

CC 3827
09 08 06

Council Proceedings of the City of Shreveport, Louisiana
September 12, 2006

The regular meeting of the City Council of the City of Shreveport, State of Louisiana was called to order by Chairman Jeffery A. Hogan at 3:00 p.m., Tuesday, September 12, 2006, in the Government Chambers in Government Plaza (505 Travis Street).

Invocation was given by Councilman Green.

The Pledge of Allegiance was led by Councilman Robertson.

On Roll Call, the following members were Present: Councilmen Lester, Walford, Carmody (Arrived at 3:10 p.m.), Robertson, Green, Hogan and Jackson. 7. Absent: None.

Motion by Councilman Green, seconded by Councilman Walford to approve the minutes of the Administrative Conference, Monday, August 21, 2006 and Council Meeting, Tuesday, August 22, 2006. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Robertson, Green, Hogan, and Jackson. 6. Nays: None. Out of the Chamber: Councilman Carmody. 1.

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

Councilman Hogan: Mr. Mayor, do you have any communications or distinguished guests today?

Mayor Hightower: Mr. Chairman, I don't have a distinguished guest today, but I did get some good news that I think the Council would be interested in, and it was from Standard and Poor. I think we've all heard the campaign adds and some of it which has gone on over the past several weeks, and we've got several weeks of that yet to come, but I think it's interesting news and it's good news to know that today we did receive notice Standard and Poor's has been reviewing our credit rating. It has upgraded us from the City's A+ rating with a Negative Outlook to the A+ rating with a Stable Outlook, which means our rates won't fluctuate for some time to come, up to two years. So, I thought that was a real good outlook from Standard and Poor's as they reflected over what the City has done over the past several years, and obviously taken a look at our income and our ability to pay our bills. So, I certainly thought that was noteworthy.

Councilman Hogan: That's good news. Thank you sir. Does any Council Member have any distinguished guests?

Councilman Green: Mr. Chairman, I don't have any distinguished guests, but I just feel the need to make this announcement. From my understanding, Councilman Jackson is going to postpone BAC-59-06 today. And if those folk are interested in not speaking today or not needing to be here today since he has said he's going to postpone it, I just thought I'd make that announcement.

Councilman Lester: Wow, Councilman Jackson looked a little surprised.

Councilman Jackson: I want to thank Councilman Green for that announcement.

Councilman Hogan: Gentlemen from Cingular, you're welcome to come forward, I understand you have a presentation for us.

Mr. Mike Stephens: (3900 N. Causeway, Suite 1152, Metairie, LA) I'm with Cingular Wireless, I'm the Director of Engineering and Operations for the State of Louisiana. I have my boss with me, Mr. Will Schutts, the Executive Director of Alabama, Mississippi, and Louisiana today. We came to you back in April and discussed some citizen complaints about what was happening with our network, and I just wanted to come today to explain our integration process with the AT&T Network and the Cingular Network. The integration process where we fit together the AT&T and the Cingular network, when we met with you in April, we described that we would be completed with that process by the end of the summer. We understand that there were quite a few complaints from the citizens and our customers during that time. We feel responsible to come to you and to explain to you that during that process, for the safety of the workers on the towers, there were occasions that we did have to shut down a tower to protect the workers on the tower, and then when we turned the tower back on, in order to re-integrate it back into the network properly, that also caused some service interruption. We are now complete with that work. We have integrated a new multi-million dollar switching facility here in Shreveport. That's now online. We have over 50 engineers and technicians still in the Shreveport and Monroe areas continuing to optimize the network, even as we speak now. So basically we just wanted to come to report to you that we have finished in August, what we committed to you that we would. We have largely recovered every area. Quite frankly the network is operating today better than it ever has. The AT&T or Cingular networks, they both now have been combined and they're working better than ever have. Now having said that, there may still be issues that people have. We have 611 that people can call from their mobile, 1-866 that you can call from any phone, we have several stores in the area, but specifically out of respect to your positions, having to listen to your constituents, if there are other specific areas or feedback, we wanted to come and just make ourselves available to here that today.

Councilman Hogan: Alright. I believe the relay station you spoke of is located in my district in Southeast Shreveport on Bert Kouns Industrial Loop, is that the one that you're talking about? I'm a Cingular customer as well as three or four more of the Council Members, and we've all experienced the problems that you talked about. A few months ago, I was told that once the relay station on Bert Kouns Industrial Loop was up and running, that it would make a stronger signal, because before the signal was having to go to Jackson, MS and back. Is that true?

Mr. Stephens: Yes sir, that is true, and as I mentioned, that's a multi-million facility. Cingular has actually invested over \$200,000,000 just in the state of Louisiana in the last two years. This facility in Shreveport is state of the art. Everything, all the calls from Shreveport are all handled here in Shreveport. There's fiber optics connecting that office to the world. So, the voice and data calls are all handled here, more reliably, faster, and with greater quality than ever before.

Councilwoman Robertson: If you, I'm sure you have a phone on you, if you pull it out, what type of signal do you have in this building here right now?

Mr. Stephens: Here in the Chamber? Well, I can give you the lay answer that I have about three bars. I can give you the specific signal, if that's what you're looking for.

Councilwoman Robertson: No, but I mean, should it be a greater signal? Because if we make calls, we get "call failed".

Mr. Stephens: One thing to keep in mind is in a building like this, our network is a radio network. So we've got towers located all across the area. There are due to the nature of the radio network, there are going to be spots especially inside buildings where it's difficult for us to penetrate from the outside. And that's not a factor of ours vs. anybody else's, that's the nature that we're dealing with a radio network, and that is how we provide the signal.

Councilwoman Robertson: And so another service would have the same type of signal that you're describing?

Mr. Stephens: Yes Ma'am. And the key thing is that any given service inside this building, our signal might be stronger than one of our competitors. In another building their signal may be stronger than ours. So, inside of any building, one service may be stronger than the others, but again the key point is we want to hear where you require better service. That helps us better suit your needs,. Again that's why we're here.

Mr. Will Schutts: (Birmingham, AL) We can expand and adapt the network. We have taken feedback, especially during the integration phase, before and after where if there are key locations, venues inside large customers, venues where a lot of people gather. We can take that feedback and see how we can optimize our network to better serve those customers inside those buildings as well.

Mr. Stephens: Which is common for us to do like in airports.

Councilwoman Robertson: I mentioned to y'all the line in Ellerbe Road corridor, and out past Southern Loop, out in the area, there are several subdivisions out there that residents are unable to get any type of signals at all.

Mr. Stephens: And if I may, let me emphasize too that when you call 611 and open a formal complaint that actually is a recorded trouble ticket that comes through to my engineers that they must go out and investigate, and they must record what that resolution was. So, each time you call in with a 611 issue, someone does follow through with that investigation.

Councilman Walford: Now, I will have to tell you, calling your 611 number, you get some pretty ludicrous comments. But I was told repeatedly, that the contract requires payment from the customer, but you are not required to provide the service. I think if you were here, I had a nice detailed list of who I talked to and when, and then the same customer service folks said that my wife's phone shouldn't work in the house, that, that's what home phones are for. The technical side of it sounds like you're making progress on, but you definitely need to work on the customer service side. Because I don't believe the contract is that one sided. If you don't report trouble within the first 30 days, you are bound to the terms of your service, but you are not bound because there is not guarantee of service.

Mr. Stephens: Mr. Walford, one thing I can tell you is that Cingular is as all large corporations, we have a service contract, and it is scrupulously written over by lawyers. One of our Cingular Customer Service Agents may have report to you, may no, and I don't know because I wasn't there, so I can't say for sure, but whatever was reported to you, if it isn't correct, I think if it doesn't meet your needs, give us another chance. Let us talk about what your needs are, and if there is, just as well described. If there is an in-building situation that we can't meet your needs, then we'll do our very best to find out how we can meet that.

Councilman Walford: I will tell you that once I started dealing with the office of the President, I got nothing but cooperation. I think Councilman Carmody helped me in that direction. And they were most cooperative, and if we could get rid of the "calls failed" and the "dropped calls," doing good.

Mr. Schutts: Yes sir, and we're all working in that area.

Mr. Stephens: We are, and as Mike said earlier, when we integrate the two networks, one of the key messages that we want to deliver today, is that what we did when we merged the both networks, both the Legacy AT&T Network and the Legacy Cingular Network, what we have today is better from a baseline and from all the metrics than what we had in either one of the (inaudible), so we are definitely headed in that direction.

Councilman Walford: Let me ask one more question, but the (inaudible) over the last couple of weeks when we would attempt to make a phone call sometime, you would just get like a hollow static sound, was that a result of the conversion, or the call wouldn't go through?

Mr. Stephens: Yes sir, as the Chairman mentioned, formerly the switching was out of Jackson, MS. So, in order to take all landline telephone calls, headed into the Shreveport wireless network, Bellsouth and all the other telephone companies, had to redirect their trunks from going to Jackson, now into Shreveport. All that telephone network capacity, each individual route had to be scrubbed down. And there were quite a few that this static that you're describing, basically was a new telephone trunk that got implemented and it had to be troubleshoot and corrected. So unfortunately, and again, I have come on behalf of the company to apologize on behalf of all of our customers that had to undergo that kind of inconvenience. But I did want to come to report that it's largely behind us, and we're down to just a final tweaks on the networks, and care very much about where you're finding any of the issues just as Ms. Robertson has brought up.

Councilman Lester: Thank you, thank you, thank you. I appreciate you guys coming down to listen to some of the concerns that I have. And Cingular I guess is in the enviable position, or maybe enviable position of having - - - or being able to say, that I believe, if I'm not mistaken, 100% of the Shreveport City Council are subscribers.

Councilman Carmody: Formerly.

Councilman Lester: I'm sorry, formerly. Were former subscribers, but that number apparently has diminished by at least one. I'm concerned that when had conversations, I believe several months ago, the service has not gotten better at all, and in many cases, it's gotten worse. And I'll give you some specific examples with my case, please take a pen. North Shreveport, I mean, I live in the North Highlands area. I cannot get signal in North Highlands. And it's not just inside the house, it's virtually anywhere in the entire North Highlands area. As strange as it may seem, I get some of the worse service in downtown Shreveport. Not inside buildings, I'm talking about walking around. And perish the thought that someone would be on their cell phone in the downtown business district. I mean, that's just - - - you know. Why would you be on a cell phone there? In the Martin Luther King area, to say horrible is an understatement. There are many times when people have been reduced, myself, to just literally just screaming into the telephone, because we can't get service. And I don't know if it's an issue of you guys needing an additional towers, you know people are saying oh, once we do the merge, it's going to get better, it's going to get better. But you know the proof is in the pudding, and it hasn't. I get calls, no pun intended, from my constituents literally all the time, and they say, can you do something, can you do something, can you do something? And that's why we asked that you are here. And before I finish, I would be remiss Mr. Chairman, if I did not thank our Public Service Commissioner, Foster Campbell, and his office more specifically Bill Roberson for putting this together. Because the Shreveport City Council obviously, unfortunately, or maybe even fortunately does not have any jurisdiction over Cingular, nor does the Public Service Commission. That's something that's dealt with through FCC, that's a federal issue. But I've spoke with our Public Service Commissioner, and his staff got us together before and they

articulated what was necessary to get this meeting together. So, I want it to be on the record thanking our Public Service Commissioner Foster Campbell and his office for arranging this but those are some of my concerns. We had an opportunity, at least in my case to calm down somewhat, but when you're trying to talk to a loved one, or you're trying to talk to a family member, or you're trying to take care of some business and it requires you to be on the move, and for most of us, we're on the move a lot. Because if you're got your own business to deal with, but when you're out there trying to take care of your concerns for your constituents, it requires you to be out of the office, and out in the field. And you know when you're trying to call back to Mike Strong, you need to pave this, you need to do this with Mr. Bowie, it just makes it incredibly difficult for us to do our jobs as Council persons. And I know that you know the average citizen does not have the ability to call the Public Service Commissioner to call this person to have an audience with representatives from Cingular. And while I share my concern and some of the problems I was having with some of the other Council Members, we all decided it would be a good thing to ask you guys to come down here, because our concerns and our frustrations, I believe, and I think Councilman Carmody is going to speak to that more in a minute, are representative of being the concerns that our constituents have. So, if you could please address those issues, we would really appreciate it.

Mr. Stephens: Well, I'll address these Councilman Lester, on two fronts. First, the specific areas that you mentioned, you did observe that you don't believe that our service has gotten any better. I could show you a lot of charts and facts and figures and drive tests, and engineering metrics, but that might not be what you're looking for. But specifically in these three areas here, if your personal experience or any of your constituents haven't improved, then we aren't finished. And I'll say that to lead into the second point is I appreciate your comments about the Public Service Commissioner. We came voluntarily, we'll come back voluntarily. Jurisdiction and Customer Service don't really need to be used in the same sentence. Because we'll always address our customers, be they Public Officials, or be they individual subscribers. So, we'll be happy to investigate these and come back with specific - - - and again, if there are issues that do need to be improved still, then it's my responsibility, and in front of my boss to get them - - -

Councilman Lester: Trust me, trust me they are, cause some would say I'm not in MLK enough and my wife would say, I'm not in North Highlands enough, but I'm there both enough to know that the problem does still exist.

Mr. Schutts: And believe us that we do take the issue seriously. I mean, we take it to the point that Mike made earlier, you know we understand our role, both to the consumer base, we understand our role in day to day life, and we also understand it in emergencies. So, that is the reason that we did build the multi-million dollar facility, and that's the reason that we've spent \$200,000,000 in the last two years in Louisiana. And so as Mike mentioned, we are by all the metrics that we predominantly look at whether it be the amount of traffic for the network, the number of dropped calls to the network, and even the speeds of the data networks. After our integration, and after the investment that we've made over the last few years, we are seeing the metrics improve. That's not to say that every area is perfect, is our common (inaudible), it is still by the nature of physics of radio network. But we are here to help both your issues, and all of our customer base. Thank you.

Mr. Stephens: Perhaps one engineering metric that might be useful to help satisfy you that things have gotten some better is that if you take the combined total amount of traffic, the

total amount of calls that AT&T and Cingular were handling before the integration, that number now after the integration has gone up 20%.

Councilman Lester: And again, I'm an attorney and my degree is in political science, so that, the scientific end of it is beyond my ability to comprehend, I can only speak to the issue of I cannot get a call, okay - - - and the issue I have is when I'm in North Highlands, when I'm home, when I'm in the Martin Luther King area in my district, and when I'm in the central business district, which is where I work, that I'm either one of those three places all of the time, I have the worst service than I do when I'm in other areas of town. And so again, I'm not here to argue the science, because that's above my pay grade, but I will say when I'm in those three areas, and let me just add for what it's worth, and it's going to cut into Councilwoman Robertson, there is a point, I think everyone in Shreveport knows, when you get on I-49 from I-20, right around - - - I'm getting the nods in the audience there is the Mendoza Line on I-49, or the Mason Dixon Line where you have to make that conversation and cut it off quick, because before you get to that Kings Hwy exit, the calls are gone, and I know it's not just me, because I'm getting all kinds of nods in the audience, and these are not folks that live in my district, so again, the science - - - it is what it is, but my experience has been now in these four areas, you know it's just not working. So whatever it takes to get it done, we're asking that you guys get it done, because it's affecting adversely the quality of life of your customers, our constituents.

Mr. Stephens: You have our commitment, sir, we will make it right.

Mr. Schutts: We are absolutely committed.

Councilman Carmody: Thank you Mr. Chairman, gentlemen, sorry I did not, I picked up Mike's name, and your name is - - -?

Mr. Schutts: Will.

Councilman Carmody: Will, no longer being a customer of your company, I won't go into a whole lot other than the history of the fact that I had been on Cellular One, I guess since it's inception here in this market. It became AT&T Wireless. Never changed my service. My telephone number was the same, and had never experienced any problems with either dropped calls or my messages being delivered, or even having the problems with the breaking up, the static and those type things. The last bill that I received from AT&T Wireless was in August of 2005. And in it was basically a notice that I needed to contact Cingular, because now, I needed to transfer over to Cingular, and the experience that I had was this. Having just purchased a brand new telephone in the Spring, I was advised when I went it to change over my service to Cingular that that phone was not compatible with Cingular's service. So, I was told that I needed to purchase a new phone. The new phone that I purchased, from the moment that I opened it up, charged it, activated the phone, the phone started giving me problems. And I contacted the local store, and they were very nice to try to assist me, to the point of saying that basically they thought I had received a bad phone in a batch of bad telephones. And so, I was forwarded another telephone. And at that point, the same problems continued. And basically, my problems were these. That in trying to use the telephone in Broadmoor, in trying to use the telephone in South Highlands, in trying to use the telephone in Pierremont, to trying to use the telephone in downtown Shreveport, in trying to use the telephone in Bossier City, I had the same repeated problems of a bad echo as if I were speaking down into a well, and then normally the call would be dropped. I felt that the easiest thing to do would be to try to talk to customer service. And the Gentleman's name is Sankit, who is a technician here locally with you. I began in August of last year working with Sankit trying to address the problem. Each time I would experience these problems, he would ask me to call him, he in turn would get back in touch with me and say, I

think I've got this figured out. For some reason or another, you're still home to blue. Okay? And he said, I'd like for you to contact customer service and ask them why you're home to blue? Well, the gentleman, the technician that he put me in touch with said, how close are you to Jackson? And I said, well I'm in Shreveport. And he said Shreveport, MS? And I said no sir, Shreveport, LA. And he said, well you do know we've had a hurricane in Louisiana? And I said yes sir, I do. And I said do you know where Shreveport is? And he said close to New Orleans correct? And I said no sir, it's actually on the other end of the state. We're actually closer to the Texas/Arkansas line. And he said we've had a lot of damage on our network, okay? So being someone that you know was trying to give the benefit of the doubt to persons who I deal with, I went through all last fall, and into the winter working with the different technicians and experiencing the same problems all the long to the point where, my wife and I were on the same service at the time, and she could not contact me, nor could I contact her, although our phones were the same phones that were issued by the company. When I finally contacted the office of the President, which is I guess how a number of these Councilmen did the same thing, Maggie Sanders at the office of the President was very kind, and she said let me forward to you two brand new telephones to make sure that we're getting you the service that you need. So she sent the new telephones. Now please remember that those of us that program our telephones, each time we get another telephone, it does require some time and effort in order to reprogram all the telephone numbers into it. Long story short, Maggie's offer to replace the telephones did not do anything. She called me back and said we think you got a bad batch of phones. We're going to forward you back the telephones. We want you to go back to the original phones that you had from the onset. I did that. The service continued this week through the Winter, and into the Spring. I gave it a full year with your company. The people I do business with, and I understand Council Members trying to talk to different City representatives, but I also have a full time job that requires me to communicate with people I do business with. It got to the point, and that's why I'm glad that y'all are here, because I want to hear how y'all are raising the bar in this market. I really am curious as to how you are doing it. Because it got to the point with the people that I do business with were saying "I can't believe, well you're serving on the Shreveport City Council a second term, you've got to have a lot of patience, but I can't believe you're still with this company." Because every time you call me back, you start off with an apology about your wireless service provider. "Do they pay you to do that?" No, y'all don't pay me to do that. The straw that broke the camel's back was my voicemail messages starting arriving three weeks later, after they were delivered. When I called the service technician to tell him Easter Sunday Morning, I got a very nice message from my brother wishing me a "Happy Ash Wednesday". For those of you who are not familiar with the fact that there is a 40 day period between those two, I found that hard to phantom and granted, I understand y'all are having problems trying to work the kinks out in this market, but my little girl is 4. My wife purchased her a little plastic Cinderella Princess cell phone. She walks around the house and opens it up and says "hello, hello- - - ugh! I hate Cingular." I wish I could say I don't know where she picked that up, but I know exactly where she picked it up. She picked it up from her mother and her father. I understand you guys are doing the best you can to keep your customers, doing everything you can to make sure you've got dependable service. It got down to the point with me that granted, I was spending an exorbitant amount of time guessing whether or not the people I was trying to get in touch with were trying to get back to me, and then when I'd call them they'd say 'you hadn't gotten my message yet?' I'll get it in about three weeks. Okay? I find it curious the comment made that well, the reception in your home, that's what you do for

land lines. So, I guess then the reception in my office not being able to get service, that I'm supposed to use my business line to call out there. I just find it amusing from the standpoint of having contacted y'all company, and then again trying to speak to the office of the President, to go ahead and tell them that I had really given it 12 months of my time. And tried my best to be just a patient consumer with your company. But that I really felt like it was just not appropriate for me to be paying a monthly fee for a service that was as dependable as a Cinderella, plastic phone that my daughter had. The girl that I was connected with said, we'll be happy to go ahead and terminate your service, you just need to forward a check to terminate your contract. I told her, no, I'm not paying you to terminate the contract. I've been paying you for the service for a year, and getting nothing. She said well we will certainly turn this over to the Credit Bureau. I said "oh, I wish you would." Please, I would really enjoy an opportunity to have this heard. Now, out of this conversation came my call to Bill Robertson to say, you know what would be nice Bill, is if you could talk to Foster about getting Cingular to come appear before the Shreveport City Council, because apparently I'm not alone in my frustration in dealing with this company. I've got people that not only are constituents of the Southeast portion of Shreveport, but business people that I deal with that say "my God, I got off of that months ago, I couldn't deal with it." So again, I'm not - - - my best wishes are with y'all's company to raise the bar, because I think that that's the way that you retain your customer base, but when you tell me that you've got hundreds of millions of dollars invested in technology to make it a more dependable service, not to this customer. Oh excuse me, not to this former customer.

Mr. Schutts: And to reiterate, I apologize on behalf of Cingular for the issues that you had. The reason that we came today is to say that we did spend. We do take it seriously. We take it both your issues, and everybody in here and all of our customer base. We did spend \$200,000,000 in Louisiana. We did build a switch in Shreveport. By all metrics, there are a lot of metrics that we use to analyze the network. Some are data driven statistics that we look at, and some are customer driven. How many calls to customer service. How many customer service issues. On those two areas, after our integration and after our investment, we have seen a market spike improvement in both of those. In both the statistical side and in the customer feedback side. On top of that, we also drive our networks continuously with our own engineers testing our networks, and what we're seeing is to reiterate is we are on the top right now. It is better than the AT&T network. It is better than the former Cingular network was. So, I do apologize.

Councilman Carmody: I wish my experience reflected what you're telling me. I'm sorry that it didn't.

Mr. Schutts: You mentioned that you gave us 12 months. And what we did is we - - - it did take us from onset in 2004 until recently, until the end of August, you know it did take us that amount of time to put the new switch in and merge both the networks. And that's something that was done at the correct pace, and it took, as we mentioned a sizeable amount of money and as Mike mentioned, we still today have over 50 engineers in this market, in Shreveport specifically to make sure that we can address both the technical issues and the customer issues, as Mike said through 611 and 866Cingular.

Councilman Carmody: I understand y'all have got metrics and statistics, what do y'all basically calculate as being the normal amount of time for a voice mail once it's left in someone's mailbox to be received by the unit?

Mr. Schutts: We calculate and track voice mail. By the time it receives the what we call message waiting indicator, in a matter of seconds.

Councilman Carmody: Okay, then again, maybe mine is in between a wall because that three week period is beyond what I consider to be an acceptable time, in order to receive the messages. And again, this is not something that I'm trying to handle y'all about. I think it's the same way that whenever I go into a restaurant and have a bad experience, I normally don't talk to the waitress or the waiter, but I will say something to the manager because I want the businesses that I patronize to be good. So that when I show up the next time that the experience is a good one, then I don't talk to the manager, I pay my bill, give a nice gratuity to the person that provided the service for me, I go home and I'm satisfied. Because it's not part of my normal course of business is - - - apologize for somebody else's failure to do I guess what you consider to be the service that you're paying for.

Mr. Stephens: Right, and we need to hear this.

Councilman Carmody: Right, and that's why I'm glad that y'all are here. Thanks be to God. I have people tell me they're not going to (inaudible).

Mr. Stephens: I would very remiss to you. You're a real person. I'm not going to hid behind anything. That was an embarrassment.

Councilman Carmody: An embarrassment to me as well. As your former customer, it was an embarrassment. Because again, I thought the whole idea of please contact customer service, meant that, that's what you were doing in anticipation of receiving some service for the customer.

Mr. Stephens: But that's not - - - No. 1, that's not our norm. That's certainly not our intention. And the point about being real, I mean, we're part of the community. We live here with you. We are with you each other in the same community. So, if you have a bad experience, I apologize that that occurred. That's not our intention. It's an embarrassment to us professionally, we'll take this back and strive even harder to make sure it doesn't occur.

Councilman Carmody: I mention this to you because when I changed my service over, I was told that I had to report the number. I contacted Cingular about reporting the number. The girl said well, we're not supposed to release the number. She said, let me look at the notes on your account. She said can you give me a second? I said well Ma'am, it's going to take you more than a second to read the notes on my account. She came back in about a minute and a half, and she said, I want to apologize on the part of Cingular Wireless for the experiences you've had for the last year. I am releasing your number right now. Please contact your new service provider and let them know they can record it. Okay? So, again it's not as if you all were just belligerent to me or anything else. But I do think it's kind of the epitome of audacity to say "yeah, we'll terminate your service, you send us a check to cancel the contract," when you haven't lived up to y'all's end of basically providing the service that I've been paying for under the contract. Now, please write down my cell number because I wish you would go back and review the notes, call me. I've still got the same cell number.

Mr. Schutts: I'd be happy to.

Councilman Carmody: It's 318-470-5471. Please relate to Sankit, again my appreciation for all the work that he tried to do. It's interesting that one of the problems that I did experience, apparently for (inaudible) things to come. Because all the people that were contacting me saying I keep getting this message, "The Alltel customer you're trying to reach is not available at this time." Well, I was not on Alltel then. But I appreciate it and I appreciate the fact that y'all are trying to work your business out. Good luck, because as I say, because I think it's a difficult thing when normally people don't - - - you know some people say 'Brand loyalty.' I guess I'm just the lazy American consumer. If it's working for me, I pay the bill. Just the nature of the

way I do business. (*Ring, Ring*). Thank you for calling me, but I will call you right back, I'm in the middle of a Council Meeting. I would not have gone to the trouble of contacting y'all to terminate my service. So, again, I would appreciate a call from you Mike, if you don't mind. I don't need a formal letter or anything like that. I accept the apology on behalf of y'all's company, the same way I accepted it from the girl that released my number to be reported. But I do think that those persons that are paying a monthly fee to y'all deserve - - -

Mr. Stephens: We take a lot of pride in the service that we provide the community under normal circumstances. In the circumstances of duress when there is hurricanes or disasters, public officials contact us as first of almost any of the other companies, we take a lot of pride in meeting our customers expectations. This is humiliating, we will turn it around.

Mr. Schutts: And to close on the issues, as we do apologize for the issues that we had, one important note is that it was something that after the AT&T/Cingular merger, it was something that we had to go through and that time has passed us. You know by the metrics and customer feedback. It is behind us, and for good reason. Because now we've got a network that's better than either of the networks were before. So, we did pass through that phase, and we did have issues, and we recognize that. And we're both here, and we were there to deal with all of our customer base. Because our customers make our company. So we were there for our customer base throughout the period, and we were making investments in Louisiana, and in the staff, and in the switch buildings, we were all customer base. So, we did pass that period, but the main message that we want to leave you with is that we have passed the period. We do have the two networks integrated into one. So, and we're also glad to have that behind us.

Councilman Carmody: Very good. Thank y'all for being here. Thank you Mr. Chairman.

Councilwoman Robertson: Do you have a business card with your number on it so that we can have it if we need you again?

Mr. Schutts: Yes Ma'am.

Councilwoman Robertson: And do you know what time frame you're going to get back with us on those other issues?

Mr. Stephens: I can have this closed in as little as ten (10) days. I can get back with you individually in each of the areas that you've raised. That would probably be the fastest way.

Councilman Green: I'd just like to say that when I contacted you all that certainly my area that I live in, Councilman Lester was by my office today, and he was able to use his phone in my office, so I would like to say to Council Members that until your areas are straightened out, my doors are open, you can feel free to come by and make your calls from District F.

Councilwoman Robertson: That doesn't work. Is that true?

Councilman Green: My phone is super, and as I said to you all before, if you contact me, then I'll tell you what I did for a fee.

Mr. Schutts: We appreciate your support and we also appreciate the opportunity and your time.

Councilman Hogan: I want to thank y'all both for coming today and listening. I guarantee you there are many people that are hearing this through our TV stations here locally. I just have one final comment. It's a suggestion to you. You can take it or leave it, but you might consider offering something to your customers here locally in lieu of all the poor service that we've had, that's been going on since I became a Cingular customer in August of last year. Now, I'm not trying to give you - - - you've heard some hard words from people today, and I'm not trying to add to that, but I'm going to have to see my personal service increase- - - the quality

level increase in order for me to renew my contract next August. I'm not to that point yet. I'm hopeful that I will be to that point by the things that you're telling me. But I don't even have an idea of what that could be. It might be an extra 100 anytime minutes or something to offer to people. Something. I think it would be a good gesture for the company to offer. Because it's wide spread in this part of the state. I've talked to other Cingular customers elsewhere in other states. They have nothing but praise for your company. It seems to be unique at least to this southern state right here. So, if there are no other questions, I thank you for coming gentlemen.

Councilman Green: Councilman Lester, didn't you have a great time talking in my office?

Councilman Lester: Sure I did.

Councilwoman Robertson: (Inaudible) but my office is down the street.

Councilman Lester: The problem is I can't do what I need to do over in District F. If you could work that out.

Reports:

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

Councilwoman Robertson: I was with a group this morning, and some of them were mentioning thankfully that they had gotten their retainer checks for the last couple of weeks, but they also mentioned, are there any suits that are going on right now on the Convention Center that you're aware of?

Mr. Antee: Not that I'm aware of. I know there were liens that were filed at either the lien bond was posted, or they were satisfied by their contractor. But I'm not aware of any suits pending on the Convention Center.

Councilman Hogan: So, we don't have any.

Councilman Jackson: Mr. Antee, Mr. Chairman, I was just wondering if we had forwarded the message. I was asked yesterday about, I think it was yesterday about adding the column that spoke to what the variance is from month to month or every two weeks, or whatever the case is. We have the projected numbers and we have the actual numbers. And I'm assuming the actual numbers change, but without bringing that - - - all that paper from the past here with us every meeting, we don't have anything to do a comparative. So, if you will, it would help I think you could add another column maybe?

Mr. Antee: Yeah, we'll provide one that shows the change from the prior month to - - - or prior report to the current report. I didn't know you wanted it for today. I thought we were going to do it on the next report.

Councilman Jackson: Well, if we do it, and I'd like to see us do that, but also, I'd like to and I don't know what form it comes in or what have you, either the Fair Share office or you all, the company, Walton whomever it may be, can tell us is there some perspective or some prognosis on the part of Walton Construction based on what we have before us, if they do everything they say, we will still be at least a percentage point behind what they guaranteed us with regard to Fair Share and minority participation. Is this the end of it all or is there something because we don't get anything, even from a proposed perspective that would suggest that there was going to be something else somewhere. All the documents we receive have a - - - well seems to be at least according to the sheet, a pretty finite number, that is a number less than what is in our contract. And I wondered if somebody has a plan, have they spoken to you all about it? Clearly they have not said anything to us. The numbers have changed from 19 to that number

over time, and so, we have no way of knowing how systematically it is changing. Is there somebody that can give us some information on whether or not we ought to even have realistic expectations about which is and what is the contractual number.

Mr. Antee: We can definitely have them here or request to have them here the next time to answer how they plan to get to it. They continue to tell us they fully intend on meeting that 21% that is set forth in the contract. Now, what they have projected now I think is 20.4. But what they continue to tell us is that they're going to make the number. But I'll be glad to request that they have somebody from Walton here to be more specific on how they're going to get to that number, because it is 1% short.

Councilman Jackson: And I guess my thing is and I hope you can appreciate some of my frustration if for lack of a better expression, because if they don't - - - if they're not going to share with us any more specificity, with regards to exactly what the plan is, then I wouldn't like them to come back to a meeting just to tell us that they've got good intentions. So, if we could, maybe if you ever talk to them, I don't need them to show up to placate me, I need them to show up to suggest that they are in fact intending to fulfill the terms of that contract, and do they have a plan. Because even at the 20, as I said to you yesterday, even at the 20.4%, it's made up of non-minority, and there are at least three or four asterisks that suggest we don't even know if they may be minority or not on some of them, and so even to make up that 20 number, which is again below the number, if used numbers that I think would be inappropriate in this area. So, I guess what maybe I'd like is some to borrow a phrase from a presidential campaign, "not the fuzzy math," but the realistic planning at least. Because they may not be able to give us the numbers, but some plan that would suggest that they can get to those numbers, and it's more than just conversation. You know with all due respect, I don't want them to have to come back to tell us that they are good people with good intentions.

Mr. Antee: Well, I'll send them an email requesting for them to respond in writing that we can provide to Council, what their plan is to maintain that number.

Property Standards Report

Councilman Carmody: Good afternoon Mr. Bowie, how are you sir?

Mr. Bowie: Good afternoon.

Councilman Carmody: Yesterday at our work session, you provided a report of all the citations that have been listed in the last two weeks. I think that I had pointed out to you that only one citation had been written for the entire District C. And I think that you were going to check that for me today, and make sure whether or not - - -

Mr. Bowie: That's correct.

Councilman Carmody: It was correct?

Mr. Bowie: Yes it was. The reason why, we had inspectors leave the area, and one retired. The other inspector has been off for a week and a half for vacation. So, we're catching up.

Councilman Carmody: Okay, so we'll see some improvements as far as monitoring the District C over the next two weeks?

Mr. Bowie: Yes sir.

Councilman Carmody: I had received a call from the property owner of Lowel Hankin, the owner at 623 Sherwood Road, and you might recall, this was the situation where he'd had a citation issued to him back in 2005 for nuisance violation, there was this large tree that was down

on his property, and in talking to him this morning, I had gone through the chronology of what had occurred on the property. And he'd said that he never did receive a bill for services rendered by the contractor B&G Lawn Service to actually remove the downed tree from the property and had asked for a copy of the letter that was sent to him by Code Enforcement.

Mr. Bowie: Okay, he received a bill from the billing department, and we don't have - - - I'll check with them to get you a copy of that. We don't have that in the file.

Councilman Carmody: Okay, he just said he never received it and he was surprised to find out that a lien had been filed against his property since he had not had an opportunity to pay it.

Mr. Bowie: That comes from the billing department. I'll check and see why. He should have received a bill or notice.

Councilman Carmody: Can you look into that for me and provide me back a copy for Mr. Hankins so that we're all - - -

Mr. Bowie: I'll check with the billing department tomorrow. Matter of fact, I'll go upstairs there this afternoon and see if I can get a copy.

Councilman Walford: :Mr. Bowie, I've got several. 753 Boulevard apparently burned back in May. And they want some cleanup there, and 1073 Boulevard, I think that one was a care of premise, and some inoperative vehicles at an unoccupied house. I'm sorry I don't have the address, but you're going to know what I'm talking about. 500 Block of Wilkinson, there is a large tree that fell. You're smiling. What can we do about this tree?

Mr. Bowie: Well the tree is in the right of way, and the owner is back and forth with us. They move some of it, and some of it, they don't. And what we're going to do is just go on and cite him in court and be through with it. Because we gave him ample time to do something with it.

Councilman Walford: Needless to say, I hear a lot about that one.

Mr. Bowie: It's a back and forth situation. Now I believe we've given the owner enough time. He'll go out and move some of it, and he'll come up with an excuse why he couldn't get the rest of it done, so we'll just go ahead and cite him in court and let him tell it to the judge.

Councilman Walford: Okay, thank you. And if you'll take care of these other two for me?

Councilman Lester: Thank you. I'll give you mine on a list. I've written them down. I do want to ask this question. Did you bring the paperwork about Milam and Pierre?

Mr. Bowie: No sir, we didn't have it. I couldn't get it in time, but I'll get it to you in the morning.

Councilman Lester: Okay, but tentatively when is that building going to be down?

Mr. Bowie: What I was told by the paralegal, hopefully next month, we're going to get it contracted out, (inaudible) first, and then hopefully by the end of next month, we'll get it torn down.

Councilman Lester: Okay, but I just - - - because Ms. Bernice is on me bad, and I want to make sure that you know I'm not the only one whose head gets hit.

Mr. Bowie: We told her before Halloween. It's still on schedule for that.

Councilman Lester: Okay. As long as we're on schedule for that, I appreciate it. And I do want to say I appreciate - - - I was there on Norma and Weinstock, and you got the last three on that corner. So Ms. Jackson and everybody in the 1000 block of Norma is very please cause you got those other two and you got around on Weionstock. We were very happy. WE all stood around and drank a Coke as we saw the crane knocking the houses down. Se we really do appreciate that.

Mr. Bowie: So far, we torn down 14 in that area. Good, keep it up. Thank you Mr. Chairman.

Councilman Hogan: Mr. Bowie: I just wondered if you would, I wouldn't hold you to it, but do you think by the end of the week that you could perhaps weather permitting have the grass cutting crew get out to the one I mentioned yesterday?

Mr. Bowie: Yes.

Councilman Hogan: Okay, that's fine. I appreciate that. One last comment I'd just like to make. For people that are viewing by TV, they think that this is all that you have to tend to. I mean I don't want anyone to get that impression, but it would probably safe to say that this is less than a percentage, less than 1% of the actual - - - call 'em CCARS or complaints that you get, that you deal with. I don't want anybody thinking that well, he had a dozen or so things to do. I just want people that are listening by the audience and by TV to understand that you deal with hundreds a week, a few hundred a week maybe.

Mr. Bowie: From January up till today, we have dealt with over 7,000 claims.

Councilman Hogan: Could you repeat that please?

Mr. Bowie: 7,000 claims.

Councilman Hogan: This year. 7,000 this year. Okay. That's good. I know the vast majority of those get solved. You never going to make everyone happy, I know, but you're trying, and I encourage you to press on.

Councilman Carmody: I'm not smiling either. Mr. Bowie, how many pieces of adjudicated pieces of property do y'all have to take care of every year? Just a ballpark Mr. Bowie.

Mr. Bowie: Between 6 and 7,000. That list has gone down.

Councilman Carmody: I just want to make sure that in addition to 7,000 complaints that you receive a year, you also are responsible for taking care of these properties that people have walked away from. And in the last four years, this particular Council has done an awful lot of good work to try to address helping you and your personnel in doing your jobs. And I appreciate that.

Mr. Bowie: And I appreciate that. Publicly, I'd like to say for me and my staff, we appreciate the help and support you have given us.

Councilman Carmody: I'd like to say it would be a hard thing to think that you could make everybody happy, but keep up the good work Mr. Bowie.

Councilman Walford: Mr. Chairman, just for the record in the two period beginning August 17th in my district, Mr. Bowie's folks issued 126 citations.

Councilman Carmody: And I got one.

Councilman Walford: Well, there's plenty to do over in my district. Right Mr. Bowie? Just to let you know that yes, it's more than what (inaudible) here.

Councilman Lester: Just for what it's worth, District A we're at a 300 level. I don't know if that's good or bad, but in all seriousness you know a lot of people talk about Code Enforcement. And I've heard a lot about that when we go to the different forums with the Mayor's race and everyone is jumping up and down. "I'm going to do Code Enforcement, and I'm going to do Code Enforcement". But the thing that people need to understand is the problem that we're having in Code Enforcement is not a city problem per se. It's not a scenario where the city is falling down on their job, I think Councilman hit the nail right on the head. You have these absent and abandoned properties that people have paid taxes on. You got people that are slum lords that are making \$4 and 5 a month in rent, and they're deriving an economic benefit from

them, and they're just walking from them. They're not paying their taxes. They're just getting whatever money they can get and they're just becoming problems with the city. And so the million dollars that we spend every year cutting grass is a figure that I would love to see reduced, but regardless of what we do for Mr. Bowie, and we have done something for that department to help them do their job, the bigger issue is what do we do with the adjudicated properties. How do we get rid of that list, and how do we find ways to get people either to take care of their properties or to get those properties into the hands of people that are going to do something with it. We've got programs like Faith Builders that are working - - - that Ms. Moore is doing and we're doing over at Community Development that are getting people to do that. But again, the Code Enforcement, it's easy for somebody to jump up and go 'oh, Code Enforcement', but trust me those problems are more than just saying we want to send Mr. Bowie and his people out. The root issue is what are we going to do and what are you going to do? Because it's not just our problem. It's your problem as constituents. What are you going to do with your neighbor that has this property that is not taking care of it and it makes your property value go down. And then we tax - - - use your money that we could be putting on your streets and in your drainage, or as some people say pay down your debt to deal with. And that's the big problem. And I don't know why I felt like saying that, but I did. Thank you Mr. Bowie. Thank you Mr. Chairman.

Public Hearing: None.

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

Confirmations and/or Appointments: None.

Adding Legislation to the Agenda

1. **Resolution No. 141 of 2006**: A Resolution ratifying the action of the Shreveport Airport Authority in executing a servitude agreement with Bellsouth Telecommunications, Inc. and to otherwise provide with respect thereto.
2. **Resolution No. 142 of 2006**: A Resolution amending Resolution No. 104 of 2004 with respect to Special Facility Revenue Bonds of the City of Shreveport, State of Louisiana, and providing for other matters in connection therewith.
3. **Resolution No. 143 of 2006**: A Resolution adopting the National Incident Management System (NIMS) and otherwise providing with respect thereto.
4. **Resolution No. 144 of 2006**: A Resolution supporting the application of Greenwood Villa Homes to the Louisiana Housing Finance Agency and otherwise providing with respect thereto.
5. **Ordinance No. 152 of 2006**: An Ordinance to amend and reenact Chapter 50 of the Code of Ordinances relative to the offense of Contempt of City Council, Boards, Commissions, and Committees and to otherwise provide with respect thereto.
6. **Ordinance No. 153 of 2006**: An Ordinance to amend and reenact Division 3 of Article V of Chapter 26 of the Code of Ordinances relative to City of Shreveport Retained Risk Fund and to otherwise provide with respect thereto.
7. **CASE NO - C-76-06**: 3749 Jewella Avenue, **APPLICANT: CASH AMERICA, INC. OF LOUISIANA**

Motion by Councilman Carmody, seconded by Councilman Lester to add Resolution No(s). 141, 142, 143, 144 of 2006, Ordinance No(s). 152, and 153 of 2006, and MPC CASE NO: C-

76-06 to the agenda. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

Public Comments (*Agenda Items to be Adopted*)

Mr. John Madison: (333 Texas) Mr. Chairman, and members of the Council. And our law firm represents the firm of Newman Marchive Partnership which has a final judgement against the City of Shreveport for some \$263,000 odd dollars, plus about \$70,000 in interest. The City has refused to pay that judgement in full, and I'm here today to speak in favor of the resolution to be introduced by Mr. Carmody asking the Mayor and the City to pay that judgement. Now I respect the right of the City to dispute a claim. I respect its right to take the matter to court. I respect its right to take the matter to the Court of Appeals, and I respect his rights to ask the Louisiana Supreme Court to review the judgement. But when that judgement is final, the Louisiana Supreme Court (inaudible) and I don't believe the citizens of this City respect the arrogant abuse of power by the Administration of this City, who failed to pay a final judgement against it. As to what kind of message that sends to people that might do business with this city, how many of those would say, I'm not going to do any business with the City, they may not pay my bill. What about those that say, "I'll do business with 'em, but before I make a bid, or before submit a price, I'm going to add something on so in case they don't pay me, so in case I have to take them to court, then at least when I finally win, then I've been paid for my lawyers in interest. I suggest that's not the type of message you want to send to this business community. Too often as long as I can remember, this city has tried to project an image of a city being a good place to do business. We've worked hard on that. You've worked hard on that. Trying to tell people this is a good place to do business. What we don't need is a new image. Shreveport – a dead beat city. Shreveport – a city that won't pay it's bill. Shreveport – a city that's not a good place to do business. We need a message to go to this community that this city does pay its bills. It pays its just debts. The mayor said a few minutes ago, we had a plenty of money to pay our bills. There's no reason that they're not paying our bills. I saw an article in the paper the other day, one of the political columnist talking about this issue here today, and he wrote - - - here's what he wrote. "Do Hightower and Antee still have enough stroke to intimidate the majority of the Council from doing the right thing? We'll see." That's what the columnist wrote. We're not here today I don't think on an issue of intimidation. We are here though I think on a question of what is the message that this City Council wants to send about the reputation of this city as a place to do business. When this resolution comes before you for a vote, I ask don't vote to table it. Don't vote to send it back to the Risk Management Committee. Don't vote to withdraw it from the agenda. I ask that you send a message to the business community that Shreveport is a good place to do business and direct the Mayor of the City of Shreveport to pay the just debt owed to the Newman Partnership. Thank you very much.

Mr. Tom Arceneaux: (828 E. Kings Hwy) I'm here to speak very briefly about Zoning Case No. C-67-06, which is Ordinance No. 126. I'm here not in my lawyer capacity, but in my citizen capacity. I own property in the area, had been an opponent to this particular zoning application. We have met. The neighbors have met with the applicant, and we believe we have worked out a solution that will take this off of your agenda, but we're still working with the City Attorney's office to actually effectuate that solution. And so we would respectfully request and I think Mr. Auer is here on behalf of the applicant. We respect request that you postpone that

ordinance today. We hope that it will not actually have to appear on your agenda again. But if you will postpone it today, we would certainly appreciate it. I'll be glad to answer any questions.

Councilman Carmody: Mr. Arceneaux, I just want to make sure that I know right where this is. If I remember correctly, at the corner of Jordan and Creswell, there was a former nursing home or some sort of assisted living facility?

Mr. Arceneaux: No, that's at Highland. There is a center there that I opposed earlier, but was unsuccessful.

Councilman Carmody: This is the south side of Jordan, 150 feet west of Creswell. Is that then near the Columns?

Mr. Arceneaux: That is the Columns.

Councilman Walford: As I will reiterate, if Mr. Auer comes forward, we have met as well as the other - - - you've met with your neighbors, and other interested parties, and everyone agrees with this. So I - - -.

Mr. Arceneaux: Yes sir, I've discussed it with everyone that I'm aware of that had opposition. They know what's going on, and they're in agreement with the arrangement that we have worked out, we just have some little legal issues to work out with the City Attorney's office basically.

Councilman Walford: And I have let Highland Restoration know what we're doing.

Mr. Arceneaux: Yes sir, they're aware. I talked with Mr. Mohr this morning.

Councilman Walford: Okay, that was for the record, just so that everyone knows.

Mr. Frank Auer: (330 Marshall)* I am here on behalf of Christopher House, and agree in all respects to what Mr. Arceneaux has said, that we have reached an agreement, and we are in the process of effectuating it with the City Attorney's office. We join the motion to defer this off the agenda.

Mr. Mark Mathews: (615 Mt. Zion Road) I'm not here to protest anything. I think there's a misunderstanding as we were here representing a new subdivision. Is it time for that? It's at 85th and I-49. The Hidden Heaven Subdivision. It's the new gated subdivision. We're just were here to answer any questions you might have.

Councilwoman Robertson: Thank you Mr. Chairman. This is a subdivision that's in my district. These gentlemen have been through MPC and have been through the City and have worked with it. They're going to be making a gated community. They've designed it, they're going to have a community center type in the middle of the area, and they've worked - - - it's Unity Construction, and I think the guys are back there with it also. But the neighbors are very much in favor of it. They already have people actually standing in line, trying to get financing to get homes in this area. So it's a very positive thing for the Cedar Grove area. I'd appreciate y'all approval of this later.

Councilman Carmody: Mr. Mathews, I want to qualify this. The access point into y'all's subdivision will be coming off 85th Street right there near where I-49 - - -?

Mr. Mathews: Yes sir.

Rev. Earl Peterson: (1105 Arncliff) We have the ravine behind our property and it's getting pretty bad. Rodents come out, mosquitoes, and it's grown up. We cut the back of our property, the City cuts part of the property, but this bayou part is the part that has grown up. And it's causing such a problem, we were interested in trying to get something done about it. I came home from church three Sunday evenings ago, and just so happen one of my neighbors coming down the street, and he ran over a big snake headed for my house. And thank the lord one of the neighbors come out and killed the snake. I didn't have to tell my wife I was afraid of snakes.

We were blessed that he didn't get in someone's home. But it has been dangerous. One of my neighbors found one on her carport. So, it would be dangerous if one of them curled up and some of these kids were getting into an automobile, or something like that, they could get snake bit. So we would appreciate very much if you would assist us in getting this right of way clear.

Councilman Hogan: Just a minute. I'm unfamiliar with Arncliff.

Councilman Lester: Cherokee Park. That's my district. That's, that's - - - they're talking about 136. Thank you Mr. Chairman.

Mr. Carl Collins: (249 Brookbriar Drive) I'm here today to talk about the overgrowth behind my residence. There is a Resolution 136 before you, prayfully that you pass it. Because the overgrowth behind my house there is a sloop that is about 6-8 feet deep. There is bamboo, hopefully y'all know what bamboo is that is about 12 feet from the ground up, that's growing up almost to the electric wires behind my house. I myself have personally cleaned off my fence line and the neighbors, and the neighbor to west of me, I can't get to his. It's grown up so bad that it's - - - I won't take a chance going back there. I have rubber boots that go up to my knees, and thick pants, and I put on a coat to go back there and cut it down, but right now snakes and - - - I personally killed two water moccasins in my back yard, and one fell out of the tree that I couldn't get. And I'm prayful that you pass the resolution to get something done about it today. Thank you.

Mr. Randy Johnson: (409 Brookbriar Drive) We've been trying to address the same issues that two previous gentlemen spoke on. We've been trying to get this thing cut for I guess about seven years now. And we're just hoping that you all would go ahead and pass it and help us out with this because it's like (inaudible) we have snakes. I have a 7 year old, and I found the little brown snake about that long up around my patio. And we really need to do stuff, yeah I know that's fearful. You're shaking your head. Just think if you got a little grandkid or kid. So, I'm just saying we really need to pay attention to this area. Councilman Lester has been generous enough to work with us on this diligently. When I first started trying to do this about seven years ago, I went to the Jerrard Rogers, Public Works, he kinda laughed at me, and it's a boundary where part of it's in Shreveport, part of it's in Caddo Parish, part of it's in Bossier Parish. And we've had so much, so much fights about this. And now it's come to a head where if y'all can do something about it, I'd appreciate it if y'all would do something about it. And continue to help us in Cherokee Highland Park area. We founded the neighborhood association over there back in 1995, and it's still going strongly, and is incorporated. And we work diligently with all facets of the City government to maintain it because I'm not down in Allendale or Lakeside, but I don't want to live in Allendale/Lakeside. I don't want Cherokee Park to become an Allendale/Lakeside. And it seems that since minorities have migrated over to - - - pardon me?

Citizen in the Audience: Talk in the phone.

Mr. Johnson: Yes sir. You know sine minorities have migrated over into the Cherokee/Highland Park area, less and less attention has been afforded us over there. There was a time, 12-16 years ago, that that same ravine was maintained by the levy board. I know Mr. Walford, you know about that, and you know me, and you know I've been trying to do over there, and I want you all support in this area. So, that's all I have to say. And y'all just help us out. We are part of the city and every community is an intricate part of our city's structure. And we are lacking in taking care of this part because of minorities have migrated over there. That's going to hurt our city. I appreciate y'all letting me talk. I just want to come and tell you how I feel about it.

Mr. Elmer Nunley: (4103 Santa Monica) I'm here to speak on behalf of my wife who has a home base business. She's had this business for about six years at the present address that she is working out of now. We have been living at that address for about 18 years before we got neighbors, and we hadn't got any complaints on the ZBA about the concerns that were going on at our place. We have a neighborhood association there. And I have been there 18 years, and I was the first to start the organization along with my other neighbor, the neighborhood association. And me of all people, I would not do anything to devalue the property within that area or that community. We chose that area because it was a secluded area which gave everyone an amount of privacy, and we all love our privacy and we all love our property. I value my property, and the area around us (inaudible) anyone in that area. My wife has been approved to carry on her business from a detached dwelling in our back yard. I am here today seeking your support on here behalf. I'm not here to badger anyone, but just seeking your support of upholding the ruling that was ruled down before. You know we all talked about the government. The government protects all, and some say it's fair, and others say it's not fair. But we all are granted life, liberty and the pursuit of happiness. And she has not had her chance to pursue what would make her happy. And all I'm asking is that you uphold that and give her that opportunity. Thank you very much.

Councilman Jackson: I don't have any questions Mr. Chairman, just a comment. I don't know how many other people were either in opposition or in support of this who may have been enlisted or signed up to speak, but it is in fact my intention to postpone this matter, and so save them the time, and it could be heard at another time. We could in fact - - - not to nullify anybody's opportunity to speak, but if they so desire, they could wait until we take it up again.

Councilman Hogan: Yes sir. The Clerk just came and took a few of them away. People chose not to speak today. About 4 or 5 of the people that had intended to speak in opposition. But we do have one more. Mrs. Carol Nunley.

Ms. Nunley: I decline.

Councilman Hogan: You're going to wait to speak? Okay.

Mrs. Deborah Barton: (3607 Colquitt Road) And I appreciate y'all allowing me to speak. I am apartment manager and I was attacked two weeks ago by Pit Bulls while doing my job. I'm lucky to be alive, through the frustration of these past two weeks, I'm trying to heal. The Shreveport Police have offered me no help in trying to make this person be responsible with the (inaudible) of their Pit Bull. I'm here today in hopes that I understand through my own investigation that there has been a new ordinance concerning these dangerous dogs. But the Shreveport Police don't know - - - they don't know anything about it. They told me there was nothing they could do for me. That I have no recourse except civil. I'm not interested in the money. I'm interested in if I had been a child, I would be dead, and I still (inaudible) request to it. My concern is that people are not being held responsible for these horribly dangerous dogs. They are taught to kill and meme and just destroy and nobody is held responsible. And so that the problem is growing and growing. I'm concerned because I'm an apartment manager, and I was doing my job. That's my job everyday, I go in and check apartments. I beat on the door, and beat on the door, you know? And then my job is to enter that apartment. This was an eviction. A non-payment for rent. And I was checking five other units and I had no concept that there was a dog in there. A dog never barked, the dog never growled. She wasn't suppose to have a dog. And so my concern is that somebody needs to make these people that have these dangerous dogs accountable, because there's going to be a lot of lives lost. I'm lucky to be here.

Councilman Carmody: I do want to make sure that we're providing some information to Ms. Barton because it seems that in the past where there've been instances of vicious dog attacks, that it is the Caddo Parish Animal Control that actually comes out and I guess they take the dog and - - -

Ms. Barton: Yes sir, I've gone through that route.

Councilman Carmody: Okay, but I think if I remember correctly, is that they monitor the dog to determine whether or not indeed it's considered to be vicious.

Ms. Barton: Right, I've been down that route.

Councilman Carmody: And then they make a recommendation as to whether the dog should be put down. Because I know that we've been through the appeal process before where persons came to us to say my particular dog although this incident occurred is not prone to be a vicious animal, and please don't deprive me of my animal. I know that we've had at least 2 or 3 in my opinion. But you have contacted them?

Ms. Barton: Yes sir, I've been the whole route through the City. Through Assistant Police Chiefs, through - - - my statement was not even taken the day it happened. I had to go to the Shreveport Police two days later and go through Internal Affairs to report this officer never even looking at me, never taking my statement, and writing a report. And once I went to Internal Affairs, I was told I had no recourse, and they did damage control and said we are so sorry, we handled this totally wrong. But the law doesn't protect you. You have to go through Animal Control.

Councilman Carmody: Well, that's what I was wondering. Did you contact Animal Control?

Ms. Barton: Yes sir, Animal Control picked up the dog the day it happened.

Councilman Carmody: Okay, they did do it.

Ms. Barton: But my concern is that I had to do all of this. That it's not clear to the Shreveport Police Department. I have backed the Shreveport Police. I lived here all my life. I have backed them 100%. And all I've been given by them is damage control. "We're sorry, there's nothing we can do." I asked him what if the dog had killed me, what would have happened then? Probably nothing, and that's what I was told by an Assistant Police Chief. And my concern is how many apartment complexes are in this town? How many managers are there? How many maintenance people are there? And how many of the ferocious dogs are behind these doors that we don't know anything about. And we don't know until we open that door. So, how many other people are going to be attacked like this?

Councilman Carmody: Well, let me ask you one other questions to you Ms. Barton, because I'm not an attorney, but I am familiar with leases because that's what I do for a living. Commercial leases. The provisions of the lease of the tenant that was occupying this apartment did not allow for them to have any pets?

Ms. Barton: No. No pets. And we have a signed lease. But that doesn't stop them.

Councilman Carmody: But there's no provision in your lease for enforcement against somebody that breaks that agreement?

Ms. Barton: Well you ask them to move.

Councilman Carmody: But you said they weren't paying anyway, so they were bad tenants?

Ms. Barton: Yeah, I had already filed an eviction. This person was on her way out.

Councilman Carmody: And just out of curiosity, when you filed the eviction, did you have any law enforcement personnel there with you to help you in evicting the people out?

Ms. Barton: Well, the eviction was on the docket. We had to wait. The document didn't come up until this past Wednesday. I mean you know you file, and then you wait until they can put you on the docket. And in between that time, you keep checking these apartments to see if these people have moved so you can remove it off the docket and not waste the judge's time or your time. So, that is our job is to check these apartments. And I mean, maintenance people go in here. And what I found out after the fact was that this lady - - - the dog had ten puppies. And she had taken the puppies out of the house on Monday night and left the mother there, knowing that we were going to come in and check our apartment. So, I'm not up here, and I'm not trying to get damages from her or money or anything else. I'm concerned about our rights as managers, trying to do our job. We pay taxes and we're law abiding and we support the police, but we need some type of support for our protection too. Because this is getting to be a bad problem. I've talked to the Vet over Animal Control, I've talked to a lot of people in the last two weeks. I've had to do all my digging, because the police didn't do anything for me, that's for sure. And I have found that this is a bad issue now. Lately, just over the last couple of years.

Councilman Carmody: Are y'all members of the Building Owners and Managers Association?

Ms. Barton: Apartment Association, yes.

Councilman Carmody: I would certainly recommend bringing that forward to them as well.

Ms. Barton: Yes sir, I've talked to the President about this.

Councilman Hogan: Ms. Barton, I know we had spoken on the phone about this, and I appreciate you coming today, I'm sure it took a lot of courage to come and explain all this, but the person who owns the dog, the former tenant, do you know where they are now?

Ms. Barton: We put their stuff in the street the other day after we got the eviction. I don't know. She moved.

Councilman Hogan: It seems that she could possibly, again, I'm not an attorney, but it seems like she could be held responsibility for this.

Ms. Barton: After speaking to the Caddo Commissioner, I've spoken to some people on it, and she hasn't - - they did find the dog to be vicious, so it needs to be put to death. And she's appealing. And so it will go in front of the Caddo Commission. And then they said that the laws have changed. But the Police just don't take time to read the laws, and know that the laws have changed.

Councilman Hogan: Cpl. Collins, I know this is not your department, but I don't see anyone else in the audience from - - - Capt Holley, could you come forward please? Have you got any knowledge of this situation?

Capt Holley: This is the first I've ever heard of it.

Councilman Hogan: And I know there's a lot to your story Ms. Barton, you had told me about it. And no one was - - - I mentioned to you that I would tell someone at the work session, there was not anyone here to tell it to yesterday. So, would you mind spending - - - Ms. Barton, if you don't mind, could you meet with Capt Holley. In order for us to keep the meeting moving?

Ms. Barton: Absolutely.

Councilman Hogan; Capt Holley, would you go meet with her and take the information from her. I believe perhaps there is something we could address with her. And perhaps you need to get someone else involved. I know your department is different, but if you could take the information and commit to giving it to the correct person.

Capt Holley: We can do that.

Councilman Green: I'd just like to say as the sponsor of the - - - and I called it the "Vicious Dog" legislation. Certainly I apologize for that happening to you, but it's something that I saw coming, that we've got to deal with, and there are just vicious dogs all around, and I'm just thankful that you're still alive. But I know that with Capt Holley, that you're in good hands, and he'll get this rectified.

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

RESOLUTIONS: None.

ORDINANCES: None.

TO ADOPT RESOLUTIONS AND ORDINANCES:

RESOLUTIONS: None.

ORDINANCES: None.

REGULAR AGENDA LEGISLATION

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

The Clerk read the following:

RESOLUTION NO. 136 OF 2006

**A RESOLUTION EMPOWERING THE MAYOR TO EXECUTE A TEMPORARY
CONSTRUCTION AGREEMENT AND RIGHT-OF- ENTRY DOCUMENT, AND TO
OTHERWISE PROVIDE WITH RESPECT THERETO.**

WHEREAS, Section 4.17 of the Charter of the City of Shreveport contemplates the adoption of a resolution prior to the Mayor's execution of any contract and/or agreement in which the City of Shreveport is a party and/or has an interest; and

WHEREAS, the Cherokee Park Neighborhood Association has requested the City of Shreveport to clean out the existing old bayou that lies along the southeast side of the subdivision;

WHEREAS, this existing bayou is located entirely on private property, and not contained within a drainage servitude; 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 to execute the aforementioned temporary construction agreement and right-of-entry document.

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

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

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

Councilman Lester: Thank you. I just wanted to hit a couple of points very briefly. I really appreciate the support of the Council on this. As our citizens in Cherokee Park are very well aware, some of the bayous around there have gotten - - - I don't even know if atrocious is an

accurate description. I heard some of the members shaking when they talked about the height of the bamboo. One of the problems that we have encountered and Mr. Johnson, who is the President of the Neighborhood Association alluded to it, we've had this running jurisdictional turf war because Cherokee/Highland Park is in the City of Shreveport. Part of or a number of the streets are in Shreveport/Bossier Parish, some are in Bossier Parish, and some of it is in Caddo Parish. And if you - - - I mean, it's amazing. One of the other things that we had to contend with aside from going back and forth between is it the Parish of Caddo, is it Bossier Parish, or is it Bossier City, and what have you. There is a statute that speaks to what happens when you have navigable water bodies that no longer become navigable, they go back to the (Inaudible) landowner, Ms. Glass, and I haven't had to say (inaudible) and landowner in a while. But so you've got that to deal with. And then add to the fact, you've got Corps of Engineers that has a dog in the hunt because what we wanted to do was do something a lot more comprehensive, but that would have required filing - - - what is it Mike, a 404 Application? Which is not going to happen anytime in our lifetime over there. And then if that's not enough, you have the issues of the Caddo Levy Board, which at some point in the past had some jurisdiction on those issues. We've gotten through all of that, and it's taken a while for us to get through that. We've spoken to the actual property owners that are over there in this section, and what we're going to do is we're going to start in this section, and we're going to endeavor to continue to deal with all of the bayous back there, but this is something that has been needing to happen for the longest time. About a year or so ago, we had Code Enforcement and Mr. Bowie to get with our Spray-Max, I think that's the contractor that does the spraying, and they sprayed a bio-agent that basically killed the grass, but it only thinned it out for a period of time, and now it's back with a vengeance. So what our hope is that and in talking with the neighbors, they're very active over there, and they have made it very clear that if the City does this, we're not doing this as something that we're going to contemplate that's Shelly at SPAR, or Mike over at DOS is going to have to do every year. What we're doing is cutting back the brush to the point where the neighbors who have, and I think you've heard them, have maintained those areas before they'd gotten to the point where they couldn't handle it. They're going to be over there and maintaining some of those areas. Cutting the grass down to where the bayou line is. So we're very excited and I just wanted to let the constituents out there know that some relief is on the way, thank God.

Councilman Carmody: Mr. Lester, I certainly walked a mile in your same shoes. There are portions of District C, specifically Anderson Island that are in the exact same scenarios that you find there. In that Anderson Bayou actually is in Bossier Parish, although in the City of Shreveport. The neighbors there have experienced the same problem. Again, Spray-Max has been contracted a number of years to try to address the situation there, but I can certainly see where the citizens that live there need the assistance, and I think that this is certainly good legislation providing them an opportunity at least not back down that vegetation to the point where they can try to maintain it themselves, and the City ought to be proactive in trying to assist them at this point.

Councilman Hogan: Councilman Lester, I was just curious to know, how has this been handled in the past?

Councilman Lester: Well the answer is a short answer. It hasn't been. And that's the problem. At one point, not to reopen the whole sordid story, but at one point when there was more water actually flowing through the bayou and it was much more like the Anderson Island situation. The Caddo Levy Board and folks like that had the responsibility because the waters were considered navigable. At the point where they became not navigable, non-navigable, it

reverts back to the property owners. And many of the folks over there, some of them have the ability to deal with it in terms of cutting the grass and having their riding lawnmowers, but you have a number of senior citizens over there, and some folks that that just don't have the equipment to deal with it, and so, over a couple of years, imagine you've got a bayou that partially fills up and goes down, and those summers when it's hot and it's muggy, you know the vegetation is - - - I mean, it's a bayou. It's wilderness literally. And so, what happens over a period of time, is it grows beyond a normal person or a normal citizen's ability to deal with. And so it just grows exponentially. And so in fact, several of the people, I can see his face, but I can't call his name that live on Brookbriar, literally, the growth has gone from the bayou. It has claimed the back portion of the yard. It is now starting to claim their back yard. And one gentleman, it is literally from the bayou almost up to the back of his house. He can literally open his patio door, take about ten steps and the bayou is right there in his face. So it's a really bad situation. And again because of some other issues that we've had to deal with, cutting through the myriad of different jurisdictional issues, we've been able to deal with that, and we've actually gotten down to the property owner who has agreed to allow us to have the temporary construction right of way so that we can get in there and do what we need to do, cut back some of the brush without dealing with it. We would love to have been able to come down with the bush hogs and things of that nature, and just mow it all down. But the Corps of Engineers has made it very clear that, that's not something that they would be in favor of. Because believe it or not, that area is considered to be wetlands. So, you've got the federal government involved in it, and we know how fast they move or not move as the case may be.

Councilman Hogan: Do we have the equipment and the ability to clean it off?

Councilman Lester: There is a contractor that's being engaged. I think it's been out for bid, I don't want to speak out of term. Mike, have we sent it out for bids? Okay, this will allow us to do that and send it out for bids. In terms of the appropriation, when we dealt with the additional resources that we got because of the sales tax, we have set aside this project as one of the big projects in District A to deal with. So, we're not going to need any additional money in terms of a budget amendment. We used some of that additional money in streets or what have you to deal with that issue.

Councilman Hogan: One final question. Of the municipalities and agencies that you mentioned a few minutes ago, are any of them willing to share or have they been asked to share in the responsibility of expense?

Councilman Lester: Well, let me put it like this. We could ask, but then we still get into the situation of 'it's not my responsibility,' 'it's not my responsibility,' and that's kind of where we've been. You know in talking to the residents over there and I really wish that after the Council Meeting that at some point in the next week, some of you guys would actually go out and take a look at it. It is - - - it is beyond belief. And again, when I spoke to the issue, to the gentleman where the bayou has come from the bayou literally to his back yard, that is not an exaggeration. I just believe that we had the additional resources, it's something that's been need to be done for a number of years. The citizens deserve it, and so that's why we're moving forward with it. I guess they got a good Councilman.

Councilman Walford: As Mr. Johnson alluded to, this actually goes back to the 1990s when he and I were on the North Shreveport Development Corporation Board. And they were fighting this battle back then. And cutting as much as they could themselves. But it was getting ahead of them. And I think Councilman Lester has painted you the picture of where it is now.

Councilman Hogan: On the e-agenda, it says under finances, no associated costs. But do you know what the bid was that came in from the company that'll do the work?

Councilman Lester: We don't know what the bid is. We have appropriated an amount of money that we believe will take care of that.

Councilman Hogan: What is that?

Councilman Lester: I believe the figure that we appropriated was \$100,000.

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

2. **Resolution No. 137 of 2006**: Directing the Mayor of the City of Shreveport to pay to the Newman Partnership, Inc., the amount of principal and interest (\$263,674.10) principal and \$66,616.04 interest through July 15, 2006, with per diem interest of (\$57.79) awarded to the Newman Marchive Partnership, Inc., in that certain civil action styled "The Newman Marchive Partnership, Inv., V The City of Shreveport, Number 40,412-CA", within ten (10) days of the date of this resolution, and to otherwise provide with respect thereto. (C/Carmody)

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

Councilman Carmody: I don't really want to go into the matter of the case itself, because I think that all of us have had an opportunity to read the information that's in front of us. But I do want to clarify a couple of things before I made my comments, and if I could ask Mr. Madison to come forward because I know that during yesterday's Work Session, Mr. Antee had said that the City had made an offer, and I think it has now been three weeks ago that he had said that the City had made an offer, but we had not received back any acknowledgement from the attorney, and then Mr. Antee was going to get back to us as to whether or not we received any communication. I had not heard back from Mr. Antee. I was going to give Mr. Madison to clarify for the Council.

Mr. Antee: Mr. Chairman, we did receive a letter after that meeting from Mr. Madison to Brian Landry, our attorney rejecting that offer.

Councilman Carmody: Okay, I'm sorry, I did not receive a copy of that letter. So that does clarify that y'all did reject the offer. Okay, fellow Council Members, I think what we're talking about today is basically what we talked about yesterday, and that is the consistency of the City of Shreveport to basically honor and pay its obligation when a final judgement is rendered. Mr. Antee, I asked him yesterday to provide us some information. I'm hoping he did bring this forward. Mr. Antee, I specifically asked you if you had any information regarding any instances where the City had received the final verdict rendered where the City had not paid that judgement in full.

Mr. Antee: We had Mr. Cody try and pull up on the system both judgements that have been paid interest in full, and judgements that have not. The system will not provide that, it just provides case name and what was paid. And it doesn't provide whether it was a judgement, a settlement, pre-law suit settlement, or what.

Councilman Carmody: Yes sir. Do you recall personally anytime that we've done this?

Mr. Antee: That we have not paid interest on judgements?

Councilman Carmody: In full, yes sir.

Mr. Antee: Most recently, the Whitaker lawsuit.

Councilman Carmody: Alright, and in that instance, we only then we only paid the original judgement. We paid no judicial interest that was apparently awarded them a final judgement, right?

Mr. Antee: No, I think the numbers equal out to about 60% of the interest that we paid, and that was a federal court case that originated out of the U.S. Bankruptcy case.

Councilman Carmody: But any other cases, and again I'm not an attorney, so I'm need you to help guide the Council. You make a differentiation between federal court, and state court in regards to final judgements and whether or not the City is actually paid the full obligation when there was a final judgement rendered, correct?

Mr. Antee: That's correct. Because there's a difference in the law and the state court, versus federal court, and I don't know the specific laws, but I do know that a state court judgement, the whoever has the judgement against the City, cannot enforce that judgement by seizing any City assets. And federal court, I think there are other remedies that are out there, that affords them the opportunity to where they can collect. And that's why Baton Rouge and New Orleans - - - in Baton Rouge, they won't pay any interest, and in New Orleans, they won't pay any judgements or interest. We've adopted - - - we've chosen not to adopt what Baton Rouge has done, and that's pay amount monthly, but pay the principle, and not pay the interest, or negotiate the interest. And I do know of cases, and I can't give you the names of cases, but I do know of cases where we've used that to negotiate a favorable settlement, a fair settlement, but favorable settlement, so that we're not wasting taxpayer dollars.

Councilman Carmody: Right, so what we've done is if we've actually gone back in past instances and instead of paying the final judgement, we've said we're not paying the judicial interest at all, we're only paying the original sum that was awarded. Correct? And we've settled it that way. The people have accepted it, and said that yeah, that's acceptable to them. They're not going to seek the judicial interest.

Mr. Antee: That's correct and we've - - -

Councilman Carmody: What cases?

Mr. Antee: We don't know the names of them. But I do know that we've used that over the years.

Councilman Carmody: Thank you sir. What I was going to point out though is that it appears that this is a unique instance from the standpoint of the last eight years, that it's been customary for the City of Shreveport to pay the final judgements rendered, once we've exhausted the appeal processes in full. Mr. Madison spoke to the fact that, at this point, we basically are sending a message that if you do business with the City, we're not going to do it. There was conversation yesterday to the effect of maybe we should establish a policy, and that policy is reserved to the Council, and not to the Administration to basically implement this type of negotiation. I would remind the Council Members that of course any policy that we would basically put into effect should be of notice to any persons at this point that are anticipating filing suit, as opposed to making this retroactive in this one instance for one case. And so, Mr. Antee, our CAO has made the argument that the claims for the award and the judicial interest in this case are frivolous, the City should not pay it. Attached to the legislation on the agenda is 2nd Circuit Court, Court of Appeal specifically addressing this issue, and have ruled that the City does owe this interest. I certainly think that we as a Council need to be very considerate of the fact that if we're going to disregard the 2nd Circuit Court of Appeal's decision against the City,

that it's going to set a dangerous precedent when we have matters that will appear again before that particular court. Because what we'll be doing, and again I'm not an attorney, but it always seems to me that plaintiffs and defendants pray for their case to be granted in their favor. Well, I guess you pray sometimes, and God answers your prayer, or courts answer your prayers. Other times, they are unanswered prayers, and they're not to the way that you'd like to see them come out. But the bottom line here is consistency. Consistency in the form of a policy. I have talked to Mr. Jackson. I believe that, that discussion needs to be had as to whether or not it's a prudent thing for the City of Shreveport to basically adopt a policy moving forward from this point. But today, it's not for us to vote to go ahead and honor the policy that we've had in the past, I think sends a bad message to the business community. And I would hate to say that it's arbitrary and capricious on our part, but this is going to be one instance in the 11th hour of this Administration, and my term on the Council where we're going to say, 'lets not honor and pay a judgement in full that's been rendered against the City.' Thank you Mr. Chairman.

Councilwoman Robertson: Mr. Antee, yesterday at the Work Session, you mentioned that there was a Risk Management Committee Meeting, and out of that committee meeting which we do have the policy set up that, there are funds, but through the Risk Management, and there is a committee that meets with the Director of Finance, and I believe yourself and two Council reps. What took place with that?

Mr. Antee: The Risk Management Committee voted 4-0-1. Mr. Carmody abstained, to pay the principle amount without interest on this claim, which is what has been offered. Mr. Carmody made the statement that I said that the accusation and the claim for interest was frivolous. That's a misstatement. I've never made the statement that the claim for interest is frivolous. The trial court did not grant interest. The Court of Appeals reversed that, and granted the interest. So, I've never said that was frivolous, I said there were many parts of the lawsuit that was frivolous, and that's why when they sued for over \$2,000,000, the jury only awarded \$250,000 and some change. I talked about the merits of the suit as being frivolous, not the claim for interest. The mechanism to not pay interest if judgement is granted is a mechanism provided by Louisiana law that the City can use, that has saved thousands and thousands of dollars in claims that were settled in legal fees and claims that were settled, and legal fees to settle claims prior to it ever getting to judgement because we do make the statement when negotiating, 'look if you get a judgement, you can't collect unless the City chooses to pay.' As a result of that, we've been able to reduce the number of claims, save hundreds of thousands of dollars, in claims and legal fees, and been able to get insurance where we were never able to get insurance before. And this is the mechanism, that if you take it away from our attorneys that defend us, then you're going to encourage more suits. And the red herring flying out there that we're ignoring the 2nd Circuit, you know we're snubbing our nose at 'em, or that people aren't going to do business is just a fear tactic. It's used across the state, it's used by the state. I personally have settled a lawsuit with the State of Louisiana when I was practicing law because they use that. They said if you get a judgement, we're not going to pay it, or we don't have to pay it, and you're not going to collect interest. Will you accept this amount? So, I went to my client and said this is an amount. It's not what we want, it's fair - - - sort of, but the options is to go to trial, get a judgement, and hope someday, they'll pay it. So we accepted it, and went on about our business. So, it's nothing the City of Shreveport is doing arbitrarily, it's done throughout the state, by the state, and it's effected saving thousands of dollars for the taxpayer. This is the only case in 7 and three-quarter years now of being on the Risk Manager Committee and in this position that it's ever become an issue. And that has been brought to the City Council. Mr. Madison, rather than

negotiate and just make full demand - - - when we made the offer to pay without interest, he didn't make a counter proposal, he just said, 'No. pay us the whole thing.' And we said no. And he ran to Councilman Carmody to get this. This is the first time in 7+, almost 8 years that, that's taken place.

Councilwoman Robertson: I agree that I believe that the City should pay their debts. I don't know the manner of going by as a resolution sets anything. It leaves this Council for the remainder term, the next Administration open to someone (inaudible) an attorney or whatever to a Council representative and asking for something to be paid through a resolution. I know that on our agenda as you had spoken about Mr. Jackson, has made some for future, but he wants to try to get passed for that. I want to state again, I do think that through Risk Management Committee and their recommendations that they have, and that's why they are set up, is to look at the claims, and they do use Council reps as well as Administration that it needs to be done. But I don't feel like I could pass on this particular resolution because it sets a different precedent for this Council and for the future Councils. But I do think that in some way, the City will be paying through Risk Management or another method that they have to go on and get this matter taken care of.

Councilman Green: Thank you Mr. Chair. I just like to say Mr. Madison, I want to say this for the record. I did not attend the called meeting on yesterday, but the last Risk Management Meeting that we had, our record would reflect that I asked Councilman Carmody to take this off of the Council agenda, because I felt that it would set the wrong precedent. And that I would in fact do my level best to get you all of your money. I begged and I pleaded to take this off of the Council agenda, and I would in turn give my vote to support this in the Risk Management Meeting, where we normally take care of this. This is the first time, that it was on here, and he refused to take it off. So therefore, I have witnesses here, in fact he's here to verify, and Ms. Liz is here to verify and Mr. Antee is here to verify it. He would not take it off for whatever reason. But my pledge to him and was to that Board, was that I felt that you should have your money, and if he would take it off, my vote would be to give you that money. Wherever that press release came from, I don't know because it's not something that I've said. I've not talked to the Mayor about it. I've talked to the Committee with Mr. Carmody being a member of that committee, I'm a member of that committee, Ms. Liz Washington, Mr. Antee, Attorney Ramon, and Mr. Cody. And from that day to this one, it was not taken off of the Council's agenda. And I want you to know that. And I'm sure you didn't know that because that didn't get to you. So, it was my pledge to get you your money, but this was the wrong place to do it. Because that committee, the Risk Management Committee, we worked diligently every meeting to satisfy whatever debts. But because of mishandling of it, this is why it's here. And this is why today, my vote would be 'No.' Not 'No' for giving you your money, but 'No' for handling it on the Council agenda, because this is the wrong place for it. Thank you Mr. Chairman.

Councilman Lester: I spoke to this somewhat yesterday. I believe that the City should pay the judgement. I don't think anyone is disputing that. The concern that I have is that by making this a situation where you put it on the agenda for resolution, then I can be placed in the position of quasi settling lawsuits from a Council standpoint. And I think that not only would be an abuse of my power as a City Councilman. I think that goes outside of the judicial process which I have a tremendous amount of respect for. Without getting into the issue of paying interest versus not paying interest, I will say this. I am a lawyer. In the efforts of full disclosure, I am a member of the Louisiana Trial Lawyers Association. So, having said that representing

people and plaintiffs, you want to get all of your money for your client. Every lawyer wants to do that. And so any effort that you can do in that regard to take care of your client is something that you want to do. But as I sit here as a Councilman, I'm just not comfortable with directing the CEO, i.e. our Mayor, to pay judgements because now I can be placed in a position where a Council Person, not me, but another Council Person at another time can decide 'you know what?' I want to do an ordinance that abolishes the Risk Management Committee.' And now that we've done that, I want all settlements, and all litigation to come before the Council. Like quite obviously, Ms. Glass told us about the idea of the prohibited donations and things of that nature, but still it sets a negative situation because as opposed to the CAO, the Director of the Finance Department, the Director of Risk Management and the two members of the Council sitting together in a room that's passionately looking at an issue and decided that this is something that these are our risk of loss, this is our risk of victory. If we lose, you know risk wise, we're looking at this amount of exposure versus that amount of exposure. If it becomes a political position where the only people's cases that get settled are the people that have a connection with a Council Person as opposed to dealing with something on it's individual merits. And I just don't think that we want to go there. Certainly from a personal standpoint, it would be a great thing for me because I'm sure I would get a lot more Christmas Cards from the Shreveport Bar Association, but that's not where we need to be from a policy standpoint. I just, I'm concerned about that. I remember, once we got on the Council, maybe in the first year or so, we had a gentleman that came before the Council and I can't remember his name, I see his face, he came before the Council and said, 'you know what? I have a lawsuit that's going before the City, and we've been in litigation, and I just think that the City should take care of this.' And he came before the Council, and he said, 'City Council Members, I think that you guys should take care of this lawsuit.' I believe it was a scenario where the allegation was that a citizen was walking along the street, and stepped into a hole or something of that nature. You remember that one Mike? Okay. And the lawyer came down and said, 'You know what, I think you guys need to pay this.' And as a Council we looked at each other and said, what do you want us to do? What you need to do is, if you file your action, either proceed through the judicial channels, or your recourse is not through us on the City Council, your recourse is to go to the Risk Management Committee, make your presentation, and if that committee decides to settle, they will. If they decide not to, you'll litigate it and you'll move forward. And as I appreciate it, he made his presentation to the Risk Management Committee, it was heard, and I believe that the case was settled, but again, we did not decide at that point to do a resolution directing the Mayor to settle a lawsuit or do a resolution directing the Mayor to pay a judgement. Again, and you can never worry about the people that aren't going to be for you. The people that are going to be for you are going to be for you, the people that aren't going to be for you aren't going to be for you, and I've learned that. But to - - - the idea that some have advanced that this issue comes down to does the Hightower Administration still have stroke with the Council, and can he manipulate us into a position, that speaks to the issue itself. Which is making a political decision on a fact base for a judicial issue, and that is offensive to me as a Council Person, but it's also offensive to me as someone that thinks that the law is something that is sacrosanct that we need to have a tremendous amount of respect for, so - - - No. 1. Do I believe that we should pay the judgement? Absolutely. I've heard that the - - - Councilman Jackson is talking about an amendment or something or an ordinance that's to adopt the Baton Rouge model that says we're not going to pay interest, and you know - - - I couldn't hold my head up as a trial lawyer and vote for that. So, I'm sorry, but I can't do it. But having said that, it's just - - - this is a bad situation,

completely. One of the things that they tell you in law school is that bad facts make for bad law. And for us to vote for this, this is a very bad fact pattern, and it's going to make for a very bad law, and it's going to set a very bad precedent. Because again, you are going to have your City Council deciding on which judgements get paid, what judgements don't get paid, what cases get settled, what cases don't get settled. And then you're going to have your political pundit saying well this person's lawsuit got settled because this person is a friend of the Mayor, or this person's a friend of that person, Councilman or this other person's other law partner, or this person gave so much money to a person's campaign. I don't want to get into that. I don't want to open that Pandora's box. I understand what Councilman Carmody is concerned with. I do think that we do need to pay the judgement in full as expeditiously as possible, but I think that this is going to open a door that once it's open, we're not going to be able to close. And I would dare say from a fiduciary standpoint, it's going to wind up costing the city a lot more money dealing with it that way as opposed to dealing with the system that we have in place now, so - - - my vote is going to be no for those reasons.

Councilman Jackson: I too appreciate all of the commentary from my colleagues with regards to this. I think we have a few issues, and even in the logic of moving forward to do this, there are some - - - at least some flaws. When we spoke today, and I think Councilman Carmody spoke of following the policy that is currently in place, versus following some future policy. The problem we have is that we have no policy to govern this scenario. And there have been clearly cases in the past where there have been interest, and I'm sue that they know that there was no interest ordered by the Court, just a simple judgement. So there've been a plethora of types of judgements, that we had to deal with as a city. I think what the answer is that we have to operate from some level of policy. We clearly do not have policy, and I think this case comes at a time where it reminds us of that fact, and I think we have an opportunity to take some collective action with regards to how we proceed. As I said on yesterday, I think clearly without policy, we are certainly open to being scrutinized, and I think would even, could in fact flirt with appearances of impropriety, and so there needs to be some consistency once. My colleague talked yesterday about continuity and consistency, and that's what policy does. I think that's the responsibility of the Council to create policy that causes us to act in a consistent manner in an even handed way so that we are not accused of any subjective or selective processes that create a disparity among people who get claims or judgements, if you will, against the City. And so, I had asked, and thank you Councilman Lester for suggesting that he couldn't support it, but I'm glad we only have one trial lawyer on the Council. I feel like I still got some chances, because the mathematics is we just need 4 to support. But I understand his perspective as well. But I certainly would like for us to give some consideration to putting in place policy that's much been debated and bantered today about what we do, and what a Council should and shouldn't do particularly in this particular issue. I think what's is not an issue, and what is not a question is that the Council's job fundamentally is to create policy so that the City doesn't find itself, and future councils and administrations don't find themselves in the same scenario. So, I'm asking that we would move forward to create the policy that would do this. I'm not suggesting it's perfect, but I also don't think any of the policy is perfect, but I do think it helps us to create an atmosphere of both continuity and consistency. With that Mr. Chairman, and because we do not have policy, I think Councilman Carmody's desire to move forward would again add to us operating not under the veil of having a policy. To that end, I'd like to offer Mr. Chairman a substitute motion to postpone this until such time that we act on the policy, and this will fall under that policy, in my opinion.

Substitute motion by Councilman Jackson, seconded by Councilman Walford to postpone.

Councilman Carmody: I want to clarify a couple of things, and I certainly agree with a number of the comments, in the fact that the City should pay legal judgements rendered against it, but I wanted to clarify for the Council that the Risk Management Committee only has the authority to settle claims before a judgement is rendered. And what we've got before us is that there is a final judgement that's been rendered by the court, and it was pointed out that you tell people that if you don't feel like you got satisfaction, proceed with the judicial process. That's just what the plaintiff did in this case. They proceed with the judicial process, and a final judgement has been rendered for us not to pay it. I think is where we're having this debate today. To pay the judgement in full. And I just wanted to clarify that because again, I think there might have been some misunderstanding as to the function of the Risk Management Committee. I think that they pointed out that they had authorized payment of a claim. We're not talking about a claim anymore. They've already run through the judicial processes, a final judgement has been rendered. It's not - - - it's a bad bit of business that's been mishandled. Take it from me. It's just that it looks to me that way. But I think the discussion is proper could be had up here is to oppose to the Administration saying 'well, we're just not going to pay it.' Thank you Mr. Chairman.

Councilman Green: One is that I'd like to say. We do have a policy. We have the Risk Management. 2) We have the Internal Audit Committee. I don't see us saying 'well, everything comes to the Council.' I don't see whatever you all do in the Internal Audit saying 'well, we've got to get the Council to do the this, and we need to do an amendment, we need to do a whatever.' I mean, that's why we have these committees, and then I guess my next question is, I've been on the Risk Management Committee for just about 4 years. There are a lot of folk that had suits against the City that did not get zero. We voted to give them zero. That had a valid claim. Now I'm beginning to wonder, how is it that this one case, 137 is being treated so bad. How is this such a bad precedent? How is this going to send a message? One out of however many, that this one here, is the one. And this one here is just a shame. But we're not going back to me begging my colleague to take this off of the Council's agenda, and lets handle it where it's supposed to be handled, in Risk Management. We just forget about that and throw that out the window. I begged, so that you'll know again sir, so that you'll know again sir, so that you're not mistreated. I don't care what they say or what you heard, I begged my colleague to take this off, and we would work hard to get you all of your money. And so that you don't think that I'm not lying, Mr. Antee, do you recall that?

Mr. Antee: You specifically did, you also made a motion to continue it at the Risk Management so that it could be taken off, so that it could be dealt with. And you asked at that time, and reiterated, I was present with Mr. Carmody, asking him to take it off and let the Risk Management Committee have time to operate.

Councilman Green: Ms. Washington, you're here. Would you just please come to the mic for the record, because I think that this is just that important that this go on record, that I begged and pleaded that since we have a policy in place to handle cases like this, that I begged Mr. Carmody, to please take it off of the Council agenda, that we would continue this. We would postpone it on the Risk Management so that you all could get your money. Ms. Washington was there.

Councilman Green: Did I plead?

Ms. Washington: Yes you did sir.

Councilman Green: Okay, thank you.

Councilman Carmody: Stay right there Liz.

Councilman Green: Stay right there Liz. Now Mr. Chairman, let me just borrow your patience. Mr. Carmody, did I not ask you, plead for you to do that?

Councilman Carmody: This would be the third time that I've acknowledged to you that everything that you've said so far is correct sir, but I want to make sure could we get Mr. Cody to please come down and Mr. Lafitte, because they're the other two witnesses to the Risk Management Committee, and I'd be happy to have them stand with Ms. Washington and have them acknowledge, just like I've acknowledged now three times.

Councilman Hogan: Councilman Carmody, you're out of order.

Councilman Carmody: Oh, I'm sorry.

Councilman Green: You may be seated.

Councilman Carmody: Your Honor, how many witnesses - - - ?

Councilman Green: I'm not a trial lawyer, but I want you to understand sir, that I'm beginning to wonder why my colleague took a special interest in your case, when I have been there, when I've left Risk Management Meeting hurt, because there are some people, and there are some lawyers who had some cases, some valid claims. And we voted to give them zero dollars. And he made the motion. So, I'm trying to figure out, what is so special about this, when I begged and pleaded to give you all of your money. But to just handle it in the Committee that it's supposed to be handled. So, it would be your duty to find out from him, why he refused. I said to him and to them that we did not need to publicize this on TV. That we did not need to publicize on television, in the newspaper or nowhere but in Risk Management. But whatever my plea, it just fell on deaf ears, and that's why we are here today. And again, I'd like to know why is this one case so special, that nobody else in the City of Shreveport has been treated like this? That it's got to come before us, and now, we've got to create a whole new policy, because of then when we've been settling and handling cases every 4th meeting. So that's where I am. And again, I'm sorry that you're in the middle of this, but it has to be something more than \$263,674.10. There is something, some undercurrent that I don't know about, because if I begged to get you your money, just to get this off the agenda, and that didn't happen for whatever reason, I mean, we shouldn't even have this TV time to do that. But I just want you to know for the record, that the reason you don't have your check is because the person who sponsored this legislation would not take it off of this agenda, and let us deal with it where it should have been dealt with from the start. Thank you Mr. Chairman.

Councilman Walford: I'm going to have to agree with several of my fellow Council Members who say this has been handled poorly. It has. There's no question about that. But I think what's happening now is we're finding ourselves in a really bad position. Councilman Lester's alluded to it. If we go ahead with the original resolution, we're setting a terrible precedent. What we're doing is essentially neutering our Retained Risk Committee and politicizing all claims against the city. All you have to do is know a Council Member, and that's a factor for us and for future Councils to deal with. I don't think that we want to put claims in the political arena and to be tried in the media. And this one certainly already is being tried in the media. No matter what our decision is, I'm sure that we're going to take a beating about who we support in all of this, I will tell you that the discussions I've had have been with Councilman Carmody, and a very brief one with Councilman Lester. I think we should pay the judgement, there's not question about that. But I also think as a matter of policy, we have to abide by the

decision of the Risk Management Committee. If we don't agree with that, and four of us don't agree, then let's remand it back to the Risk Management Committee for reconsideration. But I don't, and will not - - - I don't want to and I will not vote to override a decision of that Risk Management Committee. Now, I'm hoping that with a two week postponement, something can be worked out. Along that line, there is some information I would like from the Council Staff. I would like to have a copy of the minutes of the last two Risk Management Committee Meetings.

Mr. Thompson: We don't have those.

Councilman Walford: No summary, no nothing?

Mr. Thompson: We're not the custodians.

Councilman Walford: Mr. Lafitte or Ms. Glass, you don't have to get up. But let me just say that I would like to have a summary of suits, and judgements over the last four years, and what we've paid. If you could do that for me. If it's overburdening, let me know, but I think it's information that would be beneficial to us in making this decision. But again, I certainly think that we owe the judgement, and we should pay the recommendation of the Risk Management Committee.

Mayor Hightower: Thank you Mr. Chairman. I just kinda want to reiterate some of the things that talked about yesterday. No. 1 is Councilman Green said it. We do have a policy, and our policy is for Risk Management to handle these matters. Not the Mayor, not the City Council, but the Risk Management Committee and that's what we've done to my knowledge, the 16 years that I've been affiliated with City Hall. I don't think there is a reason to change that. The modifications happen in that procedure, but they do. And Councilman Jackson's suggestion may be one that strengthens the City's case, and I do believe that just as Mr. Madison does, that he ought to have - - - use the law to his benefit in every way that he possibly can, and he's certainly done it all the way through the trial process. And the City ought to do the same thing as well, is use every weapon and tool available to us by law. And that's exactly what we've done. I agree with Councilman Walford in that we think that we ought to pay the judgement. But when you take a look at the policy and the precedent set around the state, New Orleans who refuses to pay anything. No principle, no interest, no judgements. When you look at Baton Rouge whose policy is only paying principle, and no interest. When you look at the fact that the City of Shreveport was uninsurable 10 years ago, and as recently as the past several years, we've become insurable to limit our claim exposure, over the past two years, to limit our claim exposure, and essentially be able to purchase and have competitive for re-insurance, for lack of a better term, our exposure is only a million per claim. That speaks volumes as to what the Risk Management Committee have been able to do over the past several years to drive down exposure, to drive down costs, and to negotiate settlements. That's what they've been good at, that's what the re-insurance industry has seen, and that's why the taxpayers are better protected today than they have been 10, 12, 15, 16, 24 - - - I don't know. A long, long time, number of years. So, that committee has come a long, long way, and to do anything to upset the path that they're on, I think would be a mistake. Again the taxpayers are better protected today, than they were before. With Councilman Jackson's suggestion, I think it does strengthen, it gives another tool to be able to sit down with the attorneys and say "the ordinance says, we're not going to pay the interest on the deal, do you want to settle the thing now, or what do you want to do?" We're not taking the approach that Baton Rouge has taken in saying what we'll do is settle with you for principle only, but we're only going to make monthly payments to you, and those will be extended for a 10 year period, so we'll be sending you your \$200 a month. I don't think Mr. Madison or anyone else would be very happy with that solution. I think that it is important for us

and some have said to pay our bills and to pay our obligations, but at the same time negotiate in good faith as should they, and we should work to limit the number of taxpayer dollars that we pay out. We have a pool that this Council votes and sets aside every single year. So, it's not a matter of if we pay this, the interest on this particular judgment, we're going to go broke, there's not doubt about that, the money is in the account. The question is how many more suits come before us, and how much money are we able to save out of that \$10,000,000 account to return to the 2007 budget to be able to fend off and pay judgements, and pay claims, and settle suits that are filed against the City that are legitimately settleable by the Risk Management Committee. And again, I think the majority of the Council certainly understands where we are, but I think that it is important for the public to know that we're not snubbing our nose at the court. We're not snubbing our nose at Mr. Madison, but truly, the only difference between this case and the cases that have come before the Risk Management Committee over the past eight years, as Councilman Carmody brought this on into the public venue at the City Council. That's it. That's the only difference. It hasn't been treated any different. We're working hard. You heard Mr. Antee say that an offer was submitted. You heard Mr. Madison say that you know a counter was submitted back saying no. That shouldn't mean it's over, and that shouldn't mean that there ought to be an in run around the process. And when you have a trial lawyer, Councilman Lester saying even from his professional standpoint, that it's a slippery slope and it's the wrong thing to do, and it puts Council Members in a precarious situation to say the least of 'do you help a friend, or don't you help a friend, or who gave to who?' It's a horrible precedent to set. I don't sit in on Risk Management Meetings. Partly for that very reason. And I think it's a tribute to the two Councilmen that do sit on it. Because there are or could be temptations at that point. But I don't think we ought to circumvent the policy that we have in place of letting the Risk Management Committee do their job. They've proven that they do an effective job. They've proven that they're doing it right. If Councilman Jackson's legislation can help tighten that up and give them some extra guidance, and give us another bullet to fire in those negotiations, then I think that's a good thing. So Mr. Chairman, I would urge the Council to defeat the legislation, No. 1. But if we don't defeat the legislation, then I think a postponement is fine with the commitment that the legislation would be defeated after the new legislation is put into effect. Although I'm not sure that gets us where we need to be. But I know Mr. Madison, and I know the City as well do want to end this case. We want to settle in good faith, and we want to get him his check. But at this point, the City's offer, the Risk Management's offer stands is that we'll pay the principle with no interest. So the quicker we get this settled, the quicker we'll move in those negotiations.

Councilman Carmody: Mr. Madison, could I ask you to come forward please? Man to man, I want to tell you that my fellow on the Risk Management Committee did indeed make that request of me, and I did indeed tell him I was not going to do it. But in all fairness, we can sit here in these chairs and we can ask questions of people that are out in the audience, and they don't have an opportunity to actually respond, but I was going to say, could you please answer his question that was posed to you? What is the difference between this case, and the other cases

- - -

Councilman Green: Mr. Chairman? No sir, I didn't ask you to do that.

Councilman Carmody: Oh no, I'm asking.

Councilman Green: (Inaudible) I asked a question. I don't want to know that.

Councilman Carmody: Oh, you don't want to know?

Councilman Green: No, I'm not asking.

Councilman Carmody: I'd like to know. Could you answer that for Mr. Madison?

Mr. Madison: As I appreciate it, the Risk Management Committee is established to consider claims against the City, and try to resolve them, to refute them, take them to court. As I understand it, this case never came before the Risk Management Committee through the whole trial process. The only time it ever came to Risk Management Committee it was a final judgement.

Councilman Carmody: Right.

Mr. Madison: It wasn't any negotiating to do at that point. So, we come back in after the Risk Management Committee was in session for two years. As I appreciate it, it was never asked to consider this point. We tried to resolve this claim with the City long time before the lawsuit. Never were able to do it, but I think the difference you have in the cases you suggested Councilman Green is this is the first one, you've ever been asked to consider where there is a final judgement. All the other ones you discussed had - - - were not anywhere close to a final judgement. So that's a different set of facts totally.

Councilman Carmody: And again, the time and again, I've been on it for almost 8 years with Mr. Antee as well. I guess John David Stewart served in my first 4 years, but indeed what we do at the Risk Management Committee is convene to discuss claims that are brought against the City to try to come to a consensus as to whether or not it's in the best interest of the City, based on the facts of the claim to try to settle the matter, to go ahead and actually retain legal representation and litigate the matter. And then basically to track through that process, if we elect to. Sometimes it's unfortunate that we look at the merits of the case and we say, 'well, it's probably in our best interest to try to settle. And that's what we try to do. If the plaintiff say, no they're not interested in doing it, so we have to try to defend our position. Sometimes we don't agree with the decisions that are rendered against us, and so we come back and we reconvene, and we discuss with the attorney, as well as the members of the Risk Management Committee, would it be in our best interest to go ahead and continue to pay legal services to litigate to appeal that process with the hopes of having the decision that was rendered against the City to be overturned. And if that's what the consensus of the Committee is, then that's what we instruct the attorney to do. And I have not recalled in 8 years where we've had a final judgement rendered against us, that's come before the Risk Management Committee, and I'll give you a good example. I think Mr. Antee used the Whitaker matter. That never came before the Risk Management Committee to talk about the payment of it, not that I was there and recalled, but I think that the CAO and the Mayor basically negotiated, and I think Mr. Antee told us yesterday negotiated maybe not all the interest that was due to them but some portion of it. So that they have apparently some autonomy to do that. And in this instance, I'm assuming that they've instructed or given you basically a decision to say we're not paying any legal interest, we're paying the judgement only. The actions that are taking place at the Risk Management Committee on Monday, I don't think are of any effect.

Mr. Madison: I understand, and I appreciate you not taking it off the agenda. When the Mayor told me last week, two weeks ago in this Chamber, he wasn't going to pay anything but the principle.

Councilman Carmody: Yes sir.

Mr. Madison: So, I thought it was important that the Council make a policy decision, do we want to be like Baton Rouge and not pay, and get a reputation for that? Do we want to be like New Orleans, have a reputation for being a dead beat city? I don't think so. I think this

Council needs to say, we'll pay our just debts. We'll pay final judgements that are rendered against it, and that's what we're asking this Council.

Councilman Carmody: And I think I've heard that from most everybody up here, that they think that that is what the City should do is pay final judgements rendered against the City. I think that the consensus is, is that this is maybe not the appropriate venue to actually bring this forward and put it on the agenda to do it. But the question was asked what makes this a different, and I think that you've elaborated very well, what makes it different.

Councilman Green: Mr. Madison, and again from my view, what makes this different is this. Because you wanted as what you just said, him to leave it on the agenda. Okay? As a request from a member of the Risk Management Committee to say if you take it off, my motion will be to give him all of his money. Then you get caught in a Catch-29. Because one is if you leave it on, 137, then to me you're basically trying to expose somebody for some type of exposure. But if you get a commitment from a fellow colleague to say 'look man, I will vote with you to get your heart desire, whatever you want your client to get. I will vote with you, if you just take it off of the agenda, so that we would not have a public discussion like this. Because when you talk about setting a bad precedent, I did not want this to go out through the airways that we even had to discuss this, and had this type of whatever going on. It hurts our City. So therefore, I wanted us to do it, where we've done it before, in the Risk Management Meeting. And if in fact we had done it that way, of course you said you wanted him to keep it on. See, the Mayor don't vote on the committee. He votes, I vote, Ms. Washington, Mr. Antee, Mr. Cody, and Mr. Lafitte. The Mayor don't have a vote. He don't call me on cases to say vote against this or vote against that. We have a discussion. And then we discuss the discussion. So by you talking to the Mayor about whatever he was going to do, well he didn't have a vote up there. But we did. But I begged him, so that you could get all of your money, but because of you saying you wanted it to stay on, he's saying he wanted it to stay on, brings us to a situation like this. Because keeping it on the agenda doesn't get your money.

Mr. Madison: I recognize that. The Mayor said that we won't get our money - - -

Councilman Green: Yeah, listen what I'm saying sir. Please forgive me. The Mayor don't vote up there.

Mr. Madison: But he writes the checks though.

Councilman Green: Listen to what I'm saying. He don't vote up there. He may write the check, that's true. But all of the votes that we've had before in the past that my colleague can attest to that we voted on the money that we've given to claims, he wrote those checks. So, I think it would be really out of this world if we had voted to give you this money, and then we come here to say the committee voted to pay this, and the Mayor refused to write the check, then we would have a legitimate argument. But we didn't get to that point, because you and you all refused to give us the opportunity to do our job. Which this Council Member can tell you that we have not been negligent on doing our job. We've all been together on who we were going to pay, what we were going to pay, and how much we were going to pay, and who we weren't going to give a dime to. He can attest to that, just like he's attesting to this. There've been some folk that we say we've given zero, and we gave them zero. And they didn't come on this agenda. And I don't have anything to say about that, but I do have, and I don't want the press, the media - - I've had enough media and press for the last two months, and I don't need any more. I don't need no bad stuff about our city, and about our committee, to say 'well, the Risk Management Committee is not doing what they're supposed to do,' because we've done a good job. And we've been consistent. But we were not given the opportunity to do this the way it should have

been done. And that's why you don't have the money today. Again, the Mayor don't vote up there, and regardless of what that paper say or whoever wrote that article, I don't say yes to the Mayor, and I just want that to be - - - he's never called me to say, 'hey Councilman, I need you to do this, or I need you to do this, or whatever, or whatever, for Risk Management.' Not one call. Now maybe he called my colleague.

Councilman Carmody: He's never called me to ask me to do anything for him.

Councilman Green: Okay. So, all I'm saying is sometimes, I can't say it like Councilman Lester say it. Something that he said, bad something make bad - - - what did you say?

Councilman Lester: Bad facts make for bad law.

Councilman Green: So, bad facts make bad law, bad facts make no paycheck. Thank you.

Councilman Carmody: Mr. Chairman, just to clarify so that nobody misunderstood. A Catch -29 is the Catch 22 that we're in plus the 7 of us. Okay? So please do not misquote anybody.

Councilman Jackson: Let me just say, I remembered some several minutes ago, I'd made a motion to postpone. And I guess all this discussion came out of that motion to postpone. But I will say since the discussion has taken place, I will say that the reason the ordinance that will be introduced, or that was added to the agenda to be introduced, that I have authored, and many people have referred to today, is the policy that I continue to refer to. My colleagues and even the Mayor have said that we have policy. Well the problem with it is that it is a flawed policy with regard to standing up against the test of not necessarily integrity, but legitimate scrutiny. And here's what I mean by that. That policy is to pass that responsibility to the Risk Management Committee. Now, and I respectfully disagree with my colleague, Councilman Green, who suggest that nobody should get the impression, while the Mayor may not be present in the room, it's not hard to suggest that vicariously, the Mayor is present through the majority of the appointees on the Risk Management Committee. And I would suggest that what it does is take that scrutiny away from that administrative position, from the Mayor, because there are people that would suggest that well, you've got two Councilmen on there. Well, I would suggest that perhaps one of the things that has to happen, and I suggest it in my ordinance, but sometimes long term perhaps what needs to be looked at is how we re-appoint that committee perhaps to have citizens and folks who have some background in these different areas serve on that committee to be sure that the legitimate amount of not only sunshine, but public scrutiny is given to those things. Because every dollar that we've spent, notwithstanding the amount, every minute was taxpayer money. And the policy is out of the General Fund, and out of Enterprise Funds to take that money annually, to appropriate that money for the purpose of self insuring, for lack of a better term, or trying to make sure that we could protect ourselves against the obvious risks. So, I mean I think that it's not out of bounds to suggest that there is a need for additional policy to "tighten it up", or whatever the case may be. Because I think there is still room for scrutiny, and I there is still room for criticism for the appointees. I mean there are at least two Council Members, the CAO, the Director of Finance, the Risk Manager, and the City Attorney. By my mathematics, that's six votes, and of those six people, four of them have some - - - the Mayor at least, and perhaps with the Risk Manager, and the Director of Finance who again reports to the CAO who reports to the Mayor, all have reporting responsibilities that ultimately stop, where the buck ultimately stops at the Mayor's desk. And so, I don't think that you could avoid that. If I just wanted to sit here and accuse you, and I want to be clear, I 'm not doing that.

But if I wanted to, you can't deny that that's the fact, and everybody could say, 'well, no, he came in, and the Mayor has no idea what's going on.' Well, I wouldn't be a Mayor and not know what's going on. If folks who work for me are going in that meeting, I'd like to know a) what's going on before you go, and what happened when you came back. And to disregard me as the chief executive, I would have a problem with that. I think that's just the nature of the scenario. So, I just want us to seriously consider putting place policy. I don't think we have adequate policy. I think this helps us, excuse me, that which we will introduce later will help us, and I hope we will think about it as sometime down the line. This clearly, one thing we've proven today, is that this is not that venue to have these particular discussions, because we'd need two days in order to do it. And so I'm not a lawyer, I just seemingly every two weeks play one on TV, but I will say Councilman Lester, that I do think there is some additional safeguards that need to be put in place, not from a legal perspective, but from a fiduciary perspective, because we all represent the citizens of Shreveport. With that Mr. Chairman, I'd like to call for the question.

Motion by Councilman Jackson, seconded by Councilman Walford to call for the question and end debate.

Councilman Hogan: That's fine, I just want everybody up here to know that I've not gotten to speak yet, and I've let everyone up here speak.

Councilman Walford: Mr. Chairman, you're out of order.

Councilman Carmody: That's right.

Councilman Hogan: Call for the question. Alright.

Councilman Walford: We've got to vote on that.

Councilman Jackson: I'm sorry Mr. Chairman, I didn't realize you hadn't - - -

Councilman Hogan: That's okay. That's alright.

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

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

RESOLUTION NO. 138 OF 2006

A RESOLUTION ACCEPTING DEDICATION FOR BUNCOMBE ROAD IN THE BUNCOMBE ROAD CROSSING AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for Buncombe Road in Section 25, (T17N-R15W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

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

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

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

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

RESOLUTION NO. 139 OF 2006

A RESOLUTION SUSPENDING THE EFFECTS OF CERTAIN PROVISIONS OF CHAPTER 10 RELATIVE TO ALCOHOLIC BEVERAGES ON NOVEMBER 18, 2006 RELATIVE TO DISPENSING, SALE AND/OR CONSUMPTION OF LOW ALCOHOLIC CONTENT BEVERAGES AT 600 COLUMBIA STREET AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY: COUNCILMAN MONTY WALFORD

WHEREAS, the Highland Area Partnership intends to sponsor the Jazz and Blues Festival fund raising activity on November 18, 2006 from 12:00 p.m. until 6:00 p.m. at 600 Columbia Street; and

WHEREAS, the proceeds of the event will benefit the Highland Area Partnership; and

WHEREAS, the Highland Area Partnership intends to dispense and allow the sale and consumption of low content alcoholic beverages at 600 Columbia Street during its event; and

WHEREAS, certain provisions of Chapter 10 of the Code of Ordinances prohibits the sale, consumption, dispensing or otherwise of alcoholic beverages in and on public places, including streets, sidewalks, and parks unless specifically authorized by the city council or the zoning board of appeals; and

WHEREAS, the adoption of this resolution would allow the Highland Area Partnership to dispense and sale and its patrons to purchase and consume low alcoholic content alcoholic beverages at 600 Columbia Street during the event.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that the location and permitting provisions of Chapter 10 of the Code of Ordinances are suspended on November 18, 2006 from 12:00 p.m. until 6:00 p.m. at 600 Columbia Street for the Jazz and Blues Festival fund raiser to benefit the Highland Area Partnership. Said location and permitting provisions are suspended only to the limited extent necessary to allow for the dispensing, sale, and consumption of low alcoholic content beverages in the manner described herein.

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

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

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

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

Councilman Jackson: Is this thing where kids are again?

Councilman Carmody: Jazz and blues festival.

Councilman Jackson: Oh, okay.

Councilman Hogan: I didn't hear the answer to that question. Are there children at this function?

Councilman Walford: Yes there will be, same as there has been the last two years.

Councilman Hogan: Okay, I was just curious to know.

Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, and Green. 5. Nays: Councilman Jackson, and Hogan. 2.

RESOLUTION NO. 143 OF 2006

A RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS) AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BY:

WHEREAS, the City of Shreveport has been advised that it must adopt a resolution adopting the National Incident Management system (NIMS), as a condition of the Caddo-Bossier area continuing to receive Federal Homeland Security grants and assistance; and

WHEREAS, the City of Shreveport has been assured by the Caddo-Bossier Office of Homeland Security that the NIMS is designed to assure interoperability and compatibility among Federal, State and local agencies in times of emergency; and

WHEREAS, the City Council finds this to be a beneficial objective.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in legal session convened, that the City of Shreveport hereby adopts the National Incident Management System as its system for responding to disaster incidents.

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 to be severable.

BE IT FURTHER RESOLVED that all resolutions in conflict herewith are hereby repealed,

Mr. Thompson: I believe that's an Administration resolution.

Councilwoman Robertson: And that's for Homeland Security?

Mr. Thompson: Mr. Dark can speak to that.

Mr. Dark: Or any of us actually. My understanding was the local Homeland Security Office asked us to put this on the agenda as it will be on at the Bossier City, Bossier Parish, and Caddo Parish. It's a prerequisite for them getting federal homeland security funds. And it adopts a system that Fire and Police are already doing.

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

RESOLUTION NO. 144 OF 2006

A RESOLUTION SUPPORTING THE APPLICATION OF GREENWOOD VILLA HOMES TO THE LOUISIANA HOUSING FINANCE AGENCY AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BY: Councilman Theron Jackson

WHEREAS, the Greenwood Villa Homes is a 40 unit, "Scattered Site with Homeownership for Large Families," located on a 10.15 acre tract of land near 6100 Greenwood Road; and

WHEREAS, said development lies in the incorporated area of the City of Shreveport, and therefore within the jurisdiction of the Shreveport City Council; and

WHEREAS, this City has been and remains supportive of safe sanitary, affordable housing for all of its citizens; and

WHEREAS, although this City does not encourage or direct its citizens to select one residence over another, it does support as a general proposition the building of new housing that is safe, sanitary and affordable; and

WHEREAS, Greenwood Villa Homes will partially fund this project upon successful application with Internal Revenue Service Code Section 42 tax credits as awarded by the Louisiana Housing Finance Agency; and

WHEREAS, said tax credits are awarded on a state-wide, competitive basis to those applicants that score the highest points; and

WHEREAS, a resolution of support from this governmental body will be a significant factor, but not the only factor, in determining whether or not said application is successful.

NOW THEREFORE, BE IT RESOLVED that the City Council for the City of Shreveport in due legal and regular session convened, that it supports the application of Greenwood Villa Homes to the Louisiana Housing Finance Agency for tax credits pursuant to Section 42 of the Internal Revenue Code.

BE IT FURTHER RESOLVED that this resolution of support is provided to satisfy requirements of the Louisiana Housing Finance Agency and shall not be construed nor is it intended to grant any approval, variance, or waiver of any requirement, regulation or process required by federal, state or local law for the construction, development or occupancy of the proposed project.

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

INTRODUCTION OF RESOLUTIONS *(Not to be adopted prior to September 26, 2006)*

1. **Resolution No. 140 of 2006**: A resolution authorizing the Mayor's signature on a right of entry agreement between the Louisiana Department of Transportation and development and the City of Shreveport and to otherwise provide with respect thereto. (A/Lester)

2. **Resolution No. 141 of 2006**: A Resolution ratifying the action of the Shreveport Airport Authority in executing a servitude agreement with Bellsouth Telecommunications, Inc. and to otherwise provide with respect thereto.
3. **Resolution No. 142 of 2006**: A Resolution amending Resolution No. 104 of 2004 with respect to Special Facility Revenue Bonds of the City of Shreveport, State of Louisiana, and providing for other matters in connection therewith.

Read by title and as read, motion by Councilman Lester, seconded by Councilman Jackson to introduce Resolution No(s). 140, 141 and 142 of 2006 to lay over until September 26, 2006 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

INTRODUCTION OF ORDINANCES *(Not to be adopted prior to September 26, 2006)*

1. **Ordinance No. 133 of 2006**: An ordinance amending and re-enacting Chapter 50 of the Code of Ordinances of the City of Shreveport relative to political signs and to otherwise provide with respect thereto.
2. **Ordinance No. 134 of 2006**: An ordinance amending the 2006 General Fund Budget and otherwise providing with respect thereto.
3. **Ordinance No. 135 of 2006**: An ordinance amending the 2006 Capital Improvements Budget and otherwise providing with respect thereto.
4. **Ordinance No. 136 of 2006**: An ordinance amending the 2006 Budget for the Fleet Services Internal Service Fund and otherwise providing with respect thereto.
5. **Ordinance No. 137 of 2006**: An ordinance amending the 2006 Budget for the Retained Risk Internal Service Fund and otherwise providing with respect thereto.
6. **Ordinance No. 138 of 2006**: An ordinance amending the 2006 Budget for the MPC Special Revenue Fund.
7. **Ordinance No. 139 of 2006**: An ordinance amending the 2006 Budget for the Community Development Special Revenue Fund and otherwise providing with respect thereto.
8. **Ordinance No. 140 of 2006**: An ordinance amending the 2006 Golf Enterprise Fund Budget and otherwise providing with respect thereto.
9. **Ordinance No. 141 of 2006**: An ordinance amending the 2006 Airports Fund Budget and otherwise providing with respect thereto.
10. **Ordinance No. 142 of 2006**: An ordinance amending the 2006 Budget for the Riverfront Special Revenue Fund, and otherwise providing with respect thereto.
11. **Ordinance No. 143 of 2006**: An ordinance amending the 2006 Budget for the Water and Sewerage Enterprise Fund, and otherwise providing with respect thereto.
12. **Ordinance No. 144 of 2006**: An ordinance amending the 2006 Budget for the Sportran Enterprise Fund, and otherwise providing with respect thereto.
13. **Ordinance No. 145 of 2006**: An ordinance amending the 2006 Budget for the Downtown Parking Enterprise Fund, and otherwise providing with respect thereto.
14. **Ordinance No. 146 of 2006**: An ordinance declaring certain adjudicated properties to be surplus and to authorize the Mayor of the City of Shreveport to donate the City of Shreveport's tax interest in certain surplus adjudicated properties, and to otherwise provide with respect thereto. (A/Lester/F/Green)

15. **Ordinance No. 147 of 2006**: An ordinance declaring certain adjudicated properties to be surplus and to authorize the Mayor of the City of Shreveport to sell the City of Shreveport's tax interest in certain surplus adjudicated properties, and to otherwise provide with respect thereto. (A/Lester/F/Green/G/Jackson)
16. **Ordinance No. 148 of 2006**: ANNEXATION – Tag No. 06-01: An ordinance enlarging the limits and boundaries of the City of Shreveport – a tract of land located in the SE/4 of Section 29 (T16N-R13W), Caddo Parish, Louisiana, (Southern Trace, Phase V, Section XXI, Subdivision), and to otherwise provide with respect thereto. (D/Robertson)
17. **Ordinance No. 149 of 2006**: An ordinance creating and establishing a no through truck route on the portion of East Kings Highway lying within the City of Shreveport between Bert Kouns Industrial Loop and Flournoy Lucas Road, and to otherwise provide with respect thereto. (D/Robertson)
18. **Ordinance No. 150 of 2006**: An ordinance enacting Section 2-51 of the Code of Ordinances relative to qualifications for members of Boards and Commissions, and to otherwise provide with respect thereto. (E/Hogan)
19. **Ordinance No. 152 of 2006**: An Ordinance to amend and reenact Chapter 50 of the Code of Ordinances relative to the offense of Contempt of City Council, Boards, Commissions, and Committees and to otherwise provide with respect thereto.
20. **Ordinance No. 153 of 2006**: An Ordinance to amend and reenact Division 3 of Article V of Chapter 26 of the Code of Ordinances relative to City of Shreveport Retained Risk Fund and to otherwise provide with respect thereto.

Read by title and as read, motion by Councilman Green, seconded by Councilman Jackson to introduce Ordinance No(s). 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 152 and 153 of 2006 to lay over until September 26, 2006 meeting.

Councilwoman Robertson: Mr. Dark, on number 142, that has to do with the jogging trail and the parking lot. Can you separate those two out for us, for our next meeting?

Mr. Dark: (Inaudible)

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

INTRODUCTION OF ORDINANCES *(Not to be adopted prior to October 10, 2006)*

1. **Ordinance No. 151 of 2006**: An ordinance authorizing the donation of City-owned property to the Housing Authority of Shreveport and to otherwise provide with respect thereto. (A/Lester)

Read by title and as read, motion by Councilman Lester, seconded by Councilman Carmody to introduce Ordinance No. 151 of 2006 to lay over until October 10, 2006 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

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

1. **Ordinance No. 108 of 2006**: An ordinance authorizing the lease of city-owned property to the Salvation Army and to otherwise provide with respect thereto. (G/Jackson)
(*Postponed – August 22, 2006*)

Having passed first reading on July 25, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Carmody, seconded by Councilman Walford to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

2. **Ordinance No. 115 of 2006**: An ordinance amending and reenacting Chapter 62 of the Code of Ordinances by adding Article IV relative to City-owned property and to otherwise provide with respect thereto. (E/Hogan) (*Postponed – August 22, 2006*)

Having passed first reading on August 8, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Hogan, seconded by Councilman Carmody to postpone. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None

3. **Ordinance No. 118 of 2006**: An ordinance authorizing an exchange of easement rights between the City of Shreveport and Word of Life Ministries, Incorporated, and to otherwise provide with respect thereto. (F/Green) (*Postponed – August 22, 2006*)

Having passed first reading on August 8, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Hogan, seconded by Councilman Lester to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

4. **Ordinance No. 119 of 2006**: An ordinance amending the Section 10-1 and 10-102 of the City of Shreveport Code of Ordinances relative to alcoholic beverages and to otherwise provide with respect thereto.

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Walford, seconded by Councilman Robertson to adopt.

Councilman Jackson: Mr. Chairman, I would like to offer a substitute motion to postpone. Let me just say before I do that to just have some brief discussion?

Substitute Motion by Councilman Jackson, seconded by Councilman Carmody to postpone.

Councilman Jackson: Mr. Chairman, and maybe Councilman Walford, since he made the motion, but we had talked sometime ago, and I don't know, Cpl Collins may not be here, but I've been involved in this, and a part of where I think this emanates from, and I've had conversation

with people during lunch, and otherwise, and I think that this particular section that we have added is - - I don't know the necessity of it, and until such time as I think somebody could speak to it, I know it's been offered by the Police Department, but I still, I think that Cpl Collins and the folks who at least one patron, excuse me, one business owner who this would affect, have had some conversations about it. I don't think anything has changed since the first day they put this on here. And that's my question whether or not - - I don't want to proceed with it as I saw it at first blush two weeks ago. And so that was my reason for a motion to postpone, and we have not had any discussion about it either.

Councilman Walford: To answer Mr. Jackson, my motion was because it was bit of silence, and nobody else said anything. I have no dog in this hunt. I have no problem at all with your substitute motion.

Councilman Jackson: Thank you.

Councilwoman Robertson: And what I'm understanding is that you had come to the Council about wanting the fees or whatever so the bars and other weren't letting the people come in without doing the food, and the nightclub atmosphere. Is that what your intent is?

Councilman Jackson: No, no. The Police Department put this on, and we've not had any discussion about it. I'd have certainly some news on it, because I think that while the spirit of it may be correct, I'm just not sure of what the motivation is. And I think there ought to be at least some conversation about that. Because I know of a case where in the B-4 - - one of the things that we have to do, and I may be way off base, but I'm going to tell you, one of the things that we need to do is in our B-4, and I guess it's not one thing, but two things we need to do collaterally is be sure that we insure that there is always safety in every district, but certainly this B-4 as well. But also that there is opportunity for businesses to thrive. We invite people, and certainly try to convince folks to come downtown. And we talked yesterday and today about tools. Giving the Risk Management Committee tools, giving the Code Enforcement tools, I think we ought to be able to give businesses the same kind of scenario. And I think this to me adding the disproportionate price and those kinds of things, anything that they have a zoning right to be adjusted at this particular time. I have questions to do it blanket without any discussion on it. So my real concern is that we bring in all of the people who are a part of putting this together rather than saying we're just going to pass this, and it's good. Because it may be bad. And so I think we need to take some time and give it the due diligence necessary before we make this move. Because it's going to impact businesses. Not just one business as it may be targeting, it's going to end up impacting several businesses which includes as Councilman Walford knows, it's his district, several other businesses that don't have to be on the (inaudible) end, but they're in the B-4 district, and I think we have to be very careful that we're not shooting from the hip, or being arbitrary or capricious about enacting this kind of legislation.

Councilwoman Robertson: Yeah, but this was the discussion we had before about the crowds that were around some of the areas, and the Police were having a hard time controlling the crowds that you had brought up.

Councilman Jackson: No, this is different.

Councilman Lester: And I want to be enlightened. I might - - I may or may not have a dog in this hunt, but I want to know what the dog's name is. So, if someone can enlighten me that what brings us to this point, because it seems just listening to Councilman Jackson, that there is an undercurrent that's associated with this particular piece of legislation. And if we are trying to enact a piece of legislation that's going to attempt to conform, or adjust a particular businesses conduct, I would at least like to know what that business is and what the conduct that was

complained of before we take it to the level of dealing with something that's going to take away what I think are property rights. Particularly in a B-4 district which allows a multiplicity of uses. So, I don't know if now is a proper time, maybe after the meeting, someone can enlighten me and tell me what we're dealing with. I understand we're postponing it and I'm definitely in favor of that, because I definitely want to be educated on this one.

Mayor Hightower: Mr. Chairman, I think I can shed a little bit of light on it. The Police Department, and I certainly think that Councilman Jackson is right and so right Councilman Lester in that it merits plenty of discussion before we actually enact it. But it did start somewhat from the observations that you had made downtown in a particular location, and then there've been several others that have taken the liberty to essentially establish teen clubs at night by turning their restaurants into cover charge bar atmospheres, circumventing the teen club ordinance that this Council passed 2 or 3 years ago. That's what the subject is all about. There are according to the Police Department more than one location that have partaken of this method to enhance their economic status. And I do agree that there are discussions that need to be had, because some of these downtown restaurants, if you stop and think about the possibility of their economic survival five days a week, one meal a day, the numbers are tough. And we've seen restaurants come, and we've seen 'em go. We've got more people down here now, so we've got more restaurants than ever. That makes the competition that much more severe downtown. So, I do think that it merits discussion by the Council. We encourage the postponement, and look forward to the engagement. But it is a measure being offered by the Police Department to try to enforce the teen club ordinance that this Council passed several years ago.

Councilman Carmody: Mine is a very quick comment, because I don't want to date myself, but it's been a long time since I paid a cover charge to get in to a night club. But I cannot recall in almost 46 years of living on this earth of paying a cover to walk into a bona fide restaurant. And what I would hope is that we have our B-4 bona fide restaurant operators come before us in two weeks to get their opinion of this. Because what is noted in the facts are that the Police Department is observing activities that are occurring at what are considered to be bona fide restaurants where as the Mayor just said, they are apparently circumventing our own laws as to what's not allowed in our city. So, I'm hoping that we get the assistance of our media, and that they encourage these owners to step forward too, to give us their observations. A lot of us don't frequent bona fide restaurants, downtown late at night, and I guess that's when they're seeing this happen. So, thank you.

Councilman Jackson: Mr. Chairman, in light of what Councilman Carmody said, I just thought about this as well. I think so often, I don't want us to be engaged in proactive or fear mongering. Because what I'd like to see is there is some very definite and I think everybody can see on 119, some very definite statements. Which means there ought to be some very definite documentation. So, I'd like to see when we come back the establishments in questions, the documentations which should be police reports, that suggest. Because as I appreciate it there are policemen and deputies who are hired by many of these establishments to work privately while they are there. If you could, when you come back - - - I think we ought to be able to find out - - - I don't know if we hire, if we control - - - I'm assuming we control their extra work or whoever hires our Police Offices, if we can tell if they went to work at a particular place or whatever. So, I'd like to know if in fact the places did have security that was City of Shreveport security. Secondly, I'd also like to know then where is the incident reports of - - - because I want specifically to know about criminal property damage, fighting, vandalism, and drug activity.

Because if all that's happening, and it's taken us this long to do something about it, I'm concerned about that as well. Cause I was thinking that somebody would have said something else before now about this. And I want to also see what addresses the situation on this corner behind City Hall, because nothing in here does. I'd like to see something in here amended and added to this that addresses the blatant hanging out. And you don't have to wait. Every Friday, every Saturday, I may sound like a broken record, but I've seen it myself, and I can tell you, I don't even know the number of people I've seen hanging out, but I can tell you the number of police I've seen there. Zero. And that's not just some Fridays, and this is not the first time I've said it. I've not asked the Chief, or anybody saying please send somebody down there on Friday, please send somebody down there on Saturday. We've had to put a stripe, and I don't know if Shelly or whoever may be over it, we've had to put a black and gold stripe on that big arm, that comes up and down. And I believe one the reasons that we've put a stripe, that's not so people could see it better. It's because they've written curse words all the way across that big arm, and I can guarantee that happens on Friday and Saturday nights. And so my concern is what are we doing to address that. And then I want us to talk specifically about it. The downtown police units have identified the area surrounding the establishment as major areas of concern. Now that's concerns, but it goes on to say, when they researched the problem, it was discovered that it's not the - - - that is a 'not' (I don't know, I guess that's a grammatical error) because it says, "this is a not a norm," so I'm assuming they mean this is not a norm for a legitimate bona fide restaurant. And they go on to suggest that in that, the crowds growing in size are becoming more prone. I guess they got some way to gauge that. More prone to participate in criminal acts such as criminal property damage. Again, are we assailing accusations or, do we have some documentation to say that this is happening, because if so, we certainly need to act, not in three weeks or five weeks or six weeks. This is a public safety issue if that's going on. But if it is, we ought to be easily be able to find out. Because we ought to know if in fact there were officers who we pay, I mean who are on our staff, who were over there paid by the club or whatever club it may be, and whether or not there were police reports documenting those particular things happening on those particular nights. That's what I'm concerned about.

Councilman Hogan: Okay, Councilman Lester asked to speak next. And I'd like to remind, not trying to take away anybody's right to speak, but we are postponing this, so keep that in mind.

Councilman Lester: I'll defer to the Mayor, and I'll come back after him, if he will have something to say, I can wait.

Mayor Hightower: Thank you Councilman. In response to Councilman Jackson, I know that part of the predicament that the Police Chief is in, his policy is Shreveport City Police Officers do not work bars. They do work restaurants, but they don't work bars. Some of these establishments are essentially becoming bars at night. I don't believe and I wish the Chief was here, but I don't believe SPD has worked any of these particular incidents for the restaurant themselves. They are certainly working the streets, and I know that several citations have been issued. What those citations were for, I'm not real sure, but they are on top of it. The Police Department has recognized the problem. The Police Department drew up this proposed ordinance, and as I said before I think it certainly merits discussion, so we're not - - - as in any situation, the Police Department is going to handle public safety in life and death situations the way that they are trained to do and know to do, so this legislation is not of any urgency today or two weeks from now. But they have recognized a problem, they have brought it before the City Council, it merits discussion, and that's why it's on the agenda.

Councilman Hogan: Mr. Mayor, would you like Chief Campbell to come forward?

Mayor Hightower: Chief, part of the - - - Councilman Jackson - - - I'll let Councilman Jackson ask his own question, but.

Councilman Jackson: Chief, did you hear what I asked?

Chief Campbell: No sir, I didn't, I was talking to Mr. Miller out in the hallway.

Councilman Jackson: I just wanted to - - - there's this, and I think you know what we're referring to about the disproportionate charges or whatever the language that's being added to the issue would be for restaurants in the B-4, and the provisions of Section 10 relating to forbidding a cover charge or entry fees and those kinds of things. And disproportionate price you know those kinds of things. Now in there, there is some very clear language about everything from what the Mayor talked about, about not trying to convert them to dance halls, and those kinds of things. We had some concerns about an entrepreneurial concern, about people who are in B-4s making money five days a week, half a day, one meal if you will and surviving in our city. That's one issue. But my issue was since this is here, and since this is produced by the Police Department, there is specific language about what's happening and what's been seen in this area. And it talks about criminal property damage, fighting, vandalism, drug activity. My question was, as we discussed further in the next few weeks, that if there is documentation that says this is happening, because I don't want anybody to get the sense that we're fear mongering, and being unnecessarily proactive about something that does not exist if you will, and so since it's very specific, my question was simply produce those things that serves as documentation.

Chief Campbell: Well absolutely, and they've been discussed. They've been discussed at the Council Meeting talking about the vandalism around Government Plaza here, and we can put that together for you, that's not an issue. What we're trying to do basically Councilman Jackson is close what we feel to be a loop hole in the law where some of the businesses are, and of course that's a decision for y'all. We're just making a recommendation based on public safety and what we think the law says or should say. But what we have found here is a loop hole that allows them to get around the dance hall, teen club type deal. And I don't know other than two possible restaurants, possibly three down here, of any bona fide or legitimate restaurant that charges a cover charge. And it just doesn't make a lot of sense for one to do that. I certainly wouldn't pay a cover charge to go eat in a restaurant, but that's me. But we'll be glad to give you the supporting documentation. If there is something in the way that's worded probably Cpl Collins would be the one to address the specific language in what we're trying to do.

Councilman Jackson: My other question was whether or not any officers from the Shreveport Police Department have ever been hired by a restaurant, bona fide restaurant in a B-4 district to work some level of security during any kind of event which may be the same events.

Chief Campbell: Okay, basically, and the main difference here would be bar as opposed to restaurant.

Councilman Jackson: Right. Bona fide restaurants, because police officers can't be hired for that. And my question is that, can we look at the record to see if any of them have been hired for any of the clubs that we've got questions about.

Chief Campbell: Absolutely, absolutely.

Substitute motion to postpone approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

5. **Ordinance No. 120 of 2006**: An ordinance closing and abandoning the 20 foot-wide alleyway located in the John H. Fetzer Subdivision between West Laurel Street and Chestnut Street, bordered by Exposition Avenue and Alabama Avenue in Section 3 (T17N-R14W), Shreveport, Caddo Parish, Louisiana and to otherwise provide with respect thereto. (G/Jackson) *(Not to be adopted prior to September 26, 2006)*
6. **Ordinance No. 121 of 2006**: An ordinance closing and abandoning a 10 foot-wide alleyway running north and south located in the Crowder Subdivision bordered by Stephens Street and Creswell Street in Section 6 (T17N-R13W), Shreveport, Caddo Parish, Louisiana and to otherwise provide with respect thereto. (B/Walford) *(Not to be adopted prior to September 26, 2006)*

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Jackson, seconded by Councilman Carmody to postpone Ordinances 120 and 121 of 2006. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

7. **Ordinance No. 122 of 2006**: An Ordinance to amend portions of Chapter 90 of the Code of Ordinances relative to traffic and vehicles and to otherwise provide with respect thereto. (A/Lester)

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Walford to postpone. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

8. **Ordinance No. 131 of 2006**: An ordinance to amend certain sections of Chapter 38 of the City of Shreveport Code of Ordinances relative to housing and property standards and to otherwise provide with respect thereto

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Jackson to postpone.

Councilman Lester: And I do want to just briefly - - - spoke to Ms. Moore at Community Development. They're asking for a two week postponement. They had some staff that were out, and did not get an opportunity to review this in it's final form. And I think it's proper since we're going to be charging what the implementation of this as expeditiously as possible. So, they're asking for a two week delay and I'm asking the Council to support that.

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

9. **Ordinance No. 132 of 2006**: An ordinance authorizing the Purchasing Agent to dispose of Surplus Real Property and otherwise to provide with respect thereto. (B/Walford) (*Not to be adopted prior to September 26, 2006*)

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Carmody, seconded by Councilman Green to postpone. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

10. **Ordinance No. 69 of 2006**: ZONING APPEAL: C-16-06 – An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the northwest corner of Hilry Huckaby and Russell Road, Shreveport, Caddo Parish, Louisiana, from R-A, Residence-Agriculture District, to R-1H (PUD) Urban, One-Family Residence (planned unit development) District, and to otherwise provide with respect thereto. (A/Lester) (*Postponed - August 22, 2006*)

Having passed first reading on May 23, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Jackson to postpone.

Councilman Hogan: And do you expect that we'll be able to hear this at the next meeting?

Councilman Lester: Oh yeah. I mean, and to answer the question, I had a trial that was set for today that's been getting bumped till tomorrow. I didn't expect that I was going to be here, and I asked that my items be postponed, and I talked to the proponents and opponents on yesterday, and told them that I was going to postpone. And so to uphold my word which is important, I've asked that we're going to postpone them as if we're not here. Although a lot of people would like to be as if I were not here, but that's another lecture entirely.

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

11. **Ordinance No. 123 of 2006**: ZONING - C-70-06: An ordinance amending various sections of Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, and to otherwise provide with respect thereto.

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Green, seconded by Councilman Lester. *The Clerk read the following:*

Amendment No. 1 to Ordinance No. 123 of 2006:

Amend the Ordinance as follows:

Delete the Ordinance as introduced and substitute the attached Ordinance.

Motion by Councilman Walford, seconded by Councilman Green to adopt Amendment No. 1 to Ordinance No. 123 of 2006. Motion approved by the following vote: Ayes:

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

Motion by Councilman Green, seconded by Councilman Carmody to adopt Ordinance No. 123 of 2006 as amended. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

12. **Ordinance No. 124 of 2006**: ZONING APPEAL C-18-06: 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 North Hearne, 1,540 feet north of Hilry Huckaby Avenue, Shreveport, Caddo Parish, Louisiana from R-A, Residential-Agriculture District, to R-A-E Residential-Agriculture/Extended Use District, Limited to “Concrete Crushing and Product Storage” only, and to otherwise provide with respect thereto. (A/Lester)

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Carmody to postpone Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

13. **Ordinance No. 125 of 2006**: ZONING APPEAL C-40-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the northwest corner of Olive Street and Magnolia Street, Shreveport, Caddo Parish, Louisiana, from SPI-1-E, Highland Urban Conversation District to SPI-1-E, Highland Urban Conservation/Extended Use District, “Limited to retail sales (as previously approved), B-1 uses by right, Delicatessen, Coffee Shop, Martial Arts Studio or School, Music Studio, Massage Therapist (appointment only), Personal Trainer (appointment only), Barber or Beauty Shop (appointment only), and office use” only, and to otherwise provide with respect thereto. (B/Walford)

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Walford, seconded by Councilman Carmody to adopt.

Councilman Walford: They’re appealing the decision, is that correct? So the correct motion would be to adopt the MPC decision?

Ms. Glass: To adopt the ordinance.

Councilman Walford: Okay, and Mr. Jambor, could you give us a quick synopsis of this one. It’s kind of - - -.

Mr. Jambor: Yes sir, this is fairly old property that’s historically had a commercial use of a variety of types over there in Highland. Right next to the Highland Center, which of course used to be Highland Baptist Church. The gentleman bought the property, and based on the - - - like I said, he’s not trying to do anything that’s not (inaudible) the property historically, it’s just the Zoning Ordinance as it reads in a special conversation district, has made it fairly difficult to market the property. And of course the issue really there is (inaudible) property. And so finally

through a diligence and the fact that there is parking available through the Highland center which is very under utilized, we (inaudible) and in fact is becoming more under utilized, we've kinda come up with some more latitude where he can market that building a little better, as long as you very carefully stagger the uses, and make sure that it doesn't impose upon (inaudible) around the neighborhood. And we worked very carefully with HRA, and HAP to make sure that was not true, as well as - - - (inaudible) probably more hours on this one than I've ever spent on a case. And I think we have something that will work. It's fairly limited with a list of uses. They coordinate well, they don't happen to occur at the same time, and they probably won't burden anything at all.

Councilman Walford: Okay, if I understood it right, it really didn't get any significant changes. They got some stipulations dropped. Is that a good way to - - -

Mr. Jambor: And what happened was he would (inaudible) market property, and by the time he got a tenant, he came in front of the MPC and in front of this Council to get the ordinance amended, the tenants weren't willing to wait that long. So what we did was trying to anticipate very carefully, help him come up with his actual market that he could accommodate. And we kinda gave him as big a list as we could that would allow him to market to these people which will work with a parking situation, and not have to come back and therefore lose a tenant.

Councilman Walford: Okay, and for the record, at the MPC, Highland Restoration Association came and took a neutral position on this.

Mr. Jambor: Yeah, HRA took a positive position. They were part of the solution.

Councilman Walford: Thank you Mr. Jambor. For the benefit of the Council, in your packets is a letter from the appellant citing the reasons that they don't believe that this is a good thing. The applicant had asked for midnight hours, they got 7-10. I frankly don't see a problem.

Mr. Jambor: Yeah, I think we actually even amended his application over a long period of time. I mean, he didn't know what to ask for quite frankly. We had to help him quite a bit.

Councilman Walford: But you feel like this is compatible with the neighborhood, and is not going to be a problem.

Mr. Jambor: It's very, very deliberate, and very well worked out. And so it solves a particular problem with this particular piece of property. And to have it viable, it would benefit the neighborhood quite frankly.

Councilman Walford: Very good Mr. Jambor. I wanted that for the record.

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

14. **Ordinance No. 126 of 2006**: ZONING APPEAL – C-67-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the south side of Jordan 150 feet west of Creswell Avenue from SPI-1, Highland Urban conversation District, to SPI-1-E, Highland Urban Conservation/Extended use District, Limited to a "Boarding House" only, and to otherwise provide with respect thereto. (B/Walford)

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Carmody, seconded by Councilman Jackson to postpone. Motion approved by the

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

15. **Ordinance No. 127 of 2006**: ZONING - C-57-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the east side of I-49, 200 feet south of East 85th Street, Shreveport, Caddo Parish, Louisiana, from B-3, Community Business District, to R-1H (PUD), Urban One-Family Residence (Planned Unit Development) District, and to otherwise provide with respect thereto. (D/Robertson)

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Robertson, seconded by Councilman Walford to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

16. **Ordinance No. 128 of 2006**: ZONING - C-66-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the south side of South Lakeshore Drive 940 feet west of Pines Road and extending back to Long Timbers Road, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-Family Residence District to R-1D-E, Urban One-Family Residence/Extended Use District, "**Limited to two (2) horses**", only, and to otherwise provide with respect thereto. (A/Lester)

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Lester, seconded by Councilman Hogan to postpone. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

17. **Ordinance No. 129 of 2006**: ZONING - C-68-06: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the south side of Smithfield Road at its intersection with Bridgewood, Shreveport, Caddo Parish, Louisiana, from B-3, Community Business District, to R-1D, Urban, One-Family residence District, and to otherwise provide with respect thereto. (E/Hogan)

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Hogan, seconded by Councilman Carmody to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

18. **Ordinance No. 130 of 2006**: ZONING - C-69-06: 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 Bert Kouns Industrial Loop, 630 feet west of

Mansfield Road, Shreveport, Caddo Parish, Louisiana, from B-2, Neighborhood Business District, to B-3, Community Business District, and to otherwise provide with respect thereto. (E/Hogan)

Having passed first reading on August 22, 2006 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Hogan, seconded by Councilman Carmody to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Hogan, Green, and Jackson. 7. Nays: None.

The adopted ordinances and amendments follow:

ORDINANCE NO. 108 OF 2006

AN ORDINANCE AUTHORIZING THE LEASE OF CITY-OWNED PROPERTY TO THE SALVATION ARMY AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY:

WHEREAS, the City of Shreveport is the owner of Fairgrounds Park; and

WHEREAS, Fairgrounds Park is generally located at the corner of Missouri Avenue and Greenwood Road; and

WHEREAS, in 1971, the City leased a portion of Fairgrounds Park to The Salvation Army for the operation of a Boys and Girls Club; and

WHEREAS, the Boys and Girls Club has been in operation at its current location for 25 years; and

WHEREAS, the facility has outgrown its current location and The Salvation Army desires to lease an adjoining tract of city-owned property containing approximately 3.61 acre, more or less, to construct a new facility;

WHEREAS, the lease will expire at 11:59 p.m. on December 31, 2075 and will be subject to terms and conditions contained in the Agreement; and

WHEREAS, the construction of a new facility in the same general location will permit The Salvation Army to continue to provide and support civic, recreational, educational and leisure activity programs for boys and girls in the Queensborough community which serve a public purpose and render a benefit to the public; and

WHEREAS, the property is not needed for public purpose; and

WHEREAS, the lease of the property is in accordance with the provisions of LSA-R.S. 33:4712.

NOW, THEREFORE BE IT ORDAINED, by the City Council of the City of Shreveport, in due, legal and regular session convened, that the City of Shreveport is authorized to lease certain city-owned property more particularly described in Attachment "A", Property Description, attached hereto and made a part hereto, to The Salvation Army for use as a Boys and Girls Club for a term to expire at 11:59 p.m. December 31, 2075.

BE IT FURTHER ORDAINED that the Mayor of the City of Shreveport is authorized to execute, for and on behalf of the City of Shreveport, any and all documents relative the authority contained herein after review of such documents by the Office of the City.

BE IT FURTHER ORDAINED that a certified copy of the lease authorized herein and all Exhibits attached thereto, or an extract or memorandum thereof, shall be filed and recorded in the conveyance records of 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. 118 OF 2006

AN ORDINANCE AUTHORIZING AN EXCHANGE OF EASEMENT RIGHTS BETWEEN THE CITY OF SHREVEPORT AND WORD OF LIFE MINISTRIES, INCORPORATED, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the City of Shreveport, through its agency, the Shreveport Airport Authority, is the owner of immovable property located in Shreveport, Louisiana, more particularly described in Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, Word of Life Ministries, Incorporated, currently holds certain easement rights upon the immovable property described hereinabove; and

WHEREAS, the above-described immovable property is not needed by the City of Shreveport for a public purpose; and

WHEREAS, Word of Life Ministries, Incorporated, desires to release its easement rights unto the City of Shreveport, which encumber the above-described immovable property; and

WHEREAS, in consideration of the release of the easement rights set forth hereinabove, the City of Shreveport desires to transfer easement rights to Word of Life Ministries, Incorporated, upon the property described in Exhibit "B", attached hereto and made a part hereof; and

WHEREAS, Word of Life Ministries, Incorporated, desires to construct drainage improvements, build parking spaces, and demolish existing structures upon the immovable property described in Exhibit "B" at an expense of approximately Three Hundred Thousand and No/100 (\$300,000.00) Dollars; and

WHEREAS, La. R.S. 33:4712 requires that notice of this ordinance be published at least three (3) times within fifteen (15) days, one week apart.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, regular and legal session convened, that the City of Shreveport is hereby authorized to exchange easement rights with Word of Life Ministries, Incorporated, and the Mayor is hereby authorized to execute any and all documents on behalf of the City of Shreveport relative thereto, provided such documents are substantially in accord with the draft hereof filed for public inspection in the Office of the Clerk of Council on _____.

BE IT FURTHER ORDAINED that a certified copy of the Act of Exchange authorized herein and all exhibits attached thereto, or an extract thereof, shall be filed and recorded in the Conveyance Records of 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. 123 OF 2006

AN ORDINANCE TO AMEND VARIOUS SECTIONS OF CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY:

BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that sections 218, 219, 220, 238, 239, 619, 638, 639, 640, 658, 659, 678, 679, 680, 698, 699, 700, 818, 819, 820, 839 and 840 of Chapter 106 of the Code of Ordinances is hereby amended to now read as follows:

R-A RESIDENCE/AGRICULTURE DISTRICTS

Sec. 106-218. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

Accessory use.

Art, sculpture, fountains, monuments, statues and/or other similar landscape features; need not be enclosed within a structure, must be in compliance with requirements of section 106-1181.

Dwelling, one-family.

Farming and truck gardening; need not be enclosed within structure (no on-premises sales of items not produced at the site).

Garage sale, limited to periods from sunrise to sunset daily for no more than three consecutive calendar days duration and no more frequent than two such noncontinuous and separate periods during a calendar year for the same building site (municipal address), with a special permit issued by the zoning administrator; need not be enclosed within structure. See definition for additional restrictions.

~~Golf course, but not including commercial miniature course or commercial driving range; need not be enclosed within structure.~~

Home occupation; must be in full compliance with criteria specified in section 106-1124.

Livestock and poultry raising, including dairy; need not be enclosed within structure.

Manufactured home; must be in full compliance with criteria specified in section 106-1126.

Modular home; must be in full compliance with criteria specified in section 106-1126.

Nameplate; need not be enclosed within structure.

~~Park or playground (public), including recreation center; need not be enclosed within structure.~~

Parks, pavilions or playgrounds (public or private) with no enclosed activity structures.

Sec. 106-219. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Bed and breakfast lodging, as defined. (Public hearing required.) The planning commission shall have the right to add additional limitations, such as but not limited to, parking requirements, landscaping, fencing and/or design review of proposed elevations by a state-licensed architect.

Such architect shall be selected by the MPC and the expenses for said review shall be paid for by the applicant. Except for limitation No. 1, the planning commission shall have the right to waive any of the limitations upon such conditions as determined by the planning commission.

Limitation No. 1, regarding the business being conducted by a resident owner family may only

be waived by the planning commission provided the owner of the bed and breakfast lodging owns a primary residence within 1,000 feet of the proposed bed and breakfast lodge.

Borrow pit; shall meet criteria established in section 106-1128. (Public hearing optional; however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

Equestrian riding academy or course.

Fairgrounds, stadiums, arenas, coliseums or sports fields (public or private).

Fire station.

Golf clubs, country clubs, swim clubs or tennis clubs, including enclosed support facilities (public or private).

~~Golf driving range; need not be enclosed within structure.~~

Outdoor general advertising structure; need not be enclosed within structure; the planning commission may hold a public hearing and may notify property owners within 300 feet if they deem it necessary.

Parks, pavilions, recreation centers or playgrounds (public or private, can include both indoor and outdoor components).

Sec. 106-220. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of division 1 of article II of this chapter governing special exceptions:

Airport; need not be enclosed within structure.

Airport and dusting service; need not be enclosed within structure.

Barber or beauty shop; limited to one operator with no assistants, one styling chair and one shampoo bowl. Scheduling shall be for one customer at a time only. All parking for customers and residents shall be located on the site.

Cemetery; need not be enclosed within structure.

Church, including parish house, community house, and educational buildings.

Correctional, detention, or penal institution.

Dwelling, secondary residential; whether it is a mobile home, garage apartment or granny flat, each secondary residential dwelling building site should have adequate square footage to permit each dwelling to meet the required setbacks, and at least 4,000 square feet per unit gross land area, plus direct access to both dwelling units from a public right-of-way. Service by municipal water and sewer lines will be an important consideration. No more than one secondary residential structure will be allowed on any lot. Neighborhood compatibility shall be the principal impact consideration.

Electric substation; need not be enclosed within structure but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons.

~~Firearms or archery training and practice range; need not be enclosed within structure.~~

Heliport.

Home occupation (not in compliance with two or more of the criteria in section 106-1124).

Kennels, boarding, not including animal hospital or veterinary clinic.

Nursery, day care or kindergarten for 7--15 people, when located within the operator's residence.

Outdoor amusement parks, water parks or similar facilities (may include batting cages, rental go-cart tracks, driving ranges, miniature golf courses, etc. and indoor arcade components).

Paintball center, firearms or archery training and practice range (including indoor facilities, outdoor facilities or facilities containing both indoor and outdoor components).

Racetracks, motocross, ATV courses and rodeos.

~~Racetrack, including dragstrip, go-cart track, motorcycle or similar facility for motorized racing; need not be enclosed within structure.~~

Radio and television broadcasting transmitter, but not including studio.

~~Riding academy and/or rodeo; need not be enclosed within structure.~~

ONE-FAMILY RESIDENCE DISTRICTS: SUBURBAN, R-1A, R-1B, R-1C; URBAN, R-1D, R-1H

Sec. 106-238. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

Accessory use.

Art, sculpture, fountains, monuments, statues and/or other similar landscape features; need not be enclosed within a structure, must be in compliance with requirements of section 106-1181.

Dwelling, one-family.

Fairgrounds, stadiums, arenas, coliseums or sports fields (public or private).

Farming and truck gardening; need not be enclosed within structure (no on-premises sales of items not produced at the site).

Garage sale, limited to periods from sunrise to sunset daily for no more than three consecutive calendar days duration and no more frequent than two such noncontinuous and separate periods during a calendar year for the same building site (municipal address), with a special permit issued by the zoning administrator; need not be enclosed within structure. See definition for additional restrictions.

Home occupation; must be in full compliance with criteria specified in section 106-1124.

Manufactured home; must be in full compliance with criteria specified in section 106-1126.

Modular home; must be in full compliance with criteria specified in section 106-1126.

Nameplate, not exceeding one square foot in area; need not be enclosed within structure.

~~Park or playground (public), including recreation center; need not be enclosed within structure.~~

Parks, pavilions or playgrounds (public or private) with no enclosed activity structures.

Sec. 106-239. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located.

Bed and breakfast lodging, as defined. (Public hearing required.) The planning commission shall have the right to add additional limitations, such as but not limited to, parking requirements, landscaping, fencing and/or design review of proposed elevations by a state-licensed architect. Such architect shall be selected by the MPC and the expenses for said review shall be paid for by the applicant. Except for limitation No. 1, the planning commission shall have the right to waive any of the limitations upon such conditions as determined by the planning commission.

Limitation No. 1, regarding the business being conducted by a resident owner family may only be waived by the planning commission provided the owner of the bed and breakfast lodging owns a primary residence within 1,000 feet of the proposed bed and breakfast lodge.

Borrow pit; shall meet criteria established in section 106-1128. (Public hearing optional; however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

Fire station.

~~Golf course, but not including commercial miniature course or commercial driving range; need not be enclosed within structure.~~

B-1 BUFFER BUSINESS DISTRICTS

Sec. 106-619. Same--Uses requiring planning commission approval.

The uses permitted below are permitted upon approval of the land use and site design compatibility of proposed development plans. A scaled site plan is to be submitted for review, and a determination shall be made of the land use appropriateness at the given location and of the quality of site design to be developed. In making such a determination, the planning commission shall review the impact of the proposed development on surrounding properties and on the neighborhood, with respect to the capacity of the public street systems, the preservation of natural site features, the limitation of noise levels, the bulk and location of buildings and other site features, and the service benefit to the affected neighborhood (among other related compatibility considerations). The site plan may be conditioned so as to effect a positive transition to the surrounding neighborhood, and construction and use may not substantially deviate from the final approved plans and conditions.

All R-2 uses by right in accord with R-2 standards.

Bed and breakfast lodging, as defined. (Public hearing required.) The planning commission shall have the right to add additional limitations, such as but not limited to, parking requirements, landscaping, fencing and/or design review of proposed elevations by a state-licensed architect. Such architect shall be selected by the MPC and the expenses for said review shall be paid for by the applicant. Except for limitation No. 1, the planning commission shall have the right to waive any of the limitations upon such conditions as determined by the planning commission.

Limitation No. 1, regarding the business being conducted by a resident owner family may only be waived by the planning commission provided the owner of the bed and breakfast lodging owns a primary residence within 1,000 feet of the proposed bed and breakfast lodge.

Borrow pit; shall meet criteria established in 106-1128. (Public hearing optional; however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

Educational, including business school, college, day care center, elementary or secondary school, kindergarten, nursery school, trade school, training center, university, and the like.

Golf clubs, country clubs, swim clubs or tennis clubs, including enclosed support facilities (public or private).

~~Golf driving range; need not be enclosed within structure.~~

Light retail establishments with limited traffic generation, evidence of surrounding neighborhood service benefit or as an accessory service to office uses. Barber and beauty shops shall not be considered as light retail uses.

Medical and allied services, including hospital, laboratory and sanitarium.

Outdoor advertising structure in excess of 300 square feet (requires sign detail for consideration of use approval).

Parks, pavilions, recreation centers or playgrounds (public or private, can include both indoor and outdoor components).

Public services, including government offices, libraries, museums, ~~outdoor parks and playgrounds~~, public ambulance services, fire stations, police stations, and post offices. Public utilities, including electric transmission line, outdoor electric substation, outdoor water storage, pipeline, radio and television broadcasting studio without transmitter, telephone exchange without shops, water or sewage pumping lift station. The planning commission may specify fencing where needed for screening or public safety.

B-2 NEIGHBORHOOD BUSINESS DISTRICTS

Sec. 106-638. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

All uses listed as "Uses by right" in B-1 districts.

~~Amusements (excluding pool or billiard tables) commercial as an accessory use only. No more than three non-gaming machines or amusement devices shall be permitted on the premises.~~

Antique store.

Apparel and accessory store.

Appliance store.

Aquarium supplies and sales.

Artificial limb manufacture.

Auto parts store, retail; no installation, repair or rebuilding of parts is permitted on premises.

Automobile filling station, where the primary function is the retail sale of gasoline, oil, grease, tires, batteries and accessories, and where services are limited to installation of items sold, washing, polishing, and greasing; fuel pumps need not be enclosed within structure; pump islands shall be located at least 15 feet from the property line; canopies anchored or supported in pump island may extend to within five feet of the property line; canopies shall have a minimum height of ten feet above driveway.

Bakery, retail.

Barbershop or beauty shop.

Bicycle sales and repair.

Blueprinting and photostating.

Bookstore.

Business machines store or agency.

Camera and photographic supplies store.

Candy, nut, and confectionery store.

Commercial amusement accessory use; limited to three or less game machines or other amusement devices.

Dairy products sales.

Delicatessen.

Department store.

Drugstore.

Dry cleaning with nonflammable cleaning agents only; excluding the discharge of steam outside enclosed structure.

Dry goods store.

Electric substation; need not be enclosed within structure but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons.

Embossers, including printing from a standard office copier.

Film processing.

Fire station.
Fix-it shop.
Floor covering sales.
Floral shop.
Fruit store.
Fur sales, finishing and storage.
Furniture repair and upholstery.
Furniture store, retail.
Garden supplies store, handling packaged fertilizer and no other types of fertilizer.
Gift shop.
Grocery store, retail.
Hardware store, retail.
~~Health studio, athletic club.~~
Hobby supply store.
Hospital or sanitarium.
Ice cream store.
Indoor commercial amusements (excluding pool or billiard tables) as an accessory use only. No more than three non-gaming machines or amusement devices shall be permitted on the premises.
Jewelry store, including repairing of jewelry, watches, and clocks.
Laboratory, dental or medical.
Laundry and/or dry cleaning pickup station.
Laundry, self-service only.
Lawnmower sales.
Leather and luggage store.
Library or reading room.
Loan or finance office, only those items which can be sold by any other use in this district can be displayed or stored on the premises, within an enclosed structure.
Locksmith.
~~Martial arts studio or school.~~
Music store.
Nursery, day care, or kindergarten.
Office equipment and supplies store.
Optician.
Outdoor general advertising structure, 300 square feet or less in area; need not be enclosed within structure.
Package and parcel pickup (not more than 3,000 square feet).
Paint and wallpaper store, retail.
Pet grooming facility; limited to the grooming of household pets and other small animals; no outside kennels or overnight boarding.
Photographic studio with processing.
Picture framing and/or mirror silvering.
Pipeline or electric transmission line; need not be enclosed within structure.
Post office.
Print shops.
Radio and television broadcasting studio, but not including transmitter.

Railroad right-of-way, but not including shops, yards, and team tracks; need not be enclosed within structure.

Recycling collection center.

Restaurant, where food and beverages are served and consumed only within the enclosed structure; outdoor dining areas, drive-in, drive-thru, delivery service operations, pick-up windows or other exterior service facilities are not permitted by right. (See section 106-639.)

School, elementary and/or secondary, meeting all requirements of the compulsory education laws of the state.

Seafood store, retail.

Shoe repair shop.

Shoe store, retail.

Sporting goods store, retail; excluding repair and testing of motors and outdoor boat display.

Studio for professional work or teaching of any form of fine arts, photography, music, drama, dance, but not including commercial gymnasium.

Telephone exchange, but not including administrative offices, shops or garages.

Theater.

Tire store, selling tires for vehicles with wheels not in excess of 17 inches in diameter unless a greater wheel diameter is approved by the planning commission.

Tobacco store.

Toy store.

Variety store (limited to the sale of items which may be sold by any other use in this district).

Video sales and rentals.

Water or sewage pumping station.

Water storage; need not be enclosed within structure.

~~YMCA, YWCA, and similar institutions.~~

Sec. 106-639. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of division 1 of article II of this chapter governing special exceptions:

~~Amusements (including pool or billiard tables) commercial as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.~~

Heliport.

Indoor commercial amusements (including pool or billiard tables and arcades) as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.

Miniwarehouses, individual rental units for "dead" storage purposes only, and limited to 400 square feet of floor area per unit.

Restaurant, where food and beverages are served or dispensed for consumption outside the enclosed structure; includes outdoor dining areas, drive-in, drive-thru, delivery service operations, pick-up windows or other exterior service facilities.

Sec. 106-640. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and public protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate

development of the district in which the use is located. In addition, the purpose of listing dwelling uses in this district is to allow a mix of residential uses in an otherwise commercial development. Projects which propose (new) residential development with no commercial construction must obtain the appropriate residential zoning classification and/or approval of a residential planned unit development if there are only limited commercial uses proposed. Borrow pit; shall meet criteria established in 106-1128. (Public hearing optional; however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

Car rental, limited to no more than ten vehicles.

Dwelling, multiple family.

Exterminator.

Fairgrounds, stadiums, arenas, coliseums or sports fields (public or private).

Golf clubs, country clubs, swim clubs or tennis clubs, including enclosed support facilities (public or private).

~~Golf driving range; need not be enclosed within structure.~~

Health studio, athletic club, martial arts school or commercial gymnasium (public or private, with all components contained within an enclosed structure).

Landscape garden sales; need not be enclosed within structure.

Minor automotive repair, not including body repair, painting, upholstery, rebuilding or overhauling of engines or transmissions, wrecking, dismantling or salvage; a public hearing is required if the building site is within 300 feet of a residential or SPI-1 district, optional in other cases.

Mobile recycling unit/collection center.

Parks, pavilions, recreation centers or playgrounds (public or private, can include both indoor and outdoor components).

B-2-A BUSINESS PARK DISTRICT

Sec. 106-658. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

Accessory use.

Art, sculpture, fountains, monuments, statues and/or other similar landscape features; need not be enclosed within a structure, must be in compliance with requirements of section 106-1181.

Clinic, dental or medical.

Contractor storage facilities provided the noise level is low, there are no outdoor activities or storage.

Educational facilities.

~~Health studio, athletic club, martial arts school or commercial gymnasium.~~

Sec. 106-659. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate due to limited noise and traffic generation:

Borrow pit; shall meet criteria established in section 106-1128 (Public hearing optional; however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

Contractor storage facilities, need not be enclosed within structure subject to planning commission restriction of size, location and screening of outdoor areas.

Fairgrounds, stadiums, arenas, coliseums or sports fields (public or private).
Golf clubs, country clubs, swim clubs or tennis clubs, including enclosed support facilities (public or private).
Health studio, athletic club, martial arts school or commercial gymnasium (public or private, with all components contained within an enclosed structure).
Light manufacturing use not to exceed 20,000 square feet per use.
Mobile recycling unit/collection center.
Parks, pavilions, recreation centers or playgrounds (public or private, can include both indoor and outdoor components).

B-3 COMMUNITY BUSINESS DISTRICTS

Sec. 106-678. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

All uses listed as "Uses by right" in B-1, buffer business districts, and B-2, neighborhood business districts.

Air conditioning sales and service.

Ambulance service.

~~Amusements (excluding pool or billiard tables) commercial as an accessory use only. No more than three non-gaming machines or amusement devices shall be permitted on the premises.~~

Animal hospital or veterinary clinic provided no outside kennels are maintained on the premises.

Apartment--hotel.

Armory.

Auditorium.

Auto parts and accessories, including installation service and the retail sale of gasoline.

Auto upholstery shop; auto glass, including installation.

Automobile and truck sales, where the primary function is the retail sale of new and/or used automobiles and the retail sale of accessories, tires, and batteries is a secondary function only, where services are limited to installation of items sold, making body and mechanical repairs and adjustments, washing and polishing, including repainting automobiles; may not rebuild or overhaul engines, reupholster automobiles, recap tires, steam clean automobiles, or motors, or conduct dismantling; display and storage of automobiles need not be within enclosed structure.

Automobile filling station and/or service and repair, but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within structure provided the unenclosed part shall comply with the requirements for maintenance of offstreet parking facilities; pump islands shall be located at least 15 feet from the property line; canopies anchored or supported in pump island may extend to within five feet of the property line; canopies shall have a minimum height of ten feet above driveway.

Automobile laundry, where the primary function is washing automobiles, but not including trucks or trailers, and the retail sale of accessories, tires and batteries is a secondary function only, and where services are limited to installation of items sold; operations shall be conducted only within a completely enclosed structure, and all wastes shall be discharged directly into the sewer.

Automobile maintenance shops and/or garages but not including commercial wrecking, dismantling or auto salvage yard; must be enclosed within structure.

Beverage manufacture (not including alcoholic).

Bowling alley.

Building specialties store.
Business college.
Cabinet or carpenter shop.
City hall, police station, courthouse, federal building.
Crematory, only as an accessory use to a funeral home, mortuary or undertaking establishment.
Dairy equipment sales.
Drug compounding and manufacturing, with the building for such use not to exceed 15,000 square feet.
Dry cleaning with nonflammable cleaning agents only.
Electric repair shop.
Exterminators.
Feed store.
Food locker plant, renting only individual lockers for home customer storage of food; cutting and packaging of meats and game permitted but not including any slaughtering or eviscerating thereof.
Funeral home, mortuary, or undertaking establishment.
Fur dyeing, finishing and storage; no tanning.
Glass store.
Health studio, athletic club, martial arts school or commercial gymnasium (public or private, with all components contained within an enclosed structure).
Hotel, motel, tourist home, all for transient occupancy except that not more than one-third of the gross floor area may be used for apartments for permanent occupancy.
Indoor commercial amusements (excluding pool or billiard tables) as an accessory use only. No more than three non-gaming machines or amusement devices shall be permitted on the premises.

Sec. 106-679. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and public protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located. In addition, the purpose of listing dwelling uses in this district is to allow a mix of residential uses in an otherwise commercial development. Projects which propose (new) residential development with no commercial construction must obtain the appropriate residential zoning classification and/or approval of a residential planned unit development if there are only limited commercial uses proposed.

Alcoholic beverage, wholesale and warehousing.

Automobile storage (commercial); need not be enclosed within structure; operative vehicles only.

Bait store or sales (live bait); need not be enclosed within structure.

Borrow pit; shall meet criteria established in section 106-1128. (Public hearing optional; however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

Correctional, detention or penal facilities (public hearing required before the metropolitan planning commission and city council approval is also required).

Dancehall.

Dry cleaning with inflammable cleaning agents.

~~Fairgrounds, baseball park and stadium; need not be enclosed within structure.~~
Fairgrounds, stadiums, arenas, coliseums or sports fields (public or private).
Farm equipment and supplies sales; need not be enclosed within structure.
Fortunetelling, palm reading.
Golf clubs, country clubs, swim clubs or tennis clubs, including enclosed support facilities (public or private).
Landscape garden sales; need not be enclosed within structure.
Linen supply.
Lumber sales, retail; need not be enclosed within structure.
Material shaping and contouring; limited to abrasive water jet contouring or wire electrical discharge machining.
~~Miniature golf courses and golf driving range; need not be enclosed within structure.~~
Mobile homes, trailers and other portable buildings display, sales and service; need not be enclosed within structure.
Mobile recycling unit/collection center.
Open air market; need not be enclosed within a structure.
Pawn shop (public hearing required before the metropolitan planning commission and city council approval is also required).
Recycling service center with trailer/truck body.
~~Riding academy; need not be enclosed within structure.~~

Sec. 106-680. Same--Special exception uses.

The uses listed below are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of division 1 of article II of this chapter governing special exceptions:

~~Amusements (including pool or billiard tables) commercial as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.~~

Animal hospital or veterinary clinic with outside kennels.

~~Firearms or archery training and practice range.~~

Gambling or gaming establishment.

Heliport.

Indoor commercial amusements (including pool or billiard tables and arcades) as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.

Outdoor amusement parks, water parks or similar facilities (may include batting cages, rental go-cart tracks, driving ranges, miniature golf courses, etc. and indoor arcade components).

Paintball center, firearms or archery training and practice range (including indoor facilities, outdoor facilities or facilities containing both indoor and outdoor components).

~~Racetrack, including dragstrip, go-cart track, motorcycle or similar facility for motorized racing; need not be enclosed within structure.~~

B-4 CENTRAL BUSINESS DISTRICT

Sec. 106-698. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

Accessory use.

Air conditioning sales and service.

~~Amusements (excluding pool or billiard tables) commercial as an accessory use only. No more than three non-gaming machines or amusement devices shall be permitted on the premises.~~

Animal hospital or veterinary clinic provided no outside kennels are maintained on the premises.

Antique shop.

Apartment-hotel.

Apothecary.

Apparel and accessory store.

Appliance store.

Armory.

Art, sculpture, fountains, monuments, statues and/or other similar landscape features; need not be enclosed within a structure, must be in compliance with requirements of section 106-1181.

Art gallery or museum.

Artificial limb manufacture.

Auditorium.

Auto parts and accessories, including installation, service, and the retail sale of gasoline.

Automobile and truck laundry, including steam cleaning.

Automobile and truck maintenance shops and garages.

Automobile and truck sales and/or repair, but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities, except the prohibition of sales.

Automobile filling station and/or service and repair, but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within structure provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities; pump islands shall be located at least 15 feet from the property line; canopies anchored or supported in pump island may extend to within five feet of the property line; canopies shall have a minimum height of ten feet above driveway.

Bakery, retail.

Bakery, wholesale.

Bank.

Barber and beauty supplies and equipment sales.

Barbershop or beauty shop.

Beverage manufacture (not including alcoholic).

Bicycle and/or lawnmower sales and repair.

Blueprinting and photo-stating.

Bookstore.

Bowling alley.

Brooms and brushes manufacture.

Building specialties store.

Business college.

Business machines store.

Cabinet or carpenter shop.

Camera and photographic supplies store.

Candy, nut, and confectionary store.

Canvas products manufacture.

Catering shop.

City hall, police station, court house, federal building.
Clinic, dental or medical.
Club or lodge, private.
Coffee roasting.
Cosmetics (compounding only).
Cosmetics studio.
Creamery.
Dairy equipment sales.
Dairy products sales.
Delicatessen.
Department store (limited to sale of items which may be sold by any other use permitted in this district).
Drug compounding and manufacturing.
Drugstore.
Dry cleaning.
Dry goods store.
Dry goods store, wholesale.
Dwelling, multifamily.
Dwelling, one-family.
Dwelling, one-family townhouse.
Dwelling, two-family.
Electric repair shop.
Electric substation; need not be enclosed within structure but must be enclosed within a wall at least ten feet high and adequate to obstruct view, noise, and passage of persons.
Elevator maintenance and service.
Exterminators.
Feed store.
Fire station.
Fix-it shop.
Fixture sales.
Floor covering sales.
Floral shop.
Food locker plant, renting only individual lockers for home customers' storage of food; cutting and packaging of meats and game permitted, but not including any slaughtering or eviscerating thereof.
Food products, wholesale storage and sales.
Fruit and produce, wholesale.
Fruit store.
Fur dyeing, finishing and storage (no tanning).
Furniture repair and upholstering.
Furniture store, retail.
Garden supplies store, handling packaged fertilizer and no other types of fertilizer.
Gift shop.
Glass store.
Grocery store, retail.
~~Gymnasium, commercial.~~

Hardware store, retail.

Hardware, wholesale storage and sales.

Hatchery.

~~Health studio, athletic club.~~

Health studio, athletic club, martial arts school or commercial gymnasium (public or private, with all components contained within an enclosed structure).

Heliport.

Hobby supply store.

Hotel, motel, tourist home, all for transient occupancy except that not more than one-third of the gross floor area may be used for apartments for permanent occupancy.

Ice cream manufacture.

Ice cream store.

Indoor commercial amusements (excluding pool or billiard tables) as an accessory use only. No more than three non-gaming machines or amusement devices shall be permitted on the premises.

Interior decorating shop.

Jewelry store, including repairing of jewelry, watches, and clocks.

Laboratory.

Laboratory, dental or medical.

Laundry, linen supply, or diaper service.

Leather or luggage store.

Library or reading room.

Locksmith.

Machinery, tools, and construction equipment, sales and service.

Mail order house.

Marine store.

~~Martial arts studio or school.~~

Millinery manufacture.

Mini-warehouse, rental storage.

Motorcycle sales and service.

Music store.

Newsstand.

Novelty and souvenir manufacture.

Nursery, day care or kindergarten.

Office.

Office equipment and supplies, retail.

Optical goods, wholesale.

Optician.

Package and parcel pickup.

Paint and wallpaper store.

Painting and decorating contractor.

Paper supplies, wholesale.

Passenger depot, railway or bus.

Pawnshop and/or loan or finance office.

Pet store.

Photographic studio and/or processing.

Picture framing and/or mirror silvering.

Pipeline or electric transmission line, need not be enclosed within structure.

Plumbing shop.

Police station.

Post office.

Poultry (live) storage and/or dressing.

Printing, publishing, and allied industries.

Radio and television broadcasting, transmitters, and studios.

Radio and television store and repair shop.

Railroad facilities, except shops; need not be enclosed within structure.

Recycling collection center.

Recycling service center.

Restaurant, where food and beverages are served and consumed only within the enclosed structure or in accessory outdoor dining areas; other exterior service facilities, pick-up windows, drive-in, drive-thru or delivery service operations, are not permitted by right. (See section 106-700.)

Restaurant supplies sales.

Rooming house and boarding house.

Rug cleaning.

Seafood store, retail.

Seed store.

Shoe repair shop.

Shoe store, retail.

Shoe store, wholesale.

Sign shop.

Sporting goods store, retail.

Sporting goods store, wholesale.

~~Studio for professional work or teaching of any form of fine arts, photography, music, drama, dance, but not including commercial gymnasium.~~

Studio for professional work or teaching of any form of fine arts, photography, music, drama, or dance.

Surgical or dental supplies store.

Tailor shop.

Telephone exchange, but not including shops or garages.

Temporary uses, including commercial, cultural, industrial, recreational, religious, seasonal or community service events for a period not exceeding 15 days duration and no more frequent than two such periods during a calendar year for the same building site (municipal address), with a special permit issued by the zoning administrator; need not be enclosed within structure.

Theater.

Tile shop.

Tire store.

Tobacco store.

Tool and equipment rental (inside display only).

Toy store.

Used furniture, rummage shop.

Variety store (limited to the sale of items which may be sold by any other use in this district).

Vegetable store.

Venetian blind and metal awning fabrication and cleaning.
Video sales and rentals.
Vulcanizing shop.
Water distillation.
Water or sewage pumping station.
Water storage; need not be enclosed within structure.
Wholesale and warehousing.
~~YMCA, YWCA, and similar institutions.~~

Sec. 106-699. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Automobile storage (commercial); need not be enclosed within structure; operative vehicles only.

Correctional, detention or penal facilities (public hearing required before the metropolitan planning commission and city council approval is also required when the proposed use is in the city).

Fairgrounds, stadiums, arenas, coliseums or sports fields (public or private).

Farm equipment and supplies sales; need not be enclosed within structure.

Golf clubs, country clubs, swim clubs or tennis clubs, including enclosed support facilities (public or private).

Landscape garden sales; need not be enclosed within structure.

~~Miniature golf courses and golf driving range; need not be enclosed within structure.~~

Open air market; need not be enclosed within a structure.

Parks, pavilions, recreation centers or playgrounds (public or private, can include both indoor and outdoor components).

Sec. 106-700. Same--Special exception use.

The uses listed below are subject to the same approval of location and site plan as uses requiring planning commission approval; in addition, this use is declared to possess such characteristics of unique or special form that it shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of division 1 of article II of this chapter governing special exceptions:

~~Amusements (including pool or billiard tables) commercial as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.~~

Gambling or gaming establishment.

Hospitals.

Indoor commercial amusements (including pool or billiard tables and arcades) as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.

I-1 LIGHT INDUSTRY DISTRICTS

Sec. 106-818. Same--Uses by right.

The uses listed below are permitted subject to the conditions specified:

Accessory use.

Air conditioning sales and service.

Airport, including allied business and industrial uses involved in the maintenance, manufacture, repair, rental, sale, servicing, storage or testing of aircraft, aircraft parts and accessories or in the sale or provision of other goods and services incidental to a public airport; need not be enclosed within structure.

Animal hospital or veterinary clinic with outside kennels.

Armory.

Art, sculpture, fountains, monuments, statues and/or other similar landscape features; need not be enclosed within a structure, must be in compliance with requirements of section 106-1181.

Auto parts and accessories, including installation, service and the retail sale of gasoline.

Automobile and truck body repair.

Automobile and truck laundry, including steam cleaning.

Automobile and truck maintenance shops and garages.

Automobile and truck sales and/or repair but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities.

Automobile filling station and/or service and repair, but not including commercial wrecking, dismantling, or auto salvage yard; need not be enclosed within structure, provided the unenclosed part shall comply with the requirements for maintenance of off-street parking facilities; pump islands shall be located at least 15 feet from the property line; canopies anchored or supported in pump island may extend to within five feet of the property line; canopies shall have a minimum height of ten feet above driveway.

Automotive vehicle storage; inoperative vehicles must be enclosed within structure; operative vehicles need not be enclosed within structure.

Aviary; need not be enclosed within structure.

Bakery, wholesale.

Bank.

Barber and beauty supplies and equipment sales.

Battery manufacture.

Beverage manufacture (not including alcoholic).

Brooms and brushes manufacture.

Canvas products manufacture.

Carnival or circus; as a temporary use on permit issued by the zoning administrator, such permit to be good for a period not exceeding three days and renewal for not more than three such periods; need not be enclosed within structure.

Carting, express, crating, hauling and storage.

Clothing manufacture.

Coffee roasting.

Cold storage plant.

Contractors storage yard for vehicles, equipment, materials and/or supplies; need not be enclosed within structure.

Cosmetics (compounding only).

Creamery.

Dairy equipment sales.

Dog pound; need not be enclosed within structure.

Drug manufacture.
Dry cleaning.
Dry goods, wholesale.
Electric repair shop.
Electric substation; need not be enclosed within structure.
Electroplating.
Elevator maintenance and service.
Farm equipment and supplies sales; need not be enclosed within structure.
Farming and truck gardening; need not be enclosed within structure.
Feed store.
Fire station.
Fixture sales.
Food locker plant: renting only individual lockers for home customer storage of food; cutting and packaging of meats and game permitted, but not including any slaughtering or eviscerating thereof.
Food products manufacture.
Food products, wholesale storage and sales.
Foundry.
Freight depot, railway and/or truck.
Frozen food plant.
Fruit and produce, wholesale.
Furniture manufacturing.
Glass products manufacture (from glass stock).
Hardware manufacture.
Hardware, wholesale storage and sales.
Hatchery.
Health studio, athletic club, martial arts school or commercial gymnasium (public or private, with all components contained within an enclosed structure).
Heliport.
Hosiery mill.
Ice cream manufacture.
Indoor commercial amusements (excluding pool or billiard tables) as an accessory use only. No more than three non-gaming machines or amusement devices shall be permitted on the premises.
Kennels, boarding.
Laboratory.
Laundry, linen supply, or diaper service.
Lumberyard and building materials; need not be enclosed within structure.
Machine shop.
Machinery, tools, and construction equipment, sales and service; need not be enclosed within structure.
Mail order house.
Manufacture of electronic and communication equipment.
Mattress manufacture and rebuilding.
Metal products fabrication.
Metal sharpening.
Millinery manufacture.

Millwork and similar wood products manufacture.
Mini-storage, retail storage.
Mobile homes, trailers and other portable buildings display, sales and service; need not be enclosed within structure.
Mobile recycling unit/collection center.
Novelty and souvenir manufacture.
Office.
Office equipment and supplies manufacture.
Oil well supplies and machinery; need not be enclosed within structure.
Optical goods, wholesale.
Outdoor general advertising structure; need not be enclosed within structure.
Packing and gasket manufacture.
Painting and decorating contractor.
Paper or corrugated packaging products, warehousing, distribution and fabrication from containerboard rolls or corrugated sheet material.
Paper supplies, wholesale.
Passenger depot, railway or bus.
Pipe storage; need not be enclosed within structure.
Pipeline or electric transmission line; need not be enclosed within structure.
Plumbing shop.
Printing, publishing, and allied industries.
Radio and television broadcasting; transmitter and studio.
Railroad facilities, except shops; need not be enclosed within structure.
Recycling collection center.
Recycling service center.
Restaurant, including indoor and outdoor dining areas, drive-in, drive-thru, pick-up window, delivery service operations or other exterior service facilities.
Restaurant supplies sales.
Revival church (temporary); as a temporary use on permit issued by the zoning administrator, such permit to be good for a period not exceeding one week and renewal for not more than three such periods.
~~Riding academy; need not be enclosed within structure.~~

Sec. 106-819. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Borrow pit; shall meet criteria established in section 106-1128. (Public hearing optional; however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

Correctional, detention or penal facilities (public hearing required before the metropolitan planning commission and city council approval is also required when the proposed use is in the city.

Dwelling, one-family or mobile home.

~~Golf driving range; need not be enclosed within a structure.~~

Sec. 106-820. Same--Special exception uses.

The uses listed below are subject to the same approval of location and site plan as uses requiring planning commission approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of division 1 of article II of this chapter governing special exceptions:

Automotive vehicle storage; inoperative vehicles need not be enclosed within structure but must be enclosed within a fence not less than seven feet nor more than ten feet high and adequate to screen the area from public view; a chain-link or similar substantial fence will be permitted if screen planting adequate to obstruct view is provided.

Butane, and other liquefied petroleum gas products storage and sales.

Concrete and concrete products manufacture; need not be enclosed within a structure.

~~Firearms or archery training and practice range; need not be enclosed within structure.~~

Gambling or gaming establishment when operated as part of a truck stop that is in compliance with the Zoning Ordinance and other applicable codes.

Indoor commercial amusements (including pool or billiard tables and arcades) as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.

Outdoor amusement parks, water parks or similar facilities (may include batting cages, rental go-cart tracks, driving ranges, miniature golf courses, etc. and indoor arcade components).

Paintball center, firearms or archery training and practice range (including indoor facilities, outdoor facilities or facilities containing both indoor and outdoor components).

~~Racetrack, including dragstrip, go-cart track, motorcycle or similar facility for motorized racing; need not be enclosed within structure.~~

Racetracks, motocross, ATV courses and rodeos.

I-2 HEAVY INDUSTRY DISTRICTS

Sec. 106-839. Same--Uses requiring planning commission approval.

The uses listed below are permitted upon approval of the location and site plan thereof by the planning commission as being appropriate with regard to transportation and access, water supply, waste disposal, fire and police protection, and other public facilities, as not causing undue traffic congestion or creating a traffic hazard, and as being in harmony with the orderly and appropriate development of the district in which the use is located:

Borrow pit; shall meet criteria established in section 106-1128. (Public hearing optional; however, all property owners within 300 feet of the property containing a borrow pit site shall be notified following procedures used for public hearing notification.)

Correctional, detention or penal facilities (public hearing required before the metropolitan planning commission, and city council approval is also required when the proposed use is in the city).

Dwelling, one-family or mobile home.

~~Golf driving range; need not be enclosed within a structure.~~

Sec. 106-840. Same--Special exception uses.

The uses listed below are subject to the same approval of location and site plan as uses requiring planning commission approval; in addition, these uses are declared to possess such characteristics of unique or special form that each specific use shall be considered an individual case and shall be subject to approval of the board of appeals in accordance with the provisions of division 1 of article II of this chapter governing special exceptions:

Acid manufacture (hydrochloric, nitric, picric, sulphuric, sulphurous, carbolic).

Animal black, lampblack, or bone black manufacture.

Animal reduction.

Automotive vehicle storage; inoperative vehicles need not be enclosed within structure but must be enclosed within a fence not less than seven feet nor more than ten feet high and adequate to screen the area from public view; a chain-link or similar substantial fence will be permitted if screen planting adequate to obstruct view is provided.

Automotive vehicle wrecking, dismantling or salvage yard; need not be enclosed within structure but must be enclosed within a fence not less than seven feet nor more than ten feet high and adequate to screen the area from public view; a chain-link or similar substantial fence will be permitted if screen planting adequate to obstruct view is provided.

Bones, distillation.

Butane, and other liquefied petroleum gas products storage and sales.

Cement, lime, gypsum and plaster manufacture.

Clay and clay products manufacture; need not be enclosed within structure.

Explosives, fireworks and gunpowder manufacture and/or storage.

Fertilizers manufacture or processing.

~~Firearms or archery training and practice range; need not be enclosed within structure.~~

Gambling or gaming establishment when operated as part of a truck stop that is in compliance with the Zoning Ordinance and other applicable codes.

Garbage dumping, need not be enclosed within structure.

Glue, size, or gelatin manufacture.

Indoor commercial amusements (including pool or billiard tables and arcades) as a primary use; or as an accessory use with four or more non-gaming machines or amusement devices on the premises.

Junkyard, including storage, baling or sale of rags, paper, iron, or junk; need not be enclosed within structure but must be enclosed with a fence not less than seven feet nor more than ten feet high and adequate to screen the area from public view; a chain-link or similar substantial fence will be permitted if screen planting adequate to obstruct view is provided.

Matches manufacture.

Meat slaughtering and/or packing.

Metal ingots, pigs, castings, sheets, or bars manufacture.

Outdoor amusement parks, water parks or similar facilities (may include batting cages, rental go-cart tracks, driving ranges, miniature golf courses, etc. and indoor arcade components).

Paintball center, firearms or archery training and practice range (including indoor facilities, outdoor facilities or facilities containing both indoor and outdoor components).

Petroleum and petroleum products, manufacture, processing or storage.

~~Racetrack, including dragstrip, go-cart track, motorcycle or similar facility for motorized racing; need not be enclosed within structure.~~

Racetracks, motocross, ATV courses and rodeos.

BE IT FUTHER ORDAINED 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.

Amendment No. 1 to Ordinance No. 123 of 2006:

Amend the Ordinance as follows:

Delete the Ordinance as introduced and substitute the attached Ordinance.

ORDINANCE NO. 125 OF 2006

BY: APPEAL

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE NORTHWEST CORNER OF OLIVE STREET AND MAGNOLIA STREET, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM SPI-1-E, HIGHLAND URBAN CONSERVATION DISTRICT TO SPI-1-E, HIGHLAND URBAN CONSERVATION/EXTENDED USE DISTRICT, LIMITED TO “RETAIL SALES (AS PREVIOUSLY APPROVED), B-1 USES BY RIGHT, DELICATESSEN, COFFEE SHOP, MARTIAL ARTS STUDIO OR SCHOOL, MUSIC STUDIO, MASSAGE THERAPIST (APPOINTMENT ONLY), PERSONAL TRAINER (APPOINTMENT ONLY), BARBER OR BEAUTY SHOP (APPOINTMENT ONLY), AND OFFICE USE” 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 6 and 7, and the S 5 feet of Lot 5, Block 10, Howard Cole Addition, Shreveport, Caddo Parish, Louisiana, property located on the NW corner of Olive Street and Magnolia Street, Shreveport, Caddo Parish, Louisiana, **be and the same is hereby changed/modified from, SPI-1-E, Highland Urban Conservation/Extended Use District to SPI-1-E, Highland Urban Conservation/Extended Use District , limited to ” Retail sales (as previously approved), B-1 uses by right, Delicatessen, Coffee Shop, Martial Arts Studio or School, Music Studio, Massage Therapist (appointment only), Personal Trainer (appointment only), Barber or Beauty Shop (appointment only) and office use” only.**

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

- 1. Development of the property shall be in substantial accord with the site plan dated July 20, 2006. Any significant changes or additions shall require further review and approval by the Planning Commission.**
- 2. Hours of operation limited from 7:00 a.m. to 10:00 p.m.**
- 3. All uses are subject to available onsite parking, off-site parking agreements in accordance with ordinance requirements, staggered hours of operation or other similar arrangements satisfactory to the Planning Director or his designee.**

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. 127 OF 2006

BY:

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE EAST SIDE OF I-49, 200 FEET SOUTH OF EAST 85th STREET, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM B-3, COMMUNITY BUSINESS DISTRICT, TO R-1H (PUD), URBAN, ONE-FAMILY RESIDENCE (PLANNED UNIT DEVELOPMENT) DISTRICT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located on the east side of I-49, 200 feet south of East 85th Street, Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from, B-3, Community Business District, to R-1H (PUD), Urban, One-Family Residence (Planned Unit Development) District.**

A tract in the NE/4 of Section 36, T17N-R14W, Shreveport, Caddo Parish, Louisiana, more fully described as: Commencing at the point where the north line of said Section 36 crosses the east boundary line of the E'ly R/W of KCS Railroad (RR). Run thence east on the north line of said Section 36 a distance of 104.36 feet. Thence run S26 $\frac{1}{2}$ 'E parallel to said RR R/W 155 feet to the POB. Thence from said POB continue S26 $\frac{1}{2}$ 'E a distance of 53.71 feet to iron bar, thence run east parallel to north line of said Section 36 a distance of 113.06 feet, next 4 calls common with church tract: thence run S26 $\frac{1}{2}$ 'E 200 feet, thence run east 100 feet, thence run S26 $\frac{1}{2}$ 'E 172.08 feet +/-, thence run east 192.30 feet to the west line of tract owned by the City of Shreveport. Thence run S26 $\frac{1}{2}$ 'E along line common with City 1020.68 feet to 2 inch iron pipe at corner, thence run west on line common with City 456.9 feet to the east R/W of said KCS RR, thence run N26 $\frac{1}{2}$ 'W along said RR R/W a distance of 1669.2 feet, thence run east parallel to the north line of said Section 36 a distance of 103 feet to the POB. Said tract containing 15 +/- acres.

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

1. Development of the property shall be in substantial accord with the site plan submitted. Any

significant changes 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. 129 OF 2006

BY:

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTH SIDE OF SMITHFIELD ROAD AT ITS INTERSECTION WITH BRIDGEWOOD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM B-3, COMMUNITY BUSINESS DISTRICT, TO R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located on south side of Smithfield Road at its intersection with Bridgewood, Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from, B-3, Community Business District, to R-1D, Urban, One-Family Residence District.**

From the NE corner of Lot 17, Summer Grove Acres, Shreveport, Caddo Parish, Louisiana, run S 595 feet to the P-O-B. Thence run S 165 feet; thence run S89°59'15"W 170 feet; thence run N 165 feet; thence run E 170 feet to the P-O-B.

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

1. Development of the property shall be in accordance with the application as submitted at the

August 2, 2006 Public Hearing.

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. 130 OF 2006

BY:

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 BERT KOUNS INDUSTRIAL LOOP, 630 FEET WEST OF MANSFIELD ROAD, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM B-2, NEIGHBORHOOD BUSINESS DISTRICT, TO B-3, COMMUNITY BUSINESS DISTRICT, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located on north side of Bert Kouns Industrial Loop, 630 feet west of Mansfield Road, Shreveport, Caddo Parish, Louisiana, legally described below, **be and the same is hereby changed from, B-2, Neighborhood Business District, to B-3, Community Business District.**

0.46 acres, M/L from the NE corner of Lot 15 of Summer Grove Acres, run S01°17'38"W, 1072.28 feet to P-O-B. Thence run S01°17'38"W 200 feet to the N R-O-W Line of Industrial Loop Expressway, thence run N89°52'30"W along said Expressway 100 feet, thence run N01°17'38"E, 200 feet, thence run S89°52'30"E 100 feet, to the P-O-B.

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

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

2. No permits or new certificates of occupancy shall be issued prior to submittal of landscaping plans meeting ordinance requirements.

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

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

UNFINISHED BUSINESS:

1. **Resolution No. 100 of 2006**: Authorizing the release of mortgages and cancellation of promissory notes executed by Shreveport Publishing Corporation (now Snap Property, LLC) in favor of the City of Shreveport in connection with the neighborhood improvement leveraging project and to otherwise provide with respect thereto. *(Introduced June 13, 2006 – Tabled August 8, 2006)*
2. **Ordinance No. 93 of 2005**: Amending and reenacting Section 3.01 of Ordinance No. 96 of 1980 relative to exemptions and exclusions from sales and use taxes and to otherwise provide with respect thereto. *(Introduced – 6/14/05 - Tabled on July 12, 2005)*
3. **Ordinance No. 220 of 2005**: ZONING APPEAL C-95-05: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, to rezone property located on the Southwest corner of Cleveland and Jewella Avenues, from R-1D, Urban One-Family Residence District to B-3, Community Business District, and to otherwise provide with respect thereto. (F/Green) *(Introduced –Dec 27, 2005 – Tabled January 10, 2006)*
4. **Ordinance No. 90 of 2006**: ZONING – C-45-06: Amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinances by re-zoning property located on the west side of Broadway, 100 feet south of Murvon Street, Shreveport, Caddo Parish, Louisiana, from B-1-E, Buffer Business/Extended Use District, to B-1-E, Buffer/Business Extended Use District, Limited to “A Barber Shop” only, and to otherwise provide with respect thereto. (F/Green)*(Introduced June 27, 2006 – Tabled August 8, 2006)*

Mr. Thompson: I've received no indication that any of those will be removed from the table.

NEW BUSINESS:

1. **BAC -31-06**: 1101 Russell Road, *Michael D. Harrelson*, Northeast corner of Russell Road and I-220, Administrative Appeal of Zoning Administrator Decision; Landfill/Rock Crusher. (A/Lester)

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

Mr. Thompson: Mr. Chairman, on BAC-59-06, I believe Mr. Green indicated that Mr. Jackson was going to postpone.

Councilman Jackson: Mr. Chairman, under the advice of my secretary, I will move to postpone.

2. **BAC-59-06:** 4103 Santa Monica Circle, *Wyvornia Decarol Nunley*; Elmer & Wyvornia Nunley, East side of Santa Monica Circle, 300 feet south of Santa Monica; (Special Exception Use in an R-1D District [Expanded Home Occupation [Bridal Consultant]]. (G/Jackson)

Motion by Councilman Jackson, seconded by Councilman Carmody to postpone .

Councilman Green: He is one of my constituents so I always ask me to do what they ask me to.

Councilman Hogan: He had an idea of the Council Members having assistants, you might have that job.

Councilman Green: No sir. (inaudible)

Councilman Jackson: Let's hope not, that means he would be free.

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

3. **CASE NO: C-76-06:** 3749 Jewella Avenue, **APPLICANT: CASH AMERICA, INC. OF LOUISIANA**

Mr. Thompson: Mr. Chairman, we also had another add on, it was Case No. C-76-06, the applicant was Cash America. I don't think that there is any need to introduce this. But it is on the agenda and it can be adopted at the next meeting.

Motion by Councilman Jackson, seconded by Councilman Walford to postpone.

Councilman Jackson: Just briefly, I heard Mr. Thompson speak even after I made the motion, but I thought we were able to take it up at this meeting.

Mr. Thompson: No, the indication was that the Mayor wanted it on the agenda so that it could be taken up at the next meeting.

Councilman Jackson: Well I think it would be redundant to move to postpone, so I would like to rescind my motion.

Councilman Hogan: Okay. Does it require any action Mr. Thompson?

Mr. Thompson: No, no action.

ABO APPEALS:

1. Mr. Joseph L. Jones, 1419 Clanton Street, Shreveport, LA 71108 (B/Walford) (*Raceway – No location given*) (*Postponed – until September 25, 2006*)

2. Mr. Anrea Gully, 4156 Southeast Street, Shreveport, LA 71119 (G/Jackson) (*Daiquiris Unlimited, 240 W. 70th Street, Shreveport, LA [F/Green]*)(Decision rendered September 11, 2006)

REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES: None.

CLERK'S REPORT:

A special meeting has been set to address an appeal for the revocation of permit to sell alcoholic beverages, concerning the **Phat Katz Lounge**, 4303 Greenwood Road, Shreveport, LA. The meeting is schedule to begin at 4:00 p.m., Monday, **September 25, 2006** or immediately following the City Council Administrative Conference, whichever occurs later.

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

ADJOURNMENT: There being no further business to come before the Council, the meeting adjourned at approximately 6:37 p.m.

//s// Jeffery A. Hogan, Chairman

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