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COUNCIL PROCEEDINGS OF THE CITY OF SHREVEPORT, LOUISIANA JULY 9, 2002

The Regular Meeting of the City Council of the City of Shreveport, State of Louisiana, was called to order by Chairman Roy Burrell, at 3:15 pm., Tuesday, July 9, 2002, in the Government Chambers in Government Plaza (505 Travis Street).

Invocation was given by Reverend Rick Edmonds, of Calvary Baptist Church.

On Roll Call, the following members were Present: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Absent: None.

Motion by Councilman <u>Shyne,</u> seconded by Councilman <u>Huckaby</u> for approval of the Administrative Conference Summary Minutes of June 24, 2002 and the Regular Meeting Minutes of June 25, 2002. Motion approved by the following vote: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Absent: None.

Awards, Recognitions of Distinguished Guests, and Communications of the Mayor Which Are Required By Law. Mayor Hightower: We obviously have a lot of distinguished guests with us today. I did want to recognize a couple that we have: Pat Chuck is with us again today. Pastor Rick who just gave the invocation and a couple of generations of Durons are with us as well, we welcome all of you down to City Hall.

And also, I would like to call the Fire Chief forward. We've had a couple of young, distinguished brave guys in our midst and we look at the Fire Department and Police Department and call them heros often times, but a lot of times there are those ordinary citizens out in the community that have done something like take a CPR Class that actually helped someone to hold on until the Fire Department and the guys that really knew what they were doing, got there and the Chief has two fine examples of that with him today.

Chief Cochran: It gives us great pleasure today to recognize two outstanding young men in the community. On June 14, 2002 at the Fox Creek Apartment, a little girl was attending a birthday party at the apartment complex pool area. And she went to the bottom of the pool and was unnoticed for quite some time. And these two young men rose to the occasions. Mr. Chavis Randal was the rescuer. He actually responded, dove into the pool, and found the four-year old little girl and brought her to safety and Mr. Petrick Fuller performed CPR until the Fire Department arrived on the scene. She spent a few days in the hospital and she was discharged and she is alive today because of the brave heroic action of these two young men and I think it is in order that we all, as citizens of Shreveport recognize them. So it is on behalf of Mayor Keith Hightower and myself as the Fire Chief of the Shreveport Fire Department, that we recognize both Petrick Fuller and Chavis Randall for your heroic and life saving efforts on June 14, 2002 at Fox Creek Apartments: Whereas, the life of a four year-old child was saved after she was rescued from the bottom of a swimming pool and you performed cardio pulmonary resuscitation and rescued her and saved her life.

Councilman Burrell: Mr. Fuller and Mr. Randall, do you have any comments? We always give you an opportunity. I wondered what had happened to you. The last time I saw you, you were wondering why, no one recognized you and I see that you made your way through the maze. And I think that there was another situation that you had explained to me that you were involved in earlier too, you might want to share with the public.

Petrick Fuller: I didn't really want recognition as much for myself as I wanted it for Chavis. At lot of times we do acts that are unnoticed and people don't take an account for it and at least a pat on the back or a hand shake, as a job well done, is recognition enough.

The fact that she is running around and playing, in that I've seen her several times since, is the greatest reward in the world. I'm thankful for this award and I'm glad that I was able to help the other families that I've helped, regardless if it was a shooting at Union and Hollywood or the other two people that I've rescued in the past several months, that were also downing. I'm just thankful that I'm here in recognition for those people and maybe other people will step up and pay attention and be volunteers of good nature instead of just saying, it has nothing to do with me, and just walking away.

Councilman Burrell: You did make mention of the other incident at Union Street, I believe, a child got shot there, didn't it?

Petrick Fuller: Yes, Sir. A child was shot in the arm. A mother and father were also shot. There was a passenger in the car, he was also shot and a 2-year old child lost his life, that day. And an off duty police officer and myself were there. He kept the people back while I tried to do whatever medical attention that I knew.

Councilman Burrell: Well, we really appreciate that, especially from the Council, and I think the Mayor and the Chief has already addressed it from the Administration. We appreciate that, Mr. Randall.

Chavis Randall: I really don't know what to say, except that just a hug from the little girl was excellent. I mean, it because it was a very bleak situation at one time and to see her, later on I saw her in the hospital and she was like talking in her sleep and then next day she was running around playing, so I was like, thank God. It was just a very sad situation at one time. I'm just happy the family is okay and I'm thankful Petrick was there because I never saw him walk up and just thank God, that's all I have to say.

Councilman Burrell: Again, we thank you.

Councilman Stewart: Great work.

Councilman Serio: I would too, I would compliment you. You know, a lot of times people don't realize is that a hero is just a common person that does something that is uncommon. It is that uncommon event, that brings you forward and brings you out. My hat is off to you and everybody on this Council, compliments you and hopes that somewhere along the line something else is going to come your way, and hope grab it and take it the same way; thank you.

Councilman Burrell: You set a great example.

Councilman Shyne: If I could sing as well as Pastor Rick Edmonds, I'd sing you a nice gospel tune. So, Pastor, you'll have to do that for them one day, hear.

Councilman Burrell: Yeah, we don't want to push the issue.

Public Hearing: None.

<u>Confirmations and/or Appointments:</u> Mr. Steven Barras as Superintendent of Field Operations in the Office of Water and Sewerage, Department of Operational Services. Mr. Thompson: I believe that needs to be added to the agenda and you can vote on it today, if you'd like. Motion by Councilman <u>Shyne</u>, seconded by Councilman <u>Spigener</u> to add the appointment to the agenda and confirmed by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

Adding Legislation to the Agenda: The Council added the following to the agenda on motion by Councilman Shyne, seconded by Councilman Huckaby and approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

1) Resolution 93 of 2002: A resolution specifying the purposes for which an additional one-quarter cent sales tax would be spent if approved by the voters of the City of Shreveport and to otherwise provide with respect thereto.

2) Resolution 94 of 2002: A resolution ordering and calling a special election to be held in the City of Shreveport, State of Louisiana, to authorize the levy and collection of an additional one-fourth percent sales and use tax therein, making application to the State Bond Commission in connection therewith and providing for other matters in connection therewith.

Mr. Thompson: The City Attorney has asked that these would be adopted as soon as possible and the Mayor would sign them. So, if you could suspend the Rules, if you would consider, suspending the rules to vote on these two items, these two resolutions now then our Staff could prepare the signature pages so that the Mayor and the Chairman can sign them before the meeting is over today.

<u>Public Comments</u>. Councilman Shyne: Before we get into Public Comments and that section is going to be kind of long, I had a statement I'd like to make to Captain Shoemake and Mr. Bowie.

Gentlemen, Mr. City Attorney, I don't know whether you want to stay where you are, but there is a problem, kind of a needling situation in my district at the corner of Hollywood and Kennedy Street. There is a store there and the gentlemen has been keeping around his store, extremely dirty. I've met two or three times with people that live right behind the store, it is a nice neighborhood behind the store and they are concerned because it seems like we are not able to get him to clean up around his store, to keep his grass cut, to keep the hedges cut to keep the paper picked up. I mean, the paper blows from his store all the way over to, into the neighborhood and the paper is generated there at the store. And it seems like to me that we ought to be able to require the person where the paper is generated to be responsible for keeping it clean because after they go in the store and buy candy or whatever it is, they on their way out, they throw it on the ground, and blows over into the neighborhood. This gentlemen makes an excellent living and to me, it seems like it would be a very simple matter for him to maybe hire a couple of kids or somebody around there maybe, 2 or 3 times a week and it wouldn't take them very long to clean it up. It is horrible.

I mean it looks like a dump. It is embrassing to me, it is embarrassing to the city. The Mayor has been on about the clean-up campaign and I've been to a couple of meetings and they look at me and say, you know Joe, evidently, you and the Mayor must not be communicating say, because I see where we are suppose to be kicking litter and look like we are kicking it from somewhere else, right into our neighborhood. The guy, you know his store is right there and we can't get him to do anything. I know we ought to be able to do something, so I am going to ask you all and Mr. Bowie I am going to ask you to meet me there, at the store in the morning at 9:30 and lets see if we can't talk to this gentleman and see if we can get him to clean it up.

And Captain Shoemake, I believe we have an ordinance on the books that will deal with that?

Captain Shoemake: Not exactly. The ordinance on the book says that he is responsible for any property under *his control*. I went out to the location today, almost all of the trash is in the grass lot directly behind his property. He claims he has no control or no ownership over that property. More than likely what you are saying is a lot of it is exactly thrown on the ground on his concrete lot and it blows over into there. If there is someway we could require him to put up

a retaining fence between there that would actually stop that trash from going over there. We are also going to try to locate the owner of that grass lot and require him to clean it up, as far as keeping the lot (inaudible). To make sure that it doesn't come back again, if there was some way and there is nothing as far as the Police Department is concerned, where we can require to put a fence up. If we can require him to put a fence up across the back of his property back there, to stop the trash from blowing off of his property onto that grass lot, that will probably stop it from coming back.

Councilman Shyne: And I like how you said it, you said, *almost all of it*. But that little part that is almost, that is not almost, that is not all of it, lets make sure we get him to clean up that, that is on his lot. If he keeps that cleaned up that is on his lot, then it will not blow from his lot to the other lot because that is what is happening. I mean, I drive by there and I see it out in front. I mean, I see it right next to the building. So, what we want to do is to let him know that we mean business and we don't mind him making a living there at that corner, but we want to make sure that he is a good citizen, that he is concerned and that he has some pride in the neighborhood and we are talking about quality of life.

We want him to know that, if he stays there, we don't mind him making his money there, but we want him to be a part of the community by keeping it clean. I mean, it makes me look bad by going around getting on people and asking them to keep their yards clean or Mr. Bowie going out and getting on two or three people, and then the first thing they say, well Councilman you getting on us, but look at what you got at the corner right there. You all not doing anything to him, he must know somebody down at City Hall. And I said, I don't know nobody that he knows down at City Hall, so Mr. Bowie, tomorrow we want to find out if he know somebody down here. If he know somebody down here, I want to know who it is too, because I want to get to know them because we want to make sure that he keeps the property clean; so, I'll be out there. Captain if you can come out or send a man out there, and lets see what we can do to clean this problem up. Mr. City Attorney, if there is anything that we need to do in order to reshape the piece of legislation that deal with that, I'm asking my colleagues on the Council, lets take a look at that because we want to work with the Mayor and we want to keep Shreveport clean. We want to do what we need to do in order to keep Shreveport clean. I want to see the Mayor on t.v. and I like that little shot he got with the paper over in the basket and we want to make sure that we work with him, in order to keep the City clean and we can start at the corner of Kennedy Street and Hollywood, in the morning, 9:30. I'll be there with some rubber gloves on so that if we have to start picking up some paper ourselves we would do that. Mr. Bowie, I like how you look, so you might have to bring you some with you too, but we want to get cleaned up.

Councilman Burrell: Captain Shoemake before you run off, clarification on that ordinance, the litter ordinance. If the property that is adjacent to the store, is owned by the store, then they are obligated for the adjacent lot.

Captain Shoemake: Yes, Sir.

Councilman Burrell: Because I know that there is a, I wouldn't say, a clause, but there is additional language in there that does deal with, adjacent property if owned by the primary source of litter. But it would also be very encouraging that even if the lot that is adjacent to the store, that those property owners, or should I say the store owner, would get with them. I'm sure they would allow them to pick the paper up because they are the ones that is the culpert, anytime it is coming from their store and it blows over to someone elses' lot, I think it is a poor excuse

for the adjacent lot to be littered by the store owner, because he is getting off with that issue, so it would be good if you all would tell the store owner that, to get in touch with that person and pick that paper up because it does look bad.

Captain Shoemake: I'm not positive. Like I said, we are trying to reach (Inaudible) to find out who is responsible for that lot. I've been familiar with that location, road the area quite frequently when I was a patrolman. That location is the (inaudible) entire corner, in my opinion, is owned by the owners of Otto's Service chain, and they have leased the store itself to this gentleman, but they still own the property back there in the back. I believe that is true and I think that is how it will turn out on it, but we'll find out for sure.

Councilman Burrell: I'm talking about that particular property in particular, there are other situations. I know I have the same problem, Councilman Shyne, and I'm sure some of the others do too and some of out biggest violators are the stores that carry liquor. And I know in the liquor ordinance, that is possible for us to ticket them or fine them, but I appreciate it. I would like to do that with shopping centers.

Councilman Shyne: Chief, if you all would continue, if that who owns the property, lets get in contact with them and tell them that the people are just sick and tie of living next to a junk yard and that is what happens. We don't mind people making a living, but be a good citizen. I mean, just don't make your living and leave out of the neighborhood and don't think nothing about the neighborhood. I mean, it is perception too, I mean even school kids who grow up in a neighborhood that looks run down and people don't care, that kind of attitude, has a tendency to permeate the whole community, so whatever we need to do, lets make sure we get at it.

Pastor Chuck Pourciau (551 Slattery): I just want to give a little background on our Church. In 1930, our church was planted when there was cotton planted there with barb wire fences and everything surrounding these cotton fields. And we anchored ourselves in that community to be a lighthouse for our Lord Jesus Christ. And it has been a process over the years of acquiring property in order to be able to expand because our church continued to grow.

The worship center that we now use, was built in the 1950's and we've gone. In fact in 1999 we had to go to an additional service and now we are up to four services per Sunday. God has blessed us with good people in a good neighborhood. And we got to a point because we had about 12 acres where we had to decide if we were going to be able to remain there and expand or try to move somewhere. And our Church prayed about it and sought God in this thing and about 2 years ago now, we decided as a church, unanimously, to stay put in Broadmoor.

And the primary reason that we decided to say, well two reasons that we decided to stay put in Broadmoor. 1. We felt like it was a mission field where planted us in 1930 and it is a mission field that is very important to us that we reach, with the gospel of our Lord Jesus Christ. So it was the need of the Broadmoor community, a very stable community, a very good community, not a deteriorating community where there would not longer be a mission field in the eyes of some churches, but a very stable, a very good community with a lot of young people and old people alike. 2. The other reason we decided to stay in Broadmoor, what would happen if we left and that big physical plant went over to somebody else for some other reason. And we didn't like the results of that either, so those two reasons led us to stay, and so we began to seek ways to expand. And over the past 2½ years we have purchased a million and half dollars of property, gone from 12 to about 16 acres, torn down unsightly buildings and tried to dress up the property, at this point, as well as we could. But if we are going to be able to remain a viable

neighbor in the City. If we are going to be able to continue to be what we've been since 1930, when it was a cotton fields, we are going to need the help of the City of Shreveport. And we ask that you give us that help today, by voting to close one block of Atlantic subsequent to our opening one block of another street, that'll serve as access to Ockley.

Dr. John E. Stafford, Jr. (1505 Old River Circle): I stand before you as a member of Broadmoor Baptist Church and I support the closure of Atlantic. Following the Church's decision to remain at 4110 Youree Drive, we've been able to acquire the remaining commercial property along Youree Drive from Atlantic to Ockley. With the acquisition of these properties, the Church now owns about as much property on the north side of Atlantic as it does on the south side. All of you are well aware of our Master Plan and I know that you are particularly well aware that Phase I of this plan is the construction of a new Worship Center. This multipurpose facility will seat approximately 2500 people and will be placed on the north side of Atlantic Avenue. It will be situated almost 200 feet from our present facility. This place is by no means, optimal. We would much prefer to have the Worship Center actually affixed or adjoined to our present facility. However, this is not possible because of the underground utilities and drainage that are located under the right-of-way for Atlantic Avenue. Even if this street is closed, we can not build on top of that. Given this fact, we are in a position where our new Worship Center will be physically separated from our existing facility. Existing facilities will be used for Sunday school classes and many other uses. This means that on Sunday mornings, particularly there will be literally thousands of people traveling to and from the new worship center on the north side of Atlantic and the existing buildings on the south side of Atlantic. The physical separation between our main buildings will be difficult enough to overcome, but the task is made even more difficult if there is a public street separating these buildings. Many church congregations across our City have to cross streets to get from parking lots to church buildings, but you will find very few where congregations have to cross the street to get from a Sunday School class to a Worship Service.

As we begin to make plans to grow at 4110 Youree Drive, we studied published research by experts in the field of church growth. Those studies showed us that good preaching and dynamic worship were important factors in church growth, but they also showed us that having facilities that are appealing, easily accessible, user friendly and safe and secure are also critical to successfully growing a church.

To keep our new facility from having a built in impediment to the growth that we are trying to encourage, it was obvious that we needed to find someway to physically connect the new and the existing buildings and to provide safe and easy passage between them. The only practical way, in our opinion to do this, is to close Atlantic so that the passageway between our facilities will be open only to pedestrians. Closing Atlantic will also enable us to place at least a covered walkway between the buildings and hopefully a walkway that is fully enclosed.

A team church is most often a family experience. In order to attract new families to Broadmoor Baptist Church, it is imperative that we provide facilities where parents can feel comfortable about their children moving safely and securely from one activity to another.

In conclusion, Broadmoor Baptist Church has been a beacon in the Broadmoor neighborhood for over 50 years. And with this new worship center, we feel God is leading us to lay the cornerstone for the next half century. All of you have commented on the firm foundation that our City's churches provides for neighborhood. This having been said, we need your support

and we sincerely ask for your vote to close Atlantic. This project is good for the Broadmoor neighborhood, this project is good for Broadmoor Baptist Church and this project is good for the city of Shreveport.

John Forrester (525 Slattery Boulevard): I am a member of Broadmoor Baptist Church. I would like to say again that we have been studying and planning for growing our congregation in the area, this time for about three years. And of course as you have heard, we've been investing in the lives of people in this location for over 72 years.

We have enlisted the help of our Councilman Thomas Carmody, the Broadmoor Neighborhood Association, the City staff, the Zoning Board, the MPC, and you, members of the City Council. All of you have encouraged us and you have guided us and you have showed support for our Master Plan. Central to this Master Plan is, the closing of Atlantic in order to provide a unified campus that gives safety and security, especially, to those senior adults and young families and their children as they worship and study God's word.

In our detailed studies, we have been guided by Neamia, Ken and Callahan and others who have studied church growth, to guide us in making the best decisions. We know that good preaching and dynamic worship are important factors in providing church growth. However, there are other very vitally important aspects. Kalenworks, in 12 areas and we are trying to work in all of those areas, to affect our growth at Broadmoor Baptist Church. Facilities that are appealing, easily accessible, user friendly, and safe and secure are factors of vital importance. Some have suggested alternatives to help us provide safe passage for some 2,000 people who will be crossing Atlantic either to go to worship or go to Bible study. By the way, this will be a significant increase over what is current happening because we worship south of Atlantic Street. The only significant alternative to closing the street is the suggestion for an overhead walkway. This overhead walkway would have to be connecting in close concourse in order to move the 2,000 people from our buildings on the south to the worship center on the north and do that in a period of about 15-minutes. It would stand a distance of approximately 200 feet and we would need to include elevators or escalators in order for older adults and small children to move from one building to the other. Its cost would be in excess of a half a million dollars as opposed to the one hundred thousand dollars that some have suggested. It is a costly solution and it is not the best way to provide safe and easy passage between our buildings. The only way to truly accomplish this is to build the new outlet street and close the Atlantic Avenue between Clingman and Youree Drive.

We have been concerned about our neighborhood and the safety and inconvenience impact that closing the street would bring. We have always desired to allow access through our property. With the help of Councilman Carmody and the city officials, we were able to fashion a compromise that will enable us to build and dedicate a street between Atlantic and Ockley. I trust that you have a copy of the proposed plan in your packet, if you don't, it is on the overhead up here. We will build it first, before the street closes as a part of this ordinance. We will provide a paved walk, landscaping, and a six foot cedar fence for screening. This street will provide easy access to the neighborhood for the neighbors as well as emergency vehicles. It will allow the neighborhood to have the same four outlets that the presently have.

This is not an area that we are isolating or we are putting in a gated format. It will be stronger and a better neighborhood when this plan is complete. We are pleased to get the neighborhood with this street. I respectfully request that you give to support to this plan.

Mr. Allen Swilley(356 Atlantic Avenue): I stand here today to briefly state our claim as the Save our Street Committee. We don't want to inhibit the church growth, but we don't feel like closing the street is going to inhibit the growth. We've spent several hours talking with our Councilman and talking with representatives of the Church yesterday and we are still at the same point, we've been.

We were talking about a compromise. At this point, the proposal that the church has made, still stand and we don't feel like we have been included as a compromise and we will continue, as we have stated that, we will keep Atlantic open.

Nina Archer (10314 Evangeline Oaks Circle): I am a member of Broadmoor Baptist Church. When the City was presented was presented with a request to close this street that we are requesting, the first thing that the City did was to circulate, among the departments, to find out if there was anything that they had against this and they presented this to the Traffic Engineering, the Fire Department, the Police, the Sportran system, and even Waste Management to see if they could have anything wrong with it, if any problems existed. And since Broadmoor Middle School is located in the 400 block of Atlantic, they even went to Caddo Parish School Board to see if they had any problem with the closing of Atlantic. In each instance, not a single one of these departments had anything negative to respond to this.

A part of the evaluation by the Traffic Engineering involved taking the traffic count on that part of Atlantic and they did this two different times: 1) during the point of the year in which school was in session and 2) the other in the part of the school year when school was closed. And they compared this with a comparable neighborhood. And during the time of the year when school was in session, the traffic count was only 2/3rds of what a comparable neighborhood would have and during the summer time, when school was not in session, it was only 1/3 and so that didn't seem to be such a big thing. And you know what people, they came to find out that a goodly portion of the traffic on Atlantic is generated by people going to and from Broadmoor Baptist Church.

If you will look on Exhibit 5, you will see that there is a parking lot there for the business office area of the church and all of the people who work in that office, people going to and from everyday, as well as the preschool area, use that parking facility; so, this, a great deal of the traffic generated on Atlantic comes from the Broadmoor Baptist people.

And if the proposed closure of Atlantic does go through, those people who are exiting there, will be able to use other areas around the Church to get off on Youree Drive and will not divert that traffic into the neighborhood.

Another factor that we believe is significant is even if the departments found no objection, was that just a few months ago, Atlantic to Youree Drive was closed. Do you remember last November and December, when the City was undergoing that huge construction project of laying the water lines down Youree, I'm sure no one has forgotten that and we did live through it? Well during that time, Atlantic was closed and no problem surfaced at that time. And so just a few months later, in March and April, when this proposal was made to the City surely if there had been a problem, it would have been fresh on the minds of those conducting these surveys and they would have known whether or not that it was feasible.

So, what we've had people has really been a trial run and due to that, we feel like that the conclusions reached by these City departments, that a permanent closure will not have significant adverse consequences.

Marshall Graham (454 Linden Street): I was born in Broadmoor, 62 years ago. A little bit later my family moved and bought land to build and built a subdivision, so all my life has been around subdivisions: development, studies. Becky and I moved back 20 years ago to Broadmoor because we love it and I've been very active in Captain Shreve Neighborhood Association for 3 years, as President. I'm very concerned about what happens not just in all Shreveport as a whole, but in Broadmoor, that's my life, that's where I've lived, and that's where I love.

I'm a MAI Real Estate Appraiser. For 40 years, I've appraised real estate in Shreveport. I was Chairman of the Louisiana Certified Appraisers Board, I was National Chairman of State Certified Appraiser for the American Institute of Real Estate Appraisers. I have offices in Shreveport, Baton Rouge, New Orleans.

I look at this similar to what everybody else says, except, I really don't look at it as closing as at, it is a relocation of the street. And what I'd like to share with you, I don't see one single real reason that it is inconveniencing or hurting anyone. I see many reasons that it is helping everyone, everyone in Broadmoor, anyone affected by Atlantic, whether it is Clingman Street or any other street and I'd like to share those thoughts with you.

It has been my privilege to appraise many, many subdivisions and I don't mean, just a lot, but the whole subdivision, that's one thing I've done and that's goes to mobile home parks, subdivisions, to middle income, to the upper end and from Southern Trace to Long Lake on the Lake and I 've found one thing about all of these subdivisions, they have the same objectives, at least if they know what they doing, they do. And what those objectives are: have quite streets, quite neighborhood, slow traffic (not fast traffic), don't be a through traffic street, don't have even one through traffic street, and have it as safe as possible, both for emergency vehicles, fire department, ambulances, but slow traffic where your children and your grandchildren don't get hurt in the street.

We've got a problem on Youree Drive and that is that Ockley and Atlantic are fairly close together, closer than most streets. There is a red light at Ockley. People going north on Youree Drive see the red light and sometimes they turn left because they don't want to slow down for the red light. What this will do is, relocate that street from that location over to Ockley. There will be no traffic speeding through the neighborhood. Now, we had two people at our Church—we had an open meeting for the neighborhood and everybody was invited, two different people stated, there was heavy traffic and they wished the police would come and stop the traffic. Well this will slow down the traffic, it really will. That is the most important thing you can do for a neighborhood, in my opinion: control the traffic. That is what all of your developers try to do.

You know this worked for St. Mark's Church, it worked for Centenary College on Woodlawn Street, and it will work in this neighborhood. It will not destroy the neighborhood. It will create values. It will raise the sale prices, in my opinion. Not to mention the fact that, my three grandchildren (two already here and one to be born next month) will walk across Atlantic Street without having to dodge cars coming of Youree Drive, that is a serious issue and anybody that says it isn't, isn't thinking. It will be good for the neighborhood. I can not think of one, even one single reason that it is not good for the neighborhood.

Becky Graham (454 Linden Street): It is nice to see all of you. I know most of you and I been there, this beautiful area, I mean a beautiful place to work. I did serve on the Metropolitan

Planning Commission for six years ending January 1, 2000. I am going to go though these pretty quick because I know how the 3 minutes time can close in on you.

Many times, I was on the MPC and our decisions were very hard and I know that some times, many times you have hard decisions to make and I would like to say that I think that this decision might be a little bit easier than others and here's why. 1) The Metropolitan Planning Commission did vote for this, that helps. 2) You've got a compromise since the Metropolitan Planning Commission voted for this. You've got a street for a street and that's a good thing to see. Some of you might be of the thought that if a few people are against a street closure, then that's it, we are not going to close the street. Under that scenario, we would never change anything because as you well know there's always going to be someone against something, always.

So, I think the real significance here is that there has been a compromise made and I say this, that this compromise came after the MPC meeting, even. So, the Church met with the neighborhood, the neighborhood was very strong about we don't want to lose our street, Atlantic Street, that direction to Youree Drive. The Church heard that. Now, the Church is saying okay, we'll give you a street to exchange for your street and if you think about it, we are not really closing a whole street here, if you do so vote for that, you are actually just closing the end, you are actually making it a cul-de-sac street, there's a little difference there. You also, because of what the church is offering you are actually going to have a re-alignment of Atlantic Street, so therefore, Atlantic Street is not going to be closed, in essence it is actually going to curve, go over to Ockley, and place everyone onto Youree Drive. This is the first time that I've ever seen a win-win situation like this. I wish a lot of other decisions when I was on the MPC would have been this way.

When I was on the MPC we had a street closure come up, it was at Centenary, it was the Woodlawn Street. I've got to tell you that I was not for that because the neighbors were very upset about it. It was very large street, they wanted their street, and they did not want to see it closed. We tried to work and we did work with Centenary and basically, bottom line, I didn't feel like there was enough compromise. I didn't feel like the neighbors were getting anything. The City Council did decide to vote to close that street to through traffic. Of course it is not totally closed, but there is a barricade in the middle, therefore the neighbors can not cut through that street and neither can the citizens of Shreveport cut through that street so in essence that street was closed, but there was no compromise there. So, I would submit to you that, you do have a compromise here.

Another thing I'd like to throw out at you. You know, one of the things that we have on the City Council, on the Metropolitan Planning Commission, as Mayor of the City of Shreveport is, we have a problem with large businesses and they build, they run there and then as everything moves, maybe they want to grow bigger, they want to move to a certain area because there is more things going on in that area, so they vacate these large buildings. Our Church does not want to vacate the building, they actually want to stay in that area and grow. And I know the Bealle Ladymon building, Summer Grove Church, so I think that I would encourage you to look at this and this looks to me like a, win-win situation. So, I would encourage you to not let a few decide your vote. There will always be some that are not for anything.

Nancy Nix (3300 Fairfield): And I have the privilege of speaking to you at a work session, but not in actual meeting. I appreciate, very very much your thoughtful consideration

that you have given to this issue.

I was one of those neighbors a while back who was opposed to change. Some of you know that I live very near St. Mark's Cathedral. I didn't like the fact that they were going to close, my easy access though, when St. Mark's needed to expand. And yet, because I thought through the ramifications of what they really were doing, you did not see me here opposing that because realized they were investing in my neighborhood. That they indeed were saying to me and to the neighbors around, we are committed to this neighborhood and to the people who live there. And indeed, even though change is difficult, it took me maybe two weeks to figure out a difference route and it hasn't been difficult, at all.

You see, when we looked at this, we did indeed think about our neighbors. We included them from the very, very beginning, in fact before the Church itself learned about the plans. We had neighborhood meetings. Mr. Carmody had asked us to and many of those that you've heard speak against, even where included. They were there. They chose to come, all neighbors were invited. And we deleted one of our plans that far off family life center that we had thought about, because they were opposed to it, but not once did they mention the closure of Atlantic until the 11-hour when suddenly it was all in the works and now, something was wrong.

And I am delighted to say that we have one again considered our neighbor because they are indeed the reason we are staying in the Broadmoor area. We love that neighborhood, we love the people. We believe in those folks who need to be ministered to and we want to minister to those lives. And so even though the Metropolitan Planning Commission did not require it, we have more than met our neighbors in a compromise by saying, indeed I understand you perhaps don't want that dangerous part of Atlantic closed although it really would be in everyone's safety benefit and we have given them the dedicated street which would be safer for everyone involved.

Now, it was quoted in the newspaper this morning that it was disheartening that a Church would depend on bricks and mortar in order to grow. Now, I agreed with the fact that Broadmoor Baptist is not bricks nor is it mortar. You see we are people, young and old, black and white, who want to serve the Lord Jesus Christ and our neighbors in our neighborhood. And it is not for the benefit of being big or of having a new building that we are seeking for you to close Atlantic. But it is because we have been reaching those folks, people who are hungry spiritually and physically, meeting those needs and now we need to have some place for them to come and worship safely.

I'm a public school teacher. In order to meet the needs of my children, each individual one, I need to have a facility that is safe, I need to have a facility where they can come and know that they will indeed be nurtured and that is what we are trying to do at Broadmoor. Not one of you would ask to build a school where the children had to cross the street daily when they were on campus.

As the mother of four children, I know what I would look for if I were seeking a church home: safe, secure place where my children could go from Sunday school to worship to activities and for all those in between. So, I appeal to you to please look at the compromise proposal and do what is right for Broadmoor and for the city of Shreveport and divert Atlantic to the dedicated street and close the dangerous intersection at Youree.

Bridget Sinclair (143 Woodvale Creek, Bossier City): The question keeps coming up, who will this impact the most, who are the neighbors, and for how long.

And Sunday services at Broadmoor which you all have heard about, although they are the

most important and meaningful thing that we do at the Church are only a very small part of what goes on at Broadmoor Baptist Church.

I've heard this characterization that we are there just on Sunday and Wednesday and I submit to you that well, beginning at Monday morning, at 5 am., there is a meeting going on at Broadmoor Baptist Church of women from throughout the City that aren't even members of our Church and that begins a week of exercise classes, ceramic classes, we have activities on Wednesday night, Tuesday night, Thursday night, pretty much every night of the week something is going on at Broadmoor Baptist Church.

It is true that not all of these groups need to get to the sanctuary every single time they get together. They don't necessarily need to cross the street, but they do represent a great number of people who use our facilities and who will be impacted by your decision. There's probably somebody up at Broadmoor Baptist Church especially some of our staff, there even longer than some of these residents are at their houses. I know some of these staff people think they are up there 24 - 7.

I want you to understand that our Church is a family. We are one of the neighbors, a vibrant family that lives at 4110 Youree Drive. We've lived there for 70 years and we are going to be living there soon after everybody in this room has moved on. We are a family that opens our door and our back yard and our kitchen, we invite people in, we invite acquaintances in to come and use our facilities. We are a family. If you will think of us as one of the neighbors that we look after our teenagers there, we hang out with them there, we take care of our grand and grand daddies there, we help provide many things and so we are a neighbor and we will be impacted and we are there a lot of the time.

I keep hearing people saying, well you don't live there. Yes, we do. Our families live there for a long time. We are at our house and we are there working on projects, planning, hanging out with young people and doing all the other activities that a family does. We want to expand our yard. We bought the lot next door and we want to be able to use it without a street running through it, it is as simple as that. We've been adding onto this house of our's since 1930 and by God's provision, we have been able to grow our family and when our family meets for a picnic in the Year 2032, I hope that everybody in this room will have a child there saying, "you mean, Atlantic used to come all the way up to Youree Drive?" and we'll say, hey, can you believe it?" Yes, I have a family that lives at 4110 Youree Drive. It doesn't just include me. I live in Bossier, but it includes 550 families from Broadmoor and probably from ever single neighborhood in this area, not just this city; so, it is a big impact. So everyone that will be impacted, could stand up, it would be a big crowd.

So, it is our prayer that this impact of our family will not just be counted and enrich the lives of those that are there, but enrich those who come later, enrich those who we come in contact with and also have an eternal impact on those who come to our doors, to our family's house.

So, if you are wondering about who is the neighbor and who will be impacted, I ask you to count us because we are a family and a neighbor who has been there many years and will continue to live there many years.

Robert Shaver (324 Ockley, my business is at 270 Ockley): I am doubly affected by what's going on with the Church. It is right across the street from me. I see the impact it has on the neighborhood daily when I sit on my front porch. I am very glad to be for what the church is

doing. I am definitely affected, even by the new road that will be built over to Ockley Drive which will go between me and my new neighbor who has also stated that he is not against it.

Most of the traffic coming out there, I figure will be trying to get to Youree Drive so when they make that right turn coming out of the Church property, the three houses affected the most are me and my neighbors on each side and I'm just here to say today that we are not opposed to it at all.

Kenny Knotts (340 Atlantic): Just to give you an idea where that is, I'm on the north side. I am two doors down from the end of Broadmoor's parking lot, so I am probably as close to be affected as anybody.

Two years ago I was invited to some meetings by Broadmoor, went to those meetings where they outlined their expansion program and there they invited the entire community to come and discuss that. Their main interest in the beginning was houses on Clingman and Finley and one house on Atlantic which was my neighborhood to the east which means that I would have been right outside of the gates of the campus of Broadmoor Baptist. Since that time there has been opposition from Clingman and Finley to the purchase of those homes and the church moved away from that decision and moved to the north side of Atlantic and have been buying homes going west on the north side. They have bought the house to the west of me at 344 Atlantic. I want to state for the record, they've made no offer to me at 340 at this time, okay. So, where does that leave it? It pretty much tells me that they are going to make an offer to my house at 340 Atlantic. So I've seen it from two angles. I've seen it once the first time sitting outside the front gates of Broadmoor and I see it now with me about to leave Atlantic and I'm telling you I'm for it in both situations.

(Inaudible) I spoke up, Abe Levy took some comments from me that are in the paper from 2 years ago that I told him that I was for it, I stood up at the meeting and I told the people that were opposing it at that time, at that meeting 2 years ago, that what if Broadmoor leaves? They told us that they had two main objectives at that time: they could go south in Shreveport like Summer Grove and some other churches have or they could stay there and invest in the community. I told the group that day that I am for a church being my neighbor. I'm also for, any time you close a street, less traffic, less crime. The people on Clingman and Finley probably with businesses coming in, if Broadmoor left, would be having their back wall next to businesses. I used to live on Johnette Street prior to Atlantic and I saw Thrifty Liquor, Shoney's and I saw Circle K and I know those people's problems with their property values; so, there is a lot of issues that came up that I tried to express to those people at that time.

Well, now here I sit with probably going to sell my house to Broadmoor. So, why am I for it now? I could easily stand my ground, be mad that they are pushing me out. Broadmoor has been here 70 years. I've lived here 5 years. They are a vital part of the community. They make up Broadmoor neighborhood. Churches do, that is what makes neighborhoods. I am part of a Christian Church in Bossier and I know one thing about churches, they are about growing and reaching people for Christ. And if God does not see them reaching people here, they will move them. So, I have to say to all the people that they are investing \$13 million dollars and we want Broadmoor in our community.

I will be buying another house in the Broadmoor area, I can't afford those expensive houses they are building today and Broadmoor provides that opportunity for us middle income people. So Broadmoor is not just Atlantic Street, it is a lot of streets all over Shreveport and I am

not only concerned about—I'm definitely concerned about Atlantic Street, I may even buy another house on Atlantic Street, I may buy one on Leo, if they showed up; I may buy one on Clingman or Finley, but we are all affected by Broadmoor in this decision, so thank you for your time.

Mona Turnham (2030 Lovers Lane): I been a member of Broadmoor Baptist Church for 46 years. I have letter that was given to me that I would like to read to you at this time.

This letter is in regard to a petition that I signed against the closing of Atlantic. I was unaware of the facts regarding the matter. I signed thinking that I'd be inconvenience and of the traffic flow from the church down Clingman. After attending the meeting at the church and hearing both sides, I felt as though the church was trying to be fair and go the distance for their neighbors.

I felt as though that some of the comments that were made that night were out of line, and I never felt as though the church was trying to take over. Change is hard especially for those who've lived in this area their whole life but I do believe this is a positive change, one that will benefit us all in the end. I know longer oppose the closing of Atlantic. /s/ Sincerely, Ms. Terry Vernell (4353 Clingman).

Tracy Graham (552 Ockley Drive): It is my desire to take my 3 minutes to just explain that, to show clearly that we tried to compromise. I would be very offended as a neighbor if someone tried to come and just steamroll over me and not make any compromise. I want also to demonstrate that there has been numerous occasions for dialogue, healthy constructive dialogue between the church family and the neighborhood.

We have 10 meetings and I am going to briefly go over those 10 just to demonstrate because when the facts run out, I begin to hear things like we are ramrodding, we are to big for our britches, that we are steam rolling, and things like that.

The first Commandment, the word tells us as Christian is to love God with all you got, to put in my words. And secondly, to love your neighbor as yourself. I understand that we are going to have different opinions with people in the neighborhood, but everything we stand for as a neighbor is to love them as we love yourself. If we felt that this would genuinely would harm the community, I can guarantee you we wouldn't do it.

Meeting 1, August 2002. The long-range planning committee presented to the neighborhood before they presented anything to the Church. One hundred invitations were hand delivered personally. Clingman and Finley was a part of the long range plan. They adjusted. We backed off because of their concerns.

Meeting 2, August 2002. Same type meeting, same result. They two came side-by-side.

Meeting 3, April 23. Church met with the Broadmoor Neighborhood Association regarding Atlantic. The Broadmoor Neighborhood Association did the inviting. As a result of that meeting, another scheduled meeting for May 9.

[Meeting 4,] May 9 was the informational meeting regarding Atlantic. The Neighborhood Association did the inviting. Two residents attended.

Meeting 5, May 28: Neighborhood Association meeting regarding Atlantic. Three hundred households were invited. The Broadmoor Neighborhood Association voted

overwhelmingly to take no position. Less than 10 people spoke against the closing.

Meeting 6, June 5: Metropolitan Planning Commission meeting regarding Atlantic. One hundred seventy-seven households were invited which is higher than the standard procedure. Fifteen people voted in opposition and they voted to let us go forward.

Meeting 7, June 8, 2002: Neighborhood leadership meeting, Broadmoor Baptist Church was not invited. Eight neighbors attended.

Meeting 8, June 18, 2002. The church, at the recommendation of Councilman Carmody hosted a discussion. It was published in the paper (we are very popular in the paper). Parking lot was discussed. It was clear from that meeting that the parking lot was unacceptable as a mean of a compromise, but again we've tried to compromise at that point. Compromising again. Church agrees, as based on that decision, Church decides we need to move for another compromise to make a dedicated street.

Meeting 9, June 25: At City Council meeting. Public forum, both sides presented their case.

Meeting 10, July 1, 2002: Neighborhood meets with the Church. Neighbors invited. No compromise by the neighborhood, still. Third compromise by the Church. We do not claim, and this is very important to me and my conscious, we do not claim to be perfect. The church is a collection of sinners, imperfect people. We do not claim to have handle everything perfectly nor has there been no room for improvement in the way we've handled things. However, we have made our very best efforts to carry on a constructive dialogue with the neighborhood and we have genuinely sought every possible means to address their concerns.

Scott Sinclair (143 Woodvale Creek Circle, Bossier City): I am a member of Broadmoor Baptist Church. As Tracy said, if we genuinely believed that this action was going to injure our neighbors, we wouldn't be pursuing it.

We are confident that within a few short weeks after closing Atlantic, if you vote to do that, that everyone would have found an alternate route to get to Youree Drive. We are also confident that the fears that have been expressed, not so much before you, but in other meetings, will not materialize.

On the other hand, we believe that the church's commitment to grow at 4110 Youree Drive, will provide many positive benefits to the entire neighborhood, not just our immediate neighbors. Our expansion will invest over \$12 million dollars on those two prominent blocks of Youree Drive. Our expansion plans have also enabled us to acquire an entire block of commercial activity on Youree Drive between Atlantic and Ockley. That block will be converted from commercial use to church use, and I think we'll all agree that church use is a much less intensive use and much more in keeping with the neighborhood character than commercial use.

I think we can all agree and I think I heard many of you say that the presence of churches in neighborhoods is a good thing. Our church will offer many, many opportunities for our neighbors to join us in worship and ministry.

It has been said by more than one of you that, we need take action and we need to encourage churches to stay in neighborhoods and not as they grow, pick up their roots, and move further and further out of town. I submit to you that if you truly endorse that idea, and I think you should, then you've got to realize that you've got to give that idea more than lip service.

Attempting to grow and expand in an existing situation on Youree Drive is not a simple thing. A lot of things have had to come together at just the right time in order to enable us to do

it. Additional land has to come available at the right time, at the right location, at the right price. Architects and engineers have had to make creative solutions to problems at working on a tight site. Every step of the way we stopped to consider not only the impact on us, but the impact on our very close neighbors.

To stay at 4110 Youree Drive, the Church had to be willing to accept less than the optimum results. If we were to pick up our stakes and move south of town and buy a 30 acre site, we would never design a church where the worship facilities were 200 feet apart from the educational facilities and we would never ever design a church where a street was running in between those two facilities. If you are truly interested in see churches stay and grow where they are, you as City leaders have to do more than talk about it, you've got to act on it. And it is our hope that you will weight many, many benefits that are Church staying in the Broadmoor neighborhood will provide against the inconvenience of folks having to take one block out of their way to get to Youree Drive and that you'll decide that those benefits outweigh the determents and that this is a positive thing for our immediate neighbors, our neighborhood as a whole and our City.

(Charles Price and Benjamin Hood withheld their comments.)

Tom Plauche (376 Atlantic): I want to put a little twist into this. I have been a resident of Broadmoor most of my life, on Atlantic for the past 3 years and on Carrollton for several years, on the east side in south Broadmoor for quite a number of years.

I've vacillated somewhat on this issue. This is the first time I've announced this. I am, I guess what you might call, one of the key members of the *Save Our Street Committee*. Yesterday, I made a comment in the meeting that some of us had with Thomas Carmody and Scott Sinclair even challenged me to even mention this today, but I am going to go ahead and mention it and bring this into perspective. I made a comment and said, I am not personally opposed to the closing of this street. I don't' see a major problem myself, I'd like to see the Church grow and flourish and I am not mentioning this playing reverse psychology with or attempting to play reverse psychology with the panel, however, I stand here as a resident and a tax paying member, as many people are in the Broadmoor area, most of the people that have spoken in favor of the closing of the street are not Broadmoor residents, I might add. They go to Broadmoor Baptist and I think that is fine, however when we are able to acquire very openly almost 300 petitions from people that live very close to, on several streets Broadmoor Baptist because of the use of that street and the signing this petition, they are very well aware of the idea that this street, based on signing a petition and based on their wishes, would be left open.

I've heard comments about there is going to be less traffic flow. Bull, ladies and gentleman. I've been around too long. There is an incredible amount of traffic flow that is going to coming down Atlantic and Ockley due to increased church membership and so on and so forth. I don't really object to that, I don't object to the Church growing and flourishing and so on and so forth. And, I might add the comment that was made about how a Church does not need to grow, it is just brick and mortar and so on and so forth, Allen Swilley got credit for that in the paper today. But, I've jokely told Abe Levy, I said, well, let me take the heat because I made the comment.

But there is a city ordinance and if someone can correct me if I'm mistaken, entitled 78-04 that indicates that a temporary closing or gated community in pursuance of a gated street or the temporary closure of a street, requires at least 90% of the signatures of the property residents

in that area for this to take place. Can somebody please tell me what the difference is between a temporary closure requiring 90% signatures of the people in the area or gating that community, what difference that is between the outright closure of a street because I fail to see where there is any difference whatsoever.

So, in essence what I am telling you is, I am fighting for what the residents, tax paying residents, property owners in that area want. They are not against Broadmoor Baptist Church. They are not against the growing and flourishing of this Church. I am glad that the Church is down there but we have made it plain and clear once again that there was an offer made, but if there is not a compromise because as a group, we are adamantly opposed to the closure of this street. It is not our street. It is the city street, but it is greatly used by the residents in that area and not enough attention has been given to a suitable alternatives aside from the closure of this street.

David Akers (382 Ockley): I also like Mr. Plauche, I am not opposed to the Church growth, I would like to see the Church grow. I welcome, I am in construction.

My question is, does the closure of Atlantic really affect the ability of the Church to grow? I look at their maps, I see their parking situations, I see three streets that they start to cross. My children cross Youree Drive to get to their public schools, I heard was a concern. Broadmoor children you go to Ockley and Akard in the morning, 8 o'clock, watch how many cars stop to let children cross the street. I have talked to Mr. Sinclair, I talked to the minister the Pastor at Broadmoor Baptist. Have offered two other solutions rather than a walk over, deal, and all I was told was, its God will. No, there are pedestrian crossways, there are ways to make this even a covered passage that would have amounted to a gateway into the neighborhood, that would do nothing but extenuates the Church's appearance and provide for more beauty going into the neighborhood.

What concerns me even more is you are going to close Atlantic, a 40 foot wide street, put in a 20 foot wide alleyway to Ockley to avert as much as, I believe the Church provided me with, 2,000 cars during the school days, that are not just turning to Youree Drive but rather turning up or trying to get to Broadmoor Middle School, trying to get to First Baptist Church School, trying to get to South Highlands using Ockley as a main passageway which every agreed with some of the original people that spoke agreed, that part of what makes a neighborhood important is safe street, slower traffic, but yet when I mentioned it to the Church as a compromise, if you are going to divert that much traffic onto Ockley, would you work to lower the speed limit. Their response was, ain't going to happen.

I encourage this Council to recognize that the growth of the Church is important, to recognize that your need to work with the Church is important, but to also to recognize that your position as the Councilman, government, is to protect those people that have the foresight to look at what is good for the people that are less organized, less capable, less able to present their argument too.

Stop for a minute and ask yourself, "if we close Atlantic, what happens? You've got traffic that is diverted, you've got Ockley which becomes a commercial drive, no one wants to look at that from this aspect. If you leave Atlantic open and you allow the Church to make a pedestrian crossway-pavers, ruts in the road, so that when people drive across it that they're forced to drive slower. I have, for my children, there is an elderly crossing guard that sees his way to A. C. Steere every morning. When the neighborhood was perceived by A. C. Steere he

allowed green spaces, he allowed the neighborhood to grow. As the Church said, they started in 1930, but I know C. J. Bowman said that he grew up, and his house has just been moved in 1924. I talked to my neighbor whose house was built in 1936, that was Clyde Fant's old house. My house was built in 1930. This neighborhood has spent 30 years growing and developing into what it is. Please take your time, please do not jump to conclusions.

If, in the near future, there is a reason to close Atlantic, it can still be conceived but for now, leave Atlantic open, please.

Jim McLain (357 Leo Avenue, 71105): I am here today to urge the City Council to vote against the closure of Atlantic Avenue. What the Broadmoor Baptist Church is asking you to do is to give its members a convenience that the rest of us don't have.

It would have been nice when I worked for the Shreveport Times, but the City has closed Market Street at Spring Street, so I wouldn't have to watch for cars when I went across the street. Broadmoor Baptist Church has a huge congregation, a lot of its members are powerful men and women, but that doesn't give the Church the right to ask the City to give it a City-maintained street for its personal use.

Safety is a false issue. There are many alternatives to closing the street: crossing guards, barricades, busy day traffic lights, but the Church won't alter its plans despite the fact that its Broadmoor neighbors overwhelmingly oppose the Church's street grab. It doesn't matter to the Church if it inconveniences hundreds of its neighbors in order to create a convenience for its members. Church spokesmen tell us, we'll get use to it. Well, I won't. I urge you to listen to my neighbors and vote against this closure.

Tiny Phelps (462 Atlantic Avenue): I'm here this evening to address the Council and other individuals and the Mayor about the Atlantic closing. I'm a long term resident of Atlantic Street, lived there for a number of years and it is true years ago when the Church first started to talk about closing the street, I was ambivalent about it. Many of the people that live on Atlantic Street know that it has become a pass through street. There is a lot of traffic that comes through there at a high rate of speed. It can be dangerous for the children that live on that street, but at that point and time I thought that would give me a reasonable solution to stopping some of the through traffic that occurred. It wasn't until the street was actually closed due to the construction that I realized the problems it created.

I live across or in close proximity to Broadmoor Junior High and yes, people found alternative routes to get to that school and away from that school, however the traffic back up was incredible. The other thing to consider too that many of the church members say that there is now downside to this particular proposal, however, if there is another street created, children that come down Ockley Street in order to get across Youree Drive to A. C. Steere, will now have to cross an additional street, that was not there before.

I believe that Broadmoor Baptist Church has been very good neighbors. I'm pleased to see that they growing. I think that is a wonderful thing. I do believe that there are alternatives that have not been explored that need to be in order to meet their needs and our needs. I know that they say that they have worked hard to come up with this alternative plan. Unfortunately, of all of the residents that I've talked to and the meetings that I've been at, none of the residents wanted that alternative plan, the Church came up with that, and that was their compromise. However, a compromise includes both sides and that is what has not happened here.

I urge you to consider other alternatives and I also want to say that, we've heard from a number of residents that live on Ockley. The number of cars that will be diverted to Ockley, will be tremendous and in fact I fear that it will become Ockley Highway. (See Council action under Ordinances on Second Reading and Final Passage. Motion by Councilman Carmody, to suspend the Rules, seconded by Councilman Shyne and unanimously approved.)

CONSENT AGENDA LEGISLATION:

INTRODUCTION OF RESOLUTIONS AND ORDINANCES ON CONSENT:

RESOLUTION: None.

ORDINANCE: None.

ADOPTION OF RESOLUTIONS AND ORDINANCES ON CONSENT:

RESOLUTIONS: None.

ORDINANCES: None.

REGULAR AGENDA LEGISLATION:

RESOLUTIONS:

RESOLUTION NUMBER 12 OF 2002

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT THE DONATION OF CERTAIN IMMOVABLE PROPERTY FROM HOLMES PONTIAC COMPANY, INC., AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, Holmes Pontiac Company, Inc., desires to donate land and improvements consisting of approximately 8.23 acres, more of less to the City of Shreveport; and

WHEREAS, the property intended for donation was formerly the location of Holmes Honda and consists of five separate buildings with a total gross building area of approximately 46,700 square feet, 70,000 square feet of open vehicle storage and approximately 165,000 square feet of asphalt-paved parking and drive area; and

WHEREAS, the property intended for donation is valued in excess of \$1,650,000.00 and will be of tremendous benefit to the City of Shreveport and citizens thereof as it will enable the City's Department of Public Assembly and Recreation to centralize the Department's Grounds, Buildings, Environmental Services, Warehouse, and Maintenance Divisions in one location and result in more effective utilization of personnel and resources.

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

authorized to accept the donation of certain immovable property located at 1033 Shreveport-Barksdale Highway, from Holmes Pontiac Company, Inc., and, after review and approval by the Office of the City Attorney, to execute any and all documents on behalf of the City of Shreveport relative to same.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof be 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 <u>Carmody</u>, seconded by Councilman <u>Serio</u> passed by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None. (See discussion under <u>Unfinished Business</u>.)

RESOLUTION NUMBER 73 OF 2002

A RESOLUTION AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF SHREVEPORT, TO SIGN A LEASE AGREEMENT WITH THE STATE OF LOUISIANA, DEPARTMENT OF ENVIRONMENTAL QUALITY.

WHEREAS, the Louisiana Department of Environmental Quality (LDEQ) plans to conduct an Air Quality Study in the area adjacent to the Calumet Shreveport Refinery, located at 333 Midway Street in Shreveport, Louisiana; and

WHEREAS, a study has located a vacant street right-of-way, approximately 150 feet north of the intersection of Midway and Grove Streets, that is suitable for this study; and

WHEREAS, the LDEQ wishes to lease a portion of said right-of-way for the purpose of performing air quality monitoring; and

WHEREAS, in accordance with its commitment to protect and promote the health and well-being of its citizens, the City of Shreveport is willing to lease to the LDEQ the site described above, in accordance with terms of the lease agreement (a copy of which is attached hereto); and

WHEREAS, LDEQ will assume total responsibility for the condition and use of the premises and agrees to hold harmless, indemnify and defend the City of Shreveport from any claims, actions or causes of action, which may arise wherefrom, during the term of use of the property, or while LDEQ occupies the premises, or which may arise after termination of the study for which use of the property is required, or from the fault of LDEQ, its employees, agents, or invitees;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the Mayor, on behalf of the City of Shreveport, is hereby authorized to sign a lease agreement with the LDEQ allowing the LDEQ to position certain air quality monitoring devices and appurtenant equipment on a street right-of-way located at the intersection of Midway and Grove Streets, in accordance with the terms of the lease agreement as more fully set forth in the attached copy of said agreement.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof be held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items, or

applications, and to this end the provisions of this resolution are hereby declared severable.

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

Councilman Shyne: I would encourage my colleagues to please support this. And Mr. Mayor, I want to congratulate for taking this bold move to make sure that our air quality in the City of Shreveport is maintained and all of the residents in that area out there congratulate you.

Councilman Burrell: Same here, Mr. Mayor. My district is right adjacent to this and I have had some complaints, but not as many as in Councilman Shyne's district.

Read by title and as read motion by Councilman <u>Shyne</u>, seconded by Councilman <u>Serio</u> passed by the following vote: Ayes: Councilman Carmody, Serio, Spigener, Shyne and Burrell. 5. Nays: None. Out of Chamber: Councilman Huckaby and Stewart. 2.

RESOLUTION 74 OF 2002

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

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

WHEREAS, the award, if approved will be for a total of \$270,116.00 and the City of Shreveport will be responsible for the Cash Match of \$30,013.00. The total amount will be \$300,129.00 to be used over a two year period to purchase equipment; and

WHEREAS, the City of Shreveport shall make application to receive an award as part of a national program to combat violent crime and to expand community policing. The funds received by the Shreveport Police Department will be used to finish implementing a Records Management System for the Police Dept.

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

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

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

Read by title and as read motion by Councilman <u>Shyne</u>, seconded by Councilman <u>Carmody</u> passed by the following vote: Ayes: Councilman Carmody, Serio, Spigener, Shyne and Burrell. 5. Nays: None. Out of Chamber: Councilman Huckaby and Stewart. 2.

RESOLUTION NO. 75 OF 2002

A RESOLUTION TO SUSPEND THE APPLICABILITY OF SECTION 78-359 OF THE CODE OF ORDINANCES TO THE EXTENT REQUIRED IN ORDER TO ALLOW THE SHREVEPORT YACHT CLUB, INC. TO CONSTRUCT AN EXTENSION OF A PIER IN CROSS LAKE; AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

WHEREAS, prior to 1971, the Shreveport Yacht Club, Inc. ("Yacht Club"), located at 2905 Municipal Pier Road adjacent to Cross Lake, constructed two piers into Cross Lake which extended into the lake approximately 400 feet and 366 feet, respectively, from the lake's 172 foot contour line; WHEREAS, in 1971, an ordinance was adopted prohibiting future piers on Cross Lake from extending beyond 300 feet from the 172 foot contour line of the lake (Section 78-359 of the Code of Ordinances);

WHEREAS, the Yacht Club now wishes to construct an "L" shaped extension at the end of one of its piers, in accordance with the attached specifications;

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

- (1) Section 78-359 of the Code of Ordinances shall be suspended to the extent necessary in order to allow the Yacht Club to construct an extension at the end of its 366 foot pier in Cross Lake.
- (2) This new pier addition shall be an "L-shaped" extension and shall not cause the pier to extend into the lake any further than its present 366 foot distance from the 172 foot contour line of the lake.
- (3) The Yacht Club shall be required to apply for and obtain a Cross Lake Construction Permit in order to proceed with the construction described above.
- (4) This suspension shall be strictly limited to the construction described above, and shall not amend or otherwise affect the applicability of Section 78-359.

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.

Councilman Carmody: I now that Mrs. Huckaby is not in the Chamber, but yesterday she has said that she would ask for our support on this.

Read by title and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Shyne</u> passed by the following vote: Ayes: Councilman Carmody, Serio, Spigener, Shyne and Burrell. 5. Nays: None. Out of Chamber: Councilman Huckaby and Stewart. 2.

RESOLUTION NO. 76 OF 2002

A RESOLUTION AUTHORIZING THE DONATION OF SIX (6) SALVAGED WATER TURBIDIMETERS FROM THE T. L. AMISS WATER TREATMENT FACILITY TO WATER WORKS DISTRICT NO. 1 OF CADDO PARISH, AND TO OTHERWISE PROVIDE WITH

RESPECT THERETO

WHEREAS, the City of Shreveport ("City") desires to donate six (6) salvaged water turbidimeters to Water Works District No. 1 of Caddo Parish (hereinafter sometimes referred to as "the District"); and

WHEREAS, these six (6) turbidimeters have been replaced by new turbidimeter improvements at the T. L. Amiss Water Treatment Facility and deemed to be surplus property; and

WHEREAS, the District is a duly organized public water district pursuant to the laws of the State of Louisiana; and

WHEREAS, the donation of the turbidimeters to the District services a public purpose and renders a public service; and

WHEREAS, the District has agreed to accept all responsibility, financial obligations and liability associated with the acceptance of the donation of the six (6) salvaged turbidimeters and to execute any and all documents required to by City to evidence same.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular, and legal session convened that the six (6) salvaged turbidimeters removed from the T. L. Amiss Water Treatment Facility are hereby declared to be surplus property and the City is authorized to donate such property to Water Works District No. 1 of Caddo Parish subject to the execution of an agreement by the District, in a form approved by the Office of the City Attorney, signifying the District's acceptance of all responsibility, financial obligations and liability associated with the acceptance of the donated surplus property.

BE IT FURTHER RESOLVED that the Mayor of the City of Shreveport is hereby authorized to execute any and all documents on behalf of the City to evidence the donation of the surplus property to Water Works District No. 1 of Caddo Parish.

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

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

Read by title and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Shyne</u> passed by the following vote: Ayes: Councilman Carmody, Serio, Spigener, Shyne and Burrell. 5. Nays: None. Out of Chamber: Councilman Huckaby and Stewart. 2.

RESOLUTION NO. 78 OF 2002

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE NORTHWEST LOUISIANA CHAPTER OF THE SICKLE CELL DISEASE ASSOCIATION OF AMERICA, INC., AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Northwest Louisiana Chapter of the Sickle Cell Anemia Disease Association of America, Inc., (hereinafter referred to as "Sickle Cell") sponsors an annual fund raising softball tournament at Cargill and Southern Hills Parks; and

WHEREAS, the proceeds of the tournament have enabled the organization to continue its

work in the area of sickle cell anemia research and development; and

WHEREAS, persons residing in and around the Shreveport area are the primary beneficiaries of the efforts made by this organization; and

WHEREAS, the programs and efforts of this organization; and public purpose and provide a public benefit and ;

WHEREAS, the City of Shreveport has been a major co-sponsor of the annual sickle cell softball tournament.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Shreveport, in due, regular and legal session convened that the Mayor is authorized to execute an agreement with Northwest Louisiana Chapter of the Sickle Anemia Disease Association of America, Inc., substantially and in accordance with the draft thereof which was filed for public inspection in the Office of the Clerk of Council on June 25, 2002...

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 resolution or parts thereof in conflict herewith are hereby repealed.

Read by title and as read motion by Councilman <u>Shyne</u>, seconded by Councilman <u>Spigener</u> passed by the following vote: Ayes: Councilman Carmody, Serio, Spigener, Shyne and Burrell. 5. Nays: None. Out of Chamber: Councilman Huckaby and Stewart. 2.

RESOLUTION NUMBER 79 OF 2002

A RESOLUTION DECLARING THE CITY'S INTEREST IN CERTAIN ADJUDICATED PROPERTIES SURPLUS AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

WHEREAS, the City of Shreveport has entered into an intergovernmental agreement with Caddo Parish under which Caddo Parish will undertake to sell or donate said properties as authorized in R.S. 33:4720.11 or R.S. 33:4720.25; and

WHEREAS, pursuant to Section 26-294 of the Code of Ordinances, the city's interests in adjudicated properties which are abandoned or blighted housing property and which the City Council has declared to be surplus, can be donated to a donee which is a nonprofit organization recognized by the Internal Revenue Service as a 501 (c) (3) or 501 (c) (4) nonprofit organization and which agrees to renovate and maintain such property until conveyance of the property by such organization; and

WHEREAS, the purchasing agent has inquired of all city departments regarding the properties described herein and has not received any indication that they are needed for city purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the following described properties are hereby declared surplus:

Property Description

Lot 37, Campisi Subdivision Municipal Address: 1525 Clay Street Geographic No. 181436-007-0037

Council District "A"

Lot 38, Campisi Subdivision

Municipal Address: 1531 Rear Clay Street

Geographic No. 181436-007-0038

Council District "A"

Lot 39, Campisi Subdivision

Municipal Address: 1531 Clay Street Geographic No. 181436-007-0039

Council District "A"

Proposed Donee

Shreveport Community Renewal Inc.

Shreveport Community Renewal Inc.

Shreveport Community Renewal Inc.

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof be 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 <u>Serio</u>, seconded by Councilman <u>Carmody</u> passed by the following vote: Ayes: Councilman Carmody, Serio, Spigener, Shyne and Burrell. 5. Nays: None. Out of Chamber: Councilman Huckaby and Stewart. 2.

RESOLUTION NO. 80 OF 2002

A RESOLUTION DECLARING THE CITY'S INTEREST IN A CERTAIN ADJUDICATED PROPERTY AS SURPLUS AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

WHEREAS, the City of Shreveport has entered into an intergovernmental agreement with Caddo Parish under which Caddo Parish will undertake to sell or donate said properties as authorized in R.S. 33:4720.11 or R.S. 33:4720.25; and

WHEREAS, pursuant to Section 26-294 of the Code of Ordinances, the city's interests in said properties can be sold after the City Council declares them to be surplus; and

WHEREAS, the purchasing agent has inquired of all city departments regarding the property described herein and has not received any indication that it is needed for city purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened that the following described property is hereby declared surplus: 39.27 Ft. X 144.54 Ft. in acre tract of Eliza, Barn-hill Geographic Number 181435-033-0013 Municipal Address: 1814 Logan St.

Council District "A"

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof be 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 <u>Serio</u>, seconded by Councilman <u>Carmody</u> passed by the following vote: Ayes: Councilman Carmody, Serio, Spigener, Shyne and Burrell. 5. Nays: None. Out of Chamber: Councilman Huckaby and Stewart. 2.

RESOLUTION NUMBER 81 OF 2002

A RESOLUTION DECLARING THE CITY'S INTEREST IN CERTAIN ADJUDICATED PROPERTIES AS SURPLUS AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

WHEREAS, the City of Shreveport has entered into an intergovernmental agreement with Caddo Parish under which Caddo Parish will undertake to sell or donate said properties as authorized in R.S. 33:4720.11 or R.S. 33:4720.25; and

WHEREAS, pursuant to Section 26-294 of the Code of Ordinances, the city's interests in said properties can be sold after the City Council declares them to be surplus; and

WHEREAS, the purchasing agent has inquired of all city departments regarding the properties described herein and has not received any indication that they are needed for city purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened that the following described properties are hereby declared surplus: Lot 14, Block "J", Less R/W, Southside Park Subdivision Geographic Number 171424-092-0014 Municipal Address: 6028 Tulsa Ave.

Council District "B"

North 50 ft., of Lots 114, 115, and 116, Land Subdivison

Geographic Number 171306-116-0136

Municipal Address: 2120 Creswell Ave.

Council District "B"

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof be 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 <u>Serio</u>, seconded by Councilman <u>Carmody</u> passed by the following vote: Ayes: Councilman Carmody, Serio, Spigener, Shyne and Burrell. 5. Nays: None. Out of Chamber: Councilman Huckaby and Stewart. 2.

RESOLUTION NUMBER 82 OF 2002

A RESOLUTION DECLARING THE CITY'S INTEREST IN A CERTAIN ADJUDICATED PROPERTY AS SURPLUS AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

WHEREAS, the City of Shreveport has entered into an intergovernmental agreement with Caddo Parish under which Caddo Parish will undertake to sell or donate said properties as authorized in R.S. 33:4720.11 or R.S. 33:4720.25; and

WHEREAS, pursuant to Section 26-294 of the Code of Ordinances, the city's interests in said

properties can be sold after the City Council declares them to be surplus; and

WHEREAS, the purchasing agent has inquired of all city departments regarding the property described herein and has not received any indication that it is needed for city purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened that the following described property is hereby declared surplus:

Lot 37, North Cedar Grove Addition Municipal Address: 6304 Tulsa Avenue Council District "C"

Geographic Number 171424-050-0037

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof be 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 Serio, seconded by Councilman Carmody passed by the following vote: Ayes: Councilman Carmody, Serio, Spigener, Shyne and Burrell. 5. Nays: None. Out of Chamber: Councilman Huckaby and Stewart. 2.

RESOLUTION NUMBER 83 OF 2002

A RESOLUTION DECLARING THE CITY'S INTEREST IN CERTAIN ADJUDICATED PROPERTIES SURPLUS AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

WHEREAS, the City of Shreveport has entered into an intergovernmental agreement with Caddo Parish under which Caddo Parish will undertake to sell or donate said properties as authorized in R.S. 33:4720.11 or R.S. 33:4720.25; and

WHEREAS, pursuant to Section 26-294 of the Code of Ordinances, the city's interests in adjudicated properties which are abandoned or blighted housing property and which the City Council has declared to be surplus, can be donated to a donee which is a nonprofit organization recognized by the Internal Revenue Service as a 501 (c) (3) or 501 (c) (4) nonprofit organization and which agrees to renovate and maintain such property until conveyance of the property by such organization; and

WHEREAS, the purchasing agent has inquired of all city departments regarding the properties described herein and has not received any indication that they are needed for city purposes.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that the following described properties are hereby declared surplus: **Proposed Donee**

Property Description Lot12, Block 6, Parkhurst Addition

Municipal Address: 2923 Drexel St. Geographic No. 171415-037-0012

Council District "F"

Lots 12 and 13, Block 6, Parkhurst Addition Municipal Address: 2918 Drexel St. Geographic No. 171415-034-0022

Council District "F"

New Testament United Pentecostal Church Inc.

New Testament United Pentecostal

Church Inc.

Lot13, Block 6, Parkhurst Addition Municipal Address: 2919 Drexel St. Geographic No. 171415-037-0013

New Testament United Pentecostal Church Inc.

Council District "F"

BE IT FURTHER RESOLVED that if any provision or item of this resolution or the application thereof be 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 Serio, seconded by Councilman Carmody passed by the following vote: Ayes: Councilman Carmody, Serio, Spigener, Shyne and Burrell. 5. Nays: None. Out of Chamber: Councilman Huckaby and Stewart. 2.

RESOLUTION NO. 84 of 2002

RESOLUTION STATING CITY OF SHREVEPORT'S ENDORSEMENT OF FAMILY DOLLAR STORES OF LOUISIANA, INC. TO PARTICIPATE IN THE BENEFITS OF THE LOUISIANA ENTERPRISE ZONE PROGRAM AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Louisiana Enterprise Zone Act of 901 of 1981, Act 337 of 1982, Act 433 of 1987, Act 1024 of 1992, Act 581 of 1995, Act 624 of 1997, and Act 997 of 1999;

WHEREAS, the Louisiana Enterprise Zone Program offers significant incentives for economic development to some of the most distressed areas in parish, and

WHEREAS, FAMILY DOLLAR STORES OF LOUISIANA, INC. is located in Census Tract 241.04 Block Group 5, which is not a designated Enterprise Zone, and

WHEREAS, said business will employ a minimum of 35% of its employees from the distressed groups targeted by the Enterprise Zone, and

WHEREAS, the City of Shreveport states this endorsement is in agreement with the Overall Economic Development Plan for the City of Shreveport, and

WHEREAS, the attached Enterprise Zone map is marked showing the location of the business being endorsed, and

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements the City of Shreveport agrees:

- To participate in the Enterprise Zone Program 1.
- 2. To assist the Department in evaluating progress made in any Enterprise Zone within its iurisdiction

NOW THEREFORE BE IT RESOLVED by the City of Shreveport, in due, regular, and legal session convened that FAMILY DOLLAR STORES OF LOUISIANA, INC. and their project FAMILY DOLLAR STORE 5140 - PINES ROAD, Enterprise Zone Application # 20020298, is endorsed to participate in the Louisiana Enterprise Zone Program.

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 <u>Spigener</u>, seconded by Councilman <u>Shyne</u> passed by the following vote: Ayes: Councilman Carmody, Serio, Spigener, Shyne and Burrell. 5. Nays: None. Out of Chamber: Councilman Huckaby and Stewart. 2.

RESOLUTION NO. 85 of 2002

RESOLUTION STATING CITY OF SHREVEPORT'S ENDORSEMENT OF FAMILY DOLLAR STORES OF LOUISIANA, INC. TO PARTICIPATE IN THE BENEFITS OF THE LOUISIANA ENTERPRISE ZONE PROGRAM AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Louisiana Enterprise Zone Act of 901 of 1981, Act 337 of 1982, Act 433 of 1987, Act 1024 of 1992, Act 581 of 1995, Act 624 of 1997, and Act 997 of 1999;

WHEREAS, the Louisiana Enterprise Zone Program offers significant incentives for economic development to some of the most distressed areas in parish, and

WHEREAS, <u>FAMILY DOLLAR STORES OF LOUISIANA, INC.</u> is located in Census Tract <u>241.04</u> Block Group <u>5</u>, which <u>is not</u> a designated Enterprise Zone, and

WHEREAS, said business will employ a minimum of 35% of its employees from the distressed groups targeted by the Enterprise Zone, and

WHEREAS, the City of Shreveport states this endorsement is in agreement with the Overall Economic Development Plan for the City of Shreveport, and

WHEREAS, the **attached Enterprise Zone map** is marked showing the location of the business being endorsed, and

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements the City of Shreveport agrees:

- 1. To participate in the Enterprise Zone Program
- 2. To assist the Department in evaluating progress made in any Enterprise Zone within its jurisdiction

NOW THEREFORE BE IT RESOLVED by the City of Shreveport, in due, regular, and legal session convened that **FAMILY DOLLAR STORES OF LOUISIANA**, **INC**. and their project **FAMILY DOLLAR STORE 5253 - MANSFIELD ROAD**, Enterprise Zone Application # 20020299, is endorsed to participate in the Louisiana Enterprise Zone Program.

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 <u>Spigener</u>, seconded by Councilman <u>Carmody</u> passed by the following vote: Ayes: Councilman Huckaby, Carmody, Serio, Spigener, Shyne and

Burrell. 6. Nays: None. Out of Chamber: Councilman Stewart. 1.

RESOLUTION NO. 86 of 2002

RESOLUTION STATING CITY OF SHREVEPORT'S ENDORSEMENT OF FAMILY DOLLAR STORES OF LOUISIANA, INC. TO PARTICIPATE IN THE BENEFITS OF THE LOUISIANA ENTERPRISE ZONE PROGRAM AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Louisiana Enterprise Zone Act of 901 of 1981, Act 337 of 1982, Act 433 of 1987, Act 1024 of 1992, Act 581 of 1995, Act 624 of 1997, and Act 997 of 1999;

WHEREAS, the Louisiana Enterprise Zone Program offers significant incentives for economic development to some of the most distressed areas in parish, and

WHEREAS, FAMILY DOLLAR STORES OF LOUISIANA, INC. is located in Census Tract 229.98 Block Group 1, which is a designated Enterprise Zone, and

WHEREAS, said business will employ a minimum of 35% of its employees from the distressed groups targeted by the Enterprise Zone, and

WHEREAS, the City of Shreveport states this endorsement is in agreement with the Overall Economic Development Plan for the City of Shreveport, and

WHEREAS, the attached Enterprise Zone map is marked showing the location of the business being endorsed, and

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements the City of Shreveport agrees:

- 1. To participate in the Enterprise Zone Program
- 2. To assist the Department in evaluating progress made in any Enterprise Zone within its jurisdiction

NOW THEREFORE BE IT RESOLVED by the City of Shreveport, in due, regular, and legal session convened that FAMILY DOLLAR STORES OF LOUISIANA, INC. and their project FAMILY DOLLAR STORE 5304 - SHREVEPORT-BARKSDALE HWY., Enterprise Zone Application # 20020300, is endorsed to participate in the Louisiana Enterprise Zone Program.

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 <u>Carmody</u>, seconded by Councilman <u>Shyne</u> passed by the following vote: Ayes: Councilman Huckaby, Carmody, Serio, Spigener, Shyne and Burrell. 6. Nays: None. Out of Chamber: Councilman Stewart. 1.

RESOLUTION NO 87 of 2002

RESOLUTION STATING CITY OF SHREVEPORT'S ENDORSEMENT OF V-SPEED, INC. TO PARTICIPATE IN THE

BENEFITS OF THE LOUISIANA ENTERPRISE ZONE PROGRAM AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Louisiana Enterprise Zone Act of 901 of 1981, Act 337 of 1982, Act 433 of 1987, Act 1024 of 1992, Act 581 of 1995, Act 624 of 1997, and Act 997 of 1999;

WHEREAS, the Louisiana Enterprise Zone Program offers significant incentives for economic development to some of the most distressed areas in parish, and

WHEREAS, V-SPEED, INC. is located in Census Tract 236.00 Block Group 4, which is a designated Enterprise Zone, and

WHEREAS, said business will employ a minimum of 35% of its employees from the distressed groups targeted by the Enterprise Zone, and

WHEREAS, the City of Shreveport states this endorsement is in agreement with the Overall Economic Development Plan for the City of Shreveport, and

WHEREAS, the attached Enterprise Zone map is marked showing the location of the business being endorsed, and

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements the City of Shreveport agrees:

- 1. To participate in the Enterprise Zone Program
- 2. To assist the Department in evaluating progress made in any Enterprise Zone within its jurisdiction

NOW THEREFORE BE IT RESOLVED by the City of Shreveport, in due, regular, and legal session convened that V-SPEED, INC. and their project V-SPEED, INC., Enterprise Zone Application # 20020167, is endorsed to participate in the Louisiana Enterprise Zone Program.

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 <u>Shyne</u>, seconded by Councilman <u>Spigener</u> passed by the following vote: Ayes: Councilman Huckaby, Carmody, Serio, Spigener, Shyne and Burrell. 6. Nays: None. Out of Chamber: Councilman Stewart. 1.

RESOLUTION NO. 88 of 2002

RESOLUTION STATING CITY OF SHREVEPORT'S ENDORSEMENT OF ENDARA ENTERPRISES, LLC TO PARTICIPATE IN THE BENEFITS OF THE LOUISIANA ENTERPRISE ZONE PROGRAM AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the Louisiana Enterprise Zone Act of 901 of 1981, Act 337 of 1982, Act 433 of 1987, Act 1024 of 1992, Act 581 of 1995, Act 624 of 1997, and Act 997 of 1999;

WHEREAS, the Louisiana Enterprise Zone Program offers significant incentives for economic development to some of the most distressed areas in parish, and

WHEREAS, ENDARA ENTERPRISES, LLC is located in Census Tract 204.00 Block Group 2, which is a designated Enterprise Zone, and

WHEREAS, said business will employ a minimum of 35% of its employees from the distressed groups targeted by the Enterprise Zone, and

WHEREAS, the City of Shreveport states this endorsement is in agreement with the Overall Economic Development Plan for the City of Shreveport, and

WHEREAS, the attached Enterprise Zone map is marked showing the location of the business being endorsed, and

WHEREAS, in accordance with the Louisiana Enterprise Zone Program requirements the City of Shreveport agrees:

- 1. To participate in the Enterprise Zone Program
- 2. To assist the Department in evaluating progress made in any Enterprise Zone within its jurisdiction

NOW THEREFORE BE IT RESOLVED by the City of Shreveport, in due, regular, and legal session convened that ENDARA ENTERPRISES, LLC and their project NEW MOVE WITH EMPLOYEES, Enterprise Zone Application # 20020254, is endorsed to participate in the Louisiana Enterprise Zone Program.

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 <u>Shyne</u>, seconded by Councilman <u>Spigener</u> passed by the following vote: Ayes: Councilman Huckaby, Carmody, Serio, Spigener, Shyne and Burrell. 6. Nays: None. Out of Chamber: Councilman Stewart. 1.

RESOLUTION NO. 93 OF 2002

A RESOLUTION SPECIFYING THE PURPOSES FOR WHICH AN ADDITIONAL ONE-QUARTER CENT SALES TAX WOULD BE SPENT IF APPROVED BY THE VOTERS OF THE CITY OF SHREVEPORT AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, the City of Shreveport proposes to request voter approval for an additional onequarter cent sales and use tax dedicated to salaries, benefits, equipment and personnel of its Police and Fire Departments at an election to be held on November 5, 2002; and

WHEREAS, the City is required by Section 32:2711.15 of the Louisiana Revised Statutes to "adopt a plan or plans, specifying the purposes for which the additional sales and use tax will be used"; and

WHEREAS, the City is also required to provide "an estimate of the annual and aggregate cost

of the salaries, benefits, equipment and personnel to be funded by the additional sales and use tax." NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in legal session convened, that it meets the requirements of R. S. 32:2711.15, as follows:

The City Council herein specifies that should the voters of the City approve the sales and use tax increase proposition on November 5, 2002, the additional funds derived from said tax increase will be used for salaries, benefits, equipment needs and personnel requirements of the Police and Fire Departments of the City.

The City Council further estimates that the additional revenues needed to meet these needs in 2003 is approximately \$7,800,000, the amount estimated to be received from the additional one-quarter cent increase in the sales and use tax being proposed for voter approval. The City Council further estimates that these needs will increase by approximately two to four per cent annually, the anticipated increase in annual sales tax collections.

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

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

Read by title and as read motion by Councilman <u>Stewart</u>, seconded by Councilman <u>Carmody</u> passed by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

RESOLUTION NO. 94 OF 2002

Offered by Councilman Serio and seconded by Councilman Stewart:

RESOLUTION

A RESOLUTION ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF SHREVEPORT, STATE OF LOUISIANA, TO AUTHORIZE THE LEVY AND COLLECTION OF AN ADDITIONAL ONE-FOURTH PERCENT SALES AND USE TAX THEREIN, MAKING APPLICATION TO THE STATE BOND COMMISSION IN CONNECTION THEREWITH AND PROVIDING FOR OTHER MATTERS IN CONNECTION THEREWITH.

BE IT RESOLVED by the City Council of the City of Shreveport, State of Louisiana (the "Governing Authority"), acting as the governing authority of the City of Shreveport, State of Louisiana (the "City"), that:

SECTION 1. <u>Election Call</u>. Subject to the approval of the State Bond Commission, and under the authority conferred by Louisiana R.S. 33:2711.15, the applicable provisions of Chapter 5 and Chapter 6-A of Title 18 of the Louisiana Revised Statutes of 1950, as amended, and other constitutional and statutory authority, a special election is hereby called and ordered to be held in the City on TUESDAY, NOVEMBER 5, 2002, between the hours of six o'clock (6:00) a.m., and eight o'clock (8:00) p.m., in accordance with the provisions of La. R. S. 18:541, and at the said election there shall be submitted to all registered voters qualified and entitled to vote at the said election under the Constitution and laws of this State and the Constitution of the United States, the following proposition, to-wit:

CITY OF SHREVEPORT (SALES TAX INCREASE FOR POLICE AND FIRE SALARIES, BENEFITS EQUIPMENT AND PERSONNEL) PROPOSITION

<u>SUMMARY</u>: FOUR-YEAR, 1/4 PERCENT ADDITIONAL SALES TAX TO BE LEVIED WITHIN THE CITY OF SHREVEPORT, TO BE EXPENDED BY THE CITY OF SHREVEPORT FOR SALARIES, BENEFITS, EQUIPMENT AND PERSONNEL FOR THE POLICE AND FIRE DEPARTMENTS.

Shall the City of Shreveport, State of Louisiana (the "City"), under the provisions of La. R.S. 33:2711.15 and other constitutional and statutory authority supplemental thereto, be authorized to levy and collect, and adopt an ordinance providing for such levy and collection, an additional tax of one-fourth of one percent (1/4 %) (the "Tax"), upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption of tangible personal property and on sales of services, all as presently or thereafter defined in Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950within the corporate limits of the city of Shreveport for a term not to exceed four years from and after the date such additional tax is first levied, with the avails or proceeds of the Tax (after paying the reasonable and necessary costs and expenses of collecting and administering the Tax) to be dedicated and used solely and exclusively for salaries, benefits, equipment and personnel for the Police and Fire Departments of the City of Shreveport?

SECTION 2. <u>Publication of Notice of Election</u>. A Notice of Special Election shall be published in "The Times," a daily newspaper of general circulation within the City, published in Shreveport, Louisiana, and being the official journal of the Governing Authority, once a week for four consecutive weeks, with the first publication to be made not less than forty-five (45) days nor more than ninety (90) days prior to the date fixed for the election, which Notice shall be substantially in the form attached hereto as "Exhibit A" and incorporated herein by reference the same as if it were set forth herein in full.

SECTION 3. <u>Canvass</u>. This Governing Authority, acting as the governing authority of the City, shall meet at its regular meeting place, the City Hall, Shreveport, Louisiana, on TUESDAY, NOVEMBER 12, 2002, at THREE O'CLOCK (3:00) P.M., and shall then and there in open and public session proceed to examine and canvass the returns and declare the result of the said special election.

SECTION 4. <u>Polling Places</u>. The polling places set forth in the aforesaid Notice of Special Election are hereby designated as the polling places at which to hold the said election, and the Commissioners-in-Charge and Commissioners, respectively, will be the same persons as those designated in accordance with law.

SECTION 5. <u>Election Commissioners: Voting Machines</u>. The officers designated to serve as Commissioners-in-Charge and Commissioners pursuant to Section 4 hereof, or such substitutes therefor as may be selected and designated in accordance with La. R.S. 18:1287, shall hold the said special election as herein provided, and shall make due returns of said election for the meeting of the Governing Authority to be held on Tuesday, November 12, 2002, as provided in Section 3 hereof. All registered voters in the City are entitled to vote at said special election and voting machines shall be used thereat.

SECTION 6. <u>Authorization of Officers</u>. The Clerk of Council of the Governing Authority is hereby empowered, authorized and directed to arrange for and to furnish to said election officers in ample time for the holding of said election, the necessary equipment, forms and other paraphernalia essential to the proper holding of said election and the Chairman and/or Clerk of Council of the Governing Authority are further authorized, empowered and directed to take any and all further action required by State and/or Federal law to arrange for the election, including but not limited to, appropriate submission to the Federal Department of Justice under Section 5 of the

Federal Voting Rights Act of 1965, as amended.

SECTION 7. <u>Furnishing Election Call to Election Officials</u>. Certified copies of this resolution shall be forwarded to the Secretary of State, the Commissioner of Elections, the Clerks of Court and *Ex-Officio* Parish Custodian of Voting Machines in and for the Parishes of Bossier and Caddo, State of Louisiana, and the Registrars of Voters in and for said Parishes, as notification of the special election herein called in order that each may prepare for said election and perform their respective functions as required by law.

SECTION 8. <u>Application to State Bond Commission</u>. Application is made to the State Bond Commission for consent and authority to hold the aforesaid special election as herein provided, and in the event said election carries for further consent and authority to levy and collect the additional sales tax within the City of Shreveport provided for therein, and a certified copy of this resolution shall be forwarded to the State Bond Commission on behalf of this Governing Authority, together with a letter requesting the prompt consideration and approval of this application.

Read by title and as read motion by Councilman <u>Serio</u>, seconded by Councilman <u>Stewart</u> passed by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

INTRODUCTION OF RESOLUTIONS:

- 1. Resolution No. 89 of 2002; A resolution authorizing the Mayor to execute a Cooperative Endeavor agreement with Steeple Economic Development Corporation relative to the First Tee Junior Golf Program and to otherwise provide with respect thereto.
- 2. Resolution No. 90 of 2002; A resolution authorizing the Mayor to revise the contract with The Times, the official journal for the City of Shreveport for the period commercing July 1, 2002 through June 30, 2003, to more accurately tie the rates to the printing services to be performed and otherwise providing with respect thereto.
- 3. Resolution No. 91 of 2002; A resolution authorizing the employment of special legal counsel to represent the City of Shreveport and to otherwise providing with respect thereto.

Read by title and as read motion by Councilman <u>Stewart</u>, seconded by Councilman <u>Shyne</u> for Introduction of the Resolutions to lay over until the July 23, 2002 meeting. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

4. Resolution No. 92 of 2002; A resolution approving the Restoration Tax Abatement Renewal Application for 601 Spring Street, Ark-La-Tex Antique & Classic Vehicle Enterprise, LLC to participate in the benefits of the Louisiana Restoration Tax Abatement Program and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman <u>Stewart</u>, seconded by Councilman <u>Shyne</u> for Introduction of the Resolutions to lay over until the August 13, 2002 meeting. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

INTRODUCTION OF ORDINANCE:

1. Ordinance No. 86 of 2002; An ordinance to amend Article VII of Chapter 26 of the City of Shreveport Code of Ordinances relative to purchases and to otherwise provide with respect thereto.

Read by title and as read motion by Councilman <u>Spigener</u>, seconded by Councilman <u>Huckaby</u> for Introduction of the Ordinance to lay over until the July 23, 2002 meeting. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

ORDINANCES ON SECOND READING AND FINAL PASSAGE:

1. Ordinance No. 79 of 2002: An ordinance closing and abandoning the 20 foot alleyway running between Pierremont Road and East 60th Street and between Tulsa and Southern Avenue, and to otherwise provide with respect thereto.

Having passed first reading on <u>June 25, 2002</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Stewart</u>, seconded by Councilman <u>Carmody</u> adopted by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

2. Ordinance No. 80 of 2002: An ordinance closing and abandoning a portion of the 60 foot wide Atlantic Avenue in the 300 block running between Clingman Drive to the west and Youree Drive to the east located in the Broadmoor Subdivision Unit 1, subject to certain conditions, and otherwise providing with and respect thereto.

Mr. Thompson: If you recall, one amendment was adopted at the last meeting, Amendment No. 1, and there is only one other amendment to be considered and that is Amendment No. 2.

Councilman Burrell: If you would, actually read both amendments for the benefit of the public if nothing else, the one that was adopted and that second one.

Having passed first reading on <u>June 25, 2002</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Shyne</u>, seconded by Councilman <u>Spigener</u> for passage. The Deputy Clerk read the following amendment:

Amendment No. 1:

Amend the ordinance as follows:

Delete the title and the first paragraph and substitute the following:

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 60 FOOT WIDE ATLANTIC AVENUE IN THE 300 BLOCK RUNNING BETWEEN CLINGMAN DRIVE TO THE WEST AND YOUREE DRIVE TO THE EAST LOCATED IN THE BROADMOOR SUBDIVISION UNIT 1, SUBJECT TO CERTAIN CONDITIONS, AND OTHERWISE PROVIDING WITH AND RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport in due, legal, and regular session convened, that the portion of 60 foot-wide Atlantic Avenue bounded by Clingman Avenue and Youree Drive, located in the Broadmoor Subdivision Unit 1 in the NW/4 of SECTION 17 (T17N-R13W), Caddo Parish, Louisiana, and as shown and as indicated and as more fully described on the plat attached hereto and made a part hereof, is hereby closed and abandoned, subject to the following conditions:

- 1. This ordinance shall not become effective until:
- (a) the owner of the land contiguous to the portion of Atlantic to be closed has dedicated a new twenty-five foot wide street right-of-way for public use, connecting Atlantic Ave. to Ockley Dr. as shown on the plat attached hereto and made a part hereof, and
- (b) said street dedication has been accepted by the City of Shreveport, and
- (c) the land owner has constructed a new street in said dedicated right-of-way in accordance with the specifications on paragraph 2 below; and
- (d) the land owner has provided a two year ten percent maintenance bond for the new street, and
 - (e) said street has been approved by the City Engineer.
 - 2. The street to be constructed shall be twenty-five feet wide from back of curb to back of curb, consist of asphalt pavement over a crushed-rock base, with concrete curb and gutter, and shall be wholly situated within the new twenty-five foot right-of-way dedicated for public use.

BE IT FURTHER ORDAINED that the sewer, utility and drainage servitudes be retained throughout the closed and abandoned street right-of-way.

Amendment No. 2:

Amend the ordinance as follows:

Add condition (f) and (g) to the amendment of Ordinance No. 80 of 2002, to read as follows.

- (f) Broadmoor Baptist Church has constructed improvements in the strip of land between the western boundary of the new street to be constructed pursuant to paragraph (2) below and the western boundary of the property owned by the church, which improvements shall consist of a cedar fence, six feet in height, a sidewalk, and landscaping consisting of grass, trees and/or shrubs; provided that the requirement for a fence shall not apply to any portion of this strip where Broadmoor Baptist Church becomes the owner of the property that lies immediately west of the said strip, and
- (g) said improvements are constructed in accordance with a formal site plan to be approved by action of the City Council.

Motion by Councilman <u>Carmody</u> for adoption of Amendment No. 2, seconded by Councilman Spigener.

Councilman Carmody: Today, we find ourselves at a point where there has been an awful lot of input from more people than I have heard from any other matter that I have dealt with on my tenure on this Council, both for and against.

From the beginning, I was asked in my capacity as the representative for this area of Shreveport how the Church might facilitate their expansion and I had given them basically the advise that I had learned through my experience with serving on my Church's expansion, and one of the things that I had learned that it was best to communicate with your neighbors to try and convey your intentions and get their input, listen to them, and try to work with them to address those things.

At my request, after speaking to their Pastor, I had asked that they again have a public meeting because I had heard from a number of persons in the neighborhood who felt like that they had not had a chance to express their concerns. When we did meet, what I heard from both the Church membership as well as the neighbors was that safety and convenience were really the two issues on both sides, the neighborhood safety in my opinion, is paramount. Convenience is important but no so much as safety is. The access to be able to get emergency response vehicles, police and fire to a location, is something that each one of us is worried about and wants to make sure that we've got.

The suggestion as far as the alternative street and as a public dedication did not come from me, it actually came via a request that I got from a third party, a gentleman who lives in the area, but said that he was ambivalent about either way, it was just a thought that he had as a way that the Church could possible address, again, the safety and convenience of the neighborhood.

Part of that brought up another set of issues and that was if indeed the Church is to construct this street to city standard, then what about the impact on the adjacent neighbors with the new street being built through? And again, we've heard kind of the same concerns expressed here, again. Personally, I feel like that the Church has tried to address the safety and convenience of both their membership as well as their neighborhood. I, in the meeting last night, I mentioned a number of things: 1) First of all I think I'm very proud to represent

this area of Shreveport because it is a (inaudible) neighborhood within that neighborhood our churches are our anchors. This is a huge anchor within Broadmoor. Broadmoor Baptist membership as I understand it has made a decision to stay in this area and their membership is going to make a substantial investment in creating a larger sanctuary as well as some other improvements to this area. I think that that needs to be taken into consideration. I think we've all seen where other churches has pulled out of areas, and gone. I would certainly hate to see that happen to anybody's area of town, but especially along Broadmoor along Youree Drive in a major, very good residential area.

What Amendment No. 2 does is basically address the concerns for screening off this street, providing a sidewalk along the street as well as the landscaping, screen the effects of the street to te adjacent neighborhood. I think all those things are important. The Police Department was there for the meeting and had said that they did not see where this particular street was going to be a problem for them. The Fire Department and the Fire Department will get it anyway, we got to get it (inaudible) said, we will get to them, we will make our way, whatever we got to do to get there, we'll get there. Well, I did not think that it was acceptable to say, well, ya'll can use our parking lot. Any of the neighbors that want to cross it, ya'll cross it now whenever you want to, but that to me was not satisfactory.

We've come back, we've asked the Church to consider building the street as a condition of closing this portion of Atlantic where they own both the north and the south side. I would ask your support on the amendment as well as the amended ordinance to approve it.

And again, there was some concern by individuals that unless we tie this down to exactly what the church has to do, then in essence we are making an agreement with the persons who might or might not be there in the future. Well, I feel comfortable that this is a commitment by the Church as to their obligation to do this, for their neighbors and I personally think that it does address the safety and convenience of both parties. I do understand that there are persons that who are opposed to any change, we all know that that is part of human nature, but in the same way, I do feel like that this is a precedence as I appreciate it from city officials, to actually require a street to be built when somebody comes to us and says, we would like for you to close this street and I feel like that it should be supported by the Council.

In the past, I have not supported street closing because I just felt like it was kind of a situation well, wait a minute we want it closed for our particular use. These are public thoroughfares. These are not alleyways. These are not things that the City at one time maintained and then now we no longer have any use for them, so we just close and abandoned them and walk away. This is a thoroughfare. This provides public access in the same way the Church is providing an alternative access and I'm here to ask for your support today, to pass it.

Amendment passed by the following vote: Ayes: Councilman Stewart, Carmody, Spigener, and Burrell. 4. Nays: Councilman Huckaby, Serio and Shyne. 3.

Motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Spigener</u> for adoption of the ordinance as amended. Ordinance denied by the following vote: Nays: Councilman Huckaby, Stewart, Serio

and Shyne. 4. Ayes: Councilman Carmody, Spigener, and Burrell. 3.

3. Ordinance No. 81 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the southeast corner of Centenary and Olive from B-2, Neighborhood Business District, to B-2-E, Neighborhood Business/Extended Use District, limited to an "auto repair business" only and otherwise provide with respect thereto.

Having passed first reading on <u>June 25, 2002</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Stewart</u>, seconded by Councilman <u>Shyne</u> for adoption.

Councilman Stewart: There is no opposition to this change, opposition from any (inaudible).

Ordinance adopted by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

4. Ordinance No. 82 of 2002: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the southwest corner of Southern Avenue and Pierremont Road from R-1D, Urban, One-Family Residence District to B-1, Buffer Business District, and otherwise provide with respect thereto.

Having passed first reading on <u>June 25, 2002</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Stewart</u>, seconded by Councilman <u>Spigener</u> adopted by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

5. Ordinance No. 83 of 2002: An ordinance to amend certain sections of Chapter 62 of the City of Shreveport Code of Ordinances relative to the Department of Public Assembly and Recreation and to otherwise provide with respect thereto.

Having passed first reading on <u>June 25, 2002</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Shyne</u>, seconded by Councilman <u>Carmody</u> adopted by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

6. Ordinance No. 84 of 2002: An ordinance to amend Chapter 10, Article I of the City of Shreveport Code of Ordinances relative to alcoholic beverages and to otherwise provide with respect thereto.

Having passed first reading on <u>June 25, 2002</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Shyne</u>, seconded by Councilman <u>Spigener</u> for adoption. The Deputy Clerk read the following amendment:

Amend the original Fact Sheet and Ordinance as follows:

- 1. Delete the original Fact Sheet and substitute with the attached Fact Sheet.
- 2. Delete the original Ordinance and substitute with the attached Ordinance.

Motion by Councilman <u>Shyne</u>, seconded by Councilman <u>Serio</u> for adoption of the amendment. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

Councilman Spigener: I had thought that one of these was going to be deleted because they were about the same? Mr. Thompson: On the printed agenda there is an 85, but it is not on the electronic agenda. So 85 on the printed agenda will be deleted.

Motion by Councilman <u>Shyne</u>, seconded by Councilman <u>Stewart</u> for adoption of the ordinance as amended.

Councilman Carmody: I wanted to ask this question publicly, I know that we talked about this yesterday, but would be advisable for us to seek an opinion on the liability the City might have in trying to offer both alcoholic beverages as well as the gasoline at this particular venue? And I am not sure if that would be appropriate for maybe the City attorney as well as our Risk Manager to look into it before we vote?

Councilman Burrell: Are you asking that that be done prior to the vote because I think that we've already made the motion and I think we are into question? Mr. Thompson: . . . it is up to the Council.

Councilman Burrell: I wish that we would have dealt with that on yesterday.

Councilman Carmody: Well again, I know that we brought it up and we were discussing it yesterday but.

Councilman Stewart: I think Mr. Carmody's concerns are legitimate for consideration and I would suggest that we move for passage and that the Risk Management Committee review what we have passed and make any appropriate recommendations along with the City Attorney's Office to reassure our position.

Councilman Burrell: Would that be appropriate? Councilman Carmody: I would think so, yes sir.

Councilman Burrell: Okay, it is appropriate and agreeable.

Ordinance adopted by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

7. Ordinance No. 85 of 2002: An ordinance to amend Chapter 10, Article I of the City of Shreveport Code of Ordinances relative to alcoholic beverages and to otherwise provide with respect thereto.

Having passed first reading on <u>June 25, 2002</u> was read by title and on motion ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Spigener</u> to remove the item from the agenda. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

The adopted Ordinances, as amended, follow:

ORDINANCE 79 OF 2002

AN ORDINANCE CLOSING AND ABANDONING THE 20 FOOT ALLEYWAY RUNNING BETWEEN PIERREMONT ROAD AND EAST 60^{TH} . STREET AND BETWEEN TULSA AND SOUTHERN AVENUE, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport in due, legal, and regular session convened, that the twenty foot alleyway running between Pierremont Road and East 60th Street and between Southern and Tulsa Avenue in Block "E" Southside Park Addition in the NW/4 of Section 24 (T17N-R14W), Shreveport, Caddo Parish, Louisiana, and as shown and as indicated on the plat attached hereto and made a part hereof, is hereby closed and abandoned, and be it ordained that the utility and drainage servitudes be retained throughout the closed and abandoned alleyway.

BE IT FURTHER ORDAINED that a certified copy of this ordinance be filed and recorded in the official records of the District Court for 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 resolutions or parts thereof in conflict herewith are hereby repealed.

/s/Roy A. Burrell, Chairman /s/Arthur G. Thompson, Clerk of Council

ORDINANCE NO. 81 OF 2002

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTHEAST CORNER OF CENTENARY AND OLIVE FROM B-2, NEIGHBORHOOD BUSINESS DISTRICT, TO B-2-E, NEIGHBORHOOD BUSINESS/EXTENDED USE DISTRICT, LIMITED TO AN "AUTO REPAIR BUSINESS" ONLY AND OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of the 120 feet of Lot 169 and the north 120 feet of the west 39 feet of Lot 170, University Plaza, Shreveport, Caddo Parish, Louisiana, property located on the southeast corner of Centenary and

Olive be and the same is hereby changed from B-2, Neighborhood Business District, to B-2-E, Neighborhood Business/Extended Use District, limited to an "auto repair business" only.

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

- 1. Development of the property shall be in substantial accord with the approved site plan submitted with any significant changes or additions requiring further review and approval by the Planning Commission.
- 2. No rebuilding of transmissions or engines and no paint or body work shall be permitted.
- 3. The maximum number of vehicles permitted on this site at any one time is limited to 8, with no unlicensed vehicles permitted.
- 4. No outside storage or repairs shall be permitted.
- 5. Hours of operation shall be from 7:00 a.m. to 7:00 p.m.
- 6. Approval is for a two year period, after which time the applicant shall reapply, with waiver of the application fees.

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.

/s/Roy A. Burrell, Chairman /s/Arthur G. Thompson, Clerk of Council

ORDINANCE NO. 82 OF 2002

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTHWEST CORNER OF SOUTHERN AVENUE AND PIERREMONT ROAD FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT, TO B-1, BUFFER BUSINESS DISTRICT, AND OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that the zoning classification of property located on the southwest corner of Southern Avenue and Pierremont Road, Shreveport, Caddo Parish, Louisiana, legally described below, be and the same is hereby changed from R-1D, Urban, One-Family Residence District, to B-1, Buffer Business District.

Lots 1, 2 & 3 Block E, Southside Park Subdivision, beginning at the NE corner of Lot 30, said point being located 57.39 feet south of the centerline at Highway Survey Station 55+51.05; thence proceed S00°45'13"W, a distance of 240 feet to a point and corner, thence proceed N89°14'47"W, a distance of 120.87 feet to a point and corner, thence proceed N00°25'3'7"E, a distance of 19.35 feet to a point and corner' thence proceed along the arc of a curve having a radius of 35 feet, 34.62 feet, 43.79 feet, and 19.61 feet to a point; thence proceed N0°25'37"E, a distance of 24.19 feet to a point; thence proceed in a NE'ly direction along the control of access line a distance of 150.04 feet to a point and corner; thence proceed S'89°14'47"E, a distance of 42.35 feet along the control of access fence to the P-O-B and containing 22,570 square feet.

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

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

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

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

/s/Roy A. Burrell, Chairman

/s/Arthur G. Thompson, Clerk of Council

ORDINANCE NO. 83 OF 2002

AN ORDINANCE TO AMEND CERTAIN SECTIONS OF CHAPTER 62 OF THE CITY OF SHREVEPORT CODE OF ORDINANCES RELATIVE TO THE DEPARTMENT OF PUBLIC ASSEMBLY AND RECREATION AND

TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal and regular session convened that Chapter 62 of the City of Shreveport Code of Ordinances is hereby amended to add Section 62-91(8) to read as follows:

Sec. 62-91. Fee schedule for rental and use of city-owned facilities.

A fee schedule for rental and use of the city-owned facilities enumerated in this section is hereby amended as follows:

- (8) Independence Stadium
 - a. Club Level

1. Daily Rental Rate \$800.00

2. Move-in/Set up Charges (in addition to Daily Rental Rate)

1st Day (8 a.m.-5 p.m.) No charge

Additional Set-up Day (8 a.m.-5 p.m.) \$200.00

3. Move-Out Charges (in addition to Daily Rental Rate)

1st Day (8 a.m.-5 p.m.) No Charge

Additional Move Out Day (8 a.m.- 5 p.m.) \$200.00

4. All additional cost, fees, charges or services shall be the paid for or provided by the Contractor at its expense.

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.

/s/Roy A. Burrell, Chairman /s/Arthur G. Thompson, Clerk of Council

ORDINANCE NUMBER 840F 2002

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE I OF THE CITY OF SHREVEPORT CODE OF ORDINANCES RELATIVE TO ALCOHOLIC BEVERAGES AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT ORDAINED by the City Council of the City of Shreveport in due, regular and legal session convened that Chapter 10, Article I of the City of Shreveport Code of Ordinances is hereby amended to add Section 10-6 to read as follows:

- Sec. 10-6. Exemptions; Sale for consumption; Consumption prohibited at places where gasoline or motor fuel is sold.
- (a) Except as otherwise provided in this Chapter, the provisions of Section 10-83 shall not apply to the sale of low alcoholic content beverages by any person engaged in the lawful operation of a restaurant, convenience store, or other business in or on the banks of a navigable waterway as defined by the laws of the State of Louisiana or in or on the banks and waters of Cross Lake located within the city limits.

- (b) Except as otherwise provided in this Chapter, the provisions of Section 10-83 shall not apply to the on premises consumption of low alcoholic content beverages purchased from any person engaged in the lawful operation of a restaurant, convenience store, or other business in or on the banks of a navigable waterway as defined by the laws of the State of Louisiana or in or on the banks and waters of Cross Lake located within the city limits.
- (c)For purposes of this section, the term "person" shall mean an individual, corporation, or other legal entity who operates a place of business in or on the banks of a navigable waterway as defined by the laws of the State of Louisiana or in or on the banks and waters of Cross Lake located within the city limits, who has obtained all applicable licenses, permits and other approvals required for the operation of such business.

BE IT FURTHER ORDAINED that Chapter 10, Article I of the City of Shreveport Code of Ordinances is hereby amended to add Section 10-7 to read as follows:

Sec. 10-7. Exemption; Drinking in public.

- 1. Except as otherwise provided in this Chapter, the provisions of Section 10-190 shall not apply in any area lawfully designated by the City, when such beverages are purchased from any person engaged in the lawful operation of a restaurant, convenience store, or other business in or on the banks of a navigable waterway as defined by the laws of the State of Louisiana or in or on the banks and waters Cross Lake located within the city limits.
- 2. For purposes of this section, the term "person" shall mean an individual, corporation, or other legal entity who operates a place of business in or on the banks of a navigable waterway as defined by the laws of the State of Louisiana or in or on the banks and waters of Cross Lake located within the city limits, who has obtained all applicable licenses, permits and other approvals required for the operation of such business.

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.

/s/Roy A. Burrell, Chairman /s/Arthur G. Thompson, Clerk of Council

UNFINISHED BUSINESS:

- 1. Discussion and/or Action Relative to the Public Safety Committee. (F/Shyne) (Tabled on Oct. 23) Remained tabled.
- 2. Resolution No. 12 of 2002: Authorizing the Mayor to accept the donation of certain immovable property from Charlton Christopher Holmes. (1033 Shreveport-Barksdale Hwy.)

(Tabled on March 26)

Motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Serio</u> to remove the resolution from the Table. Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None.

Councilman Carmody: This particular piece of property we had a lot of discussion on yesterday. Mr. Holmes came before us and had reiterated the fact that he did want to see this property put into use by the City.

I certainly felt like that his comments yesterday were very justified and wanted to reassure the Council as well as the public and Mr. Holmes that I don't think that this Council ever wanted to look a gift horse in the mouth, but that it was a prudent thing for the municipality to take a look at what associated risk we might have. In my experience in commercial real estate it is always prudent o take a look at property that have a potential for environmental impacts so that you don't run into large expenditures at some point down the road. We now have an evaluation of the property with an estimate for approximately \$200,000 to do some remediation at the site and I do think that it will serve the public purpose as far as SPAR is concerned.

There was one issue I did want to ask about and I was hoping maybe Gary Norman would be in the Chamber to come forward and answer one question for me. (I'll direct the question then to the Administration). I am certainly in support of this---Mr. Norman, we are talking about accepting the donation of the Holmes property on Shreveport Barksdale Highway. What I wanted to ask though, I'm certainly in favor of accepting the property, but I have some concerns about what monies SPAR will be, I understand it is going to be coming out of your budget, what monies are we setting aside to address the refurbishing of the property potentially screening the property for our use, that type of thing? Mr. Norman: The actually, the amount we are work will have to be done was primarily what we are talking about is going to be roofing work is going to be the major renovation function that we've got and we do have some bonds, interest money, that is available to do the work on that particular property.

Councilman Carmody: I think that it would be in the interest of the citizens that live in that area, that we are going to be seeing the facility every day that we do what we can to clean it up. Mr. Norman: Oh, absolutely.

Councilman Carmody: I know that it being vacant, that it has some. Mr. Norman: A lot of things that we are going to do, we've got, we do all the maintenance, so we've got painters on staff and all and certainly we ware going to clean the property up, we are going to do the fencing that we are being required to do for the special exception for the equipment storage and all, we are going to concentrate on the outside first, lets get it cleaned up and get it looking good and certainly want to be a good neighbor to the neighborhood.

Councilman Carmody: Excellent. And I think that with the new business additions on Shreveport-Barksdale Highway, that this can also help compliment the rebirth of that area, so. Mr. Norman: Certainly looking forward to it.

Councilman Burrell: In terms of asbestos abatement, there is—they really did not find anything that we really need to get involved in on issue, right? Mr. Norman: No, Sir I think

they said that we had some floor tile and things that if we do something with it to make it friable or that would make it friable, then we will have to do something to abate it, but certainly we've got the report and any renovations that we do that would affect that, we will take appropriate measure to take care of it.

Councilman Carmody: Again, I do want to compliment Mr. Holmes on his generous donation of this property to the City. I do think that it would be something for other property owners who have properties around town to consider as a good alternative to leaving those properties dark.

Councilman Stewart: I certainly concur with the favorable comments that they made by Mr. Holmes efforts on behalf of the City for this donation. And I compliment the Administration as well as the Council and Staff for what they have done to bring the facts to the forefront. This was not something that was done idly or just because it was a great deal. The City, its an even better deal now by virtue of the investigation and the clarification by the City and by the representatives as to the benefits that are there and the ascertaining that the liabilities are not the issue. I certainly extend my thanks to the Council, the Mayor, and the Administration, and Mr. Holmes for their effort.

Councilman Burrell: I did have an opportunity to talk to Mr. Holmes afterwards. I apologize on my behalf as well as on the behalf of the Council if he felt that we were ghost hunting because he had donating the property and I think he felt pretty comfortable that it is part of our responsibility to the citizens to protect their interest in situations like this. And all that we were doing was inquiring about these hazardous materials that may accompany this property and I think he understood very well and we thanked him; so, from that standpoint, if Mr. Holmes is viewing this Council meeting, he'll accept that in the spirit in which we are giving.

Read by title and as read motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Serio</u> passed by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, Spigener, Shyne and Burrell. 7. Nays: None. (See Text of Resolution under <u>Resolutions on Second Reading and Final Passage.)</u>

3. Alcohol Retail Permit: Ms. Deborah Hawkins [Employer: 2901 Milam St. [Take-A-Bag Grocery] (G/Burrell) (Special Meeting to be rescheduled)

NEW BUSINESS:

1. BAC-62-02, *Deja Vu, MIC Unlimited*, 202 Commerce Street, Special Exception Use, Sexually Oriented Business. (A/Huckaby)

Councilman Burrell: Unless there is an objection, we will proceed as follows: I will ask:1. Mr. Kirkland to give us an overview.2. Mr. Lafitte to state the issues we are to decide and any legal conclusions he has reached. 3. Mr. Milkovich to present his case.4. (For) Public Comments. 5. Mr. Kirkland and/or the City Attorney to present any rebuttal evidence or comments. 6. Mr. Milkovich for closing comments.

I would remind the parties and the public that the only issue to be decided is whether unless

there is some that is created today, is the proposed Deja Vu establishment is located within 1000 feet of a museum or other protected uses, as provided for in Section 106-1129 of the Code of Ordinances of the City of Shreveport. I will ask all of you, the Council as well as the Audience, to please stay focused on this issue.

1. Overview. Mr. Kirkland: It has been a long afternoon, it may be about to get longer.

The matter of this ordinance that is before you today in the appeal, quick history. Back in 1994, some of you were in the Council at the time that this became law. Our Mayor was then a Council member. I remember that time period almost like it was yesterday. Our then Mayor Hazel Beard was the prime proponent of this law and the Police Department was a proponent of this law. And this law at that time was very controversial. We had ministers speaking to the Council at that time and to the Mayor and to consultants that had been hired and to the City Attorney, Mr. Jerry Jones urging the City to not adopt this law.

I remember Mayor Hightower, then Councilman Hightower, very strongly disagreeing with this law because it almost made you blush to read this law and if you read it recently or lately, again, you wouldn't read it out loud to your wife and children, it is that type of a law, it is distasteful, it is not pleasant, but there was a very good reason and a very compelling reason that the City Council and the Mayor and the City Attorney's Office and all parties were in complete accord on passing this law. It was the only way we were told, by lawyers from not just local but around this country, based on U. S. Supreme Court rulings and first Amendment rights that we could protect our neighbors as the Mayor has said, more than one time, and I suspect some of you we did the best we could at that time to try to protect our neighbors and our residential areas and the areas where we basically enjoy going with our families on then what were called juice bars, do any of you remember those terms. Juice bars were a popular way to get around existing alcohol beverage laws that said that if you wanted to serve alcohol, you had to meet certain requirements and that kept you have from having, for example nude dancing, body painting, and all these other uses that 90% of our citizens, are going to be against, maybe 99%. But in order to pass these SOB laws, we had to determine that there places in our community, B-3 and B-4 that rights could be allowed. U. S. Supreme Court again had said, and the research wasn't quite as clear and as clean back in 1994. A lot of cities around this country were experiencing these problems with these type of uses and frankly, many of the cities were trying to say, we absolutely do not want them under any circumstance, in any place in this City and our leadership, at that time, reacted the same way but the lawyers and the research around the country concluded that we had to permit some of these uses in certain locations.

Those locations, and I will say this, Shreveport's law is in many cases more restrictive than other cities that were researched, but in the B-3 and B-4 zoning districts, provided that there was at 1,000 feet from the premises to the protected uses: schools, churches, museums, and some parks and some other uses that are listed very clear in the ordinance, in fact those are laid out in the book that you have, the tabs show you where those are. Essentially, the law has served us well and that's the thing that is not being recognized. The press has not recognized it, others have not acknowledged it because it hasn't been popular to say, this law has worked for us. Every year, and I have been Planning Director of this City, prior to '94 and since '94,every year there have been 2, 3 or more SOB applications. To date, you know how many have been approved—three (3). One is on Market, called the Library. It was an existing bar that had been there a long time, used to be the old Abe's Seafood. Another is up on Nelson Street in Agurs, B-3 zoned, meet the spacing requirement—adult videos is what's at the place. The third one, is Deja Vu. I used to like that word, I don't like it

anymore. In fact I can't really even explain this properly to my own wife and children to the point where they, because they always end the discussion with me with, is Daddy or Honey, why not? Why did you say, yes? The law as written, is very clear. If there is not a protected use as is listed in the ordinance, within 1,000 feet you have to tell the party that they have the right to have a sexual oriented business. That is not just a gentleman's strip club, all these other uses that are in that ordinance and I'm sure not about to read all those things to you.

But regardless of that, it is not pleasant to be able to tell someone yes. Because of the way this law was written, majority of the time we have been able to tell people, no and that's why there has only been the three. Now, there is a fourth one and I don't know that this one Deja Vu will make it, but regardless if it does, there will be four in our city. The other one was there before the ordinance was written, and in essence was grandfathered. It was know then, I think is Action Center, it is now known, as I think, Legs is the name of it, down on Commere Street. The other thing to remember though, is that there also has to be a 1,000 foot spacing between SOBs and other SOBs. Some people have voiced the fear that there will be an opening of the door to SOBs on our riverfront and in our downtown. There will only be two SOBs on that riverfront, if this one is approved. The one that was grandfather in, this one. There will not be, it does not open the door, it closes the door; that's the way this law.

Is it distasteful? Yes. Is it unpleasant? Yes. But U. S. Supreme Court decisions since that date in '94, there has been many, many decisions by the U. S. Supreme Court that have affirmed and in fact, I just got back from a national meeting in Chicago, of American Planners, one of the sessions was on SOBs. And what they said at that meeting and no questions about it, if your community does not have an SOBs law where you prescribe how these rights can be exercised, you'd better get one because they'll be in your shopping centers and in your neighborhoods and you had better have a law that is considered Constitutional. If you don't, your law will fail and then they can still go anywhere they want to. That again, I find this very unpleasant. I know the Mayor has and many of you in trying to explain it. You can't explain it because when you say what I'm saying, what that says is people, well you are for these things. Well, that is when I go back to and I will not use that word, to that time in '94 when Terri Scott and I stood before this Council, not in this room, and we were basically saying, we know you don't like this law, but we know this is a law that will protect a majority of our Shreveport neighborhoods from uses that most of our citizens find offensive.

The staff made this measurement correctly. It is not uses that we would like too see. The Railroad Museum, there has been a lot said about it. The Planning Commission has been one of the strongest advocates for, a railroad museum. We were the first to say, we needed a railroad museum on our riverfront. To date, there is no definitive site on that riverfront for a railroad museum. There have been discussions with the Mayor and with others, but there is no agreed upon site at this point. In fact, if you look down there today, there is a staging area that went up for construction, has staging offices there regardless of whether they are there are not, that staging area will be used for about 2 years, so there is not going to be any railroad museum any time soon.

There are other issues that have been brought up since the appeal. The original applicant or the appellant withdrew. Mr. Gene Turnell of the First Methodist Church, Mr. John Odom, there is a letter in your packet and I believe its here, Tab No. 6 and they are going to work, they said, toward trying to amend the law and make it even tougher if they can. And I know some of you have said to them, we have said to them, and we will welcome any of our citizens, that if there is a way to tighten this ordinance and make it even tougher, but still not make it unconstitutional. The last thing you

want is for this law to fail. Until such time as the U. S. Supreme Court starts ruling differently.

In any event, Mr. Chairman and members of the Council and Mr. Lafitte and others, will be here to answer any questions you might have. We were not able to determine when this SOB was approved had any protected use was in that area, within the 1,000 feet. We have maps and other documents that will, if you need those, we be happy to reference, they are in your book and we'll be able to put them up here.

2. Mr. Lafitte to state the issues we are to decide and any legal conclusions he has reached. The only issue before this Council, this evening, is whether or not there is a protected use within 1,000 of the location of the premises of Deja Vu or specifically there exists a museum and/or a park within 1,000 feet of the premises of Deja Vu.

In your notebook under Tab No. 3, I have provided you with my opinion after some thorough research and some communications with Mr. Kfirkland as well as members of his staff, and viewing these issues with members of my staff, and I did reach a legal opinion that may assist you, I guess, in reaching your decisions today after hearing all of the evidence to be brought by Mr. Milkovich as well as the staff of the MPC. Again, the only issue before this Council today, whether or not there exist a protected use within 1,000 feet of the premises of Deja Vu, particularly whether not there exist a museum and/or a public park within that 1,000 feet.

Councilman Burrell: Is there any reason or plans to give an overview here since it has already been written in the documents under 3. Mr. Thompson, is there any based upon what he has given us under Item 3 for any further overview on this? Mr. Thompson: I don't think so. I think Mr. Kirkland and Mr. Lafitte have given that unless Council members want something that. . .

Councilman Burrell: Anything that Council members want other than what you have here under Tab. 3.

Councilman Spigener: There will be a place for us to ask questions and that kind of thing? Councilman Burrell: I'm sure it is. We always have privileges as Council members to ask question, I don't have it noted. Mr. Thompson: Whenever the Council members have questions, they can ask them. If you have questions of Mr. Kirkland now or if you want to wait until the end when everything is present and then ask questions, you can do that, it is really up to the members.

Councilman Spigener: I think I'll chose to do that.

Councilman Burrell: I'll ask Mr. Milkovich if he'll present his case at this time. We want to find out whether or not we have any time frame on this because we don't want to be here until tomorrow, unless we just have to? Mr. Thompson: I think it safe to say that for the Public Comments, the three minute limit will apply, whether or not you want to limit Mr. Milkovich to three minutes, is something that Council needs to decide.

Councilman Burrell: We have the courtesy here on the Council here to extend it, so I don't want the public to fret.

Mr. Thompson: Mr. Milkovich, may want to request a certain amount of time and then the Council can determine up front whether or not it agrees with that amount of time.

Councilman Burrell: Mr. Milkovich, would you like to give us an estimate? Mr. Milkovich: Twenty minutes. This is a legal presentation. I think the Council has reiterated frequently that this is a legal issue and as you are aware, Mr. Burrell, the citizens have never been able to make a full fledge legal presentation before this Council and I think you are also aware there never was a hearing before the MPC. So, yes, we do fell like we need at least 20 minutes—large volume of documents that are relative to this issue: there is ordinance, statutory interpretation and

jurisprudence, so. . .

Councilman Burrell: You've heard that he is requesting 20 minutes.

Councilman Carmody: I think probably 20 minutes is appropriate and I'd be comfortable with it, but I did want to ask though, how many persons do we have requesting to speak if we limit. . . . Councilman Burrell: As of right now, we have a count of 72.

Councilman Stewart: We have 72 individuals that have signed notices: 24 have indicated they do not wish to speak but are all opposed, 48 did not say that they wanted to speak but absent a request not to, those would be the ones that we turn to, in my opinion.

Councilman Burrell: I assume then that based upon those calculations we can separate those that are and then for those 48 as we call them, if they chose not to, then so be it.

Councilman Spigener: I believe that it would be our responsibility as a Council, to listen to what needs to be said. I do think that with the people who are going to speak that we need to have our 3 minute time limit, but I think we need to give Mr. Milkovich adequate time and if 20 minutes isn't adequate, I think that we need to respect the time that he does need and I think he will use good judgment and not keep us here the rest of the night.

Councilman Burrell: Lets hope so.

Mr. Milkovich: Thank you, Mrs. Spigener.

Councilman Burrell: If there is no problem with the 20 minutes, would we take a vote on that so that we have it for the record. Mr. Thompson: If there is no objections, I think that that is fine.

Mr. Milkovich: I appreciate you making yourselves available to hear our presentation on this. I know the audience and I understand that they may be (inaudible) in opposition to this Deja Vu proposal, but I trust that they will accord to the Council every courtesy and exercise graciousness to the Council that benefits their character.

Mr. Milkovich: I will speak loudly enough, but I would ask leave of the Council so I could go ahead and point to some exhibits, again this is legal argument or legal issue so we do want to direct the Council's attention to some specific things.

I am sure the audience will give you a big hand. Give the Mayor and the City Council a big hand. We do that because we understand that you all are very serious about addressing, this issue which maybe represents a wider (inaudible) in the history of Shreveport.

I would like to address your attention, first of all to the city's ordinance, Section 106-1129. Let me say this just to start our argument and our presentation and really we think it is a fact. We are not telling Mr. Kirkland look, that this is a bad statute, though we may disagree with it. What we are saying is, lets apply correctly because if this, statute is correctly applied, the City Council will realize that the strip club is illegally zone. We are all aware by now through the media of the 1,000 foot zone, Mrs. Huckaby, Mrs. Spigener, Mr. Burrell. What is key in this case to recognize, Mr. Mayor, is there is at least four, potentially up to four conflicting uses within the 1,000 feet.

Certainly we are not trying to disparage Mr. Kirkland or his efforts nor the efforts of his staff, we are just saying, some things were missed. In fact if we look at the City's own literature and correspondence from Mr. Lafitte back to Mr. Kirkland's office, he says, (inaudible) measurements. There is more involved in measurements. There is legal rights, there is legal easements, there is legal conveyances, there is established uses, there are property lines of premises. I (inaudible) talk about the statute.

1. Section 106-1129 says that the no sexually oriented business shall be operated within 1,000 feet of, that is strong statutory language. That's a absolute mandatory prohibition. It says that

you can not. It does not say that if there is something within 1,000 feet of strip club, you might bend the rules or you might have some latitude. This very statute that Mr. Kirkland is addressing says, there is no leeway to permit a strip club that is within a 1,000 feet, Mr. Shyne of a conflicting use. You all are aware as am I, of the conflicting uses: parks, public parks, public libraries, non-profit educational museums.

Now, I'd like to direct the Council to some specific language, and this if the pivotal part, Mr. Stewart, of Section 106-1129. It says, the measurement shall be made in a straight line without regard to intervening structures or objects from the nearest portion of the structure where an SOB is located or conducted to, and this is critical language, the nearest property line of the premises. It doesn't say, the SOB can't be within a 1,000 feet of an existing structure, it says that if there are any property lines of premises of conflicting uses within a 1,000 feet. The stip club is illegal. And I would suggest to you, even in difference to our Honorable Mayor with whom I disagree on this issue, legally. The CITY, far from the city being forced by this statute to allow stip club in that no one wants, the reality is, the strip club, absolutely prohibits it. Again absolute prohibition. If there is a conflicting use within 1,000 feet, no SOB shall be operated and the measurement is not from Deja Vu to existing structures, and some of the City staff, again, not to criticize and I want to make it clear that I am not here to criticize City staff, they work hard. We are here to present this issue clearly to the City Council so the right think can be done under law and for the citizens of this community. The measurement isn't from Deja Vu to existing structures, the measurement is from Deja Vu to "property line of the premises" the City's ordinance. That is the law that we are bound to obey; so, let's talk about if there is anything within 1,000 feet.

Mark (Inaudible) a civil engineer and his affidavit I believe is in the materials that have been transmitted to the Honorable members of this Council, a registered professional civil engineer licensed in the state of Louisiana. He went out and looked, or he looked at the city's own paperwork, the city is over it and by the way, this document I'm now referring to, I am referring to Document B, Exhibit B. This is a plat that was prepared by the City, by the MPC staff. A thousand foot perimeter around the Deja Vu of property line. We are not even arguing saying they did (inaudible). Guess what if you look closely and carefully at that 1,000 foot perimeter around Deja Vu, Mr. Shyne. This is what Mr. (Inaudible) and we have his affidavit. I apologize he could not be here in person to testify today. Business took him out so he did execute a sworn affidavit.

He says that, he has professionally concluded, and by the way, the basis he made his decisions where (inaudible) proposed by the City showing the 1,000 foot spacing around the proposed Deja Vu strip club, a legal property or title description of DVI Shreveport LC property, that is the Deja Vu property, that's their corporate name DVI Shreveport, a legal property or title description of the old T & P Railroad Company which is located on market, north of Caddo. He has the legal property or title description of the South Gateway Tire Company which is also located on Market Street and its north of Caddo and we looked at the location of the United States Courthouse property, at the northwest corner of Fannin and Market, and we also looked at a May 2, 2000 schematic Shreveport Riverview Project as proposed by an imminent Shreveport architects: Morgan, Hill, Sutton and Mitchell.

And this, he says this, I have professionally concluded the following: 1. The (inaudible Texas and Pacific Railway Company property, sometimes known as the T & P Railroad Station which is located on Market Street north of Caddo Street is within 1,000 feet of DVI Shreveport, sometimes known, as the proposed Deja Vu Strip Club and I'll edit this to be more concise.

He also professionally concludes the south Gateway Tire Company, also located on Market Street north of Caddo is within 1,000 feet of the Deja Vu property. He concludes this as well. The Shreveport Riverfront Park property, proposed by the City of Shreveport for Cross Bayou is within 300, not a 1,000, not 800, not 500, not 4–300 feet and actually ya'll could pace it off, it is really about 200 feet, about 200 feet or less between the Deja Vu property and the Cross Bayou Park Project.

He further concludes the United States Court house property located at the corner of Market and Fannin is within 1,000 feet of DVI Shreveport. In other words, this licensed engineer says there is not 1, not 2, not 3, but 4 conflicting uses within 1,000 feet of Deja Vu. Again, he is using the proper statutory definition, Mr Shyne. He is not focusing simply on existing structures, though they are some of those, but he is focusing on, what does our statute say that our City has adopted as the law to govern us, "property line of the premises."

Lets talk for a moment about premises. What is the premises. Is it simply the existing structure? I would suggest to you, no. What is our legal authority? Caddo Parish Sewerage District 7 versus Dock Reed, that is a Court of Appeal cases decided by the Second Circuit.

As all of you know, the Second Circuit Court of Appeal is the appellant (inaudible) judicial branch. It has supervisory jurisdiction over all courts in Northwest Louisiana, north Louisiana in fact. In other words, the Second Circuit is the final arbitrator of the law, in north Louisiana unless the Supreme Court says, look you guys made a mistake. I am bragging a little bit to mention, I used to clerk for the Second Circuit. I used to brag they were the best Circuit Court of Appeal in the state. Some times I heard at least one member of the Supreme Court agree and that wasn't due to me being there, but they are careful. And this is what they said in this sewerage district case.

They described what premises means, and isn't limited to an existing building, bricks and mortar. One of the definitions of premises embraced by the Second Circuit is, the subject matter of a conveyance or land that can be described or the state. And it can be land with some improvements or it could be land that is contiguously identified and definitely identified or to use the Second Circuit's language "the subject matter of a conveyance." In fact, in this particular case a local government was attempting to force a resident to tie onto a public sewerage line. She says well, no my house isn't within 300 feet of the sewerage line, and the Second Circuit says, no, but the property line of your premises is within 300 feet. And the Second Circuit articulates the law that we are bound by, Mr. Burrell, and that is premises doesn't just mean something that you can go up to and knock on and I think that is what the MPC members were looking for, the MPC staff was looking for. They were looking for bricks and mortar and there is no bricks and mortar within 1,000 feet but premises means much more than bricks and mortar. And in order to get to whether a premises exists within 1,000 feet, we do have to look at property lines. We have to look at conveyances, we have to look at documents, we have to look at government expenditures.

So, I said all that to say this, premises, property line premises ain't (knock on table) but the statute says, that is what the Second Circuit says and also we recall to your recollection, this is a mandatory prohibition. Conflicting uses you can't have an SOB, no discretion on the part of the local government.

It is very interesting, and I want to talk about this for just a moment and I'll keep on the going with the factual presentation because I do think members want to hear about—and this is so interesting if you look at the city statutes. Do you all know that the, and I disagree with Mr. Kirkland and Mr. Kirkland is a smart guy. I've heard him speak at the Broadmoor Neighborhood

Association meetings and he is an imminent scholar in this field, but I do believe that the MPC Staff's definition or statutory conclusion that, the City is <u>forced to</u> accept an SOB, this is a statute the City is relying on. Where does it say that the City is every forced to accept an SOB. This statute doesn't even talk in terms of we are forced to accept and SOB, Mr. Mayor. What is says is, if there is a conflict within 1,000 feet you can not and that absolute prohibition and I'm aware Mr. Mayor that you publicly taken the position that you oppose the strip club. Therefore, given that the law doesn't not only not require the strip club, I urge you join the City Council in rejecting this project.

And I am going to get into the specifics of these conflicting uses. But I also want to direct the Council's attention to this and I'll file this with Mr. Thompson, our Clerk.

Section 106-698 states the Uses by Right. That means that these are businesses that if there is not a specific ordinance violation, you have to add them in, Mr. Stewart. They have to be in there and there. There are things like animal hospitals, antique shops, apartment, hospitals, apothecaries (its is alphabetically, it is scores of them), floor coverings, sales, interior decorating shops, plumbing shops. This statute, and I had this conversation with our former Mayor Mr. Bo Williams this morning. And he says, John look at the statutes again. And of course, I took legal advise, he is the former Mayor, so he knows some stuff. And he told me when you look at the uses by right in the city code, sexually oriented businesses aren't in there. In other words, they don't have a mandatory right under city ordinance to force themselves into a place where they are not wanted. Long list of uses by right. Sexually oriented businesses is not among them and I would like to tender this if I could to Mr. Thompson, again, this is Section 106-698. Uses by Right. Sexually oriented businesses is not in there. I suggest to you, it is for good reason. City Council members were very careful about the way they drafted the ordinance.

Lets talk about these conflicting uses. I've talked a little bit about the law, I appreciate your patience. What are conflicting uses? What we have here for conflicting uses and I'll get into a little bit of detail, I'll try to move quickly. I want to—United States Courthouse. United States Courthouse within 1,000 feet of Deja Vu. Who made this grid? The City. U. S. Courthouse. Do you all remember when the U. S. Courthouse came to town? I don't know if any of ya'll were serving. It was about 1993 when it was completed and at the time of its completion, it was nominated for and received awards for being outstanding architectural urban treasure. In fact, federal judges were bragging about, federal staff were bragging about it. It was receiving accolades from throughout north Louisiana and even outside of the State of Louisiana, that is within 1,000 feet. And guess what, within that United States Courthouse? Well, like a lot of courthouses, our United States Courthouse has a law library.

And of course, we've deduced that we are going to be filing, my wife's affidavit, she is an attorney, she is an honorable person, I can vouch for that. She's used this law library in which she says is, John I've never seen a prohibition when I walked into the law library in the United States Courthouse less than 1,000 feet from Deja Vu that says, public can't go in there or lawyers can't go in there. Nor have I. I have never seen any restrictions or any signs posted that prohibits anyone from using the law library in the our Federal Courthouse. It is a public library. What does public mean? Governmentally owned, is one definition. Ladies and gentlemen there is a public library less than 1,000 feet from Deja Vu. Deja Vu is illegal. Strike 1.

And I would suggest to you that this particular usage is not even a (inaudible) premises of the property line. It is something that you can (knocking) it is bricks and mortar.

And I'll address your attention to a specific exhibit on that, the T. P. Station. That is a

railroad museum site that is specifically identified property. I don't know if members know, I understand you have a huge budget, \$350 million, or something, I've been told that, it maybe larger or smaller. But still a lot of money has been spent on this site. Approximately \$60,000 dollars has spent on by the City, by us, by you all, to develop this as a site for a railroad. Is this the subject of conveyance? Oh, yes it is. We have the conveyances here. This property is specifically identified. The City was developing, I am going to show you some specific exhibits that showed that the city worked for years to develop that as a railroad museum. It is a property that includes, that includes the property line of a premises, is in included in the T P Station and there is also a building. But the City said we want to use that as a railroad museum, it is a beautiful, gorgeous, gorgeous building.

Part 2. Now, the new site for the railroad museum, also within 1,000 feet, this is the most current site and it is true and I want to be candid with the Council members. We researched the documents, it does look like at some point the City changed its mind and say we don't want a railroad museum here, we want to move it here. But do you there has also been to our reckoning, thousands of dollars also spent on that site. In fact, the City has gone so far as to prepare a site plan to place a railroad museum right here, within less 1,000 feet. Again, a museum less than a thousand feet; that is Strike 3.

The Cross Bayou Park. I don't know if any of ya'll were in city government in April 1996, I think you all were, Mr. Stewart was and Mr. Burrell you were, Mrs. Spigener, you may have been as well. Mr. Shyne–I can't. Mr. Serio, were in city government in 1996?

You all may recall that in April 1996, the city government on behalf of the citizens of Shreveport presented a bond proposal to the citizens of Shreveport. What was one of the bond proposal? Why don't we build a park, a family park, a nice park on Cross Bayou for \$5 million dollars. The City said, we are going to do it if you give us the votes.

The citizens gave the City the votes but the bond issue passed for \$5 million dollars. And a \$5 million dollar bond issue has been approved by the citizens of this City to build a park, Cross Bayou Park funded by taxpayers, voted by taxpayers, and in fact the specific proposal, bond proposal presented by the Council to the citizens says, a—and I'll get the exact language in just a moment, says, a Cross Bayou Park west of Caddo reaching over to the McNeil Pumping Station. And the City even has schematics and drawings and architectural workups done on it and guess where that family Cross Bayou Park is? Ladies and gentleman, it is not 1,000 feet from Deja Vu, it is not 800, not 700, it is not 300. It is across the street. It is catercorner across the street.

I want to talk about this, lets talk about what happened with respect to. . . Councilman Carmody: Mr. Milkovich, Dr. Lutes did a good job, but I can't see that from here. But let me ask you, will you reference for the Council, the documents so that we can follow along. Mr. Milkovich: Yes I will and I am going to try to cover this very quickly because ya'll are on top of what we are doing.

This will be Section 1 and again, I want to cover it very quickly. I think our Calvary Deacon thinks he off the hook, but Mr. Wells, the hearing is not over, Sir. If you all will look October 3, 1995, this is a letter from Bo Williams to DOTD. This letter is to acknowledge the City's agreement to act as a sponsor for Phase I of the project, which the project, scenic railroad (inaudible) the museum. The City then did passage Resolution No. 218 which says look, that this railroad museum would serve a public purpose and render a public benefit, Resolution 218 of 1996. In fact Mr. Burrell was here and voted in favor, Mrs. Spigener voted in favor of it, Mr. Serio voted in favor it. And what this said is that we want to go forward with the museum, so did Mr. Ray Burrell. Adopted

by Council October 22, 1996. Approved by the Mayor, October 25, 1996. Effective on November 2, 1996. So the Mayor Bo Williams says that we are going to go forward. We are going to sponsor this project, the City Council we are going forward. The DODT as back as far as '93, '94, '95, conditionally accepted this project for state funding. The city then enters into an agreement with the State DOTD. And what this agreement provides in part is that the City assumes responsibility for building the project and that is, this agreement between the DOTD and the city government is more fully set out in our attachments. The City agreed, that we will sponsor the construction of the project, that's is writing. All of this is in writing.

By August 2001, what are our expenditures on this project: \$68,262 dollars. You know what, that is not somebody's imagination. And I understand that it may not be huge in the City budget, but that is almost \$70,000 that our city spent on this railroad museum as of August 2001. As of June 2002, the numbers start off (inaudible). And if you would look about on whether the City has gone forward, in other words, there is a paper trail on this railroad museum, it is not something that just doesn't exist. We, the Mayor of Shreveport (inaudible), the City Council authorized it and approved it. The City used it (inaudible) with the State of Louisiana that concurred it. The relationship with the DOTD on this project is (inaudible). The city budget spends, not budgets, spends over \$68,000 of it as of August 2001. As of June 2002, we spent over \$73,000 dollars. And I'll show you something that I brought and this was out of the city files of 2001 (inaudible) This is date October 2001. This comes from the City's Planning Departments own files. (Inaudible) to share with us showing us that as of October 2001 even after this, because I am going to assume that they didn't get ahold of the article until least October 2001, they are ready to go forward with the museum. I think I've covered all of this.

Let me show this and I apologize. Lets look at the city budget for 2001/2002. It shows that as of December 31, 2001, we have budged for this program/this museum \$538,600 dollars, that's December 2001.

I'm going to collaborate that or cross-reference with the Deja Vu approval. It's unclear to me exactly what the Deja Vu approval is, but there is some writings in the City file that says it was October 11 or possible October 21 of 2001. Wait a minute. We were still have over half a million dollars budgeted for a railroad museum and they are talking about a Deja Vu Strip Club. The railroad was here first and I acknowledge that the city had not built the project, but Mr. Fox will tell you that it is not through any lack of diligence by the Railroad Historical Society. They have been trying to get it built for a long time. In any event, city money, half a million dollars budgeted. City agrees to go on , they are board. The City Council, Mayor, signed an agreement with DOTD. This is a project that was funded and agreed to and authorized by the City.

I want to direct your attention to Exhibit 2. This is the second most recent site for the Historical Railroad Museum, the T & P Building. If we will go back to our—okay we already know that the City has agreed in writing and I've heard a lot of talk the last several months. Well, where is the writing, the writing is there. We just need the City Council to look at it. Please look at it and I know you will—that's the T & P Station, what happens here.

We have prepared by the City of Shreveport by the Morgan, Hill, Sutton and Mitchell Architectural firm of Shreveport a draft Master Plan for the Red River Railroad Museum and the Scenic Passenger Railway, dated October 21, 1997.

Do you all know that that is exactly 4 years prior to Mr. Mijalis' letter says was the date for approving a Deja Vu. In other words, this is at least pre-dates the Deja Vu by four years. I would

like direct your attention to parts of the draft Master Plan that talks about the T & P Railroad Depo, identifies it by name. It talks about \$5 million dollars in bond issue funds, they are referring to the bond issue that passed and they have a description, they have a location.

On June 19, 2000 there was T & P architectural drawings from the City that are transmitted by Russell J. Delancy, all of you know that works for the Planning–is it the Planning Department? I am not sure what the exact division but he works in the City Planning Department. He is sending plans to an outside consultant on June 19, 2000. This is an on-going project that has been funded, that has been approved, the City spends the money on it, the City is working on it. I don't think it is anybody's imagination that this was a work in progress, development project in development.

If we can get back to just a moment to definition of *property line of premises*, again, subject matter of a conveyance. The T & P property was specifically sold by T & P—there was a specific transfer of the T & P property between the Neesons and T & P—(excuse me, I'm sorry) specific sale of T & P to the Knoll Foundation Trust. This is the subject matter of a conveyance. The T & P property specifically, clearly identified in legal documents, we've got a legal description. Here's the legal description (I understand I have one minute left, I do want to ask for a brief extension.)

I do want to—the T & P Project, in fact we even have an environmental assessment that was made of T & P. Here's a letter from Tim Watchel of the City to Kim Mitchell sending an environmental assessment of T & P (Sir, may I please have and I apologize. [Motion and second approved to extend the time.])

We've talked about the reality of the T & P Station as that something that money was put on, there was architectural work ups done, thousands of dollars spent. Now, when get to a more recent site. And I heard earlier in the proceedings, look where is the piece of paper that says that anyone ever said that the Railroad Museum was going to be at the South Gateway Tire, Incorporated? Where do you know where it is? In the City's own correspondence. Here is a letter from again, Mr. Russell Delancy, Division Manager of Planning and Development who says, look your understanding is correct about the project being relocated. The site will move across Market Street from its current location, across Market Street from T & P to South Gateway Tire. That is the city document that says, yes, the museum is going there, it is by the city own employee.

Yes, we have a correspondence talking about transmitting of the railroad museum plans. We have, again, the City crunching the budget numbers. This is a city worksheet, this is their handwriting saying look there are calculating the moneys that have been set aside for the Railroad Museum, how it is going to be spent, how much money is left.

October 22, 2001. I think this is an important letter. This is one day after Jimmy Mijalis, according to Jimmy Mijalis' correspondence and again, I wasn't party to these conversations, so I don't know what all was said, and when everything was said. But there is a letter in the city's own file that says, Jimmy Mijalis says, he writes a letter that says, look you approved this project, City, on October 21, 2001 and I'll be honest with you. I've never been able to find a piece of paper from the City dated October 21, 2001 saying, we are for the strip club. Mr. Mijalis refers to it in his correspondence, but look at this. The date of this letter, October 22, 2001. One day after Mr.–according to Mr. Jimmy Mijalis, there has been deal agreed upon to let Deja Vu into our community. Here's Russell Delancy from our City Planning Department writing a letter to the state government saying, would you please give us more money for the Railroad Museum. That means, that the Railroad Museum was in existence, was still an on-going project, was still being funded, and was still being developed. It doesn't disappear just because somebody wants Deja Vu in town not when

the citizens has spent that kind of money.

Mr. Fox has filed an affidavit. He has been kind enough to present an affidavit for us. Mr. Fox has worked on this railroad for, 20 years; seems like 40. But he says that he met with our Honorable Mayor Hightower, on or about May 23, 2001 and one that day the Mayor said, which reflected in the same thing as Russell Delancy's letter, he says we are going to do it over here, South Gateway Tire. What does Russell Delancy say, we are moving across the street from T & P to South Gateway. What does the Mayor say? We are going to South Gateway. We have a sworn affidavit from Gary Fox saying that is what the Mayor said.

And you know, we said it earlier, No. 1 this affidavit is in writing and No. 2 when the Mayor says something, I think we need to attribute some credence and validity to what he says. I don't think we can disregard the Mayor's word.

In September, here's a letter from May 2001 in which the City agrees to provide a final plan for the Railroad Museum by September 2001. Here on September 6, 2001, this is one month before Mr. Mijalis says Deja Vu was approved, we get a letter saying that the City is assessing buildings and engines for the Railroad Museum. By the way, remember we have to have a track or a premises can mean the subject matter of a conveyance. Here is a legal description of the South Gateway tract when it was conveyed by the Neesons to South Gateway. It is a complete legal description that has been submitted in the materials that we provided to you. Guess what? There was a site(ing) for a railroad museum at South Gateway Tire, Inc. There is a title description. The Mayor said it was going there. Mr. Delancy says we are moving across the street implicitly for there. The City is asking for funds for it in October. There are agreeing to provide final plans in September 2001. There are asking for more funds for it in October 2001. They are crunching the budget numbers on or after August 2001 with a budget of city funds. By the way, the City, the City committed \$195,000 to it.

What happened after the Mayor had this meeting and said look, we are going to go ahead and put the Railroad Museum over here? What happened? Well, he asked Mr. Delancy, a very capable architect to go ahead and draw up plans for the Railroad Museum. These plans were prepared by the City. If anybody tells me that there is no writing that says that there is no railroad museum or there is a property line of a premises, they are ignoring the City's own plan which we have submitted and we will file this into evidence (it is 3B). And where does this map place it. It places the railroad museum and this might be clearer, right between Market and Spring. In other words, this, that the City prepared, this site plan is there; again, within 1,000 feet—site plan prepared by the City. The City did this. The Mayor asked for this. It was done.

I want to now talk about the third conflicting use. We've talked about two railroad museum sites that were, the city gave existence to these railroad sites. It wasn't to Mr. Fox. The City is the one that committed to them. Now, I want to talk about the '96 Bond Issue that authorized a park at Cross Bayou, a family park. What did the Honorable Mayor Robert "Bo" Williams go and ask the public to do in April 1996 (again, these are city documents)? It asked the city to fund, in the amount of \$5 million dollars, Proposition 8. Riverfront-\$5 Million Dollars. Park Extension. And more specifically funds to purchase and develop the Cross Bayou Area from Caddo Street west to the McNeil Pumping Station.

Ladies and gentlemen of the Council, where is that Cross Bayou Park? According to this it is west of Caddo all the way over the McNeil Pumping Station. West of Caddo. Where does that language come from? Right here out of the Bond Proposal which the City submitted, so basically

what we have is city submits bond proposal to the City, asks for authority to issue \$5 million dollars in bond. The City says, yes. The Mayor (inaudible). I believe the city government has a relationship, a legal obligation to do what they said what they said they would do, Mr. Stewart and develop that park.

And as I said earlier, where is that park relative to Deja Vu? Cattyccorner across the street. Here's the Shreveport Riverview Project plan developed, again, by Morgan, Hill, Sutton and Mitchell. Where does these plans place our Cross Bayou Park which the citizens voted for? The citizens have already paid for. They are already paying on those bonds, Mr. Carmody. Where is it? Here we go. It is at the corner of Commerce and Caddo. If that sounds familiar to you. Well, that's the same intersection as Deja Vu. It is just across the street. So, we have Deja Vu is at the southern corner of the intersection of Caddo and Commerce. Cross Bayou Park is at the north corner of the intersection of Caddo and Commerce. And how do we know that, here we've got the City's own schematics prepared by again, Morgan, Hill, Sutton and Mitchell and you'll see in the documents that we present to you.

May 2000 (please hand one of these to the Council, please.) Real quickly, we have the paperwork showing that the city has already budgeted \$5 million dollars. Again, we want to make sure that this is property that can be the subject matter of a conveyance and I think that there has been other instruments in this. But this document here, the City is buying property underlying part of the Cross Bayou Project. Again, \$5 million dollar commitment or covenant of trust with the citizens, Mr. Shyne. They voted, they are paying the money. The proposal is specific as to where the park is going to go, right across the street from where Deja Vu wants to build a strip club. And if there is any doubt, we have the architecturally rendering showing that it is at the corner of Caddo and Commerce.

Exhibit 5. I'd like to present to you Cross Bayou Park. The citizens that, there is a covenant of trust between the citizens and the government as they approved \$5 million dollars; that's a lot of money. These are photographs of the Cross Bayou Plaza and Cross Bayou Park. Again, the same architectural firm and where is the Cross Bayou Plaza and Cross Bayou Park, same place we been talking about, same place that is in the \$5 million dollar bond issue. These pictures and some of you all may remember this, these schematics and drawings were out in the lobby of this building as recently as May and possible even June 2002. So, in 2002, the Spring of 2002, the city is displaying the schematics plans for Cross Bayou Plaza and Cross Bayou Park. That is 8-months after, according to Mr. Mijalis, an agreement was made to allow Deja Vu in. Let Mr. Antee see these as well. Mr. Antee you may remember these were out in the lobby. These were out in the city government's lobby up until a few weeks ago. I mean, they are not there now, but up until a few weeks ago, I'm assuming the city is not going to put up pipe-dreams especially after the citizens okayed \$5 million dollars. I would like at this time, to file the affidavit of Brenda O'Brock in this matter. Brenda O'Brock simply attests that she has seen these on easels, several feet high out in the city lobby of City Hall within the last month or two (You might need to hand that to the Clerk, Mr. Thompson, at this point.) We've identified three conflicting uses that have been funded by city taxpayers.

I would now like to point to a fourth conflicting use which was funded by federal tax payers, that is the United States Courthouse, You all know where it is. Is it within it, how can we tell if this is within 1,000 feet on the corner of Fannin and Market. At the corner of Fannin and Market, right here, within 1,000 feet according to the City's own plat, plus we have an engineer's word for it who did the analysis of it, says it is within 1,000 feet and in this courthouse we have an affidavit by Alana

Clark who is a G. S. A. Customer Service Rep, as many of ya'll know the GSA administers federal properties. She says the United States Courthouse is located at the northwest corner of Fannin and Market. It has been in use by the public since late 1993. Since 1993 the United States Courthouse has included a government owned federal law library. This government owned law library in the United States Courthouse which is contained, have been in their present location since 1993, that pre-dates Deja Vu eight or nine years.

We gave a definition of public which includes of or relating to a government. Affecting all of the people or the whole area of a nation or state. It includes the concept of being devoted to the general or national welfare. It includes the concept of government ownership. As you all know, this is a public library and in case, I think the points are rather obvious, but out of abundance of caution we are going to file the affidavit of my wife and educator, Carolyn Milkovich saying that she's used this library periodically from the mid-1990's to 2001. At no time, has she ever seen that library posted to preclude lay citizens or attorneys from using same. In fact, she says she has seen lay citizens using it. I think that that is. Certainly if the citizens pay for it, you've got to be able to use it. It is a public library. It is within 1,000 feet of (knocking on table) concrete and mortar.

I would like avert you ladies and gentleman's attention to the language of Mr. Lafitte's letter. He talks about measurements. Of course, the courthouse was missed, all of these were missed. Are we finding fault, trying to hurt anyone's feelings? No one. We are simply saying, statute has to be followed. Statute has to be followed. Conflicting uses, property line to the premises. Property line to premises.

Objections to Deja Vu. Some of you may not know this. I have discovered this from looking at the paperwork in the last several months, that there was private conversations going on between some members of the public and some members of the MPC Staff not indicating whether they were or were not correct, but they occurred. And that approval which according to correspondence from Mr. Jimmy Mijalis which is in the city's own government documents occurred on October 21, 2001. The public finds out about it around April 2002, six months after the fact. There was no MPC hearing and the MPC explanation to me and I'm not finding fault with it. They said: Look, we didn't have to apply the statute, we didn't have to do anything we just had to get a tape measure out. Well, no. If there's a legal process that is involved. You have to look at "property line of the premises." They didn't do that. Mr. Fox finds out. He files and serves a notice to the city (inaudible) that show that find out about it, they did object immediately.

He writes a letter of April 19, 2002 saying look, bills have been incurred for surveys. And there has been a—and in the construction business when you fund a project, when you survey a project, when you do a site plan, that's a project under development. I mean, you can't not tell a contractor, by the way, the survey doesn't count, the survey plan, try to work with the contractor and not paying for the site plan, survey plan, the architectural drawings, the initial funding propositions; that's all part of the construction project. Mr. Fox complains.

Here's the city is alerted and I thought this was significant. This is a note to file from a telephone call from Gary Fox on April 17, 2002. Mr. Fox is being obstinate at this point. He again begin to argue that the SOB would be located diagonally from the railroad museum and this is a violation of the 1,000 foot requirements. Fox said that the Mayor, is very much aware that the museum has been funded since the City is the one that allocated the money for it. Now, this is in here this, reiterates my point, this is computer printout which the MPC staff was kind enough to give me the other day. It says, I talked with Glenda and Ione (very nice ladies in the MPC-Zoning Staff).

The measurements have been made and approved. Ladies and gentlemen, this isn't simply about measurements. This is about applying law and looking at "property line of the premises". Simply measurements were made. They missed the courthouse, they missed other conflicting uses, they didn't find what was there, but there was no legal analysis and there was no hearing.

And I've got this: Deja Vu approval? When I looked in the documents and I had this conversation with Mr. Kirkland and not to fault him, but I kept saying, Mr. Kirkland where is the document that the City every approved Deja Vu, where is it? Where is the letter, where is the certificate? I know there was something in February, but Mr. Mijalis is saying something happened in October 2001. Where is it?

Well, what we get is, and it is an application of a Certificate of Occupancy that apparently if this is an approval and I don't know whether it is or not, it has got Zoning. CT, 10-11-01 (is the date), October 11, '01 and Okay. That is a little bit cryptic for the approval, if it is, of a multi-million dollar strip club that is within 1,000 feet of at least 4 conflicting uses and is on Shreveport riverfront. That is suppose to be the gem or the jewel of our urban identify and we've got a strip club in the front of it and all we get is CT, 10-11-01, Okay.

And I'm making this presentation and I'm doing this as an officer of the court. I'm bound by that obligation whether I'm front of a judicial body or an administrative body. Mr. Kirkland asked Charles Thompson if he signs this. Mr. Thompson comes up and he says, that is his initials. There is, I think there is a gentleman named Charles Thompson that works on the MPC Staff, I am not trying to get hi in trouble. He said, that is not my initials. So I said to Mr. Kirkland, who did sign it if this is an approval for Deja Vu? He never was able to tell me who signed it. I think he finally said that he thought well, maybe Charles Thompson approved it or authorized it, but he didn't sign it. Well, you know, that these little marks on a piece of paper, no certificate, no MPC hearing, it doesn't go before the Mayor it doesn't go before the MPC Board, it doesn't go before the ZBA, it doesn't go before the City Council---CT, 10-11-01, Okay. Based on that, those characters, this City is confronted with the issue of a multi-million dollar project in the middle of downtown that we've spent millions of dollars to revitalize. I thank you all so very much for your attention.

Councilman Burrell: We appreciate ya'll support and the presentation. Mr. Milkovich we also appreciate all of the deliberations and the (inaudible) court presentation that you made to us. I'm just trying to hold in place people that we're supposed to have on this Council so we can hear it, and that's part of my responsibility. So under the circumstances, Mr. Carmody, if you wouldn't mind step outside for a moment and see if we can get them back in because that was sort of taxing on their physical being, so I'm sure they had to leave momentarily.

Mr. Milkovich: And I apologize it was tedious and so detailed and fact specific. I didn't Really know a shortcut but I thank you for your patience and if you all will allow me to speak in rebuttal if its appropriate at the end. Thank you so much.

Councilman Burrell: Okay, I just wanted to let you know, there was no contempt here, its just that we do have an agenda that we do try to follow so that we can do it in the public's interest. 4 *Public Comments*. Motion by Councilman Stewart, seconded by Councilman Carmody that we accept Public Comments at this time (motion unanimously approved).

Gayle Griffin: I know this is sort of out of order, but since our list is so thick and with the courtesy that you all have provided for us, we'd like for Preachers to speak first.

Councilman Burrell: You ministers out there, I'm sure you all will be amenable to each other so that you won't fight over first chance. So whoever comes up, you all can reconcile it yourself.

Just make sure you state who you are, your address and you have three minutes and we'll find you in this list of persons.

Pastor Edmonds (Calvary Baptist Church): I want to quote our Mayor this morning. Its not the best location, its not my backyard or yours. Its better than being in my backyard or your backyard. I'd like to add to that, it doesn't need to be in anybody's backyard. You asked for facts. You've got the facts. You've ask for the opportunity to speak and you should. You represent the people. That's what you've been elected to do. True enough we respect you today and we're coming to you and we're asking not only for your ear as we have for these past about an hour. But we're asking for your heart. We're asking for your mind. We're asking for your vote to do that which is right for the City of Shreveport. I believe without a shadow of a doubt, some of you came here this afternoon as many of us might have and said there is not much chance there's gonna be anything done. You might have already had your mind made up and I know that you had a meeting yesterday as you consider issues such as this. But I don't know about you, but my mind's been changed completely. I am totally of the belief that information that has been presented to us not only would I say that I agree with it on a personal level, but I'm convinced on a legal level, that there is more than enough evidence to support the stoppage of the Deja Vu Strip Club.

We talk about the law, some of you came in worried about the law and what the law might say. I know that we go back and I know Mr. Kirkland has reminded us of those laws that were patterned in 1994, but I hold in my hand a document that was printed by *Newsweek Magazine*, April 10, 2000 and it says about a vote on such issues as these. It says "the Supreme Court ruled last week that cities and state can ban nude dancing in clubs". The vote was six to three. And as you look at the cases you go down and I hold in my hand the exactness of this case, and so I would say that much water has gone under the bridge since 1994. And if we're going to quote, we need to quote and (I guess and I'm certainly again not being critical of anyone on staff here), we're just concerned citizens, we're parents, we're Pastors, we're men and women that want to see the best for our city. It says for example in this document, is the ordinance prescribing nudity in public places, it was satisfied in this argument that it did not provide restrictions on symbolic speech. It goes on to say in demonstrating that secondary affects pose threats that just regulation of nude dancing. Cities need not even conduct new studies or produce evidence independent of that already generated by other cities so long as whatever evidence the City relies on is reasonably believed to be relevant to the problem that, that city addresses.

Ladies and gentlemen, I tell ya, we have more than enough evidence to act right now. And I hope we won't table, I hope we won't move on, I hope we won't stop, we won't pack up, we won't be fearful, we won't be ashamed or afraid. We will act and act now. Ladies and gentlemen, I tell you tonight, some of us are worried about responsibility or risk. Risk for example "what if a court comes up, what its gonna cost the city some money"? Well, let me tell you this, the risk is on both sides. We open this club, we're open for risk. We're gonna have to risk something. Let's put it in the courtrooms. Let's put them in the court room. Let's put them on the defensive. Let's do that which is right. Let's do it now.

On the issue of responsibility and I need a couple of more and I hope that some will yield and say, we've been here a long time. But on the issue of responsibility, I'm not here to blame Mr. Kirkland. He's a fine servant of the people nor any of the Councilmen, nor the Mayor. But I want to tell you this, I want to take responsibility for the action that has been made here. Its my fault. I didn't do enough. I didn't say enough. We're not here to throw stones. We want to act in the same

manner that the Lord Jesus did. Those that have no sin in their life, let them cast the first stone. Well, I want to let you know, I want to lay all the stones down tonight. And I want you to know we're not here to criticize or condemn. We're here tonight to take responsibility. Look lay the blame on me. I'll take the responsibility. I didn't do enough as a citizen of the City of Shreveport. Join in the yoke with my fellow pastors and I speak for them. Lay the blame on us. The majority of the people in this room tonight are Christians. We make no bones about it and we're not apologizing. Let me tell you something, Mr. Mayor, lay the blame on us. We went to sleep at the wheel. This should have never come here. You should not have to be wasting your time on this. You ought to be about the good business of the citizens' business of the City of Shreveport. We dropped the ball.

Finally, I will say this. Some of you worry about political ramifications. Names, big names. Harry Mohney and Larry Flint and Gus Mijalis and Edwin Edwards. They've been dropped lately. In fact even in today's paper "Ex- con Now Linked with Deja Vu". I mean there are some lot of critical things going on. It seems to be a cloud around this thing. Let me just tell you. The political ramifications are this. You don't answer to Larry Flint. You don't answer to somebody in Michigan that wants to buy property. You've been elected by the citizens of the City of Shreveport. You are our voice. We trust you. We love you. We pray for you. We support you. You just don't know how many people already prayed for you. And we don't want to be the aginners or the back stabbers. We don't want to be the people that are trouble makers. Listen we're not the trouble makers. We're not the outcast. This is mainstream Shreveport that's in this room tonight. We represent tens of thousands of people that believe the same. Ladies and gentlemen, I will say to you, the issue is not longer can you do something. The issue tonight is this. Will you do something?

Pastor Pourciau: (551 Slattery) I know I've been here before, but I'm only here, because I'm compelled by the spirit of God. I remember going on a mission trip in 1998 to Reno, Nevada. Going over there to build a church. Really didn't think about anything much, but when I got there, there was an oppression over that city that I cannot describe and it was directly a result of the legalization of numerous types of sexually oriented businesses.

I remember billboards advertising brothels. I remember little flyers in the newspaper vendor saying, come see me and I'll give you a good time. But it reached a peak. When we were buying souvenir tee shirts in a souvenir shop, and there was this little tee shirt (bout this big). And on the tee shirt it said "Pink Girls T-Shirt, Mustang Ranch Trainee". Mustang Ranch is one of the legal brothels over there. And I said see what kind of message this sends to our children. It's a good thing to grow up and be a prostitute. So, I ask you today, if that gleaming high dollar strip club is opened, what kind of message is it going to send. Its going to send a message to our teenage girl its okay to be a stripper and make hundreds of dollars every night. Its gonna send a message to the husband who just got into a fight with his wife and walked out of the house and drove away in a fit, that its okay to go in and commit adultery in his heart. Its gonna send a message to this city that a lot of things are okay and a deeper oppression will follow this city. Its gonna send a message, but I thank God today, that you have the opportunity and the justification to send another message.

You know even it weren't legal, which we now see it is for you to reject this, it would be right. And so now, I'm proud to be able to say after listening to John's presentation, you have the opportunity, you have the responsibility to do what is both legal and right.

Mr. G. W. Beck (4741 Crescent Drive): And my brothers and John have knocked off two pages of what I wanted to say. But I had another concern that I wanted to raise and Mr. Mayor had

said in this morning's newspaper, not my backyard and not your back yard, or words to that affect. My concern is if we allow this to go in, it would be going in this All American City's front yard, because we're putting \$100,000,000 dollar Convention Center in the middle of what would become the City's sex district. And I think that's right. I think that would fall within that thousand. Visit to England said as they were putting hotels and public buildings together, as they landscaped them, they called them parks; so, I just wanted to throw that out, in case that was worth anything and maybe it doesn't come across the pond that way. But in looking at it, if this is allowed to go in, what its going to do to our downtown, I've talked to people who've said, I won't walk in that part of town, because somebody's gonna think I went to that place. People are not going to take their children down to our Convention Center, to see what's in the thing, because somebody's is going to say "daddy, what's that?" and they say "well, people pay money to go in there and take your clothes off and you better not ever do that". What kind of a message do we send? When we call it a place of adult entertainment (and please, if I could tell the media around here) don't call it adult entertainment. I'm an adult and I find that really offensive. The word's pornographic and I think that's what needs to go there.

I thank Mr. Kirkland what he had said in clarifying several things. But if this went in there, no other sexual oriented business of any kind could go anywhere. Is that correct? So if it did go within a thousand feet, which means that those two big open areas, which we've already found are going to be a park anyway, can't be the scene of other sexually oriented business, which would really make that a sex center in our downtown. But just even having this one place, I think I agree its wrong. We who live here year 'round, we who live in this city, love this city and care for this city and for someone to come in from the outside who wants to ride on the coat tails of a growing entertainment industry and take our money, but doesn't live here and doesn't care about this city is not someone I think we want for a neighbor.

And so, I guess in just closing all, I would like to say other cities have found ways to keep it out. I think we've just heard an excellent explanation of ways that we can do that too. And it is time, just because something even might be legal, doesn't make it right. And it takes courage to do what is right and that's what we're asking you to do. Is to please do what is right and deny the continued building of this building in our downtown. Thank you.

Mr. Henry Martin (450 Ockley Drive): I don't have the privilege to pastor one of our great churches in Shreveport, Louisiana but I do have the privilege to pastor the homeless, the indigent, the prostitutes, men that sell their bodies, men that are hooked on drugs and alcohol, because of establishments of Deja Vu and its not what our community needs.

We don't have enough shelters in our city to take care of the homeless and the broken people that are already here and Deja Vu is an organization that will put more people in the Rescue Mission and in the Providence House and in the Christ Center. And in other institutions that are breaking their backs and spending their hard earned money and your money to make our city a respectable place for everybody. And I appeal to you to consider the evidence that Mr. Milkovich has so adequately displayed to you and the appeal of my brothers in Christ and the work that they have done to do the right thing and stop Deja Vu and say yes to God and to Christian Community in the All American City of Shreveport, Louisiana.

Reverend Denny Duron (First Assembly of God - 7020 Klug Pines Road): I feel like I'm among friends here, I really enjoy the company of all you that I know well. Our City Councilman does great, great job. I appreciate you so much. And your attentiveness to our needs in West

Shreveport. I also appreciate the Mayor. I've been involved in a lot of campaign. I wasn't involved in the one where you ran on either side, but I've never had anybody in public office return my calls any more quickly than you. I want to thank you for that. I also know that this is a big operation. And sometimes you can meet. . . 'm standing here representing not only myself, but my dad whose been a pastor in this town for 45 years.

I know this is a big operation. And sometimes when you get information like what was presented by John Milkovich, the human thought is "ah, they're not letting us know everything". I really believe that John Milkovich made it clear that some of these details can get lost in the myriad of things that you have to take care of. But one thing that I would like to say to all of you however is this, that everyone of you that I've spoken to on the street or in a restaurant, you included Mr. Mayor have told me, "Denny, we're not for this, our hands are tied". And I heard earlier by the excellent presentation that was made, that probably 90-99% of the people of this town are against this deal. So I would simply assume that today with Mr. Milkovich's presentation, because you are so anxious not to do this and to have an out, that Mr. Milkovich has untied your hands.

Pastor Chester Brown (215 Sand Beach Boulevard): We are a newly established ministry here by the name of Christ and (unclear) Ministry here in Shreveport. To the Honorable Mayor, and the Chairman and the City Council of Shreveport. You are highly respected by the citizens here of Shreveport and we believe in you and we believe that you are going to do the right thing.

As I was listening to some of the statements that were made by the Council. And one of them, I would like to address to you right now. But first of all, before I do that, let me call your attention to the law. The word of God says that the law was established to protect the innocent and to punish the guilty. And you are a part of that law and we believe that you are going to do the right thing. It was a statement that was made by the Council, that you are established for the best interest of the citizens of the City of Shreveport, to protect their rights. I believe it was in that affect. And we believe that and we know that you are going to do the right thing, protect our rights in not allowing this strip club to be established here in our wonderful city. It is corrupt and its not for the interest of the people at all. It goes against everything that is respectful with dignity and with honesty. It does not edify the life of our people, nor does it glorify God at all. So we know that you are going to do the right thing.

I'd like to call your attention to a statement or a phrase that was made. That don't let the devil ride, because if you let him ride, he's gonna drive and if you let him drive, he's gonna drive you over a cliff. I submit today, that if this club is established, the devil is going to be driving and if it is established, he's going to drive this city over a cliff.

Chaplain Casey: (355 Williamson Rd) I want to bring another aspect into this thing. I'm not only a chaplain for the Evergreen Ministries, I'm also the Regional Director for the Governors Program on Abstinence where our government is trying to get in and teach our kids to behave, to not be involved in sexual activity prior to marriage. And the reason that we're doing that is because of a sexually transmitted disease epidemic that has hit the United States that is not being put into the media like it should and the media want's you to think that AIDS is no 1. AIDS is 1/10 of 1% of the problem. The number 1 problem is a sexually transmitted disease in which type of establishment promotes human papiloma virus which kills about 5,000 women a year and it is made by physical contact - hands, body anywhere with infected area of a person's body, that kind of stuff will be promoted in our sexual clubs.

I haven't been a Christian all my life and I had one experience prior to becoming a Christian to know

"yes", that's promoted in sexual clubs. I turned it down, but I was promoted in that way.

Anyway, also a statistic we need to know. Las Vegas which has the most strip clubs anywhere around also has the highest divorce rate of any city in the world. It has the highest suicide rate of any city in the United States. If this kind of industry promotes anything, it promotes adultery, it promotes prostitution, it promotes sexually transmitted diseases, it promotes teenage prostitution, it promotes drug activity. I have counseled with the strippers in the Bossier area and some of 'em I saw as teenage girls who were beautiful young girls. By the time they were 25 years old, you couldn't tell that they were ever beautiful, because of what the drug activity had done that they went through in the strip organization and I think that if we're going to take responsibility and I believe y'all will after this, we need to take responsibility for protecting our young people. For one scripture, the Bible says "Woe until him that teaches little ones to break any of these laws" or leads any little one astray. "Would be better for him that he had a millstone tied around his neck and thrown in the sea". I don't want to be guilty of approving something like this is teaching our young people. I don't want to see any of you with millstones, because they don't fit very well.

Pastor George Baker (no address given): I wear two hats, I'm not only a minister/pastor, but I'm also a private investigator. I own Eagle Investigation in this city and have licensed here since... actually not licensed because they didn't have licensing then, but I've been operating since '81. So I don't want to give my address, I don't give it out, because some of the people I put in jail are serving a lot of time and when they get out, they send me some unkind messages. So I hope you'll forgive me for that, but my business is here, I live here, my church...

Councilman Burrell: Just a second, I wanted to make sure that we are in order. That's fine. Mr. Thompson: He's going to give us his business address.

Pastor Baker: Well, I go by P. O. Box 18463, Shreveport, LA 71138 and I do pastor in Vivian. The Trees Union Church there. But I live here, this is my home. I'm back and forth in both places. But one of the things, I'd like to suggest is that you spend a little taxpayer's money on air conditioning, it's a little bit warm in here, if you haven't noticed already.

Mr. Antee: Mr. Chairman, we spent that money on a wireless mic for Mr. Milkovich.

Pastor Baker: So I've been investigating for 23 years. 21 years ago, I decided to specialize in homicide and sex crimes. I quite counting after 5,000 investigations. I've investigated all across the United States. I've dealt with some of the worst criminals and perverts in America and fortunately helped many of them in prison and stopped them. And I have worked in the major cities. Las Vegas was mentioned a while ago. If you'll go to Las Vegas, you'll find, if you want statistics on what happens when these clubs come in, the people that are drawn to this place. . . as a matter of fact I'll probably end of as an investigator down there investigating some rape that's happened behind the building and then people will think that I'm participating in going to that place and I certainly don't intend to go there other than to go down and maybe minister to somebody.

But we've talked a lot about the law. We've heard the word the law, the law, the law...well, lets go back and look at the laws of God who certainly came into existence long before here, before we got the laws that are here presently. So, what I believe and found out from experience through 21 years of investigating sex crimes, that when you bring this type of thing into the city, this type of institution is a proven fact that rape and child molestation goes up. You'll find that true in Las Vegas, Atlantic City and Reno and the other places. So, I believe that one of the things that I think you consider in my closing statement is that, I think you need to find out who really owns this club. I know you have papers on your desk with names on there saying that they are Chairman of the

Board, Chief Executive Officer. . .but I think before you make a decision and vote on this, you really need to find out who owns these clubs. I have investigated a lot of these places and most of these people who claim they own these places are only front men for an organization behind them. So I would strongly suggest that you find out who these real owners are and maybe when you find out who they are, you don't want that type of establishment or these people in this community. Thank you, God Bless you.

Gayle Griffin: I think I can answer that question you're about to ask. The group would like to thank all of you for the time that you've put in listening and having them available to voice their opinion and they waive the right to speak based on the minutes that Mr. Milkovich has taken and the Ministers of Shreveport/Bossier Louisiana. So, this will conclude if its okay with you and the Council, this will end the speakers. But we would like for you to have on file our Speaker Forms which, all of the speakers have made notation on that. So, if you all would take time later on and read it, and thank you again. Now, if there is someone who is just dying to speak, please come forward.

Councilman Burrell: Well, I appreciate that from that perspective and I appreciate our citizens, because I think we have had a lot of information that has been given to us today. And I'm sure that anymore would probably be redundant, but we are the servant of the public and we will sit here as long as it takes, even if we nod, don't hold that against us. We have had a long day too. But under the circumstances, we do appreciate you all giving us that opportunity now that we can deliberate ourselves. So, I'm going to ask that we go down to the next point here. But before we do, as I said before, we probably need a three minute break or do you want to go on through? As soon as I get this started, I am going to have to physically go somewhere.

Pastor Edmonds: Mr. Chairman, is this not on the docket for a vote? I think all of us, I think I can speak for everybody. We want to know. . . .we want the vote, that's what we want.

Councilman Burrell: Right, we have a couple of other items here and then we'll be through with. Okay?

5. Mr. Kirkland and/or the City Attorney to present any rebuttal evidence or comments. Mr. Kirkland: Mr. Chairman and members of the Council, I would have to agree to some degree with Pastor Edmonds that said, blame him and blame the others. Where were those citizens when the laws were passed? Where were they when other laws have been passed that opened the door for other uses that allow bars by right, and that sort of thing? So, my point there is not to criticize them either but it is to say that they should take an ongoing act of interest in this city. They should come to these meetings, they shouldn't just show up when there is another SOB going on the riverfront. There is already one down there. There was a lot of debate about that years ago too as to how to deal with it. There will be more debates in the future about uses in this city. There will be a need for you and me and the MPC and others who are daily called upon to make decisions to have that input up front and ahead of time.

I'm not going to spend a lot of time rebutting Mr. Milkovich arguments other than to say rather quickly and succinctly, I hope. 1) Any one of you think the U.S. Court House is a public library? There might well be a public library in it for the benefit for lawyers and judges who are there not a one of you or any of these citizens, I dare say, would have said that's a public library. Where would you say the public library is downtown? You know exactly where you would say. Its on Texas Avenue. You would not say that the U.S. Courthouse is a public library. 2) Mr. Milkovich shoots in the head the argument that the T & P Station is where the railroad museum is to be. He says by his own

comments that no, it has to be moved from there. Now, what they are also saying doing and it is also acknowledged in City records, that site has not yet been determined as to whether, yes, Gateway Tire site (and we'll call it that. . .if you're old enough and been around the City enough, you could all it the old Salley Grocery site), but regardless of that, that site is still not agreed upon by the City, ask the Mayor, ask Mr. DeLancey. He is still here I believe. He is the architect that has been referenced. In your documents, there is a set of minutes that Mr. DeLancey at the ZBA Board hearing where they unanimously upheld the staff determination on this matter after a public hearing, Mr. DeLancey says very decisively with no equivocation, there is no agreed upon site yet. The Mayor and (I believe Ken Antee) others were in a meeting with Mr. Fox and others where they, yes, talked about this site. But frankly what they have not said and that's just as important, (I say they meaning Mr. Fox and others), I believe the Mayor might have put some conditions on any possibility of a railroad museum. One of which I believe Mr. Mayor, didn't you say something about they had to bring those railway cars up to some kind of decent standard? Would you care to comment on that?

Mayor Hightower: That's absolutely true. Everything Mr. Milkovich said is true, that we have had ongoing negotations with Gary Fox. We have talked about the possibility of moving the Railroad Museum at the old Gateway Tower site. And Gary, I think can stand up and attest to the fact that I've told the... we even got an architect to come draw a layout to what we can or could expect there, but that, that site would be usable for the railroad, but not usable for a restoration yard. Am I right Gary? That you couldn't move the train cars there without them being complete and ready to go, that we wouldn't turn that major intersection between Spring and Market into a restoration yard. It would be finished product that would land there and that piece of property would be available unless a higher and better use effort came about. So there was never. . .that has not been a written agreement between the City and the Railroad from that perspective, although we have had ongoing talks and hopefully the Railroad guys were able to spend their time and spend their efforts and spend their money and make that eventually happen. Mr. Kirkland: And what's salient to that is the City owns the property not the railroad group. The City of Shreveport owns all of that property that's in question.

Tell me if you can where is there a park from the Harrah's parking garage on Cross Bayou from the point where Harrah's is all the way to the McNeil pumping station? Tell me if you see a park anywhere in there. The last use of a site that Mr. Milkovich has agreed or comment on about a park across the street, some of you remember the Louisiana Tech Conferencing Center. Mr. Odom, the reason he did not at the ZBA level, did not use that argument. He was the lawyer who sued the City and it was determined that yes, the last approved use for site, still there today, was a Louisiana Tech Conferencing Center. Now, did that conferencing center go there? No. It went out west. Did it removal the approval? No. The approval stands and the Council approved that site.

Yes there was a bond issue for \$5million to acquire and/or improve a park. You know the Festival Plaza? The former Mayor Williams, he used some of that money to acquire some of that property; that's not within a thousand feet. There was some additional property acquired. Now, acquired property does not make is a park. Now, guess where the park is going and the park improvements (and Mayor again, I would ask you to jump in if this is not correct) south of Barnwell. There are major improvements that are going to go there. But I know of no other park improvements on the Cross Bayou area, in fact I believe that was scrapped because of the \$3million dollar cost it would be estimated to stabilized those banks; so, I'm not aware of and Mayor are you aware of any parks that's funded or proposed in there?

Mayor Hightower: What you say is true, except it was \$2million.

Mr. Kirkland: Right. So that essentially deals with the four arguments. And I agree, Mr. Milkovich and those who oppose these type uses, (as I have said in my opening comment), you won't find hardly anybody if anybody in this city who would stand up and say "yeah, I'm for this". Maybe Gus would. But, only reference to Gus. But regardless of that, the fact is 90% of us or more do not want these type uses, but like it or not, the law is what we have to follow and its uses in

existence. With that Mr. Lafitte I will turn it over to you for any remarks you might have.

Mr. Lafitte: I don't have anything further that I would, only that I would again remind the Council of the opinion, the written opinion, that I did write and provide which is tab labeled #3, if you haven't had a chance to look at, if you may want to refer to it.

Councilman Carmody: Mr. Lafitte, I'm gonna ask because most of these folks don't have the benefit of that. Would you just read your letter?

Councilman Burrell: I don't know if you need to read it verbatim, but maybe you can give the highlights of it overall, unless we really need to go into that type of detail, because it is a lot of legal jargon.

Mr. Lafitte: I could probably just read the last paragraph which is basically the conclusion.

"It is the opinion of this office that your office (referring to Mr. Kirkland's department) was correct in determining that the location proposed by the property owner of 202 Commerce Street for the operation of an SOB would not violate Section 106-1129 of the Code of Ordinances.

It is further concluded that determinations of the correct measurement for the location of a Sexually Oriented Business is made based upon a protected use in existence and in operation at the time the measurement is made. To conclude otherwise within the opinion of this office invite any person in opposition to an objectionable use such as a Sexually Oriented Business to simply propose a development if one of the protective uses as a means to prevent the operation of an objectionable use".

And that is basically the conclusion that I determined it. In essence, that there was not a protective use within a thousand feet of the Deja Vu establishment. A lot of the, I guess, comments that were made about a park, museums or just proposals, I did not find any evidence from any department that any agreement has been made as to a specific location for the museum, as far as a written document. There has been a lot of discussion, but nothing definite. Mr. DeLancey did testify at the last hearing that, there was no final agreement for the museum. As Mr. Kirkland indicated the park idea had to be scrapped because of the cost to stabilize the bank, which is why I believe Mr. Odom did abandon that argument at the last hearing; so, I will again stand by the opinion that I originally wrote.

Councilman Spigener: Is that all Mr. Lafitte?

Mr. Lafitte: Yes ma'am. That's all I would add.

Councilman pigener: Okay, I believe then that we are ready to move to Mr. Milkovich for any closing comments that he might have.

Mr. Milkovich: Y'all have been so patient, I want to be very brief. A few minutes. Would the members of the Council allow Gary Fox who has been working on the railroad museum for about (how long Gary... 20years?) Would you all let him speak for a couple of minutes and then I'll close very briefly. Would that be acceptable?

Councilman Spigener: Is there any objection from the Council? Okay, Mr. Fox.

Mr. Fox: (280 Southfield Rd) I appreciate your letting me comment. I certainly enjoyed being here about as much as I would like another hole in the head. Having to work with the City as a volunteer, but I think we do need some definite statements addressed and I will do it very quick.

Mr. Kirkland has stated that there is no definite site. There have been discussions. I've worked with Mr. Kirkland many years and the Mayor and the Council and you all know me well; that is not correct. There is not a proposal. The Mayor will have to substantiate what I say. We had two meetings and the only person who was not there was Russell Pedreaux, the President of the Society. At that time, when we had these meetings, the Mayor had directed Mr. DeLancey, the Chief Architect/Planner for the City of Shreveport to commence architectural plans of the Railroad

museum to be located (unclear) site. The site was designated by the Mayor. It needs no more formal Council action. It was like any other public park or any other land that the City owns, that the Mayor can direct funds that are already budgeted for that project. It just needs State Department of Transportation approval of which T. P. Station went out for bid, but was stopped from being opened, the bid, because the City needed that site but this project is no different than that. The Mayor at the meeting did qualify that we could not use the work site or the museum site as a work site. So we had to have the equipment painted to the degree that the steam engine at Ford Park. Correct? (Mayor Hightower: Correct.) That was our agreement and I want that reiterated, that the only agreement that the Society had to fulfill to put our rolling stock on the site is that it has to be painted to the degree of the Ford Park Engine and it had to look nice. And it had to meet Mr. Tim Watchel who is a friend of ours and he works for the City. He's a landscape architect. He would go out and inspect it. Correct? Mayor Hightower: Correct. Mr. Fox: So the site is designated. The money is in the bank in the City Council. You have to build this railroad museum, because we have checked with the State Department of Transportation. This site must be built on within 500 feet of Deja Vu or you will lose 80% funding. You will lose the money. They will not allow you to change the site, \$700,000 total project.

So you will build it on that site says DOT or you will lose the money of which \$195,000 is from the City, of which \$70,000 (the Mayor has corrected me before) has been spent on the T. P. site. So, the only thing I'm saying, is that the only issue is the definition of the word premises. Premises is defined as Mr. Milkovich has stated as more than structures. It can be land, it can be anything else and there is a case that is in the book. It is very easy law. It is not a emotions, it is not morals. Its just that we have a designated site. We have a law and it needs to be implemented. We don't need children mixing with this type of activity within 500 feet and we have to build it there, and we came first. Are there any questions?

Councilman Burrell: Okay, I think that's probably my role on there. Are there any questions from the Council? Mr. Fox, we appreciate that, I came in after you came up, but I think you must have conceded part of your talk to Mr. Fox.

Mr. Milkovich: (Inaudible) Present a couple of cases to you very quickly and just a few closing comments. In the case of King vs Caddo Parish Commission, a little bit close to home, this is by the Supreme Court of Louisiana. We talked about the 2nd Circuit having the utmost and pre-eminent supervisory jurisdiction of all the courts in North Louisiana. The Supreme Court, it doesn't get any higher than that in the State of Louisiana. In King vs Caddo Parish Commission, the Caddo Commission denied. . . the ZBA says "look, put your video poker in there". The Caddo Commission comes in and overrules the ZBA. The trial court says "look Commission, you can't over rule the ZBA" and the Court of Appeals of says "look Caddo Commission, you can't rule over the ZBA". Guess what? The Supreme Court says, "yes, Caddo Parish Commission, you can overrule the ZBA". The Supreme Court has told you City Council, yes. . you can over rule your ZBA". (King vs Caddo Parish Commission 719, Southern 2nd - 410, decided by the Supreme Court over Louisiana October 20, 1988.)

I'd like to direct to your attention as well, very quickly, James vs St. Raymond. This is a case decided by the Louisiana 4th Circuit Court of Appeal, August2, 2002. This is what the court said. "The mere fact that a building permit was issued in error and contrary to the laws of the City does not vest any irrevocable right to proceed under that permit, contrary to subsequent action canceling the permission previously granted". That conclusion is consistent with the following statement found in 13M American (American jurisprudence, Second Building, Section 11) which immediately follows the section quoted by this court and done. Generally, it maybe said that a building permit issued in violation of law or under mistake of fact confers no right. It may be revoked upon discovery of the error even after business operations have begun. Ladies and gentlemen, James vs. St. Raymond and again the legal citation to that is 769 2 Southern, 570. That's 4th Circuit Court of Appeals. The court saying very clearly, look if the permit is issued in error, that doesn't mean they have a right to

keep on going with an erroneously issued application. The City is the one who decides whether it's the right thing, and whether it is a legal thing and not the applicant.

And interestingly in St. James vs St. Raymond, the court didn't simply say that look you can revoke it after building has begun, you can revoke it after operations have begun. Deja Vu is not in operation. They are barely getting started on the construction. If you can stop a strip club after it begins operation, you can stop it after it's just barely begun construction. I think the law here is very clear.

Another case and I'll be real brief on this. St. Charles Avenue Corporation vs. The City of New Orleans. Basically again, the courts uphold the local government's right to turn down the operation of a business that doesn't fit within the framework or the legal framework or the moral or ethical framework of the City or local government.

Let me say this to you all in closing and you've been so patient and we need to give you one more hand and that's just one small way we can tell you Council members, we thank you. Would you give our City Council members a hand.

You know its clear that these projects exist and I understand . . . you know Mr. Kirkland says, well it's a library in the court house. . . I don't know if he saying that because its in the United State Courthouse, it doesn't exist. It is a public library. It is government owned and in addition to being government owned, they are federal library accessible to the public. There is zero evidence in this record that anyone is prevented from using that federal law library. The uncontroverted evidence in this record is, this is a government owned public library that is within a thousand feet. That's Mr. (unclear) affidavit. There is a library in there. There is Ms. Lane's affidavit that's been filed within the record and the public is allowed to use it. That's Mrs. Milkovich's affidavit. The uncontroverted evidence is public library within a thousand feet. Public votes because its government owned and because members of the public are allowed to use it, That knocks the whole thing out.

So, lets talk about these museum things. You know... and I've graveled with this...let me suggest this to you. Are we going to say, that because Deja Vu comes in from Michigan or where ever they're from, that we have to sit here and juggle our park projects and our museums in order to accommodate an out of state strip club? I mean so what are we going to do next? Let's see, can we're going to move the Barnwell Center. I hope that's not in here, boy we're really in trouble if that's in here, but I mean, what are we going to start doing. Are we going to move our United State Court House to accommodate Deja Vu? Are we going to move the railroad museum one more time in order to accommodate Deja Vu? Are these public properties which are treasures to the citizens of this community that they paid for. Are we going to say that these public properties are just going to be juggled around indefinitely just accommodate an out of state strip joint? A high tech strip joint... albeit...

So what are we going to do, we're going to move this railroad site one more time, just so we don't have to hurt Deja Vu's feelings? Well, the Mayor's already said, he's against it, Mr. Kirkland said 99% of the citizens are against it. So why are we juggling our parks, our projects, our properties to accommodate a cotton picking strip club?

And to reiterate to talk about the premises issue. Courthouse. Structural, existing structure. T. P. Station is an existing structure. The City spent \$60 or \$70,000 on. Railroad museum at Gateway Tire. It appears a legal conveyances. We've given you title descriptions of both these properties, they are lands that are subject of conveyance premises, is, lands of subject conveyances: 1., 2., 3.

Now let's talk about the fourth one. Our Cross Bayou Park. Because Mr. Kirkland made a statement that I respectively disagree with. He says "well, there's nothing in writing, nothing in designation, there's nothing that says that we're going to have a park there". What's the purpose of these photographs that were in our city government's lobby up to a month ago. My goodness! I don't think they're putting these out here just to deceive the public. We've got two options here. This is either a park that the citizens have funded and the city government is going to build in good faith with the citizens or we're being tricked and I don't think it was the Mayor's intention to trick us to

put these pictures out there. I just don't believe and I know they've been taken down very recently. But Brenda O'Brock's affidavit says look, these photographs were up.

Let's see, I think I need the park cause I do want to look at this very briefly. I disagree with what Mr. Kirkland said. He said "there is no designation of anything on Cross Bayou". Mr. Kirkland, I respectively disagree. Sir. What about the Bond proposition that was floated to the City. Proposition 8. Riverfront, \$5 million Park extension. And I quote again, what was it for? This comes out of the City's own prospectus or pamphlet that they transmitted to the public in good faith to get people to vote for this bond issue. "Funds to purchase and develop the Cross Bayou are from Caddo Street west to the McNeil pumping station". Right across the street from Deja Vu. And its not only in writing, it's in writing on city printing. That writing and that printing came from the city government and this writing and this printing is part of a bond of trust between our government and the citizens. And this bond proposal is a legally binding contract, in my view, between the city government and the citizens. I don't think any of you would think that you can go ahead and tell the public, "look, give us X amount of millions of dollars and we're going to do such and such". Then you get the millions of dollars and say "you know what, we're not going to do the such and such".

Folks, this is the city's agreement, the city government's agreement. Mr. Fox didn't write it, I didn't write it, no one in here that I know of wrote it. Of course Brenda O'Brock I think worked on that bond proposal. But the point is the City presented to the public and said "if you give us authority to issue \$5million in bond, we're doing this park from Caddo Street west to the McNeil pumping station, right across the street from Deja Vu". And we brought this, its overkill, I apologize, but in case there was any question about where this park is, we have the Shreveport Riverview project. We have the Cross Bayou Park drawings, prepared by the City. Where does the City's own drawings say that it is. Right across the street from Deja Vu. So we're not telling you to believe us, we're simply saying believe your own government documents, simply believe the writings that this City government has itself promulgated.

The City is the one that says it's across the street from Deja Vu, the City is the one that says, you are going to build a Cross Bayou Park from Caddo Street west all the way to McNeil pumping station. That wasn't the citizens. That was the public.

We have four properties, the members of the Honorable Commission and the Honorable Mayor now understand, I believe, that the City agreed, that Bo Williams said in writing that we were going to do the railroad museum. The City Council appropriated the money. The City Council put \$195,000 in the budget. The City has spent over \$70,000 on the program and when he says, "by the way, there is no writing on this second site, wait a minute. What about this letter of Russell Delancey?

Councilman Burrell: Mr. Milkovich.

Mr. Milkovich: We've already covered it.

Councilman Burrell: I don't mean to.

Mr. Milkovich: I appreciate.

Councilman Burrell: I don't mean to interrupt or disrespect you, but we don't want to go through another hour of presentation.

Mr. Milkovich: Listen, I thank you all so very much for your careful attention. And we the Pastors and the citizens said that they were praying for you Mayor and members of the Council, they are very sincere in that. There have been lots of people praying for a right decision. As our Denny Duron has a way with words, as he said, we think these legal presentations untie your hands to do the right thing. And in closing I'd simply say this, remember when we looked at that City Ordinance? The SOB doesn't even have a use by right. They can only get in there. . .remember all the alphabetical uses that are listed by that statue? Sexually Oriented Business is not a use or right. It's not even in there.

So, there is no use, by right. What we have is mandatory prohibition. "This is the City Ordinance, we're not running from it, we're simply saying apply it" "No sexually oriented business shall be operated within 1000 feet of "property line or premises" public park, public library, non-profit,

educational museum. Thank you very much. We appreciate you.

Councilman Burrell: Thank you very much. Before we go further, I would like to enter into the records a letter of support from Dr. Rod Mastella, Senior Pastor of Summer Grove Baptist Church. It's addressed to the City Council. It says, "To Whom It May Concern. I have been in Shreveport only four and a half years but I am very concerned about what I sense to be a decline of the quality of life in our area. Businesses like DeJa Vu Club help destroy the family and therefore, I believe, decrease our importance on family values. It encourages me to seek people like John Goode in Bossier City who are seeking to attract businesses and entertainment that will strengthen family values. It is important for you to know that the congregation of Summer Grove Baptist Church, over 5,000 people, strongly disapproves of this club. We will do everything we can to help strengthen families in the Shreveport-Bossier area that we feel is imperative that we oppose anything that seeks to destroy the moral fiber of men and therefore the children of our community. Thank you for all you seek to do to make Shreveport an All-America City." /s/Sincerely, Dr. Rod Mastella, Senior Pastor of Summer Grove Baptist Church.

Mr. Milkovich: We would like to ask that all our exhibits as well as our notebooks be entered into the record.

Councilman Burrell: So noted. Mr. Thompson, where are we at this juncture?

Arthur Thompson: When you say, entered into the record, are you going to leave those in our care?

Mr. Milkovich: Yes, sir. What we we'll do is make arrangements with your office to get copies of the exhibits so we'll have them as well as you all. Thank you.

Arthur Thompson: We want the record to reflect that unless we get the copies back we will have no way of having them if we need them later. We will depend on him to do that.

Councilman Burrell: So noted.

Councilman Spigener: Mr. Chairman, I would like to have Mr. Kirkland come forward please. I just want to let you know I've reduced my comments and my questions to writing because I had an idea that I would probably be about brain dead by this time this evening. I will read some of this. But these are questions that came to me last night when I was studying the Code of Ordinances. I will have to tell you I studied the zoning laws more last night than I have in the eight years that I've been on Council and probably learned more about this than I really wanted to know.

But I have some questions and after reviewing the appeal of Mr. Milkovich I want to address each of those issues that are in the appeal, the three things that I see as appealed and just have kind of a discussion with you to see that I am on the right track with this and to maybe help shed some light.

1. The first was the lack of notice by the ZBA to the public or to the Council or to anybody. In the minutes from the special called hearing of the ZBA on June 12th, the speaker in the opening remarks referred to the SOB as a use by right. Then, I think it's on page 2 that the heading refers to the SOB as a special exception. Now, Mr. Milkovich has discussed some of this stuff that I discovered during the night last night about the Code of Ordinances. In Section 106, I think it is, 696 is what I have, I might have gotten this typed wrong. The Sexually Oriented Business is not mentioned in this list of use by right. Also, I noticed there's a use requiring Planning Commission approval. It was not mentioned in the special exception use that I discovered here and it was not as a use required by the Planning Director's approval. And furthermore, there was some area that called it supplementary uses, am I on the right track here?

Mr. Kirkland: That's where it was placed in the ordinance, right.

Councilman Spigener: The ordinance for Sexually Oriented Businesses at Section 106-1129, I think Mr. Milkovich alluded to that. It does not address this issue. I guess my question is, what type of use is a Sexually Oriented Business? Is it a use by right or a special exception and if it is a use by right, does that mean that they, I know there's certain criteria, of course, does B-3 and B-4 zoning or does

this mean there's no hearing required in a B-3 or B-4 zoning because this was located, I noticed in our map downtown, there's a red line area, I think it is Spring Street to the river and there is, what is it from I-20 to Cross Bayou, there was an area that is a use by right for alcohol and I'm assuming that because there's a use by right there, that there was no public hearing required.

Mr. Kirkland: No, that has no bearing. You have been reading.

Councilman Spigener: Have I just been reading enough to make me confused?

Mr. Kirkland: Let me try to go right to the point. This type of right, an SOB right, as defined in this law, is a supplemental use right in the B-3 zoning class and B-4 zoning class. Mr. Lafitte, if you will, jump in on this. And as such, if you meet the ordinance requirement of the spacing you would have a right to one of these uses. It can be anyone of those as listed under the SOB right.

There must be dozens of permits every day issued in the hall over on the west side of this building or in those rooms that are uses by right. There is no public notification. There is no advertisement. There is no "We're going to have a public hearing on those rights." You either meet those laws and in the district you're talking about was another district that was adopted last year. This Council voted on that and approved it where you said no alcohol right, with the exception of package sales, has been denied in this area. So why are we acquiring people to apply for a public hearing and basically remove the hassle from those businesses? So within that defined area but that has nothing to do with SOB laws. That's just simply another zone. It's just like B-4. You can have a restaurant with alcohol by right anywhere in the B-4 zone. That's another right that's there. You don't have a public hearing on that. The public hearing, I think, the public get confused, is where you do not have the proper zoning. Let's say this zoning had been B-2 or B-1 or some other class and these folks wanted to apply for zoning to either B-3 or B-4, that would've been the subject of a public hearing, to change the zoning. The zoning was already B-4. This was a supplemental right if you met the measurement requirement.

Now, I had a long discussion with the former Mayor around noon today and I don't know where he was coming from by saying just because it wasn't listed, as Mr. Milkovich said, and apparently Mr. Milkovich got that from Mayor Williams. Mayor Williams happened to be right in the middle of this law when it was adopted and he remembered some of that. In fact, I kept wondering if I was the only one who remembered that law and some of the circumstances of it when it was adopted. Anyway, after he and I talked a while he seemed to remember a little more. I won't go into some other things I asked the former Mayor. He could've made a park out of some of those places down there and this wouldn't have been an issue here today, but he didn't do that but regardless of that, he said it was too much grass to mow, but I won't get too personal on that.

Ms. Spigener, I believe in trying to simplify the law, Mr. Lafitte, anything you want to add to that?

Mr. Lafitte: No. As I originally stated I will continue to stand by the opinion that I wrote. I don't have anything further that I would add.

Councilman Spigener: Well, I'm addressing this to my council members, it looks to me like as I think Mr. Fox alluded to the fact that it looks like that this has come down to the interpretation of the word "premises." I think that's where we've gotten with this. Mr. Milkovich has sited some Louisiana law cases where the premises has been determined to include land only.

And then we've gotten a decision from Mr. Lafitte, our city legal counsel, and he has, in opinion has based his opinion of premises is from a restatement of the American Zoning Law of which does not include vacant land if I read this correct. And so I think we have gotten down to an interpretation of an ordinance and I would have to say this that I think our ordinance was kind of ambiguous in the way it's written. I think maybe some tweaking to it needs to be taken (inaudible) but that's not the point.

Mr. Kirkland: Ms. Spigener, if I may. May I add some light to something. There was a reason the ordinance did not go into some status. Do you recall that there was – I remember you weren't involved but I think Roy maybe you and Mr. Stewart, there was at the Action Central Lounge an

individual had purchased some additional property, he wanted to expand that. There was a law suit filed that this ordinance became law and the City maintained that it became law and then therefore precluded him from expanding that what was then defined as a SOB. There was no status given to something that did not exist in this law. And that is one of the key reasons that this law if you read that ordinance, if this use does not exist – Now if you choose to interpret that the federal court house and the law library inside there I happen to know that Judge Tom Stagg has got a law library in his office. He would probably let you or I use it if we wanted to but regardless, I don't believe that the bottom line is that there was any status given to what might be and I believe that's what Mr. Lafitte's opinion clearly says, uses that are in existence. The railroad museum does not exist nor does the park.

Councilman Spigener: Well, I guess I -

Councilman Burrell: Excuse me a second. I just would like to ask the public, we are trying to get this matter through with and if you are grumbling or making statements then you won't even hear what is going on. I know you have your opinion, you have your own feelings but please bear with us. Thank you. Councilwoman Spigener.

Councilman Spigener: Well, as I was saying, we have Louisiana case law that interprets premises is one thing. We have Mr. Lafitte's opinion based on the American Zoning Law which has another opinion.

Mr. Kirkland: Ms. Spigener, that's case law cited by someone who is opposing an action. If the City attorney were to have the time to research, it he might find other case law. There is – Lawyers are trained to do what supports their client position and you know that as well as I. So, lawyers could probably cite you all case law, we could probably cite you some US Supreme Court decisions if there was enough time for Mr. Lafitte to research those. So I mean those in themselves I think you are intrusted to make a pure judgement, what you think is right as these people have said. Simply vote what you think is right, not what you think a lawyer would tell you or whatever. If you think this is right for our community, vote that way. It's that simple in my opinion. You are not here to (inaudible).

Councilman Spigener: I guess exactly what I'm thinking that we are not here to interpret the law, I guess. Maybe that's what the judicial branch of the government needs to do.

Councilman Burrell: Well we are here - we do have part of that responsibility because we make the law.

Councilman Spigener: I'm going to go ahead and put this on the table and put it for discussion that I'm going to move that we overturn the decision of the MPC, seconded by Councilman Huckaby.

Councilman Burrell: Thank you very much. Okay at this juncture I want to give the Council the opportunity to discuss it but a motion has been placed on the floor, if I hear a second then we can discuss it.

Councilman Carmody: Mr. Chairman. I realize that we are being asked to do one or two things. We have now a motion on the floor to overturn the decision but what I would like to ask of the Administration as well as the City Attorney is based upon your interpretation of the law what are the consequences of the Council moving to overturn the decision?

Mr. Lafitte: What are the consequences? Of course if the decision is overturned and of course if it doesn't go any further than the Council as oppose to going to I guess being appealed to the courts, Deja Vu, whatever expenses they may have been out of they may be able to bring a court action against the City of Shreveport. How that would turn out, I can't speculate on that, that's something for a court to decide.

Councilman Carmody: The reason I asked that is this. There are certain activities that I don't think the majority of the citizens of this community would want to allow. I was perplexed and kind of unsure as to the first time I heard about this. Because it kind of come up to me at a neighborhood meeting and you know, you would think that as a member of the Shreveport City Council that we

would be aware of what was going on in the City.

And when you are caught off guard with, well wait a minute I'm not even sure what you are talking about and then we read it in the paper. Those cause me restless evenings. It appears that the City officials have looked at this and evaluated it and that's what we are here today because you all have said that they meet the requirements of our law. I was not on the Council at the time, Mr. Kirkland and I would hate to go through a long history of this but I have to ask the question and my fellow council members who were here at the time can address it. What was the necessity of the municipality providing for this type of activity within our city limits? I guess Mr. Kirkland can answer that for us.

Mr. Kirkland: I have already mentioned it to you. Mayor Hazel Beard, in fact Councilman Hightower at the time and other councilmen, in fact the Planning Commission itself asked the Mayor at that time why do you want this type of law.

I mentioned this briefly earlier, there was a wave of so called juice bars going around the country and many communities were dealing with that because it side stepped – the only laws on communities books were those which where alcohol was sold that then regulated the type of activity that could go on there. But the reason the Mayor wanted, Mayor Hazel Beard wanted the law more than any other is she did not want that riverfront to become nothing but strip clubs and what she wanted was to try to minimize the number of these type uses. In fact the consultant that was brought on broad by the Mayor to work on the Harrah's project is actually the one who came up with the idea of doing this and Mayor Hazel Beard supported that and was the one who was behind it. Now when it finally got it's final version, I think Mayor Bo Williams was in the seat because there was an amendment at that time. But it was to prevent a lot of these type of uses from going around the city and into our neighborhoods and that was the specific reason it was done.

Councilman Carmody: Charles, I want to make sure I understand the layman's terms. The municipality cannot legally restrict this type of business?

Mr. Kirkland: The lawyers -

Councilman Carmody: Wait a minute, excuse me, cannot legally prohibit -

Mr. Kirkland: That's what the effect of the U S Supreme Court decisions are and in every seminar I have attended for the last eight years on the national level. The cities around the country, the progressive ones have a low so that you can regulate and minimize the number of these that go in. Now I'm sure a lot of communities if they could prohibit they would have prohibited it but those are the laws that typically fail.

Councilman Carmody: Well, I guess and again this my observation on it. Is as a citizen of the community, I would have desired and maybe this is what I should try to work toward, is making sure that these type activities go through a public input process so that –

Mr. Kirkland: Think about it just a minute. If you had a public hearing, what would be the outcome of the public hearing? Almost in no cases do they get approved.

Councilman Carmody: Which, which, wait, wait (out burst of comments from the audience) Mr. Kirkland: But the point is. then your law doesn't meet constitutional mustard.

Councilman Carmody: But there again, I mean I feel like that we live within a community where we ought to be able to designate the morals that we going to live with and level of (inaudible - loud comments and applause from audience) That's just personally that I would feel like if that should be something.

Mr. Kirkland: If you all want to change that rule this law different that is your right as this City Council and basically to change the law and then let the lawyers do whatever they think is right.

Councilman Carmody: Okay, but in this particular case it appears that the counsel that we are receiving from our City Attorney is that, this has already gone through the process, this is legal. If you overturn this the consequence could be the Deja Vu could walk away, just say forget it. Put a "For Sale Property" up on that piece of property and we don't hear anything more of it or they could get an attorney which I guess they already got one and file suit against the City of Shreveport for

actions where they were granted permission and then the City overturned it and denied it them the ability to operate -

Mr. Kirkland: . . . there probably be some pretty heathy negotiations as to what damages but I don't know that would be a legal matter.

Councilman Carmody: Yes sir, I understand.

Mr. Lafitte: There is also a third option that they would have what would be to appeal even further to court and how the court would determine, you know, would be up that particular court.

Mr. Antee: And Mr. Chairman, if I may, there's actually another option there which is probably the most probable and that is that they would file suit to have the actions of the Council overturned as being improper. Not so much the suit for damages for their detrimental reliance for going in doing what they have done. So it would end up in court, where the court would decide the interpretation of the law that the Council had enacted. One of the fears that we had early on in looking at this is if the law that is on the books now is overturned, then there would be no law regulating them and before the law can come into place to then regulate them you might would have an open season throughout the city with no restrictions. So those were the thought processes too. But there are several different options that could happened once it got to court but the most probable is that they would try and get this action in the event it is voted to overrule the zoning broad overturned by saying that it was a right of use.

Councilman Carmody: I mean my thoughts on this are that I don't like the idea of this business being in downtown. I don't like the idea of this business being in the city. People can go to it if they want to. They have already got one on the riverfront. It is not as if we are creating another business but in the same way the Council is about the make I think a decision that is going to jeopardize the taxpayers funds in legal fees and probably restitution to this business. But again, I think that's what we are being asked here to decide today is which action we want to take; that's my comment.

Councilman Serio: I would like to make one comment. Comment on something Tom alluded to. And that is that we have a use by right that occurs typically in the downtown area and what of the things that I had suggested to a lot of the ministers and lot of the folks that have called is that, as you look at the list, public parks, public libraries, non-profit education museums, the things that create the thousand foot boundaries, one of the things I think a lot of the church groups can help us with because you have to have this type of legislation on the books and you have to allow this type of business the opportunity to exist in the city. But one of things that can be done because I know that there are numerous single lots in the downtown area that could possibly be purchased by individual groups and have a statue put on it, a monument put on it to commemorate the history of the city of Shreveport and dedicate it to the city of Shreveport as a park.

I know that there is people always looking for tax breaks, for tax write-offs to provide for themselves as well as for the community. And when you do that you draw a thousand foot circle around that little lot that's in the middle of the city and then you are creating the boundaries within the city, in the community but you are not also eliminating the business because it has to be on the books and we have to allow that business to operate even though we might not want to, but there is a way to kill the beast, I guess you could say if you do it right. But you have to do it within the same boundaries or the same law that lets this thing operate.

So as you go back and you think about this, look at the downtown area. There are ways to get around some of the problems that we are faced with up here knowing that we have to vote on these issues even though we might not want to vote on these issues, we might want to allow them to exist. But I know when we had the discussion six or seven years ago and we had circles drawn in all of our districts and I looked in one of the finest neighborhoods that I got and found that I had a hole in the middle of that neighborhood where you could draw a thousand foot circle and you couldn't find a park, you couldn't find a church, you couldn't find a school, you couldn't find a library, you couldn't find anything protected and I can't tell you how excited I was when I finally saw something

build on it. Because I said, finally, that area is protected but that is one of the things the community can do to help protect it's own city. Thank you Mr. Chairman.

Mr. Milkovich: Would the Council allow me to respond on behalf of the appellates to these issues that have been raise.

Chairman Burrell: Not at this juncture Mr. Milkovich. I think it's at the point we get input from here from the Council and if we need for you to address something, they will ask that you come forward. Okay, other comments from the Council.

Councilman Stewart: Ladies and gentlemen, I'm not here to tell you I'm in favor of this issue nor am I going to tell you I'm not. And I understand and appreciate the efforts that you make to come here.

There are eight people up here that took an oath. Eight elected people. Most of us had opposition. That responsibility lies on our shoulders not yours. I lost my rights to do what I want to do. I lost my rights to do what sometimes I think is the best thing because I took an oath to do what's best for this city.

Mr. Milkovich does a very good job of presenting his point. And he has a mission and it 's to present his points and his side just like every good attorney should. Mr. Lafitte has that same responsibility and he differs. Two hundred and two thousand (202,000) people we are responsible for, there are 80 of you here and it's been a very good positive and I mean that sincerely, eloquent presentation. But what we are now being asked to do under this motion is to say, fundamentally, that our City Attorney's opinion, is wrong. I'm not prepared to do that.

I'm not trying to preach, I'm trying to explain my position and everybody can have their own. I can sit here and bandy with you and play with you. I'm not in favor of things of this measure, but I am responsible for enforcing the law and doing what I believe to be what is correct and based upon what the City Attorney tells us, we're supposed to do. That sort or comment are the utterings. . . . you have your rights, but I'm being as serious as I can be. I've been up here for 11 years and I' ve had to vote a many times on things I didn't like, but I had the opinion of the City Attorney. And if you would go back I can state, whether you like it or not, that I've asked for more legal opinions than anyone else. I don't wear that with pride. Mr. Kirkland is acknowledging that. Why? Because I took my oath seriously. I'm not prepared to move to overturn or to put down or dismiss the City Attorney's opinion. I think that would be ludicrous.

Now, these six other people up here can do whatever they want to so, and the Mayor can veto it, but I take my obligations seriously. Two hundred and two thousand (202,000) people we are responsible for, that is a fact. We are a nation of laws, that's what I understood in the beginning and I hope that you will understand that's what I'm trying to achieve with this statement to remind all of us of that.

I'm not lecturing you. People have a right to do whatever they want to so. There are a lot of things that go on in this City I do not like. There are a lot of things that will go on tomorrow I will not like. But the day I ignore my oath, I have a real problem. I don't expect Mr. Milkovich to tell the other side of the story. I don't expect Mr. Lafitte to tell some other side of the story. I expect Mr. Lafitte to tell me the law and if I were out there with you or if I hired Mr. Milkovich, I'd want him to tell my side of it. There is nothing wrong with that. That's what he's paid to do.

Mr. Milkovich: Mr. Stewart, I was not paid for this.

Councilman Stewart: I am sorry, please let me correct that. That's what people pay attorneys to do. Sometimes, it's pro bono or free or whatever the appropriate term is. I've got to protect the rights of everybody. I've got to follow my doctor's orders. I've got to follow, I choose to and I have to follow the direction of this gentleman over here. I'd be happy to vote (Citizen remark was inaudible. . .)

Councilman Burrell: Sir, I don't think we're at a juncture where you need to question the Council. We're trying to get the input from the Council back to the public.

Councilman Stewart: I understand what my oath was and it was to do what I understood

what was right legal on behalf of every member of this city, council, and every citizen in this community whether I liked it or not. (Citizen: Now you crawfishing.) Councilman Stewart: No. I'm not crawfishing at all. I know exactly what I have to do. I'm just offering to explain whether I like it or not.

Councilman Burrell: Let me - again, as Chairman of this Council, I am asking the public to indulge us at this point. We have sat here patiently and listened to everything that you have had to say and the least thing that you can do on our behalf is to listen to us. I understand it's an emotional issue and we allow of lot of that but at this point I think we are at a point where we need be rather serious about what we are doing and I think it's important to try to get that information from the Council.

Councilman Stewart: Mr. Fox, I think would tell you that there has been no one elected official that has spent more time and efforts supporting the Railroad museum. I'm not looking for testimony, I know it, I was raise on one but that doesn't change my responsibility. And I think that it is a simple issue we have to do what we are suppose to do under our sworn oaths and I see it as two options. We can postpone it and ask Mr. Lafitte to do additional research or hire an attorney and delay this issue or we can vote it up or down. There is no way in good conscience, under oath that I could support this proposition. I have to support Mr. Lafitte's opinion on behalf of this entire city. Thank you sir.

Councilman Shyne: I have sit here pretty quietly and generally don't do that. As I look out in the audience I see some people that I know extremely well, some people that I respect very, very, very well and I also see a young man who I don't have to guess whether he's a friend, I know Rick Edmonds is a friend. The first time I ran for the City Council I kind of ran against a machine and Lord, knows I didn't know how I was going win after I got to the run off, and some of you all might not believe it but God has a way of sending people to help you. And God sent Rick Edmonds to help me and his dad. And I know Rick understood at that time and I did too, and I didn't realize how hard it was going to be that there would come some times that you would have to make tough decisions.

Being a leader sometimes can be very lonely. Sometimes you can get kicked in the butt, other times you can get kissed on the forehead. It's hard to satisfy everybody. I don't gamble. If it was left up to me, I would cut out all the gambling at the boats. But that is not left up to me because I have seen a lot of families destroyed and I have seen some helped. Because I see people who are working now and are able to get insurance and who are able to send their kids to college and who's able to do some things constructive and then I see other folks who are losing their homes and losing their cars.

I don't smoke because I see some people developing lung cancer and dying from it and I guess we all know what the lawsuits have been about. I don't drink alcohol. But now a lot of times because I don't drink or smoke I don't necessarily condemn you for doing that, I don't do it.

have not gone to a strip club even in my younger, wilder days and you know, Pastor Duron, you know the older we get the holier we have a tendency to get because we are not able to some of those things that we use to do. I don't go. But legally speaking I'm bound to make decisions sometimes that the law says that I must make. Now, I might not want to do it and I vote for issues up here that I don't necessarily care for personally. And that's what leadership is all about and I don't necessarily use an opinion poll when I make decisions. If I use an opinion poll when I made decisions, I would be flipping and flopping from one side to the other. And I appreciate seeing you all down here, this is what democracy is all about. I wish we could get a chamber full of people all the time but we don't, but we don't.

John, you have done a magnificent job. You are a fine young man. You are good looking young man and you are a Christian. And I just want to say that to you – I don't mean any harm it just ran across – I don't mean any harm when I say he is a good looking young man, he's intelligent looking.

But there are some things that we have to do legally and we can't do it, I can't make a lot decisions being emotional. I can't make decisions a lot times because that's not what I want to do. If what I wanted to I would go in the stores and take all the cigarettes out and destroy them but I can't do that. I would take all the liquor and just pour it – I almost said in the Red River but then I wouldn't want to do that, I would pour it out somewhere.

I don't want to see this club in Shreveport, I got two young boys that I'm raising and I hope that I won't have to go down there looking for them. I hope that I could be a role model and I don't want an athlete being their role model. Matter of fact I really don't want anybody else being their role model because I want to be a good parent. My daddy was my role model. So, I try to do the right thing. Not that I'm perfect now, because I'm not and if I keep on living, I'm gonna probably made some more decisions that some people are not going to like, but then I'm gonna make some decisions that some people like. And I do believe that people can disagree and don't have to be disagreeable. That you don't have to fall out. If the decision that we make tonight is not what you think that we should make, Mr. Attorney, am I right, can it be carried on to a court of law?

Mr. Lafitte: Yes Mr. Shyne, that is correct.

Councilman Shyne: It can be carried on another step to a court of law. But like Councilman Stewart said, there are certain things that we are bound by and until they are changed, we're bound by those things. Some of you all might disagree with me and you are entitled to disagree with me. I don't know everything and I hope that you realize that you don't know everything. But I know that I don't know everything. And you're entitled to disagree with me and if you do, I'm gonna still love you and I'm not gone fall out with you, cause I'm going try to be a bigger Christian than you. Although you might not agree with some of the things that I say or some of the things that I do, but I'm gonna still try to love you anyway.

I've enjoyed the presentation, I've learned a lot. I hoped you've learned a lot. I've heard what our City Attorney had to say about the law and believe it or not now, John I think you're working free, right?

Mr. Milkovich: Yes sir.

Councilman Shyne: We pay him. So now, I'm bound to take his opinion and John understands that.

Mr. Milkovich: No, I don't and I don't mean to be disrespectful.

Councilman Shyne: I'm entitled to take his opinion. Because that's who we pay to give us our legal opinion and I hope that you all would understand that. Mr. Chairman, thank you.

Chairman Burrell: Okay, do we have any other comments? Okay.

Councilman Shyne: I call for the vote Mr. Chairman.

Chairman Burrell: Well, if no one else, I'll make the comment here. I've sat and listened in one spot for the longest at all the comments and deliberations. I guess I've experienced this phenomenon called SOB. Probably one of the few Council members who've had this type of business in their district. As a matter of fact, I've still got one in there. At the corner of . . . well, I'll just say in West Shreveport. And they were there because they existed originally, I think Ginger's Theater (what you call it?), they moved off Line and they moved over into West Shreveport.

And I also had an opportunity to deal with this issue because when we started drawing these circles, we were initially drawn on that 2500 feet, and because we were drawing them at 2500 feet and because we were drawing them at 2500 instead of 1000 feet, we found no locations in Shreveport that these businesses had a right to operate, which would have violated (whether you like it or not) their constitutional rights. And when I heard that or should I say that when I got the information that if the constitutional rights of these businesses were violated, it would actually open up a door for them to locate anywhere, that's when I really got concerned. Because they could have been in your neighborhoods and still operated. And these are the things that many times you as the public don't get directly involved in it, but we get involved in it. We have to go to court and testify. We just don't sit on this Council, they bring us in according to the comments and the

decisions that we make on this Council.

When we revise the law to a thousand feet, it limited the number of spaces that they could go. As Mr. Kirkland said earlier, we wind up he say, three, but its actually four. You forgot the one in West Shreveport, you didn't mention that one, but it was there. So, we actually have four in Shreveport already.

I guess my dilemma at this point with this whole issue are the definitions that we are throwing around in terms of premises, in terms of whether we consider a possible plan or whether we drew it on paper or as was said before whether the Mayor or someone said that we're going to put a park here or something there. Whether that constitutes an establishment of some sort that we could apply this rule to. And I am not really yet convinced that we understand or there is a good understanding of whether or not, the measurements that we are taking, a 1,000 feet from the premises of a park, or a school or the number of things that are listed there. Whether or not we are sure that if there is not an entity that is already there, whether its property or whether we can say that it is actually existing. So, at this point, just listening to all that, I'm a little concerned about making a move or making decisions on things that we still have not fully cleared up at this juncture. And I don't think that we've done that, even with the research of right now that our City Attorney made and the arguments that Mr. Milkovich put up. Again, I appreciate all that you've done and you all are very detailed person. Hike that to a certain extent. But again, I am not totally convinced that what we have actually made clear, those definitions, that will make this thing either fly or not fly. So where I am at this juncture is sort of in limbo, meaning that I would like to have more information. I would like to see it postponed. And when I say postponed, that doesn't mean forever. That' means for us to get more concrete and solid information on the definition, because I hate to waltz into a situation where the City is automatically gonna get sued. And we already looking at ... what is our budget Mr. Mayor, \$11million liability we're dealing with right now? And that's not pretty. Or even more, and I guess being on the Audit and Finance Committee, we've gotten into a lot of these issues and it's tough to cough \$11 million to give to somebody else because you haven't done your homework. And I have a responsibility to you out there as well as I do that are in my district may not even be in here, but I don't think that the time, if we would allow more research, I don't know Mr. Lafitte, where we would get this information from, whether it would come from the Attorney General's office or where somebody beyond you, I'm not questioning you per se,, but I'm still hearing that we are not sure about many of these definitions that's going to help us make these decisions.

So, regardless of whether I get a second or not, I would like to offer a substitute motion, something Councilman Stewart alluded to earlier, that we could get more definite information or a substitution motion to postpone this for that information and give our City Attorney to maybe go back and address some of the issues that Mr. Milkovich has put forth. He didn't put forth his case and then you researched it. He put forth a case, you put forth a case, and nothing has come together on those issues. So, I would like to offer a substitute motion for postponement for a little while to do some further research on this and I would ask for a second because I don't really see even on this Council a consensus. I've heard some comments pro and con, but I haven't heard a consensus. And I think that's part of my responsibility sitting here to listen and I have listened. So from that perspective, I'm offering in all due respect to Council woman Spigener, a substitute motion for a postponement on this until we can get some more concrete information associated with these definitions that we need in order to make a decision that will not be a liability to the City at this juncture. I think we can afford that. I know that we can afford that more than we can a \$1 million lawsuit or more; so, that is my input from that perspective. So again, I offer a substitute motion for postponement on this item, seconded by Councilman Serio.

Councilman Spigener: Can we have some discussion?

Councilman Carmody: Again, I want to make sure that we ask the appropriate question. Would allowing more time for our City Attorney's office to go back and look at this. In his opinion,

would it provide the needed time or some additional time that would assist this Council in making the appropriate decision?

Chairman Burrell: Well, let me state it this way. You've heard the argument that Mr. Milkovich has put forth. This is the first time that you've heard that argument isn't it?

Mr. Lafitte: It's the first time, I've heard part of his argument. Most of his argument was presented by John Odom at the MPC hearing, soo, I've heard it before.

Chairman Burrell: Well, still some of the definitions that we are talking about here, I have not heard you address and I have not seen it in your document?

Mr. Lafitte: Based on his presentation, which is basically the same presentation I sat through before, I still stand by my opinion.

Chairman Burrell: Well, I've gotten that.

Mr. Lafitte: What the Council is faced with Mr. Chairman, is to make a decision or determination as to whether or not one of the listed uses exist within a thousand feet of Deja Vu. The Council has to determine whether or not a museum exists or if you would consider what Mr. Milkovich has presented to be a museum on those two locations that he talked about, whether or not a park exist or the presentation that he makes constitutes a park on Cross Bayou and whether or not the Federal Building contains a public library. If you're to decide that either one of those things exist within a thousand feet, then in my opinion, you should overturn the decision. If you determine that those uses do not exist, then you should uphold the decision of the MPC, in my opinion.

Chairman Burrell: Well from your position though, because the park does not exist physically, or a library does not physically exist in terms of building or in terms of construction, then as far as you are concerned, . . .

Mr. Lafitte: It doesn't exist. For example, the museum has been moved several times. I think that was some talk about a museum and Mr. Kirkland can correct me if I'm wrong, but down by the Veterans's Park location. Then it moved t the T & P location. Now, its moved to the Gateway location. And there is also a document in your notebooks, Tab 14,....planning. Which means to me that a site has not been confirmed or selected. Of status description was to sited at Old Texas and Pacific Railroad Depot, but conflicts with Convention Center. A new site has to be considered and a master planning is underway. So, in my opinion, there is no agreed upon site. And Mr. DeLancey indicated at the last hearing that there was no agreement as to a site. I just haven't been convinced that any of these items exist within a thousand feet of the facility.

Chairman Burrell: Under the circumstances, I guess I'm gonna share this note with you and I think it would be okay.

It appears that even the group out there feel that under the circumstances (I assume) that there is some ambiguity in the arguments and I know they are not legal minds and we aren't too. We aren't either per se, you are Mr. Milkovich is and I think that his wife, that they would consider a postponement to look into this matter further. And I think that, that is. . . you were talking about compromise, that's a heck of a compromise, (you noticed I said heck of a compromise) in this present situation. And I don't think that its gonna kill us not to, and I'm saying this from the standpoint of where I sit and in listening to all the input from the council and listening to the public. So again, I'm making that offer and I've gotten a second and I will entertain a comments.

Councilman Carmody: Mr. Burrell, I just need to ask a question, because I know that in listening to all the deliberations today, it was one that kept popping back up in my mind. And that is, that what we talked about today is the Sexually Oriented Business having to be a thousand feet away from these protected uses.

Mr. Lafitte: Yes, sir.

Councilman Carmody: Alright then, if the City of Shreveport allows this particular business to stay there and develop, are we prohibited then from being able to build these protected type uses within that thousand foot radius?

Mr. Lafitte: No sir, you are not prohibited from building a museum, a park, a library, or any of

those protected uses within a thousand feet. But if you do. . .

Councilman Carmody: I'm not sure, I mean, I don't know if that would be the ideal location to place any of those protected uses within a thousand feet of . . .

Mr. Lafitte: Right, I'm saying you're not prohibited from doing it, but on the flip side is, if one is built subsequent I guess to whatever decision you make, if one is built at a later date within a thousand feet radius, that does not mean that the Deja Vu Club, if it passes would have to close down because a subsequent structure being built.

Councilman Shyne: Mr. Chairman, at this particular juncture, I would have to agree with the City Attorney. We can postpone this for two weeks, a month, or for six months. That's not going to stop the club from building. The more money they invest, if we go to court and rule against them, the bigger our liability is going to be. It would be very wise and very prudent on our part to make a decision whether its in favor of the club or whether it against the club and let the people if its not their wishes, take it to another level. If it's a vote to stop them, let the club take it to another level. Because what we are doing, we're gonna sit here on it for two weeks or four. Suppose Mr. Lafitte comes back in two weeks and he says "Mr. Chairman, I still have not had time to research what I need to research," then we're going to go another two weeks.

I think we have set here for (I think Mr. Serio says for six hours), but I'm gonna say for 3 ½ hours. I don't know no more information that either one of them could give me because Mr. Lafitte gave the law. John gave his presentation. . . [Audience: The law!] Hold it, let me finish, Let these words come out of my mouth. Now I'm pretty good with the King's language and I can communicate what I want to say.

I think that we need to make a decision so this particular situation can move from where we are. If either one of the groups want to take it to the court system, then they can take it to the court system and it can be ruled on at the court system. Because what we are doing, if we wait two weeks, and the courts rule against us, then that's going to be more liability on our part. And if we rule in favor of the club, then that slows them down from taking it to the District Court. So my position at this particular point is, Mr. Chairman I would like for us to make a decision on it. I go back to the original motion. Let's either vote it up or vote it down and we can keep the flow of what's going. I don't think we need to hold it here any longer. We've held it here as long as we need to hold it, because they have started work on the club and we need to get to some point where we can either stop it or they can go on.

Councilman Burrell: Okay, we do have. . .

Mr. Milkovich: May I please respond Mr. Burrell.

Councilman Burrell: I'm sorry, would you please indulge us, we went through two hours or an hour and half. . .

Mr. Milkovich: I just want the Council to know that I would like to address the Council on behalf of appellate.

Councilman Burrell: So noted.

Mr. Milkovich: And please let me know on that.

Councilman Burrell: Okay, I appreciate that Mr. Milkovich, we're not going to disrespect you on that. But anyway, we do have a substitute motion and I think that the order of business is that that substitute motion is going to have to be voted up or down before you go back to the original motion; so, I think that's the procedure. Are there any other comments on this issue. There is a motion on the floor for a postponement. *Motion denied by the following vote: Nays: Councilmen Huckaby, Stewart, Carmody, Spigener, and Shyne. 5. Ayes: Councilman Serio and Burrell. 2.*

Councilman Burrell: So, we'll go back to the original motion.

Mr. Thompson, can I get a comment on Mr. Milkovich's request at this point. He would like to come back and make a comment on for the appellant.

Mr. Thompson: There is a motion on the floor. The Council has given ample time I believe to everybody to speak. I don't think that there is anything wrong with the Council now moving forward

with the business to make a decision based on the information it has in front of it.

Councilman Burrell: Okay, but the Council still has an option. If a citizen asked to speak to say yea or nay. I do have the right to ask them for that or do we automatically go into the motion on the table.

Mr. Thompson: The decision is the Council's decision.

Councilman Burrell: I'm going to always give the citizen the benefit of the doubt in this situation unless I have some rule to say that I can not at that this point as Chairman.

Councilman Shyne: I have no objection of you giving the citizen an opportunity, but I want you to understand now, you might be opening up a pandora's box. When someone else comes down and they want to do the same thing, we don't generally do this.

Mr. Milkovich has had two hours. I really think we're opening up a pandora's box and I understand what you're saying, but we have a motion on the floor. We need to vote this motion up or down and then let Mr. Milcovich come up and speak if that's what you want and that's my position.

Councilman Burrell: Mr. Shyne, with all due respect, I so note that, but again, I think I'm going to offer up 3-minutes at the most, if you do not want it, then I think that's fine, I think that may be a privilege of the Chair, if nothing else.

Councilman Serio: I agree with Mr. Shyne.

Councilman Burrell: Okay and I don't have a problem or I don't have thin skin, so if you say, no. . .it's no. But I'm going to always give them an opportunity under the circumstances, but I will definitely limit the time and I will stick to it, that's the important thing. So, under the circumstances, Mr. Carmody. . .

Councilman Carmody: Can I ask for clarification of the parliamentary procedure? Are we moving to suspend the rules in that we have a motion on the floor?

Mr. Thompson: Let me back up. I think you established a procedure, the Chairman did, when you first started this hearing. You followed that procedure. You allowed everybody the opportunity to speak. I think the prudent thing to do would be to move forward with the vote. If the Chairman says that he wants to make another ruling, I think any member of the Council can ask for a vote to overturn the decision of the Chair if he insist on that. But I think at this point, the Council under its rules would move and no outside people generally have the opportunity to speak except Council Members.

Councilman Carmody: Thank you, sir.

Councilman Burrell: Okay, under the circumstances, let me make a clarification. I'm not requesting from the Chair an automatic allowance here. I've asked the Council under the circumstances, would they allow 3-minutes and they say no, its no, its no problem under circumstances.

Councilman Carmody: No. Councilman Huckaby: No. Councilman Spigener: Yes. Councilman Stewart: No. Councilman Serio: No. Councilman Shyne: No.

Councilman Burrell: Nos have it. Simple as that. I'm sorry Mr. Milkovich, under the circumstances we won't allow that.

Mr. Milkovich: (inaudible) The decision is to important. . . .

Chairman Burrell: Mr. Milkovich, I have intervened on your behalf and the Council has spoken. Okay, under the circumstances we have a motion on the floor.

Councilman Serio: Please restate the motion.

Mr. Thompson: The motion is to overturn the decision of the MPC staff (by Councilman Spigener, seconded by Councilman Huckaby). Motion denied by the following vote: Nays: Councilmen Huckaby, Stewart, Carmody, Serio, and Shyne. 5. Ayes: Councilman Spigener. 1. Abstain: Councilman Burrell. 1.

Councilman Burrell: Under the circumstances, I pushed *nay*, but my intention was to abstain.

What do I go from this point?

Mr. Thompson: If there are no objections from the Council, we will note you as abstaining. Councilman Burrell: Okay, because I think I've stated my case. I wanted more information, so I couldn't really vote at this juncture. So, unless there is objection, then my vote will be entered in as abstaining. With that we can go on with the. . . I'm sorry?

Mr. Thompson: We still don't have a definitive decision.

Councilman Burrell: Okay, where are we with that then?

Mr. Thompson: The motion was to overturn, that was denied; that is not a motion to approve. You need a motion to approve. A motion to uphold the decision of the MPC staff (motion by Councilman Stewart, seconded by Councilman Shyne).

Councilman Spigener: I think the public is going to be very confused about what we're doing here. Could you explain to them. I had made the motion that we overturn the decision of the MPC Staff.

Mr. Thompson: The motion was denied; so, there was no decision. There is no definitive decision that has been made at this point.

Motion approved by the following vote: Ayes: Councilmen Huckaby, Stewart, Carmody, Serio, and Shyne. 5. Nays: Councilman Spigener. 1. Abstain: Councilman Burrell. 1.

Chairman Burrell: We appreciate you all coming down. We would allow at least three minutes to clear the chambers. Let me take this opportunity to ask if you're exiting the Chamber, I appreciate it if you would, we need to continue our Council Meeting and wrap up and have your discussions hopefully outside the Chambers.. At this time we'll take a three minute recess. Okay, we're down to . . .

2. BAC-49-02, *Diva's Sports Pub*, 8201 Jewella Road, Special Exception Use and variance in the hours of operation in a B-3 District, lounge operating until 2 a.m. [E/Spigener) (not to be considered prior to July 23)

REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES. None.

CLERK'S REPORT. None.

THE COMMITTEE RISES AND REPORT. None.

<u>ADJOURNMENT</u>. There being no further business to come before the Council, the meeting adjourned at approximately 9:15 p.m.

/s/Roy Burrell, Chairman /s/Arthur G. Thompson, Clerk of Council