before us today. I did have a couple of observations and again, I don't see Mr. Kirkland in the audience, but I do see part of his staff here. My understanding of the operation of the law is that subdivisions, restrictions and covenants are actually civil matters between the parties within the subdivision and the enforcement of those covenants and restrictions are the responsibility of those individuals. So, I want to make sure that I understand. I'm getting a nod - - - affirmative from the MPC Staff. But the thing that I heard you say, that I want to make sure that I understood correctly was, is that you were informed that there was no building permit issued for construction of an accessory structure in the back of this residence, nor did the tax assessor have any documentation of there being such a structure.

Ms. Ansley: Exactly.

Councilman Carmody: Okay, thank you Ma'am, I appreciate it.

Ms. Ansley: As a matter of fact, on Friday of last week.

Councilman Hogan: Ms. Ansley, do you know what the vote was by the Metropolitan Planning Commission, by the board that voted. Do you know what the breakdown of - - -

Ms. Ansley: I don't recall. I'm sure that someone is here.

Councilman Hogan: 4-3? Okay. Also one more question, as Councilman Carmody mentioned a moment ago, was talking about the building permit and you found that it was not issued. At the point in your conversation that you mentioned that you were talking about the tax assessor and he didn't have any record of that being added on to the assessed value. The record for the building permit would come from our Permits and Inspections Department here with the City.

Ms. Ansley: Exactly. I did not check with them. I was simply checking on a tax matter, a personal tax matter and asked about the building, detached building at 4103 Santa Monica. And I was told at the assessor's office did not show any building other than the home with a garage being of that, it shows no other building other than that, and that there was no permit, or it would have been received in the assessor's office.

Councilman Hogan: Approximately when was the building constructed, do you know?

Ms. Ansley: I would say approximately two years ago.

Councilman Carmody: The attached site map that is supplied by the Metropolitan Planning Commission indicates only one structure being on this property? I'm sorry, can you come forward, my hearing's getting bad.

Mr. Jambor: Those maps are generated as part of our GIS mapping and of course those site plans are only done periodically, the last one is approximately two and a half years old.

Councilman Carmody: And Mr. Jambor, there is attached to this particular zoning case, what appears to be a site plan.

Mr. Jambor: Right. The site plan that the applicant prepares should accurately reflect at the time of the application, a vicinity map that's done with the color in the boundary circle, that's what we generate from our GIS Map Room.

Councilman Carmody: But the verification of the permit to construct is accessory structure. Do we know if indeed that it was permitted?

Mr. Jambor: We're almost sure it was permitted. We're going to check. At the tax assessors office, that should have been caught.

Councilman Carmody: As I appreciate it, the tax assessor picks up the permits that are generated by the City of Shreveport and then re-assesses property.

Mr. Jambor: Not only that, there was a recent update on the assessment, so it should have been there long enough to where it would have been picked up that way, even without a building permit.

Ms. Gwen Phelps: (6635 Santa Monica Dr) I'm here today to speak to you about lies and deception. First, lets start with the applicant's application. She wrote in her own words that this is a home based business and that my business has expanded. I would like to continue my home based business in the detached garage which is being designed for future family use. This building has never been intended to be a garage. If you look at it, you can see that it was intended to be an office and storage space. Also, she wants us to believe that the reason that she wants to move the business is because she wants her bedroom back. The real reason is her business is expanding. She moved her business from her kitchen nook area into a private bedroom a few years ago. She moved it into an area that is one of the most private areas of the home. That was bad judgement on her part. But now, she wants to move it into this storage building and say I want my bedroom back. She can have her bedroom back. She can have it back 1) by moving her computer and books and accessories back into the kitchen that she moved it from, or she can use her dining room which she has not used maybe once or twice in the twelve years that I have known her. And this dining room is right at her front door. It is not intrusive to her home, so she could do that. Okay, the next thing I want to talk to you about, she has stated that she only has catalogues, office equipment, and a few bridal gifts. I have seen with my own eyes that she also has shoes, jewelry, wine goblets, cake knives and cutlery and tuxedos. And lets speak about tuxedos. This is one aspect of the business that you never hear her discuss. Tuxedo rental. Which requires fittings, pick ups, drop offs and these activities don't just occur on her days off. I've been in her home after 9:00 at night when she has clients in her home. Her business goes far beyond what has been acknowledged by her. And also I want to speak to the petition from the ZBA meeting, there was a petition presented and this is the petition right here. The applicants presented this petition and she said that all 50 signatures on this petition appeared on our petition last year. Okay, we of course wanted to challenge the petition. And at this point, we tried to get the petition from the ZBA. We couldn't get it, they didn't have it. She didn't turn it in. So, finally on the 17th of August, she faxed in a copy of the petition. We looked at this petition and I don't know, can I put this here?

Councilman Jackson: Robert, if you would, if you'd turn the overhead on please?

Ms. Phelps: Okay, what I wanted to say is if you look at this petition again, she said that all 50 names on this petition appear on the opposition's petition last year. I want you to note this name at #10. Elmer Nunley, who is a co-applicant. I don't think his name was on our petition last year. Lies and deception. Okay, the next issue, lets

get back to the petition again. She also said that this petition, all 50 names were on our petition last year. When we got a chance to get our hands on it and look at it. There were only 28 names on this petition that were on our petition last year. So, 28 names and there are also two names that were not in our community. So, when you get down to it and you evaluate this petition, she did not tell the truth. And also, of the 28 names that were on here, we were able to get 14 of those names taken off, because they are now on our petition. So you take that 50, you subtract the two that are not from the community, the 14 that we were able to go and turn around, (you know we only had a short time, because we couldn't get the petition initially), that left them with 34 names. Those 34 names represent about 28% of the households in Western Hills Estates. Now, last year when we were going through this in a phone conversation and standing right over there at the end of this arena, Councilman Jackson told me and Mrs. Bowie that unless the applicant could deliver 51% or better of the neighborhood, in favor of her operating this business from a detached building, he could not support her. So, I'm here today to remind you of your promise to the residents of Western Hills Estate Subdivision, and I know you remember. And I pray and I hope that you will do what's right for Western Hills Estates and not follow lies, and deception. Thank you.

Councilman Hogan: Ms. Phelps, at the beginning of your conversation, you talked a lot about the personal habits of the applicant inside her home and how she uses her home and the rooms in her home and stuff like that. And that you had been in there certain hours of the day or night and I'm just curious to know when was the last time you were in the home or in the separate building?

Ms. Phelps: The last time I was in the home, my sister-in-law and her kids came home and I took them by to see the applicant and her family about - - - less than six months ago.

Councilman Hogan: About six months ago? Was this just the home or was it the structure off to the side that's in question?

Ms. Phelps: I haven't been in the structure off to the side in over a year, but the things that I saw were inside her home and what I'm telling you is that she say she only has this, but she has more than what she say she has.

Councilman Hogan: Thank you, that's all.

Mr. Raymond Hill: *(4101 Santa Monica Ct)* We want to clear up something. First of all, there is not Hatfield and McCoy feud between neighbors. Nor, do we live next door to the neighbor from hell. We love our neighbors and we love our neighborhood. Those of you who know me and I believe most of you do, know that I am pro business and a business owner. However, I am opposing the granting of any special exception to expand a home based business to the detached building on the Nunley's property in our residential neighborhood. This expansion goes beyond the general intent of a home based business. Home based business is a self limiting in the amount of business activity any reasonable person would allow in their home as explained by ZBA Director, Charles Kirkland. Home based businesses are supposed to be invisible. Relocating to a detached structure removes it from this status. Relocating and expanding a detached building removes a self limiting interference the business would have upon the occupants in the home. When business activity and the interference becomes

inappropriate for the lifestyle changes Mrs. Nunley has for her family, then the appropriate place is not in a detached building in our residential neighborhood, but in a business district. In the pursuing of business happiness, I want to afford Mrs. Nunley all the rights and privileges thereof, as long as it doesn't infringe on the rights of others (inaudible) innocuous to others and I pray that this council will vote as one to uphold the sanctity and integrity of our neighborhood. Thank you.

Ms. Madeline Bowie: (4105 Santa Monica Ct) I am sure that there is no surprise I'm standing here in opposition of this special exception and variance use for case BAC-82-04. This is the fourth time that this case has been brought a board. Twice it has failed at the ZBA and last year, it failed at this very Council. I'm not going to define home based business and the role it plays in the neighborhood, but each of you are well versed in the codes and criteria, nor am I here to oppose home based businesses for there are some in our neighborhood, in fact, I have one. What makes them work is when they are truly invisible. So one may ask, what is the big deal? In it's simplest form, all that is being asked is to move an existing home based business to a detached building. This image that is projected is of a simple move of a desk, a computer, and a few catalogues. So why are we so opposed to this variance issue? On a meeting that we had on August 31st at the Library, the room was filled with Western Hills Estates Residents that were opposed to having this business in a detached building. Is this a personal vendetta as some may have implied here? I can assure you that this is of greater magnitude for us and that the neighborhood would not rally behind such a petty cause. This is the image that I see and that of many of my neighbors. What we see is the home based business that is growing or in its initial application, it was stated that the business had expanded. I have issues of privacy and when I'm at home and security when I'm away, because it's really close to my backyard within 25 feet. We see the benefits of a gated like community just diminishing from our small cul-de-sac. Besides the applicant, there are four other homes in the cul-de-sac. All have signed opposing this special exception and variance. We see a change in the culture of our neighborhood, that if granted a precedence will be set, therefore making it easier for others to follow suit. The petition I submitted yesterday contained over 65 signatures representing 43 homes in our Western Hills Estates, for neighbors that opposing this exception. These signatures were just obtained in the last three weeks. Councilmen, we the neighbors feel like victims here. Each one of us had to take time off from our jobs numerously to repeatedly oppose this issue. We are not here to stop the business or to cause grief. Because we have had opportunities to complain if we wanted to when there was more than one UPS truck or when there was more than one fitting that was late evening. We're not about that. Ours is on a bigger magnitude. I don't understand why one would risk the negative effects and ignore the concerns of their neighbors when the business is already ongoing in the home. By allowing this to occur, you would not add any value to Western Hills Estates. If granted, you're saying to us, we the neighbors, have no right to determine how we want our cul-de-sac or neighborhood to look or operate. If approved, you are saying to the neighbors that people and forces outside of our neighborhood have a greater say to what we allow to have here. This is our neighborhood and our homes. Long after the dust has cleared, we will be there

having to deal with the long term repercussion of this decision. Please deny this special exception and variance. Thank you.

Rev. Roy Thomas: *(3900 Calderwood)* Thank you for allowing me to speak. I am here today. I've been in dilemma regarding this situation because I've had neighbors from both sides of the street to come to my house and ask me to sign one petition or another. And I have not committed to a petition, but I've deliberated and meditated and prayed about this matter, and Pastor, I can tell you the Lord has spoken to me regarding this matter and asked me a simple question in my mind. What is the purpose of a business? When most people go into business to be successful and to make a profit. Most times to be successful, or to make a profit, it requires expansion. And in order for a business to expand, there must be a demand. And if there is going to be an increased demand, there must be increased traffic in order to support this business. And I see this situation encapsulated into one particular thought. And that is in order for it to be a successful business, it must expand and the person who applied to expand the business obviously is being successful. I don't even know the person who is requesting the variance from this ordinance, but I'm speaking on behalf of the concept. I'm not here to make any personal attacks on anyone, but I think the expansion of the business is negative to the community. I would urge the Councilmen to uphold the decision made by the Zoning Board, simply for the integrity of our community. We feel that if this is approved or changed today, that it would open a can of worms for all kinds of business to come into the neighborhood. If she's going to be successful in this type of business, the next thing you're going to have winter clearance sales, fall clearance sales and people coming in to take advantage of all these types of sales and so forth, and it's going to attract a lot of burden, transportation wise on our community. So, I urge each of you to uphold the decision of that's already been made in regard to this ordinance.

Mr. Harold A. Henry: *(4104 Santa Monica Ct)* We just built a brand new home in the cul-de-sac. And I hope everyone on the Council has gotten a copy of my letter. I'm opposed to it, I'm against it and I don't like it. Just an example, one of my neighbors lives on the corner, Mr. Stringer was helping in the construction with the Nunley's project. Didn't know what it was, just being a good neighbor. And when he found out that it was going to be a home based business, he picked up his hammer and he picked up his nails and he went home, because they deliberately deceived him. To you Councilman Jackson, I understand you are pro business, but I've been in law enforcement and when you bring in additional traffic, you also bring in additional crime opportunities. People see in a neighborhood. They look in a telephone directory, see that there is a home based business in a detached building, they will drive through, not to ask the Nunley's can they serve them, but what can they serve for themselves. We've got vacant property there, beautiful neighborhood, but Councilman Jackson, and I'm not being disrespectful to you fine folks on the Council. You were elected by that district to serve that district to vote against the majority, you're not serving. There is not going to be any benefit to my household as a result of the Nunley's business. My gross national product is not going to increase because of the Nunley's business. My neighbor has a 2-3 year old son riding his electric cart up and down the street. To bring additional traffic in is to put his life in danger. People are coming, right now, they are

driving up and down the cul-de-sac, 24 hours a day just looking. Some may be looking at our homes, other homes in the neighborhood. I'm pro business, but I'm against additional traffic. Having been in law enforcement, when you create additional traffic, you create a negative situation for neighbors. The Hill's house just a few months ago was burglarized at 10:00 in the morning. Talking about traffic. Brick layers called me and I called SPD. It's totally unnecessary. It's not conducive to the peace of the neighborhood. And I'm going to give you a new term today. Neighborhood Suicide is what it's called when you allow a variance to come in. You've got people who are going to bring in whatever they're going to bring in business-wise because of this one exception. If you read my letter, you're opening up Pandora's Box. Why move a liquor store in the neighborhood on the corner? That's wrong. Why allow someone to bring scrap cars, put a fence up, you can see it? That's wrong. So, I'm against it, Councilman Jackson, my Pastor, Bishop Fred A. Caldwell, Sr., we fought against the truck stop. This is side bar, but it relative, side bar, the truck stop off Greenwood Road, defeated. The truck stop to the Martin Luther King Drive are, defeated. Mike Gibson folks said don't even bring it. They didn't bring it. Not even consider it. They go out Ellerbe Road, same situation. We don't want it. And we're imploring you, vote against it. I understand the comradery you gentlemen have, you folks have in supporting each other in certain issues. But Councilman Jackson, you represent all of us, not just one of us. The Nunley's couldn't put you in office, we can. So, if you vote for your district so your people can be blessed and be benefitted, then everybody else will vote for you and vote with you. No, we're not perfect, but we follow after. So, I'm imploring everyone to consider the fact that additional traffic means that we've got to call in help. If it stays as it is, if the neighborhood association decides to come up with something on our own in the next couple of months, then I won't have to call the Shreveport Fire Department, cause I won't need their help. I won't have to call the Shreveport Police Department because I won't need their help. This is a matter that neighbors can very easily solve and resolve. If the Nunley's had come through the association which her husband's been President of for probably 8 something years, he would have presented this to the association and allowed the association to make a decision. We wouldn't be up here dealing with this issue today, but he wouldn't do it. Because it would be against his wife and against his household. When good people rule, the people rejoice. When other people rule, the people are saddened. Vote no. The MPC is a group of great and intelligent people who volunteer their time. They're not paid. They came up with the same decision two years in a row. I admire and respect them. You folks came up with the decision no last year and I'm looking for you to come up with a no this year. I've got an 11 year old and I've got and 18 year old going to LSUS. And I'm just kinda straight forward. I didn't write nothing down. But I'll get the devil and the bear behind my family, if you bring that traffic in, Mike Campbell knows, I probably won't call him to deal with the issue. I thank you for your time.

Mr. Roy Carey: *(4615 Monkhouse Dr)* After an intense speaking engagement like that, I don't know if I want to follow, but I'm here because I think I want to do the right thing and I want to ask this Council to do the right thing. I've sat where you sit and I've heard some of the same, well maybe not as emotional as this one that just passed, the

comments made before me as a councilman. But I've looked at the issue and tried to weigh the issue for what it's worth and not let emotions get involved, not let it be driven by fear, not let it be driven by persuasion or who's got the greatest numbers, but what is the right thing to do. And I'm here this evening because 1) I got some other things that I need to be doing, but because I think it's the right thing to do, I wanted to come and speak on behalf of this issue. I've heard all kinds of things portrayed as though this was going to be something like a liquor store, it was going to be something like a wrecking yard. Now, let's be realistic gentlemen. When two people get married, there are generally two people getting married, that's basically all you have coming and dealing when you're talking about marriage consultants, or bridal or tuxedo fitting. You don't have a line of people lining up. I've never been to Squire's and had to wait in line to get measured for a tuxedo when I've had to go to be in a wedding. I've never taken my daughter or any relative of mine to a bridal suite Mr. Jackson, and had to wait in line in order for me to get waited on because this bridal suite was so well known, was doing so much business, that we had to just line up cars and we had to take a number before I could get waited on. I think this whole issue is being mis-portrayed. I think it's unfair to the Nunley's, and had it not been the Nunley's, had it been anybody else, I'd be right before this council as I am this evening, asking this Council to do what's right. I do say that the Metropolitan Planning Commission and the ZBA has the best interest and integrity at heart, but yet you and I were elected to make the final decision when it comes to controversial matters like this. This matter is one that's been driven by fear, and you say well Roy Carey, what interest do you have? I sold Mr. Hal Henry three acres of property where he built his home. I sold the Bowies I think two acres of property where they built their home. I own property in that area. I live in that area. I own business in that area. I'm pro business, but I'm also pro neighborhood and everybody knows that. We shouldn't come down to the Council because a person wants to grow and start a home based business and admitted to the criteria and agreed to the criteria that the ZBA offered. That they are going to conduct their business within those rights. We can't come down and use fear tactics to keep me from, Mr. Green, going in business. I owe, you owe me that right. You owe me that opportunity. Now, how do we control that? We put guidelines, we put stipulations in place to deal with that. These neighbors know that there are stipulations to deal with the Nunley's case. They know that there is not going to be a whole group of traffic coming up in there bombarding them. This is more or less an us against them thing. And I submit to you this evening Councilman, that you need to take a stand. And this is not about a popularity contest, whose got the most members, and I dare want to implore you about how much votes or how much support I can get for you if you vote for or against this issue. But you've got to go home and each of you have wives, you have spouses, you have children who one day, you own your property, you're going to want to expand your business, who is to determine how big your business should get because you want to grow. If it does grow, then there are stipulations to say that when it grows to a certain degree, then you move into a commercial area. We've got stipulations to deal with that. And we ought to be - - - we ought to all work together. We ought not come down and project these people, the Nunleys were in this neighborhood before I bought property.

And one of the most important, Mr. Gibson, stipulations they made to me was Mr. Carey, when you sell your property, you make sure you don't sell your property to somebody who is going to deteriorate or depreciate the value of our property or this neighborhood. I held that property for years, because I wanted to select the people who I chose to sell it to, because I wanted to enhance the neighborhood rather than de-enhance the neighborhood. And I selected the Bowies, and I selected the Henrys, because I thought they were the quality of people. But had I know that they were going to be this fear driven by something this small, I would have certainly withheld the right to sell my property than giving it to somebody who would have been more neighborhood oriented, but also give me the opportunity to expand and open and run my business. Everything we've heard this evening is unheard of. Invisible business. How you going to have a business and be invisible? Come on, lets' be realistic. The young lady came up and talked about being in the Nunley's house. You don't tell me, if I've got an office and I'm a lawyer, and I started bringing part of my practice home at night, because I don't want to work 12 hours at the office, you're not going to tell me I can't set a building up in my back yard as long as I operate within the perimeter of the ZBA and the Zoning guidelines and I shouldn't be able to work after 10 or 12, or 11:00 at night. Whose going to determine when my customers should come. This is America. We owe that to every individual. I commend people who want to go into business for themselves. As all of us can see, it's not easy, but we certainly shouldn't be up here fighting against something that is not an issue. Had this been a liquor store, I'd be right down here with them in line. Had this been a wrecking yard where they were working on old cars, Mr. Lester, I'd be right here in line. As Council Members, I know it's a tough thing when people are calling you and if we always voted according to popularity, some of the rights that we've gotten now, wouldn't have been gained. Some time, you've got to do what's unpopular. It may not be popular because people - - - but, nobody has come up to this mic this afternoon and give a no valid reason - - - how is this going to hinder my child from going to LSU or going to Southern University or going to Grambling, how would this prohibit me from enhancing the quality of life in this neighborhood? How is this going to violate any guidelines that the ZBA has in effect and the Zoning Board already has in effect? How is this going to keep my daughter from resting tonight when we go home and go to bed in our house? Nobody's told me that this is going to decrease or increase crime. They speculated that it would. That's not the case. People who get married are civil people. They are law abiding people for the most cases. And they are people who want to do the right thing. So, we're not bringing a bunch of ballers up in the neighborhood like we're just going to have people coming to your doorway and coming to your house and bombarding your neighborhood. So, I want you to not be driven by these fears. Council Members, we have the right to vote for what is right. And the guidelines are here. The lady's agreed and already committed to going according to the guidelines. And if we put those in business, then who are we to set back and try to control how the business grow or where the business should be or what part of the house it should be in. Those are things that we don't - - - this ain't the body for that. And I submit to them again, as somebody said, if they want to challenge the covenant, then take it to the legal procedure, I mean take it through the civil

proceedings. That's the purpose of the covenant. If the members don't come together, then they'll have a process they can take that. But this is not the body to even hear about a covenant. This is not the body about hearing about fears that are not validated. This is the body to say that "is this right". And according to the criteria of a home occupation, I see everything about it. It would be ludicrous for me to set on this body and vote against this and tell people I'm pro business. It'd be ludicrous for me to go home and tell my son or my daughter that you can own your own business, you can start your own business and since you can't get into commercial zone, you can't afford to start at home. You can't afford to start in your back yard. Bill Gates started his business in his garage and look it, he's a billionaire. Some of the best ventures, the best business opportunities have been started in people's back yard. I ask you this evening. Put aside all these fears. Deal with reality. Give people hope. Give people an opportunity. Give these people a chance to show themselves to be quality business operators. And if they don't, if they don't, Councilman Green, abide by these stipulations, then I submit to this Council, you have the authority to withdraw their permit. Thank you and I appreciate you hearing me.

Ms. Wyvornia Decarol Nunley: *(4103 Santa Monica Ct)* Again, I'm here requesting your support for my home based office/business. I'm trying to relocate an office. Not the expansion. Please underline not expansion of my home based business. I resent the fact that earlier, my neighbor stated that my inventory is such that I'm selling out of my home. I do bridal shows and I have an inventory to go and set up the amount of equipment that I have occupied an 8 foot banquet area and twice a year, I do bridal shows. Also, my inventory shows some of my customers, if they are interested, what I do represent or what I could order. I am a wedding planner/wedding consultant. I would like to request that the City Councilmen allow me to move the office. Underline office, of my home based business from my home to a detached storage building on our property. The building was originally built for storage. And then I thought that I could without knowing that I needed to go through the zoning board to modify that building to be half storage, half office. In doing so, the area that is to be occupied is the same amount it is for my bedroom, 12 X 13 space. In that office space, I also have a half bath. Now, also the modification was done for privacy of my family and my customer. Yes, I did move from the nook of my kitchen to my bedroom, because sometimes it kinda interfered with dinner or supper, lunch or supper - how you might say it and move into my bedroom. My home based business allows me to order catalogues and to order my items either through phone fax or through computer or drop shipment, the item that is ordered to my customer or to myself. When I originally started, as you know in any business, you make mistakes. I originally started because I did not have the capital to advertise, I went to certain high schools to pass out flyers and for their proms to order tuxedos. On that note, I learned through trial and error, I was dealing with teenagers. Okay? As in them wanting to order tuxedos from me. I noticed they all started piling up at my front door. There may have been about 10 or 15 cars. Yes, I found out that was a mistake. I could not handle that and that was the one time the situation that they are complaining about. And in doing so, I corrected that. That was three and a half years ago. Since then, I have followed those criteria as in home

based business. Not that I was in the beginning, but I realized that I was dealing with teenager minds. So, correcting some of those mistakes that I made in the past, as Ms. Phelps also stated, as she was at my home about six months ago, that was true. And she was only in my family room. So she does not know what I have transpired since. Now, the permit- - - we did get a building permit and it is on record. Everyone that was needed or was necessary by the guidelines of inspection, came out to inspect the building. And I'm sorry that's not on file, but we do have a copy of that, but not with us. Operating of my business from this structure, I would like to continue following the same criteria that I have for my home base under that dwelling. I'm only limited to 3-4 customers a week in which they mainly would be a Wednesday or Thursday. And I go out and do my events on the weekends. How many weddings are set up at your home. I'm out to the church for the rehearsal on Friday or whatever day that may be, and the wedding for that Saturday. If I do rent tuxedos, those tuxedos are carried out with me with those customers, or they may come to my home for fitting. I do not have a fitting room, I do not have a bridal shop, I do not have a tuxedo shop, I have an office. Again, I mentioned about the structure, which I will not go into that. And I must apologize to what we have put you guys through for the last year and a half. That was not my intent. I followed the guidelines of filling out the application that was presented to me from the Zoning Board and from that, that was all that I was told that I needed. The signatures that was acquired from my neighbors, they were acquired between April and June of this year. I do have 50 some signatures. I went out to my neighbors. I explained to them what was said to them the year before and encouraged them to come and visit my home based business or my home based office. And in doing so, they agreed that they were misinformed. And that they had no problem with it and signed it. Granted, there are duplicate signatures from before from the Bowies' petition, but they are the same people. Also, I would like for you all to keep in mind, I would respectfully request that you reverse the decision rendered in this case, the aforementioned above from the zoning board, I would not be opposed to a timed trial period being set to see that everything is acceptable to all parties and I welcome any questions. Thank you.

Councilman Carmody: Ms. Nunley, if I remember correctly, this is the same request we received from you a year ago, for a trial basis for the business?

Ms. Nunley: Yes.

Councilman Carmody: And you mentioned the fact that y'all had pulled a permit for the storage building?

Ms. Nunley: Yes.

Councilman Carmody: Okay, I think that we've actually got a copy of that. That would have been in April of 2002?

Ms. Nunley: Yes.

Councilman Carmody: And I did want to make sure that I understood. We've got a copy of the permit here, but and I'm not sure if Mr. Clarke might be the appropriate person. It does say that this permit type is RES ACCS. Is that a residential accessory structure? So, the permit granted was for a residential accessory structure for, and it shows on here 528 square feet? Okay. Ms. Nunley, I appreciate it. Thank you.

Ms. Nunley: I do have pictures if you all would like to see the structure and a

copy of the petition if you do not have one. So, do you need it, should I carry it back with me or what?

Councilman Hogan: I'd like to see the pictures Mr. Chairman.

Ms. Nunley: I would like to emphasize that, that structure - - - half if personal storage and half if an office. This wall here represents the wall that is showing the office space. And I think a lot of the neighbors, when they drive by and look, they look at the whole building as a store or as a business and that is not true. Thank you all.

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

RESOLUTIONS: None

ORDINANCES: None

TO ADOPT RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

RESOLUTION NO. 194 of 2004

A RESOLUTION AUTHORIZING JACQUELINE DENISE ROBERSON DUPONT, ALICE GENEVA PARKS, ANITA LYNN ROBERSON, AND CHARLES JEFFREY GERSCH LOCATED AT 7584 SHIRLEY FRANCIS RD., TO CONNECT TO THE WATER SYSTEM OF THE CITY OF SHREVEPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, Jacqueline Denise Roberson Dupont, Alice Geneva Parks, Anita Lynn Roberson, and Charles Jeffrey Gersch, 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 Jacqueline Denise Roberson Dupont, Alice Geneva Parks, Anita Lynn Roberson, and Charles Jeffrey Gersch be authorized to connect the building located at 7584 Shirley Francis 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. 195 OF 2004

A RESOLUTION REJECTING BIDS RECEIVED ON IFB #04-066 FOR 200 BLOCK INDIA DRIVE DRAINAGE -01-D009 FOR THE DEPARTMENT OF OPERATIONAL SERVICES / ENGINEERING AND OTHERWISE PROVIDING WITH

RESPECT THERETO

WHEREAS, one bid was received as a result of solicitation for 200 Block India Drive Drainage, IFB #04-066; and

WHEREAS, the City has rejected the bids due to the lowest responsive bid being over budget;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the bid received on IFB #04-066 be rejected.

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 declared repealed.

Read by title and as read, motion by Councilman Jackson, seconded by Councilman Carmody to adopt Resolutions 194 and 195.

Councilman Gibson: Mr. Chair, could I ask Mr. Strong to come forth please? On item 195, rejecting bids on India Drive for I guess from what I understand the scope of work to say re-pave or pave a drainage ditch?

Mr. Strong: Yes sir.

Councilman Gibson: Could you expand on why we're rejecting the bids?

Mr. Strong: The bid that came in, we only had one bid that actually came in for this job and it over our estimate. So we wanted to go back and look at it and come back with a re-bid on it.

Councilman Gibson: Okay, so when would we expect putting this out for bid?

Mr. Strong: Councilman whenever I can figure out that we can get some contractors to bid on some jobs is where looking at. So, we'll wait a little while and lets come back probably in a couple of months and then lets see about trying to re-bid it and see but, we're going to be running into the wet weather period of time too, so we want to wait until that passes on.

Councilman Gibson: The reason I'm asking is the homeowners group out there have asked me for an update because as I understand it and this comment, Mayor is for you. They pointed out that when they were asked in the bond issue, I think this came out of the 1999-2000 bond election?

Mr. Strong: 2001.

Councilman Gibson: It's our Broadmoor residents had said that they were asked by the Administration to go out and support the bond issue and that this was one of the items that was on that list of projects and they've asked for an update of when they can expect to do that. And again, I'm just asking because I've got to meet with them over the next couple of weeks to give them an idea of when we can expect that. So - - .

Mr. Strong: We can re-bid it in a couple of months. Thank you Mr. Strong.

Mayor Hightower: Mr. Chairman, one thing I think you could help us with Councilmen, is that part of the problem, I think you heard Mr. Strong's statement was we only had one bidder. So, if there is someone in your organization that's interested in bidding drainage projects, if you could direct 'em his way, I think that would be helpful. That's really what we're looking for is competitive bids (inaudible) in under budget.

Councilman Gibson: Mr. Mayor, I'd be more than happy to work with you to maybe set up a meeting with some of those contractors to kinda- - I haven't got a feel and Mr. Strong and I talked about that - - - a little bit about what's going on and I'd entertain the opportunity to work with you on that. Thank you Mr. Chair.

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

ORDINANCES: None

REGULAR AGENDA LEGISLATION:

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

RESOLUTION NO. 183 OF 2004

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A COOPERATIVE ENDEAVOR AGREEMENT WITH THE SHREVEPORT OPERA GUILD RELATIVE TO THE PRODUCTION OF THE 30TH ANNUAL LES BOUTIQUES DE NOEL AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

uncilman Monty Walford

WHEREAS, during the 7 days of Les Boutiques de Noel, over 100 merchants from Louisiana, Texas, Arkansas, Arizona, Mississippi, Virginia, California, Tennessee and Oklahoma will bring more than 10,000 shoppers to Expo Hall on the Shreveport Riverfront who will spend more than \$275,000, and

WHEREAS, the Les Boutiques de Noel sales will generate more than \$7,562.00 in direct sales taxes to the City of Shreveport, and the out of town merchants and shoppers will generate additional sales taxes, hotel/motel taxes and Riverboat revenues for the City, and

WHEREAS, the Shreveport Opera Guild, a 501 (c) (3) organization, will provide the net proceeds of the event to the Shreveport Opera to produce operas and to produce education and music workshops for the citizens of Shreveport, and

WHEREAS, Les Boutiques de Noel provides an economic benefit to the citizens of Shreveport, and the operas and workshops sponsored by Shreveport Opera provide a cultural benefit to citizens of Shreveport and surrounding areas, and said activities and benefits constitute a public purpose, and

WHEREAS, the City of Shreveport desires to participate with the Shreveport Opera Guild in the production of the 2004 Les Boutiques de Noel by providing the use of the Expo Hall for this event from Monday, November 15, 2004 through Sunday, November 21, 2004, and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened that the Mayor of the City of Shreveport is authorized to execute an agreement with the Shreveport Opera Guild, in a form approved by the City Attorney, in which the City provides the use of the Expo Hall (the rental fee only) for the 2004 Les Boutiques de Noel, and in which the Shreveport Opera Guild agrees:

- 1) To provide the economic and cultural benefits described herein to the City, and
- 2) To provide the insurance and to pay for the other customary services and charges associated with the use of the facility.

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 ordinances or parts thereof in conflict herewith are hereby declared severable and repealed.

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

RESOLUTION NO. 186 OF 2004

A RESOLUTION AUTHORIZING AND PROVIDING FOR A RIGHT OF PASSAGE AND UTILITY EASEMENT ON A PORTION OF LAND OWNED BY THE CITY OF SHREVEPORT AND ADJACENT TO CROSS LAKE IN CADDO PARISH, LOUISIANA, BY ROBERT AND JANET HENDERSON, AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, Robert and Janet Henderson are the owners of record of the following tracts of land which are more particularly described in the deed recorded in Conveyance Book 1731, Page 222, attached hereto as Exhibit A: (1) A tract of land in Lot 2, Section 23, Township 18 North, Range 15 West, in Caddo Parish, Louisiana, containing 0.003 acres; (2) A tract of land in Lot 1, Section 26, Township 18 North, Range 15 West in Caddo Parish, Louisiana, containing 0.047 acres; and (3) A tract of land in Lot 1, Section 26, Township 18 North, Range 15 West in Caddo Parish, Louisiana, containing 0.444 acres; and

WHEREAS, two of the tracts are contiguous; however, said tracts are landlocked from the third tract of land by a strip of land in Lot 1, Section 26, Township 18 North, Range 15 West, in Caddo Parish, which is owned by the City of Shreveport and adjacent to Cross Lake, containing 0.047 acres, more particularly described as follows:

Beginning at a point on the 172 foot contour line of Cross Lake, 13.35 feet South 13 degrees 15 minutes West of Angle Point 7, run thence South 13 degrees 15 minutes West 53.46 feet, thence North 20 degrees 53 minutes

West 113.89 feet, thence South 59 degrees 30 minutes East 55.66 feet, thence South 20 degrees 53 minutes East 22.76 feet to the point of beginning.

(See plat attached hereto as Exhibit B.)

WHEREAS, a request has been received from Robert and Janet Henderson for a right of passage to build, maintain, inspect, repair, alter and rebuild a driveway, and to utilize said driveway to access their adjacent, landlocked property, over, through, upon and across the aforementioned described property owned by the City of Shreveport and adjacent to Cross Lake.

WHEREAS, an additional request has been received from Robert and Janet Henderson for a utility easement to lay, maintain, inspect, repair, alter and relay utility lines on, over, through, upon, across and under said property owned by the City of Shreveport and adjacent to Cross Lake; and

WHEREAS, Robert and Janet Henderson shall neither commence construction of the driveway, nor lay any utility lines on, over, through, upon, across and under said property owned by the City of Shreveport and adjacent to Cross Lake without first obtaining the approval of the City of Shreveport, Director of Operational Services. Any such approval by the City of Shreveport shall not be unreasonably withheld; and

WHEREAS, Robert and Janet Henderson promise that if the right of passage and utility easement is granted, they will not construct any additional improvements on said property; and

WHEREAS, because the Henderson's property is landlocked, the proposed right of passage and utility easement created shall be a real right running with the land; and

WHEREAS, any successors and assigns agree to be bound by all provisions of the right of passage and utility easement, as well as this Resolution, including, without limitation the prohibition against the construction of any additional improvements on said property; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal and regular session convened, that it hereby authorizes the Mayor's signature on the Right of Passage and Utility Easement and; after due notice thereto and after the effective date of this Resolution, the Mayor of the City of Shreveport is hereby authorized and empowered to execute and deliver, for and on behalf of the City of Shreveport, an instrument or Right of Passage and Utility Easement, substantially in the form of the document filed along with the original copy of this Resolution in the Office of the Clerk of Council on August 10, 2004, attached hereto as Exhibit C.

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

RESOLUTION NO 187 OF 2004

A RESOLUTION RATIFYING THE USE OF CITY EQUIPMENT BY SUMMER GROVE BAPTIST CHURCH AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, Summer Grove Baptist Church will sponsor several events and activities which will benefit the citizens the City and the entire community; and

WHEREAS, these events are free and open to the general public; and

WHEREAS, Summer Grove has requested and City desires to provide the use of chairs for the events.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal and regular session convened, that the use of chairs for the events and activities sponsored by Summer Grove Baptist Church is ratified until December 31, 2004.

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

RESOLUTION NO. 189 OF 2004

OLUTION AUTHORIZING THE DONATION OF SHREVEPORT POLICE DEPARTMENT PROPERTY AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the City desires to donate Shreveport Police Department Mounted Patrol horse Jingle Bar-Cookies to Kevin and Kris Smith which serves a public purpose and renders a public service; and,

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

WHEREAS, Kevin and Kris Smith have agreed to accept all responsibility, financial obligations and liability associated with the acceptance of this donation; and,

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

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

THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due regular and legal session convened, that the Mayor be and is hereby authorized to execute an agreement between the City of Shreveport and Kevin and Kris Smith donating Shreveport Police Department Mounted Patrol horse Jingle Bar- Cookies effective September 14, 2004, substantially the same as the document filed in the Office of the Clerk of Council on August 24, 2004.

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

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

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

RESOLUTION NO. 190 OF 2004

A RESOLUTION AUTHORIZING THE DONATION OF SHREVEPORT FIRE DEPARTMENT EQUIPMENT TO CADDO PARISH FIRE DISTRICT TWO AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the City of Shreveport Fire Department desires to donate five (5) quartz flood lights and a mobile air cascade system, listed in Appendix "A", to Caddo Parish Fire District Two, which serves a public purpose and renders a public service; and,

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

WHEREAS, Caddo Parish Fire District Two has agreed to accept all responsibility, financial obligations and liability associated with the acceptance of this donation; and,

WHEREAS, the equipment listed in Appendix "A" is no longer needed by the Shreveport Fire Department and is hereby deemed surplus of the City of Shreveport; and,

WHEREAS, this donation under these circumstances provides for the most cost effective manner to dispose of the property, and will aid Caddo Parish Fire District Two in firefighting operations performed by them,

THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due regular and legal session convened, that the Mayor be and is hereby authorized to execute an agreement between the City of Shreveport and Caddo Parish Fire District

Two for the donation of five (5) quartz flood lights and a mobile air cascade system as listed in Appendix "A" effective September 14, 2004, substantially the same as the document filed in the Office of the Clerk of Council on August 24, 2004.

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

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

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

RESOLUTION NO. 191 OF 2004

RESOLUTION AUTHORIZING THE DONATION OF SURPLUS SHREVEPORT FIRE DEPARTMENT EQUIPMENT TO BIENVILLE PARISH WARD 4 AND 5 FIRE PROTECTION DISTRICT AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the City of Shreveport Fire Department desires to donate a rescue bed with rollup doors and a PTO generator, listed in Appendix "A" to Bienville Parish Ward 4 and 5 Fire Protection District, which serves a public purpose and renders a public service; and,

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

WHEREAS, Bienville Parish Ward 4 and 5 Fire Protection District has agreed to accept all responsibility, financial obligations and liability associated with the acceptance of this donation; and,

WHEREAS, the equipment listed in Appendix "A" is no longer needed by the Shreveport Fire Department due to its damaged condition and is deemed surplus of the City of Shreveport; and,

WHEREAS, this donation under these circumstances provides for the most cost effective manner to dispose of the property, and will aid Bienville Parish Ward 4 and 5 Fire Protection District in firefighting operations performed by them,

THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due regular and legal session convened, that the Mayor be and is hereby authorized to execute an agreement between the City of Shreveport and Bienville Parish Ward 4 and 5 Fire Protection District for the donation of a rescue bed with roll up doors and a PTO generator as listed in Appendix "A" effective September 14, 2004, substantially the same as the document filed in the Office of the Clerk of Council on August 24, 2004.

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

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

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

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

RESOLUTION NO. 192 OF 2004

OLUTION AUTHORIZING THE DONATION OF SHREVEPORT FIRE DEPARTMENT EQUIPMENT TO THE CITY OF MANSFIELD AND OTHERWISE PROVIDING WITH RESPECT THERETO

WHEREAS, the City of Shreveport Fire Department desires to donate fifteen complete bunker outfits, listed in Appendix "A" to the City of Mansfield, which serves a public purpose and renders a public service; and,

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

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

WHEREAS, the equipment listed in Appendix "A" is no longer needed by the Shreveport Fire Department as it does not meet current equipment standards and is deemed surplus of the City of Shreveport; and,

WHEREAS, this donation under these circumstances provides for the most cost effective manner to dispose of the property, and will aid the City of Mansfield in firefighting operations performed by them,

THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due regular and legal session convened, that the Mayor be and is hereby authorized to execute an agreement between the City of Shreveport and the City of Mansfield for the donation of fifteen complete bunker outfits as listed in Appendix "A" effective September 14, 2004, substantially the same as the document filed in the Office of the Clerk of Council on August 24, 2004

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

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

by title and as read, motion by Councilman Walford, seconded by Councilman Green to adopt. Motion approved by the following votes: Ayes: Councilmen Lester, Walford,

Carmody, Gibson, Hogan, Green and , Jackson. 7. Nays: None.

RESOLUTION NO. 193 of 2004

A resolution making application to the State Bond Commission for approval of the issuance by the City of Shreveport of not to exceed Five Million Five Hundred Thousand Dollars (\$5,500,000) aggregate principal amount of Certificates of Indebtedness, Series 2004, in one or more series, for the purpose of financing energy saving capital expenditures for the Issuer.

WHEREAS, the City of Shreveport, State of Louisiana (the "Issuer") is a municipality and a political subdivision of the State of Louisiana;

WHEREAS, the General Fund Budget for the Issuer for the fiscal year ending December 31, 2003, shows surplus moneys sufficient to meet the maximum principal and interest requirements in any future year on the Certificates of Indebtedness authorized herein; and

WHEREAS, the Issuer has entered into a Performance Contract dated March 19, 2004 (the "Performance Contract") with Johnson Controls, Inc. ("Johnson"), which obligates Johnson to construct and install certain energy savings capital improvements in various facilities owned by the Issuer (the "Project") and will result in guaranteed energy savings to the Issuer (the "Revenues"); and

WHEREAS, the Issuer desires to dedicate a portion of its excess revenues including the Revenues to finance the cost of the Project; and

WHEREAS, Section 1430 of Title 39 of the Louisiana Revised Statutes of 1950, as amended (the "Act"), authorizes the Issuer to issue revenue bonds or certificates of indebtedness covering its cost of financing any authorized purpose and pledge related revenues derived from such project or facility; and

WHEREAS, the Issuer in accordance with the Act, and in order to secure repayment of the Certificates desires to pledge and assign its interest and resulting revenues in the Performance Contract; and

WHEREAS, in order to finance its portion of the cost of the Project, the Issuer now desires to authorize the incurrence of debt and the issuance of its Certificates of Indebtedness, Series 2004 (the "Certificates"), in the manner authorized and provided for by the Act for the purpose of (i) financing its the cost of the Project and (ii) paying costs of the issuance of the Certificates; and

WHEREAS, in connection with the issuance of the Certificates, the Issuer desires to authorize the filing of an application with the Louisiana State Bond Commission (the "Commission") requesting that the Commission approve the issuance and sale of the Certificates in accordance with the Act; and

WHEREAS, in connection with authorizing the issuance of the Certificates, the Issuer desires to employ Bond Counsel and Special Counsel;

NOW THEREFORE, BE IT RESOLVED by the Mayor and the Council of the Issuer, acting as the governing authority of the Issuer, that:

SECTION 1. Preliminary Approval of Certificates. For the purpose of providing funds to finance the Project in accordance with the provisions of the Act, the Issuer intends to proceed with the issuance of the Certificates. The details of the

Certificates shall be established by subsequent ordinance adopted by this governing authority. The proceeds of the Certificates will be used to finance the Project and pay costs of issuance of the Certificates. The Certificates shall be limited and special obligations of the Issuer as issuer of the Certificates, secured by and payable in principal, interest and redemption premium, if any, from an irrevocable pledge and dedication of the excess of annual revenues of the Issuer above statutory, necessary and usual changes in each Fiscal Year during which the Certificates are outstanding and any other legally available excess revenues of the Issuer. The Certificates shall not be a charge on the other income and revenues of the Issuer as prohibited under the provisions of Article VI, Section 37 of the Louisiana Constitution of 1974, nor shall they constitute an indebtedness or pledge of the general credit of the Issuer. The Certificates shall bear interest at a rate of not to exceed six percent (6%) per annum, maturing no later than twenty (20) years from the date thereof and shall be issued under the authority previously cited herein.

SECTION 2. **State Bond Commission Application.** This governing authority hereby authorizes and directs that application be formally made to the State Bond Commission, Baton Rouge, Louisiana for final approval of the issuance of the Certificates by the Issuer within the parameters set forth above.

SECTION 3. **Employment of Bond Counsel.** This governing authority finds and determines that a real necessity exists for the employment of special bond counsel in connection with the issuance of the Certificates. Casten & Pearce, A Professional Law Corporation, Shreveport, Louisiana is hereby employed as Bond Counsel to perform comprehensive legal and coordinate professional work as Bond Counsel with respect to the issuance and sale of the Certificates. Said Bond Counsel shall prepare and submit to this governing authority for adoption of all of the proceedings incidental to the authorization, issuance, sale and delivery of such Certificates, shall counsel and advise this governing authority as to the issuance and sale thereof and shall furnish its opinion covering the legality of the issuance of the Certificates. The fee of said Bond Counsel shall be fixed at a sum not exceeding eighty (80%) percent of the maximum fee allowed by the Attorney General of the State of Louisiana's fee schedule for comprehensive, legal and coordinate professional work in connection with the issuance of revenue certificates and based on the amount of the Certificates actually issued, sold, delivered and paid for, plus "out-of-pocket" expenses, said fees to be contingent upon the issuance, sale and delivery of said Certificates. A certified copy of this resolution shall be submitted to the Attorney General of the State of Louisiana for his written approval of said employment and of the fees herein designated, and the Director of Finance is hereby empowered and directed to issue vouchers to said Bond Counsel in payment for the work herein provided for upon completion of the work herein specified and under the conditions herein enumerated.

SECTION 4. **Investment Banker.** Crews & Associates, Inc. of Little Rock, Arkansas, is hereby appointed and employed as investment banker/underwriter in connection with the Certificates, any compensation to be subsequently approved by the Issuer and to be paid from the proceeds of the Certificates and contingent upon issuance of the Certificates and the Bond Counsel is authorized and directed to prepare necessary documents appertaining thereto and to present them for further action by this Council.

SECTION 5. Financial Advisor. King, Bossier, Nosacka & Holley of Baton Rouge, Louisiana is hereby appointed and employed as financial adviser in connection with the Certificates, any compensation to be subsequently approved by the Issuer and to be paid from the proceeds of the Certificates and contingent upon issuance of the Certificates.

SECTION 6. Employment of Counsel to the Issuer. It is found and determined that a real necessity exists for the employment of Counsel to the Issuer in connection with issuance and delivery of the Bonds and, accordingly, Harvetta Colvin, Esquire, Shreveport, Louisiana has been employed as Counsel to the Issuer in connection with the issuance and delivery of the Bonds. The fee to be paid to such Counsel shall be an amount less than the Attorney General's then current hourly fee schedule, together with reimbursement of out-of-pocket expenses incurred and advanced in connection with the issuance of the Bonds, said fee to be payable out of the Bond proceeds subject to the Attorney General's written approval of said employment and fee to be paid with Bond proceeds as required by the Act.

SECTION 7. Publication. This resolution shall be published in *The Shreveport Times*, a daily newspaper published in Shreveport, Caddo Parish, Louisiana, and that, as provided by the Act, for a period of thirty (30) days from the date of such publication, any person in interest may contest the legality of this Resolution and the Certificates to be issued pursuant hereto and the provisions securing the Certificates. After the said thirty days, no person may have any right of action to contest the validity of the Certificates or the provisions of this Resolution, and all of the Certificates shall be conclusively presumed to be legal, and no court shall thereafter have authority to inquire into such matters.

SECTION 8. Further Actions. The Governing Authority hereby authorizes and directs Bond Counsel to proceed with the preparation of all necessary and appropriate financing documents and to file preliminary drafts of said financing documents with the Commission in accordance with its Rules.

The foregoing resolution having been submitted to a vote, the vote resulted as follows:

Read by title and as read, motion by Councilman Green, seconded by Councilman Walford to adopt.

Councilman Gibson: Mr. Dark, could you just give a quick overview of this?

Mr. Dark: Mr. Gibson, this one was postponed last time. It's the financing for the energy efficiency improvements being done by Johnson Controls. It was always intended that, that be financed and this is finally bringing it into the actual financing package to you all.

Councilman Gibson: Has that work commenced?

Mr. Dark: They're well on their way to being through and the intention is that the payments will match the guarantee of savings that they have given us.

Councilman Gibson: I understand. I guess - - so when we authorized this to be done some months ago, we did not have the financing in place?

Mr. Dark: We at the time thought we were going to be able to utilize a financing mechanism that the State Department of Natural Resources uses. It's a loan subsidy basically that's done through Hibernia. That financing did not work out as

advantageously as what we ended up coming up with. So that's why we're using this one.

Councilman Gibson: I guess my concern being is, is there some kind of - - - and I guess - - -, is Ramon Lafitte in the audience? Do we have anybody from legal counsel?

Mr. Dark: If you're asking should we have done it, this was an appropriated capital project. The revenue was appropriated at the start of this year in the capital budget with the intention that it would be financed at some point in the year.

Councilman Gibson: Okay, so we did have money in the bank?

Mr. Dark: Yes sir. We had appropriated funds.

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

RESOLUTION 196 OF 2004

RESOLUTION SUSPENDING THE EFFECTS OF CERTAIN PROVISIONS OF CHAPTER 10 AND CHAPTER 106 OF THE CITY OF SHREVEPORT CODE OF ORDINANCES ON OCTOBER 1, 2004 FOR THE LOUISIANA STATE UNIVERSITY SHREVEPORT "CHANCELLOR FISH FRY" AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BY: COUNCILMAN MIKE GIBSON

WHEREAS, Louisiana State University-Shreveport ("LSU-S") will sponsor the Chancellor Fish Fry on October 1, 2004 on the campus of the university; and

WHEREAS, LSU-S maintains a permit for the sale of low alcoholic content beverages (beer) on the campus; and

WHEREAS, the permit does not authorize alcoholic beverages to be sold, dispensed, or consumed outside of the licensed premises; and

WHEREAS, Section 106-130 (6) provides that unless otherwise excepted, all uses shall be operated entirely within a completely enclosed structure; and

WHEREAS, Section 10-80 (a) provides that it shall be unlawful for any person to sell, barter, exchange or otherwise dispense alcoholic beverages, except within those sections of the city wherein such sale is permitted by the applicable zoning ordinance; and

WHEREAS, LSU-S desires to dispense, and allow the serving and consumption of low alcoholic content beverages (beer) on the grounds of the university outside of the licensed premises between the hour of 4:30 p.m. and 8:30 p.m. on October 1, 2004 in conjunction with the Chancellor Fish Fry event.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened, Section 106-130 (6) and 10-80(a) are hereby suspended on October 1, 2004, from 4:30 p.m. to 8:30 p.m. to permit the consumption of low alcoholic content beverages (beer) on the grounds of Louisiana State University-Shreveport outside of the licensed premises during the Chancellor Fish Fry event.

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

BE IT FURTHER RESOLVED that if any provisions or item of this resolution or the application thereof is held invalid, such invalidity shall not affect other provisions, items or application, and to this end, the provisions of this resolution are hereby declared severable.

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

Read by title and as read, motion by Councilman Gibson, seconded by Councilman Carmody to adopt. Motion approved by the following votes: Ayes: Councilmen Walford, Carmody, Gibson, Hogan, Green and , Jackson. 6. Nays: None. Out of Chamber: Councilman Lester. 1.

RESOLUTION NO. 197 OF 2004

A RESOLUTION SUSPENDING THE EFFECTS OF CERTAIN PROVISIONS OF CHAPTER 10 AND CHAPTER 106 OF THE CITY OF SHREVEPORT CODE OF ORDINANCES ON OCTOBER 29, 2004 FOR THE LOUISIANA STATE UNIVERSITY-SHREVEPORT "FALL FESTIVAL" AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY: COUNCILMAN MIKE GIBSON

WHEREAS, Louisiana State University-Shreveport ("LSU-S") will sponsor its "Fall Festival" on October 29, 2004 on the campus of the university; and

WHEREAS, LSU-S maintains a permit for the sale of low alcoholic content beverages (beer) on the campus; and

WHEREAS, the permit does not authorize alcoholic beverages to be sold, dispensed, or consumed outside of the licensed premises; and

WHEREAS, Section 106-130(6) provides that unless otherwise excepted, all uses shall be operated entirely within a completely enclosed structure; and

WHEREAS, Section 10-80(a) provides that it shall be unlawful for any person to sell, barter, exchange or otherwise dispense of alcoholic beverages, except within those sections of the city wherein such sale is permitted by the applicable zoning ordinance; and

WHEREAS, LSU-S desires to dispense, and allow the sale and consumption of low alcoholic content beverages (beer) on the grounds of the university outside of the licensed premises between the hours of 9:30 a.m. and 5:00 p.m. on October 29, 2004 in conjunction with the Fall Festival event.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened Section 106-130 (6) and 10-80(a) are hereby suspended on October 29, 2004, from 9:30 a.m. to 5:00 p.m. to permit the sale of low alcoholic content beverages (beer) on the grounds of Louisiana State University-Shreveport outside of the licensed premises during the Fall Festival event.

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

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

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

Read by title and as read, motion by Councilman Gibson, seconded by Councilman Carmody to adopt.

Councilman Walford: Ms. Glass, are these actually necessary since that's State property?

Ms. Glass: Mr. Walford, Mr. Jambor and I were just discussing that yesterday. I believe that State property is not generally subject to zoning. However, there are also alcohol provisions and the alcohol provisions are actually the ones that are being suspended. But we are actually looking at that a little bit closer.

Motion approved by the following votes: Ayes: Councilmen Walford, Carmody, Gibson, Hogan, Green and , Jackson. 6. Nays: None. Out of the Chamber: Councilman Lester. 1

RESOLUTION NO. 198 of 2004

A RESOLUTION CERTIFYING COMPLIANCE WITH THE PUBLIC BID LAWS ON THE SOUTHERN OAKS SUBDIVISION FLOOD CONTROL IMPROVEMENTS (STATE PROJECT NO. 576-09-0019) AS REQUIRED BY LOUISIANA DEPARTMENT TRANSPORTATION AND DEVELOPMENT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport has solicited bids for the State Project No. 576-09-0019 in accordance with the current bid laws of the State of Louisiana, Including, but not limited to R.S. 38:2211 et. Seq; and

WHEREAS, the City of Shreveport has submitted to DOTD certification of proof of publication, one(1) copy of the bid proposals and bid bonds as submitted by each of the three(3) lowest bidders, a legible copy of the bid tabulation of all bids received, and certified to be

correct by the Engineer and an authorized official of the Sponsor, a copy of the Engineer's recommendation, contract documents, Notice of Award of Contract, and a copy of the recordation data in the Clerk of Court's Office.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal and regular session convened, that it hereby certifies that the City of Shreveport complied with the public bid laws on the Southern Oaks Subdivision Flood Control Improvements, State Project No. 576-09-0019.

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 Green, seconded by Councilman Walford to adopt. Motion approved by the following votes: Ayes: Councilmen Walford, Carmody, Gibson, Hogan, Green and , Jackson. 6. Nays: None. Out of the Chamber: Councilman Lester. 1.

RESOLUTION NO. 203 OF 2004

A RESOLUTION TO AMEND THE FEE SCHEDULE FOR THE EMERGENCY MEDICAL SERVICES DIVISION OF THE SHREVEPORT FIRE DEPARTMENT AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

WHEREAS, Section 46-32(a) of the Code of Ordinances of the City of Shreveport provides for the establishment of a fee schedule of costs for emergency ambulance services to be adopted by the Shreveport City Council, and for any amendments thereto to be adopted by resolution;

WHEREAS, the Resolution No. 101 of 2003 adopted a fee schedule which included increases in emergency transport fees for the years 2003, 2004 and 2005, but provided the increase for 2005 would not go into effect unless approved by the Council in a subsequent resolution.

WHEREAS, the Shreveport City Council finds such an increase in emergency transport fees for 2005 to be necessary.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal and regular session convened that the City of Shreveport Emergency Medical Services fee schedule attached hereto and adopted previously by the City Council is hereby amended and the emergency transport fee increase for 2005 hereby adopted.

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

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

Read by title and as read, motion by Councilman Walford, seconded by Councilman Carmody to adopt. Motion approved by the following votes: Ayes: Councilmen Walford, Carmody, Gibson, Hogan, Green and , Jackson. 6. Nays: None. Out of the Chamber: Councilman Lester. 1.

RESOLUTION NO. 204 OF 2004

A RESOLUTION DECLARING A MORATORIUM ON THE ISSUANCE OF DEMOLITION PERMITS FOR BUILDINGS AND STRUCTURES LOCATED WITHIN THE B-4, CENTRAL BUSINESS DISTRICT AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the B-4, Central Business District ("District") is the symbolic, historical, and cultural focal point of the City of Shreveport; and

WHEREAS, the District is comprised of a number of multi-story buildings and structures in excess of five (5) stories tall which define the City's skyline, are significant to the City's history, and highlight the District's unique characteristics; and

WHEREAS, the indiscriminate demolition of these buildings will eliminate structures whose collective historic, architectural, cultural, and aesthetic importance will be lost forever.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened, hereby finds it in the public interest to declare a moratorium on the issuance of demolition permits for buildings and structures within the B-4, Central Business District in excess of five (5) stories tall ("such structures").

BE IT FURTHER RESOLVED that this moratorium shall become effective immediately upon adoption by the Shreveport City Council and shall remain in effect until suspended by a resolution adopted by the Shreveport City Council.

BE IT FURTHER RESOLVED that this moratorium shall not apply to the issuance of demolition permits for such structures which, in the opinion of the Chief Building Official or his designee, apply to emergency situations affecting public health or safety or which have been damaged by an Act of God or other catastrophic event or occurrence not attributable to the owner, tenant or lessee of the property, and the cost to repair such damage is more than fifty (50%) percent of the value of the structure as determined by the Chief Building Official or his designee.

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

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

Read by title and as read, motion by Councilman Green, seconded by Councilman Walford to adopt.

Councilman Carmody: If I could ask City Attorney Ramon Lafitte to come forward please? Is there a representative from the City Attorney's office that's here? Mr. Chairman, what I was hoping to do was to get some clarification from our City Attorney on this. His opinion of the legal ramifications. Question that I had last night was if indeed a request for this permit has been submitted to the City, is it within our discretion now to place a moratorium on that particular function? And I'm sure that I'm as cherishing historical significance of every building in the City of Shreveport, especially those that actually have some character to them and some history with this community. But my question really goes to the heart of is this Council being asked to do something that a court of law is going to overturn by saying that we were arbitrary and capricious in that we did not do this before the application was submitted?

Mayor Hightower: I don't know the ultimate answer to that.

Councilman Carmody: I don't either.

Mayor Hightower: But what I do know is that the issue has presented itself to us on these two particular buildings. Other buildings could come about after that. If we are challenged, so be it. We are challenged everyday in a court of law and this is something that we will go defend, whether there's a moratorium or not on these particular two. We don't have any intention of issuing the demolition permit. So, it would have to be ultimately settled in a court of law, if they wish to move forward on these two permits. But I do think that the moratorium clearly will prevent any future applications without coming back before the Council for clearance before demolition permits will be issued.

Councilman Jackson: Mr. Lafitte is here. Mr. Lafitte would you come forward please? We have at least one question from Councilman Carmody.

Councilman Carmody: Mr. Lafitte, my question went to, the Council is being asked to support the declaring the moratorium on the issuance on demolition permits for

buildings located in the B-4 Central Business District, specifically those that are five stories and higher, and to otherwise basically deny what I understand has already been a submission by a property owner for the approval to take this action. Aside from the fact that those of us that are familiar with these two structures would hate to see them gone, my question is whether or not we as a Council are going to place the City in legal jeopardy by issuing a moratorium after an application has been submitted, which has apparently been received and I guess the process started, is that going to in your opinion, and again I understand it's just an opinion. But is a judge going to look at that and possibly render a decision that the action that the Shreveport City Council was arbitrary and capricious?

Mr. Lafitte: I don't know for certain that the (unclear) did try to find out what procedures he needed to take in order to get a permit, I don't know if he's already did what he needed to do to get his permit. However, if he has requested a permit and been issued a permit, more than likely once this moratorium has passed it will only be effective from the day it's passed, no further permits will, you know, be allowed after that date if he's already got a permit then he has a valid permit.

Councilman Carmody: Yes sir, and I guess then maybe that goes to the question, if somebody can answer whether or not the permit application has been submitted, cause I would feel much more comfortable in supporting the recommendation of the Administration to vote to declare a moratorium if indeed an application for demolition had not been submitted.

Mr. Lafitte: It was my understanding that – well this was as late as late Friday that he did not have a permit, had not made application at that time, I don't know if he did yesterday or today.

Councilman Carmody: Would there be a problem with this Council entertaining a substitute motion to postpone this action for two weeks, so that we can determine what the status is?

Mr. Lafitte: I mean that's Council's pleasure if you wanted to postpone.

Mr. Antee: Mr. Chairman.

Councilman Jackson: Just a second, Mr. Carmody are you –

Councilman Carmody: I defer to Mr. Antee.

Councilman Jackson: Mr. Antee.

Mr. Antee: To our knowledge there hadn't been a formal as Mr. Lafitte said, there hadn't been a formal application for a permit but inquires.

Councilman Carmody: Okay.

Mr. Antee: And to delay it two weeks, you can bet in about 20 minutes they will be down here seeking a formal request, so we ask that you not delay it.

Councilman Carmody: Okay, well the reason that I asked that question is, I had tried to contact the property owner through their agent and not received a response. But that was the question that was certainly on my mind. I don't know if the rest of the Council had even considered it but it was in result of Councilman Lester's question yesterday, as to whether or not we were taking some action after a proper application had been submitted and received by the City, and therefore we would not have firm

legal ground to be standing on to be saying, well granted you did what you were suppose to do by the proper process, but we are going to go ahead and deny you anyway.

Mr. Lafitte: As I mentioned, I did check Friday he had not even made an application at that time but I have not checked since Friday, did not check yesterday nor today.

Councilman Carmody: Thank you, Mr. Lafitte. Thank you, Mr. Chairman.

Councilman Jackson: Alright, Councilman Gibson.

Councilman Gibson: Thank you, Mr. Chair. I too feel as this Councilman Carmody does that it would be nice to have something in writing legally before we vote on speculation whether or not a private owner is going to do something or not do something on this. So, as a result I would ask for a two week – or a substitution for a two week delay with an anticipation of a written legal review by our legal counsel.

Councilman Jackson: I have a motion, I'm assuming a substitute motion.

Mayor Hightower: Mr. Chairman, we did get a - - -

Councilman Jackson: Just a second.

Mayor Hightower: Okay.

Councilman Jackson: Do we have a second, we don't have a second so the floor is – we're back to the original motion? Question, Mr. Mayor?

Mayor Hightower: Mr. Chairman, just some clarity over the issue as to whether they did file an application, Mr. Strong just came back from permits to confirm that they did file an application on both Slattery and Lane. Mike, do you have a date on that?

Mr. Strong: I don't have a date. (Inaudible).

Mayor Hightower: But I believe that it filed about two weeks ago, so again I'm not so sure, you know, as you say that this moratorium would be considered by a court retro to application time on those two buildings. However, you know, I still think that the value of those two buildings to the Central Business District and the skyline is important enough for us to do what we can to try to come to some sort of solution and that solution not be demolition and if that means that we have to go to court to do that, I think we may be ready to do just that. So, the action that we're asking the Council to take will not effect Slattery/Lane retro, but certainly would effect anything from passage forward.

Councilman Green: Thank you, Mr. Chairman. As I read 204, it's not asking us to investigate it's just asking us to declare moratorium, and I think it's either we're going to do or we're not. I don't think that it's our job to call the permits office to say we'll how many you got in now, I just think we should vote on what is at hand today. Thank you, Mr. Chair.

Councilman Lester: Thank you, Mr. Chairman. If in fact there is, and I take it from what the Administration said that there have been permits filed. I don't know what the exact permit process is once the permit has been applied for if there are series of steps that need to be taken. But I would think that this moratorium, I think the Mayor's is correct from a legal perspective, this moratorium would not, I don't think be affective in terms of in itself preventing the potential demolition of those two structures, in as much

as a permit. Two permits have been applied for but that's a question that with all due deference to my colleagues, you know, regardless of whether our counsel give us an opinion, one way or the other the ultimate issue is going to be decided in litigation, I mean that's going to take a judges call. So, regardless of whether we had a written legal opinion that would not be the definitive answer because quite obviously, if the person knew who had – or the individual that has filed for the permit, if they want to move forward based upon their situation and they believe that this moratorium is *expos facto* situation, then it's going to wind up in court anyway. So, a two week delay I don't think is going to make a difference in terms of that. The other issue is, and I think the Mayor has kind of alluded to it, I think that the bigger issue is whether or not we as a Council, want to take a stand in terms of historic preservation of Central Business District and if in fact we do, then I think this moratorium will be a positive expression of our legislative intent in terms of, and I think our attorneys can tell us even more, if in fact we have declared our legislative intent from the City's standpoint, if we are in a position to want to prevent the destruction or demolition for those two, I think that, that point we can have standing to file an injunction to enjoin the from doing so. So, any way it goes if they want to move forward in terms of the permit situation and destroy the building and if that's something that we are opposed to then we would have standing to litigate. So, I don't think that a two week delay would be affective, I think it could be a situation where if we have in fact passes which I would ask us to support, then we could send a message to the private business owner that rather than to destroy these buildings which have a tremendous amount of historical charter, let's come back to the table and work something out as opposed to them going ahead and destroying it. And on that bases I would vote for it and I would move for the question at this time.

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

Motion to adopt Resolution No. 204 approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

Mr. Thompson: Mr. Chairman, we have two that were added, that we can take up at this time, resolutions.

Councilman Jackson: Alright.

Mr. Thompson: One is a resolution authorizing the institution of expropriation proceedings against certain described property – it's a Swim Club Lane project.

RESOLUTION NO. 205 OF 2004

A RESOLUTION AUTHORIZING THE INSTITUTION OF EXPROPRIATION PROCEEDINGS AGAINST CERTAIN DESCRIBED PROPERTY WITHIN THE CITY OF SHREVEPORT IN CONNECTION WITH THE CITY-WIDE DRAINAGE (SWIM CLUB LANE), PROJECT NO: 01-D015, PARCEL NOS: D-15 & T-15, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport has developed the CITY-WIDE DRAINAGE (Swim Club Lane), Project No: 01-D015; and

WHEREAS, the property described in the legal description, and more fully shown on the plat map marked as Exhibit "A" attached hereto, is situated in said development; and

WHEREAS, all attempts to amicably acquire a permanent drainage servitude to the property comprising Parcel No: D-15 have failed; and

WHEREAS, all attempts to amicably acquire a temporary construction servitude to the property comprising Parcel No: T-15 have failed; and

WHEREAS, public necessity dictates that this property be owned by and subject to the use by the City of Shreveport.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the expropriation of this property is necessary for the public interest; therefore, the City Attorney be and he is hereby authorized to institute expropriation proceedings against the owners of record, as they might appear at the time of filing suit, of the property described in Exhibit "A" attached hereto as Parcel No: D-15, to be acquired as a permanent drainage servitude and Parcel No: T-15, to be acquired as a temporary construction servitude.

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

Mr. Thompson: The next is a resolution, cancelling the public hearing, but I would bring to your attention that this probably should only be adopted if we're going to remove Ordinance 125 from the agenda.

Councilman Lester: I fully intend to move item 175 to cancel the previous public hearing.

Mr. Thompson: 125.

Councilman Green: And I'll seconded, it whenever he –

Councilman Lester: And that's my motion.

Read by title and as read motion by Councilman Lester, seconded by Councilman Green, to adopt.

RESOLUTION NO. 206 OF 2004

A RESOLUTION CANCELING THE PUBLIC HEARING CALLED FOR SEPTEMBER 27, 2004 ON THE MATTER OF INCREASING THE MILLAGE RATES ON VARIOUS AD VALOREM TAXES AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City Council adopted Resolution No. 175 of 2004 calling a public hearing on the matter of increasing the millage rates on the various ad valorem taxes as authorized by Article VII, Section 23(C) of the Louisiana Constitution and R.S. 47:1705; and

WHEREAS, the City Council now wishes to cancel said public hearing, because it does not intend to increase said millage rates.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the public hearing which was called for 3:00 p.m. on September 27, 2004 in the City Council Chambers, first floor, 505 Travis Street, Shreveport, Louisiana, on the matter of increasing the millage rates on the various ad valorem taxes, is hereby canceled.

BE IT FURTHER RESOLVED that the Clerk of Council is hereby authorized and directed to publish notice of the cancellation of said hearing due to the City Council's intention not to increase said millage rates. Said notice shall be published one time at least one week before September 27, 2004.

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

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

Councilman Jackson: Even as we prepare to vote, I want to say that I think the spirit of this particular move by Councilman Lester, and certainly not mine to try to discern but you can confirm, is an effort to not carry on for another few weeks with because of the fact that there may not be a voting place to be able to roll forward the millage, is that correct?

Councilman Lester: That's correct, Mr. Chairman. I think that the public has spoken, I think the consensus of the Council in terms of the required votes legislatively to move forward on the roll forward are not there. And I just think in the instance of saving not only time but money and effort on behalf of the citizens as well as the affective public safety employees and our many men and women out in the field, it just doesn't make any sense for us to carry on something that we know is not going to happen. So, I would just ask that we would in fact move forward on this by cancelling the public hearing and at the same time when it's appropriate I would ask that we remove items 174 from the agenda, ordinance 125 from the agenda and adopt ordinance 123 and 124, which would be basically the tax roll back as opposed to roll forward.

Councilman Green: Thank you, I would also concur with Councilman Lester, but I would also like to say that I think this is basically a sad day, and it saddens my heart

that we would have to do this, that as much as our City Workers' offer that this body is not willing to stand up and to provide for them a raise. We'll be calling on them tonight, tomorrow, to- now, but when it comes to putting our money where our mouth is then at this time we are not brave enough to do it, and I think it's a sad day that as hard as our City Workers' work that talking about 2 ½% across the board it ought to be 10%, or even 25%, but it's just a sad day and I just think that they deserve better and I'm willing to vote for it. We talk about not increasing, not increasing. Everything in America is increasing. We got a billion dollar war going on and a lot of other things that's going on, but when it comes to our City Employee's the ones that are not Fire, and Police and I support Fire and Police, we always put the rest of them at the bottom of the barrel, and I think that's very, very, unfair. And all I ask you all to do is, the folk up here that you know that' not for the 2 ½% because, if they were then wouldn't have to be doing this, remember them when you go to the polls about two in a half years from now. Thank you, Mr. Chair.

Councilman Gibson: Thank you, Mr. Chair. First of all I will be voting on removing it from the agenda, because first of all I believe that we heard from this body that we wanted to have the public have a chance to weigh in and I believe that it is always healthy to have the public way in. 2) It's been a lot of people speak on behalf of this Council on how we're going to vote and how we're not going to vote, but again a lot of times I have seen discussions take place where the public weighs in that you may intent of going in to vote one way and you vote a different way. Second of all, it would be a healthy discussion to have the public weigh in, because it would set the table for this fall discussion about what our priorities for this City and I for one think it would be a healthy discussion and that's why I will be voting against removing it, the public hearing from the agenda. And number two, no disrespect to a couple of colleagues, but the fact being is unless we have a vote on the roll forward there want be a record. If there's not a record how can we by osmosis decide whether somebody is doing the right thing or whether they are not doing the right thing. So we'll never get to that vote and that's going to be disappointing, but the fact being is that I stated my case and that's where I will be voting. Thank you, Mr. Chair.

Councilman Green: Before we do this, we can do a straw poll if the Chair would permit it as to who will be voting for before we actually punch the red button, and Ill be willing to raise my hand if we do a straw poll, my hand would go up without punching the red button or raising my hand. So, Mr. Chair it's in your hand if you would like to do a straw poll, to assist Councilman Gibson into accomplishing what he would – what's that word I got sinus so I can't say it – it starts with an "a". What is it, something about Moses – yeah that word, so we can do a straw poll, Mr. Chair. Do you need a motion on it?

Councilman Jackson: No sir.

Councilman Green: Okay.

Councilman Jackson: Since, it's in my hands I just to regret to inform you that I just don't have any straws.

Councilman Green: Well, I'll tear some paper –

Councilman Jackson: I don't want to do that because I think that would go even further in playing this game.

Councilman Green: Right, and we know how to vote is going.

Councilman Jackson: And, I in fact, do not have an interest in playing the game, nor (unclear) others who have interest in playing games. I think after weeks and weeks of both lies and fear mongering that people have been misinformed and that we are not better off today than we were a month ago, and we will be in no better shape a month from than we are now. There have been people who lied about raising taxes, who lied about things when the truth of the matter is – I was talking to four seniors who were over at the Manor House, I guess about three weeks ago, and all of the ladies were probably over 70 years old, and they stopped me and said aren't you – and they recognized who I was, and they said what about this whole roll back. We old and we ain't making no more money, ya'll don't need to roll this forward, and obviously they have been misinformed. I took about 10 minutes of my time, and I don't even remember who they were, but I simply said to them, "Madam people have not told you the truth". The truth of the matter is the roll forward what really happens is we rolling forward, but we wouldn't be changing millage. She said, "well the tax payers voted and they not going to get to vote on this", I said ma'am if we roll forward we simply say to the tax payers that we're keeping in place what you did vote for, you did say this what we wanted to assess ourselves, these are the mills. I said to her very simply; I said those of us who are Christians, we believe in tithing, I said there's a percentage that's asked, so if you make \$20 thousand, your tithe is \$2 thousand, if you believe in 10%. I said the joy of that is, if you make 20 and I make 100 that the percentage stays the say for both, now if next year I'm fortunate enough to make a 150 instead of a 100, then my tithe percentage does not change, but yes the total amount does go up, but the percentage did not change and it was prosperity that caused it to go up, not anybody else. And I said that's the same thing that's happening in this situation when you prosperity increases, guess what so does your part of the bill – and we got some straws. At any rate, I think it's been since it's very inception, I think it's been smoke and mirrors, it's been a lot of opportunity to talk innuendo and not tell the truth. The truth of it is the millage is going to stay the same the property tax has gone up. So what we do when we roll back? It's simply adjusted to make sure that you pay the same thing that you paid last year, we actually moved the millage without your permission anyway, but we move it down and we assume that, that's what you really want. We never say whether you want 20 additional police officers, many of you may be aware that at 12 a.m. this morning, the band on assault weapons just went away. I know the Police Department probably was not crazy about that. The bottom line is that we don't have enough – and the reason and I will vote to take this off as well, because I don't want play games anymore. The reason that I intended to have a public hearing and wanted to have a public hearing, was in hopes that in some how or another, we would see our way through to make it what I think would be a good decision based on information that were facts, and I ask if you remember the one request that I made was to show me the other plan. This is new revenue, newly generated revenue show me the other plan, never been from whether it was this Administration or my colleagues on the Council who were not in favor of it, nobody had another plan, they just said no. And nobody said no except to say, no to workers in my opinion, no to the additional police we need, and

nobody presented another plan, if they did I missed it, I didn't get the email, I didn't get the memo or whatever. And so, it's in that vain that say that we got a lot hard work to do and we don't need a exercise in deference to Councilman Gibson, we don't need an exercise to get us prepared for the budget. We got to look at that budget and do the hard thing, we don't have anymore fat to cut, we going to cut meat and when we get to the bone we going to amputate, because that's where we are in this process and we don't have any other revenue. We don't vote for additional things that create revenue, we are not in favor of the hotel one week, that produces revenue. We not in favor of new revenue generation, so where are we going to get the money? The money tree that Mayor Hightower had when he came in office, everybody said, I guess he shook it too much and there's none left, we're not going to be able to do that. So, we have some serious decisions to make and it's just, you know, in that respect, in that regard that I would urge us to vote for this to take this off the agenda, so that we can move forward and no longer play on either the ignorance or the emotion of citizens, but move to doing the hard work in this budget process.

Councilman Lester: And might I say one other thing, and I'll be finished with it at this particular time. I'm not going to be in favor of a budget that does not have an across the board increases of some kind for these City Worker's. I'm saying that in advance, so that if we're talking about from the Administrative standpoint, whether we're talking about from a Council standpoint, this Councilman is not voting for any budget that does not have an across the board pay raise of some kind for our City Worker's. I think it's time for us to deal with our most valuable human resource, which is our City Workers'. It's very easy for us to proselytize and say all men are of grandeur, and tell them what a great job they do, you know, when the storm happen you couldn't beat us every last one of us, after we had that May storm, all the City Workers got out there they worked overtime, part time and did what they had to do to clean up our City. Pat them on the back, you know, the City Worker's are tired of people patting them on the back, of patting them in the wallet, they want, and I think they deserve some measure that says that we appreciate them. And I think, I'm just saying, I'm not voting for any budget that does not contain an across the board increase, I'm just saying that not just for what it's worth that's not a threat, that's a promise that I plan on carrying through, because I think it's high time for us to value our City Workers. Thank you, Mr. Chairman.

Councilman Carmody: Mr. Chairman, I thank you. No games, no straws, I call the question.

Motion by Councilman Carmody, seconded by Councilman Green, to call for the question.

Councilman Jackson: We're on the question.

Councilman Gibson: You need to clear the board on that then.

Mr. Thompson: I think you can change your vote.

Councilman Gibson: Okay. Oh, that's right I forgot we got software to do that now.

Councilman Hogan: Mr. Chairman, we're voting on to take it off the agenda.

Councilman Carmody: We're voting to end the debate.

Councilman Hogan: Okay.

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

Motion to adopt Resolution No. 206 passed by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Hogan, Green, and Jackson. 6. Nays: Councilman Gibson. 1.

INTRODUCTION OF RESOLUTIONS

1. Resolution No. 199 of 2004: A resolution authorizing the renewal of an agreement between the City of Shreveport and KPMG, LLP for an external audit of the City of Shreveport for fiscal year January 1, 2004 through December 31, 2004, authorizing the mayor to execute an engagement letter evidencing said renewal, and otherwise providing with respect thereto.
2. Resolution No. 200 of 2004: A resolution authorizing the Mayor to execute grant documents with the Louisiana Commission on Law Enforcement
3. Resolution No. 201 of 2004: A resolution authorizing an amendment to the cooperative endeavor with the Caddo Parish School Board relative to the mutual use of facilities buildings and equipment and to otherwise provide with respect thereto.
4. Resolution No. 202 of 2004: A resolution authorizing the Mayor to make application with the United States Department of Justice Bureau of Justice Assistance.
5. Resolution No.206 of 2004: A resolution authorizing the Mayor to execute an amendment to the agreement between the City of Shreveport and the State Fair of Louisiana, Inc., and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Green seconded by Councilman Carmody on introduction of resolutions 199, 200, 201, 202, and 207 to lay over until the September 28, 2004 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

INTRODUCTION OF ORDINANCES

1. Ordinances No. 124 of 2004: An ordinance levying a tax of twenty-seven and eighty-two one hundredths (27 and 82/100ths) mills per dollar on all property subject to Ad Valorem Taxation within the City of Shreveport for the year 2004 for the purpose of paying principal and interest on the outstanding General Obligation Bonds of the City(Postponed August 24, 2004)
2. Ordinances No. 143 of 2004: 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. (D/Gibson)
3. Ordinances No. 144 of 2004: Amending the 2004 General Fund Budget.
4. Ordinances No. 145 of 2004: Amending the 2004 Budget for the Fleet Services Internal Service Fund.
5. Ordinances No. 146 of 2004: Amending the 2004 Golf Enterprise Fund Budget.
6. Ordinances No. 147 of 2004: Amending Section 10-226 (a-c) of the City of Shreveport Code of Ordinances relative to alcoholic beverages and to otherwise provide with respect thereto.
7. Ordinances No. 148 of 2004: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the west side of Jewella Avenue 200 feet south of Cleveland, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-Family residence District to B-3, Community Business District, and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman Green seconded by Councilman Carmody for introduction of ordinances 124, 143, 144, 145, 146, 147, 148, to lay over until the September 28, 2004 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

ORDINANCES ON SECOND READING AND FINAL PASSAGE

Mr. Thompson: The Administration, wants 98 to be postponed.

1. Ordinances No. 98 of 2004: Authorizing the Lease of City-Owned property to North Shreveport Development Corporation, Inc.

Having passed first reading on June 22, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Carmody seconded by Councilman Lester to postpone Motion passed by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

2. Ordinances No. 123 of 2004: Levying various taxes totaling eighteen and eighty-two one hundredths (18 and 82/100ths) mills per dollar on all property subject to Ad Valorem Taxation within the City of Shreveport for the year 2004 in the amounts and for the purposes described herein and otherwise providing with respect thereto.

Having passed first reading on August 10, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Lester, seconded by Councilman Carmody for adoption. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

Mr. Thompson: One twenty-five would roll the millages forward, and I believe that Mr. Lester's wants to remove it from the agenda.

Councilman Lester: Right.

3. Ordinances No. 125 of 2004: Providing for an increase in the millage rates and levying various taxes totaling 20.76 mills per dollar on all property subject to Ad Valorem taxation within the City of Shreveport for the year 2004, in the amounts and for the purposes described herein and otherwise providing with respect thereto.

Having passed first reading on August 10, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Lester seconded by Councilman Carmody to remove. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

4. Ordinances No. 128A of 2004: Amending Section 62-34 of the City of Shreveport Code of Ordinances and to otherwise provide with respect thereto.

Having passed first reading on August 24, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Lester seconded by Councilman Carmody to adopt.

Councilman Carmody: Question.

Councilman Carmody: Yesterday, in our work session – thank you, Mr. Chairman. Yesterday at our work session, I had asked the Administration to provide the Police Chief to give us his thoughts on this I believe that y'all had said that he had actually had an amendment that they were bringing forward. Good afternoon, Chief.

Chief Campbell: Good afternoon.

Councilman Carmody: How are you sir?

Chief Campbell: Good.

Councilman Carmody: Yesterday at our work session, we had the discussion on the fact that the way that it read it was any vehicle that was designated for road would be allowed, I guess to actually traverse the city park. The question came up though about motorcycles, of course because again I am not a motorcycle owner, but I would assume that motorcycles are subject to annual inspection just like an automobile would be or truck, so that they are certified to actually designate for road use.

Chief Campbell: That is correct, and there was the last council meeting and I don't know we amended that to prevent motorcycles and four wheelers. Basically, what it would allow would be registered, four-wheeled vehicles such as a automobile. What we have down there is a conflict of use issue, but I'm not sure that, that amendment has caught up with the ordinance.

Councilman Carmody: Well I guess that's what I was questioning, is to whether or not we are being asked to pass something that the Police Department has not had their input included in on. What it reads now Chief, if I could just read it to you. Is it says that, "Off road vehicle" and this is quoted shall mean any two, three, or four-wheeled vehicles powered by combustible engine not designated or authorized on a public street, road or highway.

Chief Campbell: Right, that's not what we amended.

Councilman Carmody: Okay, can I offer a –

Mr. Antee: Councilman that says off-road vehicle, defining what's prohibited, but we don't have any problem postponing it two weeks so that we can get the language right.

Councilman Carmody: I'd make a substitute motion to postpone for two weeks.

Mr. Antee: There's no urgent need –

Councilman Carmody: Thank you.

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

5. Ordinances No. 129 of 2004: Amending Section 62-78 of the Code of Ordinances relative to the Department of Public Assembly and Recreation fee schedule and to otherwise provide with respect thereto

Having passed first reading on August 24, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Carmody, seconded by Councilman Lester for adoption. Motion approved by the following vote: Ayes: Councilmen Lester, Carmody, Gibson, Hogan, Green, and Jackson. 6. Nays: None. Out of Chamber: Councilman Walford. 1.

Councilman Jackson: Let me, I'm sorry I hadn't voted, I was meaning to ask a question. Mr. Mayor, before we move on this particular issue we established these fees flag football, industrial flag football, and coed kick ball, what were the previous, and I may have over looked that, what were the previous fees?

Mayor Hightower: Mr. Norman can come forward with that.

Councilman Jackson: These are new activities, thus applying new fees.

Mr. Norman: Yes sir, we are establishing fees for them.

Councilman Jackson: Okay, thank you. Mr. Norman, just a second. Mr. Carmody.

Councilman Carmody: Mr. Norman, I just want to make sure though that these fees are in line with other organization and teams have to pay in order to participate?

Mr. Norman: Yes sir, we're trying also with the area.

Councilman Carmody: Thank you, very much. Thank you, Mr. Chairman.

6. Ordinances No. 130 of 2004: An ordinance amending Chapter 26 of the Code of Ordinances of The City of Shreveport by adding Article VIII, Division 1 and Division 2 relative to disposal of Public Property and disposal of adjudicated property and otherwise providing with respect thereto.

Having passed first reading on August 24, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Lester, seconded by Councilman Green for adoption.

Councilman Jackson: Before we vote, will you tell me exactly what this does, perhaps Mr. Lester.

Councilman Lester: Sure, sure. About a year ago, we authored an ordinance to amend the code to deal with situation where you have adjudicated property adjoining someone's property. A lot of times and this is a particular issue in District A, where you have people that live next door to an empty lot, that they have been maintaining, they have been cutting the grass and keeping it nice and neat or what have you. Thus, relieving the City of the burden of having to cut the grass and things of this nature. Well the Louisiana Legislature passed some ordinances that allow the City's to set up a procedure so that the person who has been maintaining this lot for a period of a year, that can attest the fact that they have been keeping this lot for a year have a situation where they can purchase this lot from the City at a preferential situation. One of the concerns that was expressed from the Administration and I think it was an legitimated one, was what happen if you have two people that want to purchase the same particular piece of property? How do you mitigate between the two? And we got with our legal folks and came up with a process that allows either those parties to either be in a bid situation to subdivide this equally or give everyone a right of the right of first refusal. So, I think this is an exciting opportunity to deal with what is in District A, a tremendous problem, a lot of this blithed adjudicated property. This is going to give us an instance where we can dispose of this property for the people who have been basically doing us a favor, maintaining somebody else's property, rather than, you know, Code Enforcement to have to spend over the million dollars that they spend cutting this person grass. So, this is kind of risk type situation, not a risk but a reward to those folk that want to acquire this property they pay, like I said because they've been maintaining it for a year.

Councilman Jackson: Now let me ask the follow-up to it is, did we have in place a couple of things. First, do we have in place something that provides for how we become aware of the fact that they have in fact kept it up, up to standards, up to code if you will for one year?

Councilman Lester: Right, they have to provide the documentation before they can participate in the process. They have to do an affidavit themselves that has attested by I think, two or three people in the area that can attest to the fact that they have been in fact maintaining, you know, to use a legal term, possessing as an owner for a period of a year, before that process takes place.

Councilman Jackson: Now the other part of it, now when I first read it the purpose it seems that it almost comes a situation where there accrues to be a adjacent owner if he – and let's just talk about a different scenario. If he is not necessarily honest and cuts it twice, that automatically would accrues to him as a right of first refusal to some degree? Because the same preferential treatment, I'm just wondering if the preferential treatment is - - equates to the same thing as the right of first refusal for this property owner?

Councilman Lester: In a certain way, I guess you could say that it does, but I guess the flip side of it would be this. If we had an adjudicated piece of property, it's a property that has been a problem to us, and obviously we're not making any money off of it from a tax situation, so it's already in a negative situation. Second of all, as we all

know if it's on a adjudicated piece of property that's the situation where we are sending Code Enforcement over there to cut this piece of property, you got an abandon area, you got a non-compliant property owner. So, from the perspective of sending the notice your spending money, time, and effort, sending notices to person that don't comply, that aren't responsive and, you know, that generates this whole idea of, you know, you got a bad lot that looks bad in the neighborhood. So, I guess you have to ask yourself are we willing to give a benefit to someone that's going to basically do the job that the property owners isn't, because that basically – they're taking up the slack for us. So, if we're in a situation where someone can in fact cut this lot that has not been cut and maintains it so that we don't have to – and we still going to make money from it, because they are actually purchasing it and once they purchase it, it's back in the stream of commerce and now we go from being a negative situation to a positive situation. So, if in fact – really what we want to do is hopefully pass this and get some publicity and hopefully our friends at our local daily will publicize this in a positive light, so that we can in fact encourage people to take advantage of the situation of cutting the lots, you know, so as we talk about money I think it's ridiculous that we spend \$1 million cutting grass every year. And in District A, I mean we have, I mean there's seven thousand adjudicated pieces of property in the City, a great deal of them are in District A, and if the people that are living there are maintaining these properties are many times, these people have been maintaining them for no other benefit but for they don't want there houses to look raggedy. So, if that person has been doing it, let's give them the benefit let's allow them to purchase this deal maybe at a right of first refusal and say, good job for maintaining this piece of property for keeping this neighborhood looking good for a number of years, you know, buy this piece of property if you want to put a lot on it, and in fact if you got situation where people want to actually develop it, maybe put another house on it, that's even better, that's more tax money coming to our coffers, so we're going from a negative situation to a positive situation.

Councilman Jackson: Let me ask you, my last questions. Let's assume that a person decides that they want to buy that property and we have a preferential scenario set up for the neighbor who is adjoining that adjudicated piece of property and that person says, you know, I'll give you \$10, 000 for it. But the preferential position that we put the adjoining neighbor in is that, you know, that they could get the deal for \$2500.

Councilman Lester: Right.

Councilman Jackson: What do we do in those kinds of situation?

Councilman Lester: And, I may have to defer to Ms. Glass, and/or Ms. Moore on this, but if I'm not mistaken if there is a situation where someone puts in a bid that is not a property owner that is a bid that is above and beyond what been offered by the adjoining property owner, the City is going to take the bigger deal and get the money. So, it does not, were not prejudice in any way, I guess basically what this is, is an incentive for those people who have been maintaining the adjacent property for a number of years. Plus the other thing that it does for us, from a City standpoint, and some of my colleagues in my profession may not be to happy about this, but in a lot of instances when you have storms, someone has a property next to an abandon piece of property, a storm happens, a tree falls on their lot, they want to sue the City because they say well you know what, it's the City lots, it adjudicated and then there's an issue whether or not it is ours and I would suspect that it is ours and I would suspect that it

wouldn't be, but if in fact you lived next door to a lot that has been vacant for a number of years, you can do yourself a benefit buy it and insure it so that if the tree falls down, you don't have that situation to worry about it.

Councilman Jackson: And then one year, we said one year, my other thing was is there any way then to expedite for example, if we pass this and it goes into affect, Oct 1 let's say, then what about property where these people that have been doing it for a year already, two years already, is there anyway to expedite this piece of legislation?

Councilman Lester: As I appreciate it, if someone let's say in Queensborough, has been maintaining the lot for a year and this ordinance passes and it is adopted and it becomes the law, they can come the next day and say hey, based on this law I have an affidavit that says I have been doing it for a year, I can take advantage of the program. It's not a situation where and Ms. Glass might correct me if I'm wrong, where a year from to date this program becomes active, I think this program will become active at the point that it becomes law upon signing by the Mayor.

Ms. Glass: That's correct.

Councilman Jackson: Mr. Carmody.

Councilman Carmody Thank you, Mr. Chairman. I whole heartily support this legislation, and the reality of it is, is that there is not one district of this City in which this is a problem, we all have constituents who unfortunately have their homes located next to pieces of property that are for lack of a better term, poor. These people have undertaken by themselves the responsibility of maintaining that property, as Mr. Lester said, simply for the appearance and the ecstasics of their own home. A lot of times though it actually goes toward an health issue, because as everyone of you in and the Mayor, himself we've all got the calls from – I'm seeing rats, I'm seeing mosquitoes, I'm seeing snakes. Okay well, I mean you get tired of the point of waiting for somebody to come out and address that jungle, and you attack it, cause you're scared to death for yourself, for your children, for your neighbors, and I think that anything that we can do to basically provide those person, who are minding the business of the City for a year, and giving them a position in which they can basically acquire the ownership of it, I am whole heartily for it. If someone figures out a way to make a profit off of it more power to you, we got seven thousand pieces of property out there for those of you who are out there who are entrepreneurs and want to live next door to everyone of them. Start cutting them for a year, and we'd be happy to do it. We need a million dollars badly, a million dollars could go a long way in the City of Shreveport taking care of the needs of this community, as opposed to cutting grass that is a reoccurring expense that this City's bares we eat . So, anytime that we can do something and this legislation is ideal, lets implement it, lets implement it today and lets get people on the program so that we can show that it works, and once it does works you are going to find out that more people are going to be doing it, Community Development your job is going to a little bit easier, because you have the assistance of all those adjacent owners. And I will tell you this, the same situation has occurred in north Cedar Grove, these people hadn't been taken care of the property for 12 months, they have been taken care of it for 30 years, give them a shot, if they want to buy it give it to them. So, at this point I'm going to call the question.

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

Motion to adopt Ordinance No. 130 approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

Councilman Jackson: Councilman Gibson

Councilman Gibson: Thank you, Mr. Chair, I appreciate it. One, I will commend my colleague for an outstanding piece of legislation, I just had one a couple of question, in terms of; is this going to be received on those bids. It's not? Okay . It's immaterial, I just want to throw that out. The other thing is, one of the things that this Council did is collect a group on Neighborhood Investment Programs, was Community Development did an outstanding job of having a seminar or town hall meeting on that, that I would just suggest that the same things holds true, I know that all of us have our individual Neighborhood Association meetings, but I think that if the word got out that got out that there was going to be a complete overview of the situation that would go a long way in getting the word out, and obviously we all deal with word of mouth within our respective districts and that would just be a suggestion, I do appreciate it, Mr. Chair for the opportunity to comment on that. Thank you.

7. Ordinances No. 142 of 2004: Amending the 2004 Budget for the Water and Sewerage Enterprise Fund.

Having passed first reading on August 24, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Green, seconded by Councilman Walford for adoption. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

8. Ordinance No. 131 of 2004. An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport by rezoning property located on North Side of South Lakeshore between Risinger Road, Marty Lane and all properties fronting on Marty Lane and Risinger, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-Family residence District, to R-A, Residence-Agriculture District, and to otherwise provide with respect thereto.

Having passed first reading on August 24, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Lester, seconded by Councilman Gibson for adoption. Motion approved by the following vote:

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

10. Ordinance No. 132 of 2004. 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 Bert Kouns Industrial Loop and Dean Road, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-Family Residence District, to R-3, Urban, Multi-Family Residence District, and to otherwise provide with respect thereto.

Having passed first reading on August 24, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Gibson, seconded by Councilman Hogan for adoption. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None

11. Ordinance No. 133 of 2004: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport located on Northwest corner of Martin Luther King & Willie Mays, Shreveport, Caddo Parish, Louisiana, from B-2, Neighborhood Business District, to R-1C, Suburban, One-Family Residence District, and to otherwise provide with respect thereto.

Having passed first reading on August 24, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Lester seconded by Councilman Carmody to postpone. Motion passed by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

12. Ordinance No. 134 of 2004. 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, 550 feet east of Risinger Road, Shreveport, Caddo Parish, Louisiana from R-1D, Urban, One-Family, Residence District, to R-1D (PUD) Urban, One-Family, Urban, One-Family, Residence (Planned Unite Development) District, and to otherwise provide with respect thereto.

Having passed first reading on August 24, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Lester, seconded by Councilman Gibson.

Councilman Lester: Thank you, Mr. Chairman. I got a lot of commentary about this, this is a really good situation because as the Council might recall this was a matter

that had been before the MPC, and zoning once before it was defeated I think it came back to the Council, it was pulled back some time ago and there was a very concern group of constituents in the Risinger Road area and they sat down around the table and they hammered out an agreement and part of the agreement was passing item 131 the companion portion was adopting item no. 134, so I just wanted to ask that the Council support this. This was a good situation where everybody was everybody was able to work it out, that doesn't happen very often, but when it does I think polls very well for the process, thank you, Mr. Chairman.

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

13. Ordinance No. 135 of 2004. An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport zoning ordinance, by rezoning a tract of land located 272 feet north of Olivia & 242 feet east of Ellerbe Road, Shreveport, Caddo Parish, Louisiana, from R-A, Residence Agriculture District, to B-1 Buffer Business District, and to otherwise provide with respect thereto.

Having passed first reading on August 24, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Gibson seconded by Councilman Hogan for adoption. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

14. Ordinance No. 136 of 2004. 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 Linwood Avenue and Industrial Loop, Shreveport, Caddo Parish, Louisiana, from R-a, Residence Agriculture District, to B-3, Community Business District, and to otherwise provide with respect thereto.

Having passed first reading on August 24, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Gibson seconded by Councilman Hogan for adoption. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

15. Ordinance No. 137 of 2004. An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport, by rezoning property located on the northeast corner or Kennedy Drive & Booker T. Street, Shreveport,

Caddo Parish, Louisiana, from R-1H, Urban, One-Family Residence District to R-1H-E, Urban, One-Family Residence/Extended use District, LIMITED TO "A SNOW CONE STAND" ONLY, and to otherwise provide with respect thereto.

Having passed first reading on August 24, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Green seconded by Councilman Gibson for adoption. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

Councilman Lester: I just want to ask Councilman Green (inaudible) snow cone outfit, call me. Thank you Mr. Chairman.

Councilman Green: Not in the middle of December.

16. Ordinance No. 138 of 2004. 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 Lakeshore Drive 500 feet west of Jewella Avenue, Shreveport, Caddo Parish, Louisiana, from B-2-A, Business Park District, to B-2, Neighborhood Business District, and to otherwise provide with respect thereto.

Having passed first reading on August 24, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Jackson seconded by Councilman Carmody for adoption. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

17. Ordinance No. 139 of 2004. An ordinance amending Chapter 106 of the Code of Ordinances, The City of Shreveport zoning ordinances, by rezoning property located on the east side of East Kings Highway 600 feet north of Jackson Square Boulevard, Shreveport, Caddo Parish, Louisiana, from R-A Residence Agriculture District, to R-1D (PUD), Urban, One-Family Residence (Planned Unit Development) District, and to otherwise provide with respect thereto.

Having passed first reading on August 24, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Gibson seconded by Councilman Carmody for adoption. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

18. Ordinance No. 140 of 2004. Authorizing the execution of an agreement to lease City-Owned property at 401 Texas Street to Shreveport Multicultural Center, Inc., relative to the Multicultural Center of the South; to provide for the Management and Operation of same; and to otherwise provide with respect thereto

19. Ordinance No. 141 of 2004. Authorizing the donation of City-owned property at 2800 Darien Street to Shreveport/Bossier Community Renewal and to otherwise provide with respect thereto.

Mr. Thompson: 140 and 141 should be postponed.

Having passed first reading on August 24, 2004 was read by title and on motion ordered passed to third reading. Motion by Councilman Carmody seconded by Councilman Gibson to postpone until the next regular meeting on September 28, 2004. Motion passed by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Gibson, Hogan, Green, and Jackson. 7. Nays: None.

Councilman Jackson: Is that it Mr. Clerk?

Mr. Thompson: That's it Mr. Chairman.

The adopted ordinances follow:

ORDINANCE NO. 123 OF 2004

AN ORDINANCE LEVYING VARIOUS TAXES TOTALING EIGHTEEN AND EIGHTY-TWO ONE HUNDREDTHS (18 AND 82/100THS) MILLS PER DOLLAR ON ALL PROPERTY SUBJECT TO AD VALOREM TAXATION WITHIN THE CITY OF SHREVEPORT FOR THE YEAR 2004 IN THE AMOUNTS AND FOR THE PURPOSES DESCRIBED HEREIN, AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport in due and legal session convened, that:

An ad valorem tax of Ten and Ninety-nine One Hundredths (10 and 99/100ths) mills per dollar of assessed valuation be and the same is hereby levied on all property subject to ad valorem taxation within the City of Shreveport, for the year 2004; for the purpose of general operating expenses of the General Fund.

BE IT FURTHER ORDAINED that an ad valorem tax of Eighty-nine One Hundredths (89/100ths) mills per dollar of assessed valuation be and the same is hereby levied on all property subject to ad valorem taxation within the City of Shreveport, for the year 2004; for the purpose of operating and supplying recreational facilities and appurtenances and maintaining the same, title to which shall be in the public, in accordance with the results of a special election held April 5, 2003.

BE IT FURTHER ORDAINED that an ad valorem tax of One and Fifty-seven One Hundredths (1 and 57/100ths) mills per dollar of assessed valuation be and

the same is hereby levied on all property subject to ad valorem taxation within the City of Shreveport, for the year 2004; for the purpose of providing revenues sufficient to enable the City of Shreveport to provide a three-platoon system in the Police Department, now in effect in the City of Shreveport in accordance with Act 323 of the Legislature of Louisiana for the year 1936.

BE IT FURTHER ORDAINED that an ad valorem tax of One and Nineteen One Hundredths (1 and 19/100ths) mills per dollar of assessed valuation be and the same is hereby levied on all property subject to ad valorem taxation within the City of Shreveport, for the year 2004; for the purpose of improving, repairing, and maintaining the streets of the City of Shreveport, title to which shall be in the public, in accordance with the results of a special election held April 5, 2003.

BE IT FURTHER ORDAINED that an ad valorem tax of One and Nineteen One Hundredths (1 and 19/100ths) mills per dollar of assessed valuation be and the same is hereby levied on all property subject to ad valorem taxation within the City of Shreveport, for the year 2004; for the purpose of continuing the salary and wage schedule of City employees, in accordance with the results of a special election held April 5, 2003.

BE IT FURTHER ORDAINED that an ad valorem tax of One and Nineteen One Hundredths (1 and 19/100ths) mills per dollar of assessed valuation be and the same is hereby levied on all property subject to ad valorem taxation within the City of Shreveport, for the year 2004; for the purpose of police and fire personnel and allowance for uniforms and equipment for said departments in accordance with the results of a special election held April 5, 2003.

BE IT FURTHER ORDAINED that an ad valorem tax of One and Eighty One Hundredths (1 and 80/100ths) mills per dollar of assessed valuation be and the same is hereby levied on all property subject to ad valorem taxation within the City of Shreveport, for the year 2004; for the purpose of providing funds for the City's portion of pensions, employee life insurance and hospitalization plan for City employees in accordance with the results of a special election held April 5, 2003.

BE IT FURTHER ORDAINED that this ordinance shall be full authority to the Tax Assessor of Caddo Parish and the Tax Assessor of Bossier Parish to extend said taxes on the assessment rolls of the City of Shreveport for the year 2004.

BE IT FURTHER ORDAINED that the Director of Finance, Ex Officio Tax Collector of the City of Shreveport, be and she is hereby empowered, authorized, and directed to cause said taxes, as herein above set forth, to be spread upon the tax roll of the City of Shreveport for the year 2004, to collect said ad valorem taxes for and on behalf of said City, according to law, and to place the same to the credit of the funds described herein above as authorized by law. The taxes herein levied shall become a permanent lien and privilege on all property subject to taxation as herein set forth, and the collection thereof shall be enforceable in the manner provided by law.

BE IT FURTHER ORDAINED that the Clerk of Council shall provide a certified copy of this ordinance to the Tax Assessor of Caddo Parish and the Tax Assessor of Bossier Parish immediately after its final passage by the City Council and approval by the Mayor.

BE IT FURTHER ORDAINED that if any provision or item of this ordinance and the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications and to this end the provisions of this ordinance are hereby declared severable.

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

ORDINANCE NO. 129 OF 2004

AN ORDINANCE TO AMEND SECTION 62-78 OF THE CODE OF ORDINANCES RELATIVE TO THE DEPARTMENT OF PUBLIC ASSEMBLY AND RECREATION FEE SCHEDULE 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 62-78 of the City of Shreveport Code of Ordinances relative to fees for the following activities, rental and uses is hereby amended to now read as follows:

Sec. 62-78. Fee schedule.

A fee schedule for activities, rentals and uses in the department of public assembly and recreation is hereby established as follows:

Description	New Fee

Softball Tournaments—Cargill Park Rental	
Deposit	\$50.00
Tournaments Charge	\$25.00 per field per day
Additional Field Crews	Actual cost based on employee's overtime rate
Ball Field Rentals—	
Field Use- No lights	
SPAR League	No Charge
All Others	\$5.00 per hour
Field Use - Lights Required	
SPAR League	No Charge
All Others	\$10.00 per hour

All deposits will be credited to the total cost of the tournament. All deposits are non-refundable, unless the scheduled event is canceled at least thirty (30) days prior to the event. The base cost will cover initial field preparation prior to the start of each day. Additional Field Crews may be provided when scheduled in advance.

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 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. 130 OF 2004

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF SHREVEPORT BY ADDING ARTICLE VIII., DIVISION 1 AND DIVISION 2 RELATIVE TO DISPOSAL OF PUBLIC PROPERTY AND DISPOSAL OF ADJUDICATED PROPERTY AND OTHERWISE PROVIDING WITH RESPECT THERETO.

By Councilman Lester

WHEREAS, in an effort to slow urban blight by encouraging property owners to maintain vacant lots adjoining their property, the Legislature of Louisiana has enacted Act 234 of 2003, consisting of R.S. 33:4720.41 through 33:4720.49, in which the legislature finds it necessary to implement a mechanism by which parishes and municipalities are empowered to sell adjudicated vacant lots to adjoining landowners who have maintained the lots; and

WHEREAS, said statute authorizes the city to make such sales when it has established a fair and equitable policy which shall have uniform application for determining the sale price.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Shreveport in due, regular and legal session convened that Division 1 of Article VIII of Chapter 26 of the Code of Ordinances is hereby created, to include existing Sections 26-291 through 26-293 and reserved Sections 26-294 through 299. The existing Section 26-294 is amended and reenacted as Section 26-300 in Division 2.

BE IT FURTHER ORDAINED that Division 2 of Article VIII of Chapter 26 of the Code of Ordinances is hereby enacted to read as follows:

Division 2. Disposal of Adjudicated Property

Section 300. Sale or donation of interest in adjudicated property generally.

Notwithstanding section 26-292, the following procedures shall apply to the sale or donation of the city's interest in properties which have been adjudicated to the city for non-payment of ad valorem taxes.

(1) The mayor is authorized to execute deeds for the sale of the city's interest in property which has been adjudicated to the city when the following conditions have been met:

- a. The city council has declared by resolution that the property is surplus, and
- b. Either the city has, or, pursuant to the intergovernmental agreement between the city and the parish, Caddo Parish has, followed the procedure for the sale provided in R.S. 33:4720.11, et. seq., including but not limited to giving notice to persons who have a vested or contingent interest in the property, advertising for bids from persons wishing to purchase the property, and selling to the highest bidder either pursuant to sealed bids or at auction.

(1) The mayor is authorized to execute deeds for the donation of the city's interest in property which has been adjudicated to the city when the following conditions have been met:

- a. The city council has been notified of the proposed donee and has declared by resolution that the property is surplus, and
- b. Either the city has, or pursuant to the intergovernmental agreement between the city and the parish, Caddo Parish has, followed the procedure for the donation provided in R.S. 33:4720.25 et. seq., including but not limited to giving notice to persons who have a vested or contingent interest in the property, and
- c. The property is abandoned or blighted housing property and the donee is a nonprofit organization which is recognized by the Internal Revenue Service as a 501(c)(3) or 501(c)(4) nonprofit organization and which agrees to renovate and maintain such property until conveyance of the property by such organization.

Section 301. Sale of interest in adjudicated property to adjoining landowner.

Notwithstanding section 26-292 or section 300, the following procedures shall apply to the sale of the city's interest in properties which have been adjudicated

to the city for non-payment of ad valorem taxes, when application is made by an adjoining landowner for a sale under this division:

- (1) The mayor is authorized to execute deeds for the sale to an adjoining landowner of the city's interest in an adjudicated vacant lot when the following conditions have been met:
 - a. The applicant is an adjoining landowner as defined in R.S. 33:4720.42 who has undertaken open, notorious, continuous, uninterrupted, peaceable, public, and unequivocal possession of and maintained the adjudicated vacant lot in accordance with all relevant state and local laws for a period of one year, and
 - a. The sale shall not occur until the redemptive period has elapsed, and
 - c. To apply for the sale of an adjudicated vacant lot under this section, the owner of the adjoining property must produce three or more sworn affidavits attesting to the adjoining landowner's maintenance of the adjudicated vacant lot. Such affidavits must be attested to by all adjoining landowners. If there are less than three adjoining landowners, the other affidavits shall be from owners or lessees of property in the immediate vicinity of the adjudicated vacant lot. The affidavits must state that the adjoining landowner has maintained the adjudicated vacant lot in accordance with the provisions of Subsection a. of this section. The affidavit of the owner or lessee of property in the immediate vicinity of the adjudicated vacant lot must also contain a statement that the owner or lessee has been in possession for a period of at least one year of the property owned by the owner or leased by the lessee, and
 - d. The city council has declared by resolution that the property is surplus, and
 - e. Either the city has, or pursuant to the intergovernmental agreement between the city and the parish, Caddo Parish has, followed the procedure for the sale provided in R.S. 33:4720.41, et. seq., including but not limited to giving notice to persons who have a vested or contingent interest in the property.
- (a) For purposes of this division, the definitions of "adjoining landowner", "adjoining property", "adjudicated vacant lot" and "immediate vicinity" shall be as defined in R.S. 33:4720.41 et. seq.

- (b) The sale price for such sales shall be fifty percent of the appraised value of the property, plus the costs of the sale procedure.

Section 302. Applicability of statutes and ordinances.

References to Louisiana Revised statutes herein shall be deemed to refer to said statutes as they exist now or may hereafter be amended. In the event of amendments to the referenced statutes, said amendments shall be applicable to the procedure for sales or donations for which application is made after the effective date of the statutory amendment.

BE IT FURTHER ORDAINED that all executions of deeds for sales or donations of adjudicated property pursuant to Article VIII of Chapter 26 and R.S. 33:4720.11, et. seq. or R.S. 33:4720.25 et. seq. by the Mayor prior to the effective date of this ordinance are hereby ratified.

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. 142 OF 2004

ORDINANCE AMENDING THE 2004 WATER AND SEWERAGE ENTERPRISE FUND BUDGET AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

WHEREAS, the City Council finds it necessary to amend the 2004 budget for the Water and Sewerage Enterprise Fund to transfer funds among expenditure categories and for other purposes.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport, in legal session convened, that Ordinance No. 160 of 2003, the 2004 budget for the Water and Sewerage Enterprise Fund, is hereby amended as follows:

Section 2 (Appropriations):

Increase Materials and Supplies by \$320,000.

Increase Contractual Services by \$95,000.

Increase Improvements and Equipment by \$225,000.

BE IT FURTHER ORDAINED that the remainder of Ordinance No. 160 of 2003 shall remain unchanged and in full force and effect.

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

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

ORDINANCE NO. 131 OF 2004

ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON NORTH SIDE OF SOUTH LAKESHORE BETWEEN RISINGER ROAD, MARTY LANE AND ALL PROPERTIES FRONTING ON MARTY LANE AND RISINGER, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT, TO R-A, RESIDENCE-AGRICULTURE 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 north side of South Lakeshore between Risinger Road, Marty Lane and all properties fronting on Marty Lane and Risinger, Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from R-1D, Urban, One-Family Residence District, to R-A, Residence-Agriculture District:**

All of H.O. Cloud Sub., less and except the following: beginning at a point on the W'ly line of Lot 33, H.O. Cloud Subn, which point lies 341.9 feet S'y along said line from the NW corner of said Lot 33, run thence N49E18'E 388 feet to W'ly line of Risinger Drive, thence S'y along Risinger Drive 272.85 feet, thence W'ly parallel to S Line of said Lot 33, 429.5 feet to P-O-B. and beginning at the SE corner of Lot 25, H.O. Cloud Subn, run thence N 81E21'E along Lakeshore Drive 142.5 feet, thence N 8E36'E 307 feet, thence W 144.15 feet to W line of Lot 25, thence along same N 8E36'E, 316.95 feet to NW corner of said lot, thence E 288.3 feet to NE corner, thence S 8E36'W, 645.7 feet to beginning, Shreveport, Caddo Parish, Louisiana.

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. 132 OF 2004

ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTHEAST CORNER OF BERT KOUNS INDUSTRIAL LOOP AND DEAN ROAD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT, TO R-3, URBAN, MULTI-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 Bert Kouns Industrial Loop and Dean Road, Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from R-1D, Urban, One-Family Residence District, to R-3, Urban, Multi-Family Residence District:**

by 515 feet of Lot 28 and all of Lots 29, 30, 31, Dean Terrace Subdivision, a subdivision of that part of the S/2 of the S/2 of Section 5 T16N-R14W, LESS AND EXCEPT a part of said Lot 31 owned by the State of Louisiana, described, to-wit: begin at the existing S'ly R-0-W line of State Project No. 809-08-11 at the NW corner of said Lot 31, thence S89E37'20"E, along the existing S'ly R-0-W line of said project and the N'ly property line of said Lot 31 a distance of 49.12 feet and corner, thence following the arc of a curve to the left with a radius of 50 feet (the chord of which bears S45E53'06"W, 70.08 feet) traversing the said Lot 31 to a point on the W'ly property line of said Lot 31 and the E'ly R-O-W line of Dean Road and corner; thence N01E23'33"E, along the W'ly property line of said Lot 31 and the E'ly R-O-W line of Dean Road, a distance of 49.12 feet to the P-O-B, and the N'ly 505 feet of Lots 32 and 33, Dean Terrace Subdivision Unit No. 2, a subdivision part of the N/2 of Section 8 T16N-R14W, the N'ly boundary line of said Lots 32 and 33 also being common with and identical to the S'ly boundary line of Lots 30 and 31, Dean Terrace Subdivision, a subdivision of that part of the S/2 of the S/2 of Section 5 T16N-R14W, Shreveport, Caddo Parish, Louisiana.

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

- (c) **Development of the property shall be in substantial accord with a revised site plan to be submitted to and approved by the Planning Director, showing the driveway on Dean Road to be in alignment with the driveway across the street to the west, and that the driveway on Industrial Loop to be moved to the east at least 50 ft., as agreed to at the public hearing of August 4, 2004. Any significant changes or additions shall require 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. 134 OF 2004

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, 550 FEET EAST OF RISINGER ROAD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1D, URBAN, ONE-FAMILY, RESIDENCE DISTRICT, TO R-1D (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 the E'ly 2/3 of Lot 28 H.O. Cloud Subd., Shreveport, Caddo Parish, Louisiana, located on the north side of South Lakeshore Drive, 550 feet east of Risinger Road, **be and the same is hereby changed from R-1D, Urban, One-Family, Residence District, to R-1D (PUD) Urban, One-Family, Residence (Planned Unit Development) District:**

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

- (d) **Development of the property shall be in substantial accord with the preliminary PUD subdivision plan as 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. 135 OF 2004

ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING A TRACT OF LAND LOCATED 272 FEET NORTH OF OLIVIA & 242 FEET EAST OF ELLERBE ROAD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-A, RESIDENCE AGRICULTURE 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 N 190 feet of the S 350 feet of Lots 59 and 60, Ravenna Subd, Unit 1, Shreveport, Caddo Parish, Louisiana, for a tract of land located 272 feet north of Olivia and 242 feet east of Ellerbe Road, **be and the same is hereby changed from R-A, Residence Agriculture District, to B-1, Buffer Business District:**

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

(e) **Site development plan shall be submitted to and approved by the Planning Director prior to the issuance of any permits.**

The existing lot and the proposed site shall be replatted into 1 lot prior to the issuance of any permits.

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. 136 OF 2004

ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTHWEST CORNER OF LINWOOD AVENUE AND INDUSTRIAL LOOP SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-A, RESIDENCE AGRICULTURE 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 property located on the southwest corner of Linwood Avenue and Industrial Loop, Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from R-A, Residence Agriculture District, to B-3, Community Business District:**

ing at the northeastern most corner and intersection of Industrial Loop and the western R-O-W of Linwood Avenue; thence proceed N00E52'28"E a distance of 100.00 feet to a point; thence proceed N88E54'30"W 10.00 feet to a point; thence proceed N00E52'28"E 150.00 feet to a point; thence proceed N88E54'30"W a distance of 300 feet to a point; thence proceed N00E52'28"E a distance of 250 feet to a point; thence proceed N88E54'30"W a distance of 300 feet to a point, said point being the P-O-B, Shreveport, Caddo Parish, Louisiana.

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

- a. **Development of the property shall be subject to a revised site plan to be submitted to the Planning Commission for approval, prior to the issuance of any permits. The revised site plan shall include, but not limited to alignment of the proposed curb cut with the existing curb cut across Linwood Avenue, additional property acquisition and/or a proposed servitude of passage to the west of the subject tract, and any required median cuts or other required approvals from the City Engineering Department or the Louisiana DOTD.**

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. 137 OF 2004

ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE NORTHEAST CORNER OF KENNEDY DRIVE & BOOKER T. STREET, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1H, URBAN, ONE-FAMILY RESIDENCE DISTRICT, TO R-1H-E, URBAN, ONE-FAMILY RESIDENCE/ EXTENDED USE DISTRICT, LIMITED TO "A SNOW CONE STAND" ONLY, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of Lots 551 & 552 Coleman College Addition, Shreveport, Caddo Parish, Louisiana located on the northeast corner of Kennedy Drive & Booker T. Street, Shreveport, Caddo Parish, Louisiana, be and the same is hereby changed from R-1H, Urban, One-Family Residence District, to R-1H-E, Urban, One-Family Residence/Extended Use District, limited to "a snow cone stand" only.

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

- b. **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.**
- c. **Hours of operation limited to 9:00 a.m. to 7:00 p.m.**

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. 138 OF 2004

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 LAKESHORE DRIVE 500 FEET WEST OF JEWELLA AVENUE, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM B-2-A, BUSINESS PARK 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 Lots 1, 2, 3, 10, 11, 12, the W 4 feet of Lot 4 and the W 4 feet of Lot 13, all in Block 1 and Lots 3, 4, 5, 6, 7, 8, 11, 12, 13, 14, 15, and 16, all in Block 2, and that certain 25 foot strip of land designated on Plat as "Pipe Line" lying between Blocks 1 and 2, all in Lakeshore Heights, Unit No. 1, Shreveport, Caddo Parish, Louisiana, located on the north side of Lakeshore Drive 500 feet west of Jewella Avenue, **be and the same is hereby changed from B-2-A, Business Park District, to B-2, Neighborhood Business District.**

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

- d. 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. 139 OF 2004

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 EAST KINGS HIGHWAY 600 FEET NORTH OF JACKSON SQUARE BOULEVARD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-A, RESIDENCE AGRICULTURE DISTRICT, TO R-1D (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 property located on the east side of East Kings Highway 600 feet north of Jackson Square Boulevard, Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from R-A, Residence Agriculture District, to R-1D (PUD), Urban, One-Family Residence (Planned Unit Development) District:**

Begin at the NW corner of said Lot 24 and the E line of the old abandoned T & P Railroad R-O-W; thence proceed N87E40'00"E a distance of 1042.50 feet to a concrete monument; thence proceed S43E30'00"E a distance of 399.00 feet to a concrete monument; thence proceed S13E27'33"E a distance of 200.00 feet to the centerline of Old River; thence proceed S64E37'50"W a distance of 370.00 feet; thence proceed S25E42'11"W a distance of 90.00 feet; thence proceed S17E51'00"W a distance of 23.37 feet; thence proceed S83E10'35"W a distance of 507.90 feet to a 3/4 inch iron pipe; thence proceed S83E10'35"W a distance of 75.50 feet to a 3/4 inch iron pipe; thence proceed N7E04'19"W a distance of 168.75 feet to a 1 inch iron pipe, Caddo Parish, Louisiana.

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 subdivision plan submitted, and with Design Standards Review Committee requirements. Any significant changes or additions shall require further review and approval by the Planning Commission.**

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

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

UNFINISHED BUSINESS: None.

NEW BUSINESS:

1. ZONING APPEAL: Case No. BAC 82-04: Wyomia Decarol Nunley, 4103 Santa Monica Court. Special Exception Use in an R-1D District.

Councilman Jackson: Mr. Clerk what are the appropriate motions, Mr. Clerk?

Mr. Thompson: The application to expand home occupancy is approved or is denied. The application for expanded home occupancy is approved, that would be one motion, another would be it is denied.

Councilman Carmody: Point of clarification, I thought the motion needed to be in the form of an affirmative.

Mr. Thompson: Not for – that’s just for the ordinances.

Councilman Carmody: Thank you sir for that clarification.

Mr. Thompson: That is just one way to put it. Another way would be to approve the ZBA’s decision in this case. There are a number of ways that you could pose the motion.

Councilman Jackson: My intent is to overturn the ZBA’s decision. So then what?

Mr. Thompson: The application – the decision of the ZBA in this matter is overturned and the application for the expanded home occupancy is approved.

Councilman Jackson: So moved.

Councilman Green: So do we vote yes, yea or nay, if we voted for this to overturn or do we vote -- ?

Mr. Thompson: If you want the expanded use, you vote yes.

Motion by Councilman Jackson seconded by Councilman Lester to overturn the decision of the ZBA.

Councilman Jackson: Before we vote on this I want to say that there have been several people who have come up, not only today but that I have had a chance to talk to both in public hearings a year ago and even most recently and probably most importantly just last night. We had some who came to talk about codes and covenants and I appreciate Councilman Carmody talking about the fact that, that’s a civil matter and we even had individuals who would direct neighbors to do what they would have them to do in own homes and property. I thought that in the last two weeks, certainly that it deteriorated to what is no more than a neighborhood squabble. A lot of people talked about that. Somebody made the statement and I wrote it down, “do what’s right for Western Hills.” Someone else said that, “you have to represent all the people, not just one, not just a few but all of the people. One of the things is much like this millage that what I have heard is a lot of fear-mongering. Now some of it has not been based on what is truly a fact. I had asked them, the Zoning Board to give me a copy – I’m sorry, the Metropolitan Planning Commission to give me a copy of what the requirements were in order for a person to operate home base business notwithstanding what structure it was in and there were from A thru N requirements that

every business should need. I'm assuming that everybody who was both in favor and against has gone through all of these items and it seems to me that all of these items notwithstanding the location seem to have been met. We talked about additional traffic and Mr., I think, Henry said that there had been additional traffic. He had also suggested that somebody home had been broken into already because of additional traffic. When we met in the public hearing people talked about precedent and the fact that this would set precedence. Somebody also suggested that if you let this happen which is a home base business, if you let this happen then there will be truck stops and liquor stores and all kind of things in that area and all of you, I don't have to tell anybody to drive by there, everybody lives in that area, what shocked me and I guess in the last week or so what really got me the most is when I drove through again myself, I'm very familiar with the area, very, very familiar with the area, and I too have relatives who live on – not on the same street but in the neighborhood where many of these signatures came, I looked through the petition and I think as Ms. Phelps suggested today about twenty of the names are on both petitions. And I don't know if people – everybody said that people were misled and it was not up to my discretion to figure out who was trying to mislead who so I just had some conversations and from all that I heard there was never enough stated that suggested that something was gone wrong. They used the term expansion as a misnomer. Most people – I think somebody, I think it was Reverend Thomas who was talking, said that the definition of business is that you got to expand. But most home base businesses are not about making a living. Most home base businesses are about doing what people enjoy and not necessarily about replacing their income. The other thing that was there was we talked about traffic and additional traffic and crime and one of the things that I would suggest to again to us is that Ms. Nunley is certainly up against the same thing that any person would be up against including as what was stated earlier her next door neighbor, that if anything is not right then she is just like everybody else under the authority of not only this city but those ramifications put in place which means that she could lose the license if any of those things happen. I would suggest that all home occupations also are only valid two years. I would even suggest as was requested earlier and even last year for a one year period but I don't know that, that is even necessary. It is my opinion that the right thing to do would be to allow this to take place and whenever there is an issue that comes up, if there is ever an issue that comes up at that point rather than succumbing to what is a fear of what could potentially be wrong then we could enforce the law on what is wrong. So with that gentlemen, I would ask your support in voting yea.

Councilman Gibson: Mr. Chairman, could I ask a question? This has been brought before us before. Is that correct?

Councilman Jackson: A year ago.

Councilman Gibson: Was there an attempt or some kind of mediation to try to come up with something that was middle ground between the neighborhood that is in opposition and the home base business applicant?

Councilman Jackson: I think one of the speakers who talked today talked about the fact that we had a conversation a year ago, to my left over here, and she was certainly correct, one of the questions asked a year ago was about a compromise and it was unequivocal that there was to be no compromise. No one year, no anything that it

needed to be voted down and that they wouldn't stand for any compromise and that was the case. So –

Councilman Gibson: That was from the opposition?

Councilman Jackson: Right.

Councilman Gibson: Thank you Mr. Chairman.

Councilman Walford: As a general rule and I know I have a fellow Council member who would complain that I am consistently inconsistent but I will vote to uphold zoning if there is an absolute glaring reason that I think they are wrong, I'll vote the other way. But I would have to tell ya'll and I didn't keep a tally so I'm estimating that I got almost as many calls on this as I did the tax roll forward, either calls, e-mails or letters. This has been an hot issue and as much as I would like to go with the councilman from the district, in this case I'm gonna to vote to uphold zoning. I would urge, unless you are convinced that there is no compromise that we remand it back and see if they can work it out at the ZBA level and I would certainly support that but if you are convinced there is no –

Councilman Jackson: Mr. Walford, my first inclination was in fact to do just that, to remand it to the Zoning Board. But before I did that I called one of the people who was on the four/three side of the vote and said that this is what I am entertaining and I hope that you all would look at it and see based on XYZ and I got a clear statement from that individual that they didn't anticipate any change.

Councilman Walford: Okay. Thank you, Mr. Chairman.

Councilman Hogan: I also got the same calls and a lot of e-mails on this and I promised the people that I would listen to all sides and I have said on this council before that I am pro business and I really don't see a problem with people working out of their home. In fact, I do the same thing. I go through the process and I pay my fee every year. I have a bedroom that I work out of my home, yet it is hard to ignore such an outcry from the people of that area. Personally, I don't understand it. It seems like there is something else behind the curtain that we can't see, some other reason, I don't know and I'm not going to go there but I would like to offer a substitute motion with approval to revisit it to have the ZBA re-analyze this and hear it again within one year. And in my opinion I think that would be a compromise. So that is a substitute motion.

Councilman Jackson: Let me clarify the motion. What are you moving to do?

Councilman Hogan: I'm making a substitute motion that we approve with a limitation of a one year operating time and that the ZBA hear the case again in one year. Mr. Clerk, am I saying that correctly?

Mr. Thompson: Yes, that would be a new – in order for the business to continue after the one year of the expanded use there would have to be another application to the ZBA and they would hear it at that time.

Substitute motion by Councilman Hogan, seconded by Councilman Lester to approve with a limitation of a one year operating time and that the ZBA hear the case again in one year.

Mr. Thompson: This is on the substitute motion?

Councilman Jackson: On the substitute motion.

Councilman Carmody: This is kind of an unusual vote and I have listened with interest and received the same information that ya'll have from the neighbors in the subdivision. I guess what is troublesome to me is I have tried to point out was that this is a civil matter when it comes down to the enforcement of those subdivision covenants and restrictions, that it appears that the neighbors in this subdivision are going to have to retain some legal service in order to try and pursue the enforcement of it. And I - - - having listened and read the communication that was sent to me I think that their concern is that council is going to be a party to something that sets a precedent that is going to be hard to turn back within their neighborhood and if we grant it because again, I recall Ms. Nunley coming in here to ask us for a one year approval on the use there and now we are a year later and she is asking for an expanded use on that but the neighbors are stating that their concern is what that expanded use is going to affect within the neighborhood. Grant it, I'm glad that we did get the information regarding the building permit. I applaud the people that complied and subscribed to following the correct procedure but what is disconcerting is that apparently that the permit was pulled for a residential accessory structure and that the Nunley's want to now use this for a commercial use. If this were in my neighborhood I would feel very concerned about it as well because of the precedent it would set and therefore, I certainly appreciate the Councilman who represents this area and his feelings here but my vote would be to side with those other neighbors in their concern that what effect this does have on expanding a commercial use that was originally was only granted for a one year period which now is expanding out again to greater affect on them. Thank you Mr. Chairman.

Councilman Jackson: And I too, Mr. Carmody, believe that if it is in fact a legal and a civil matter then it is not for this Council to in fact make that particular decision and that is the basis for making this decision. What we have to look at is not those in favor, those against. We have to look at whether or not in – not a gray area but in black and white. Whether or not it violates and it would take us outside of what Zoning would permit, what we would be permitted to do through the zoning that is requested. And that is the bottom line, it has nothing to do with anything else, the cost of tea in China or anything else but to simply say that if in fact what we are do is something that puts us – the whole issue of whether or not it's right or not has been an issue of covenants. It has been an issue of covenants and codes but not city codes. Question here was about just that zoning and so that is my reason for doing it and again, that is why again I ask this council for their consideration in that matter. The motion is on the floor now.

Councilman Hogan: Mr. Chair, pardon me. I do have one more question in all of our conversation with the people. Mr. Jambor, could you come forward just a moment, please. Thank you, I'm just curious to know and this might be a difficult question for you. You may not know the answer but could you tell me, you are familiar first with the subdivision. Have you been out there?

Mr. Jambor: Yes sir.

Councilman Hogan: You have, okay. Do you know off the top of your head how many other home base businesses are within the vicinity or within this subdivision? Do you know that there are any others?

Mr. Jambor: Yes sir.

Councilman Hogan: How many if there are?

Mr. Jambor: I'm not sure of the exact quantity. We know some of the opponents acknowledged they in fact have home base businesses themselves. They in fact abide by more of the conditions than the applicant were. The conditions stated in the ordinance. I believe Councilman Jackson referred them as A thru N. What those are, are the criteria and if you violate a certain number then you have to go in front of the board to get special exception use and that is what we refer to as expanded home occupancy. Ones that don't comply with each and every one of those, so to speak.

Councilman Hogan: So there are some of the applicants you say that have a basic license for a home base business.

Mr. Jambor: Some of the opponents. The opposition that showed up acknowledged that they had nothing against home occupations per se that it was the operation and the means in which this particular applicant was intending to run. Some of them themselves acknowledged having home base businesses.

Councilman Hogan: So in your opinion, I wouldn't hold you to this but in that subdivision there are how many home base businesses if you had to guess. I wouldn't hold you to it, there are five, there are fifteen –

Mr. Jambor: Well, Mr. Clark on staff the Zoning Administrator actually lives in that subdivision.

Mr. Clark: To be perfectly honest with you Mr. Hogan, we are not – we don't have those calculations available. We know that there are home base businesses in that particular subdivision. We know that there are home base businesses within that particular area that's sort of a three or four subdivision area. The Western Hills Estate area, which this application is from, you have Western Hills and you have Timberline and there are home base businesses we are aware in each one of those subdivisions.

Councilman Hogan: In each one. Okay, that is all I need Mr. Clark. Thank you.

Councilman Jackson: Let me say this firmly, gentlemen, that again, I tried to do what I can to stay out of people's personal issues and when this was given to me it sounded a lot to be and I know many of those in support and in opposition will say it is not but it quack like a duck, and it walk like a duck to me. One of the things that concerns me is also I'm not saying coming before this council cause I know the people live in this neighborhood wouldn't just be wasting their time, they obviously have some concerns about this. What concerns me is that there are some other things happening in that community that we are not hearing much about that I think enure to the detrement of property values in that community, i.e. the corner of Calderwood and Sagewind and it is a terrible ugly mess and I don't know – I know Mr. Bowie may of been looking at that already but it is a terrible, just a tragic mess of house that have never been completed, has been there I know at least five years of me driving around that corner once a week for the last five years and I know that it in fact is just horrible.

Nobody says a word about that. I think – that is not the same thing, it's apples to oranges but it is still to me enures to the detriment of that community. Not only that, only one person call me, he doesn't even live in that community, he lives in Timberline about a person who consistently, I talked to Mr. Bowie about this, dumps trash and puts stuff in the ditch right across the street from the same area, and the person who calls me does not even in that particular neighborhood. What I'm suggesting to you is, it doesn't matter to me and I don't delve into what the real reasons are, one of my colleague said that there sounds like there is something behind the curtain. It is not my job to get back there and find out what it is. I'm just telling you that if it walks like a duck and quacks to me it seems like that's what it is and I refuse to get involved in that kind of situation where I have sit here, right and wrong. On the last occasion, I suggested even when we voted, I think the record will bare out that I wasn't really a believer in what we were going to vote on, but I felt like it was politically expedient. I don't feel like it's the same scenario today, I just think it's the right thing to do.

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

REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES.

Councilman Gibson: I have an update on a committee. We were originally scheduled to have a committee meeting yesterday, and there is some information that we have asked from the Administration. We're trying to schedule a meeting over the next couple of weeks. We're working with Mike Strong in his department regarding infrastructure and some information will be forthcoming to my colleagues in terms of when that next meeting will take place. Thank you Mr. Chair.

Councilman Walford: Which Committee?

Councilman Gibson: Excuse me, Infrastructure.

CLERK'S REPORT:

Mr. Thompson: Just one thing. Mr. Lester has called an SRA Meeting immediately after this meeting. There is one item to be voted on.

ADJOURNMENT. There being no further business to come before the Council, the meeting adjourned at approximately 7:15 p.m.

/s/ Theron Jackson, Chairman

/s/ Arthur G. Thompson, Clerk of Council