Council Proceedings of the City of Shreveport, Louisiana November 29, 2005

The regular meeting of the City Council of the City of Shreveport, State of Louisiana was called to order by Chairman James E. Green at 3:00 p.m., Tuesday, November 29, 2005, in the Government Chambers in Government Plaza (505 Travis Street).

Invocation was given by Councilman <u>Hogan</u>. The Pledge of Allegiance was led by Councilman Lester.

On Roll Call, the following members were Present: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan and Jackson. 7. Absent: None.

Motion by Councilman <u>Lester</u>, seconded by Councilman <u>Hogan</u> to approve the minutes of the Administrative Conference, Monday November 7, 2005 and Council Meeting, Tuesday, November 8, 2005. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7. Nays: None.

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

Councilman Green: Mr. Antee, do we have you have any communications from the Mayor at this time?

Mr. Antee: No Mr. Chairman.

Councilman Green: Council Members, do you have any guests? I see that we have a resolution.

Councilman Jackson: Yes, I do. Mr. Clerk, do we have that resolution, I think it's 201A, that that we asked about. I hope my memory is correct. Yeah, Resolution No. 201A. And would it be appropriate at this time for us to entertain it at this time? Mr. Thompson: Yes.

The Deputy Clerk read the following:

RESOLUTION NO. 201A OF 2005

A RESOLUTION TO RECOGNIZE GENERAL MOTORS SHREVEPORT FOR ITS CONTRIBUTION AND PUBLIC SERVICE TO THE CITY OF SHREVEPORT AND THIS COMMUNITY AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

By: Councilman Theron Jackson

WHEREAS, General Motors is the largest contributor to the United Way of Northwest Louisiana and donates to more than 35 local and civic organizations annually; and

WHEREAS, General Motors participates in and supports environmental initiatives in the community; and

WHEREAS, General Motors represents 4.5% of Louisiana's Gross Domestic Product; and

WHEREAS, the first vehicle was produced in August of 1981 with approximately \$1.5 billion invested since 2000 to produce the GMC Canyon, Chevy Colorado, and Hummer H3: and

WHEREAS, because of these investments to the Shreveport Plant, more than 17 suppliers located to the area bringing with them approximately 1,700 jobs with estimated annual payroll of \$33 million; and

WHEREAS, General Motors Shreveport joined in Hurricane Katrina and Rita Relief efforts by providing emergency bedding to American Red Cross Northwest Louisiana for use in shelters; and

WHEREAS, twelve Hummer H3s are on loan to the State of Louisiana for cleanup efforts and two General Motors vehicles are on loan to the American Red Cross of Northwest Louisiana; and

WHEREAS, the General Motors Foundation matched dollar for dollar the \$35,000 collected by General Motors Shreveport employees to help people who were displaced due to the Hurricane.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Shreveport in due, regular and legal session convened, that the City of Shreveport and all its citizens publicly recognize General Motors Shreveport for its contribution and public service to the City of Shreveport.

BE IT FURTHER RESOLVED, that the Shreveport City Council thanks General Motors for establishing a partnership with Shreveport and North West Louisiana to create a strong vibrant community.

BE IT FURTHER RESOLVED, that this resolution shall be executed in duplicate originals with one original presented to **Mr. Dave Gibbons, Plant Manager** and the other filed in perpetuity in the office of the Clerk of Council for the City of Shreveport

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

Councilman Jackson: Thank you Mr. Chairman, if you would indulge for a few minutes, I would like to ask Mr. Gibbons, I saw Dave was in the rear and I saw, I know Donna is here, and I don't know if someone else may be with them as well, but I'd like to invite them to come up, if you would. I saw Ms. Broderick and Mr. Bremer as well from the Chamber of Commerce, who we've had some discussion with about this same project and about this particular resolution, and wanted to ask them to come as well. You can come right up to the microphone.

Councilman Lester: Councilman Jackson, this doesn't have anything to do with our red truck, does it?

Councilman Jackson: No, the burgundy Cadillac.

Councilman Lester: Right, the burgundy. I'm sorry, not red.

Councilman Jackson: Let me first say, and I'm sure others will have something to say as well, but I wanted to say as I have had the opportunity to create a relationship with Mr. Gibbons, and not only he, but some of the people who are out there working day to day. I was in Baton Rouge on last week. I had already asked about putting this on the agenda, but I was in Baton Rouge on last week, and woke up, there was some news about what was happening at General Motors nationwide about some cuts, and interestingly enough, they ended the segment by saying Shreveport, LA is okay, will be fine. And I guess it was because it was a Baton Rouge station, and because we're Louisiana, but even amidst those kinds of things, I wanted to just say, thank you and congratulations for the work you've done, the expansion that you're doing, it's certainly - - - all of us can be proud when we see a Colorado, a Canyon, an H3, we know that it's no question about, it may be a question about where you purchased it, but there's no question about where it was manufactured, and that's right here in Shreveport. And so all of us feel a certain, I guess sense of pride in knowing that's it's homegrown, it's an integral part of our community, and then we talked about the fact that you all stepped up to help the State of Louisiana in times when needed help the most in our state. And though it didn't happen in Shreveport, specifically the fact that you would loan those H3s to the State and others to help with the cleanup work and rescue work and all those things, notwithstanding the money that you all have traditionally. You didn't just start giving to the United Way this year, but have traditionally played a role in it. And I just wanted to say to one of our businesses and there are other businesses out there who I think are worthy of recognition as well. But I wanted to just specifically say to the people at General Motors, the men and women who labor, whose faces we will probably never see all of 'em at one time in this Chamber, but you represent those men and women and just wanted to say, thank you for the work that you are doing out at the plant. And we hope that this resolution is a small token of our appreciation for the kind of work and the kind of contributions you make to the entire Diaspora of economic development in the City of Shreveport and this region. So, again the purpose is just to say thank you.

Mr. Gibbons: Thank you very much Councilman Jackson. This is certainly an honor and I speak on behalf of all the men and women that work for General Motors here in Shreveport and certainly all of the suppliers. And as you recognized and I would reinforce certainly the cooperative efforts that General Motors has with the City of Shreveport, the Parish and the State of Louisiana. And obviously as a member of the Board of the Chamber of Commerce, we're integrally involved in a lot of economic development activities. But it's really and truly a cooperative effort and the successes that we share, I believe are truly a reflection of the relationships that we have here in the City and across all of Louisiana. I think that we have a very solid future. We have some very great products. We are very proud of our products, we're very proud of the work that we've done here in Louisiana. And we certainly plan on being here for a considerable period of time, and one of the things I guess while I have the floor, if I could help reinforce is the pro-business environment that we continue to support and maintain in this part of Louisiana is absolutely essential to insuring the future viability of our business in this part of the country. And I think there are a number of forums that are actively engaged in economic development and certainly the Chamber of Commerce is one of those, but I recognize there are a number of other forums that as well are crucial to continuing to allow industries like ours to thrive and be successful. So, really on behalf

of the Chamber, on behalf of all the men and women of General Motors, and once again because of the great relationship we have with the City, the Parish and the State of Louisiana, we've been able to thrive together successfully, and we look forward to having a very successful future together as well. Thank you very much.

Councilman Jackson: I think just a couple of weeks ago, Councilman Hogan had asked about the Chamber coming to make a report about the things, because obviously we're making an investment on an annual basis in the Chamber of Commerce and it's always good to see results from those particular investments. And this from a business vernacular is good to see this return on investment with regards to not only the Chamber, but what General Motors is doing as a part of this partnership as well. So, thank you Mr. Bremer and Ms. Broderick as well for what you've done. Mr. Chairman, if you would, Mr. Mayor - - -

Councilman Green: Let me ask one question before you - - -. As what your commercial say about the H3, can you make it smaller? Thank you. The reason that I asked about the smaller version, is Councilman Jackson was interested in owning one, but he's too short to climb up in the tall one, so he wanted to get the smaller version. Thank you. Mr. Mayor, do you have any special guests? You were out when we were at that point.

Mayor Hightower: Not today Mr. Chairman.

Reports:

<u>Convention Center and Convention Center Hotel</u> (To include detailed personnel report from SMG)

Councilman Green: We got a report yesterday.

Councilman Carmody: We do have a distinguished guest in the Chamber today, but I don't see him. Our former Councilman John David Stewart. I can't see him behind Dr. Baucum, excuse me. John David, please stand and be acknowledged. Thank you sir. Thank you Mr. Chairman.

Property Standards Report

Councilman Green: Any questions?

Councilman Walford: Mr. Chairman, I do have a property standards issue that's got me totally baffled, and I'm not sure what to do, so I'm going to take my unorthodox approach. I've been trying to get information on two pieces of property in my district that property standards complaint was made on. I've requested the information on July 19th through the Council Office, and I've received no reply. I sent another email on November 3rd to the Director of Community Development. I received no reply other than they would check into it. On November 21st, I did a follow up with a copy to Mr. Antee, and the Director of Community Development, and I've gotten no response, so obviously, as a Councilman, I'm just not gonna be able to get the information nor can my constituent who filed the original complaint. I'd asked for copies of citations, inspection reports, emails, inspection notes, memorandums, and any other correspondence and copies of the court citations. And I'm stonewalled. So, Mr. Mayor, I feel like the only way that I'm

going to be able to get this information is as a citizen making a request under Louisiana Open Records Law. So, at 3:19 will the record please note, that's what I'm doing.

Mr. Antee: Mr. Bowie, did you not receive that email I forwarded to you asking for a response?

Mr. Bowie: Yes we did. We sent a letter out on November 3rd. It's at my office, I have a copy of it.

Mr. Antee: If you could have somebody bring that as well as any other information that Councilman Walford had requested.

Mr. Bowie: Is that 154 Herndon? Councilman Walford: No sir. Mr. Bowie: Which one sir?

Councilman Walford: This is 1437 and 1439 Camille.

Mr. Bowie: Yes, we sent a letter out - - -

Councilman Walford: That's the letter that okay - - - that Arthur got and I didn't. So - - -, but I want copies of everything. I want to know what's the status is on it, and why no action has been taken, and why someone in the Department told my constituent that it probably wouldn't be until sometime next year.

Mr. Bowie: Okay. Like I say, we sent a letter out - - -

Councilman Walford: And I've got an inspector that won't return the man's calls and I'm fielding calls, and I can't give an answer. And it's hard to tell a constituent 'they just won't answer me.'

Mr. Bowie: We'll have an answer for you in the morning.

Councilman Walford: Okay, thank you very much.

Mayor Hightower: Wardell, did I understand you to say you sent something to Council Office?

Mr. Bowie: Yes sir, it was on November 3rd.

Mayor Hightower: With the answers that he's looking for?

Mr. Bowie: Okay.

Councilman Walford: With all the copies or - - -

Mr. Bowie: I thought there was copies to it sir.

Councilman Walford: There was some discussion about a letter that I haven't received. If I'm wrong, I'll certainly apologize, but I've got to have an answer for my constituent.

Mr. Antee: And that was given to Mr. Thompson at the Council Office.

Mr. Thompson: The original letter was addressed to Mr. Walford, and I requested a copy of it and got a copy from the office. But the original was addressed to me. It was addressed to him at an address that was other than the Council's address.

Councilman Walford: So, somewhere there is an original letter apparently. I've got to have an answer and know what the disposition.

Mr. Antee: If you'll go back to your office and get it before the Council Meeting is over so we can get it to him please.

Mr. Bowie: Yes sir.

Councilman Walford: And Mr. Bowie, there should be court citations by now on this.

Mr. Bowie: I'm pretty sure it is.

Councilman Walford: So, can you please get me the information to satisfy my constituent, because I'm - - - it's embarrassing to say I don't know.

Councilman Carmody: Mr. Bowie, if I could ask you please sir, I know yesterday, we had a discussion, but I had a meeting today with the North Cedar Grove Neighborhood Association asking that, that information be compiled and available for the December 13th meeting to discuss the efforts that have been made by Code Enforcement (inaudible) that neighborhood. But if you could verify what efforts have been made other than those that were shown on the reports that were given to me yesterday, I would certainly appreciate it.

Mr. Bowie: We're going back to January to start and come forward with it. Councilman Carmody: Okay.

Mr. Bowie: And if you like sir, I'll go back to January of the previous year.

Councilman Carmody: That would be good.

Councilwoman Robertson: Mr. Chairman, Mr. Bowie, yesterday I'd asked you to give me some update information on that Parkside.

Mr. Bowie: Violations were issued on that two weeks ago. Citations were, so I'll bring back a copy when I get his copy, give you a copy.

Councilwoman Robertson: You hadn't heard from them on the citation or anything? They hadn't gotten back, they hadn't responded to it or anything that you know of.

Mr. Bowie: Yeah they did. They have issued citations against the property.

Councilwoman: Okay, but has the homeowner been in contact with you? Okay.

Councilman Walford: Mr. Chairman, while we've got Mr. Bowie here, I may as well throw out 910 Texas. I had a request from the Church asking if there was anyway we could get the weeds cut and the unsightly appearance improved before Christmas?

Mr. Bowie: Well, the case is going to court in January. So we're not taking any action against it till we get to court.

Councilman Walford: That's on a care of premise, what about weed abatement?

Mr. Bowie: That's on the letter, that's care of premise involved in that weed abatement too.

Councilman Walford: So - - -

Mr. Bowie: At your request, we can go ahead and send them a citation, and get the weeds cut in 30-45 days.

Councilman Walford: Please.

Mr. Bowie: Okay.

Councilman Green: Thank you. At this time, we have two public hearings.

Motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Lester</u> to open the Public Hearing on Resolution 202 of 2005. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7. Nays: None.

Public Hearing: 2006 Downtown Development District Budget **Resolution No. 202 of 2005**: A resolution adopting the 2006 Downtown Development District Budget, appropriating the funds authorized therein, and otherwise providing with respect thereto.

Councilman Green: This Public Hearing is now opened. Is there a presentation at this time?

Mr. Dark: Yes Mr. Chairman. Are you doing DDA or are you doing Annexations?

Councilman Green: Doing the DDA right now, 202.

Mr. Dark: Okay, well Mike gets to sit down for just a second. Mr. Chairman, this is the public hearing on the 2006 DDA Budget, it's required by State law. Their budget is approximately \$2,000,050. They raise about 45% of that from property taxes. The rest from various contracts they have with the City and with others. And part of their budget is supposed to be from the disposal of a piece of property right here at 315 Fannin. They will use about 60% of that money for various DDA administration and programming. About \$258,000 to pay debt retirement on Bonds they issued. A little over \$400,000 to operate the Downtown Parking System for the City and have the capital reserve \$50,000. This is available for passage this afternoon, my understanding from yesterday's meeting is that there's probably going to be a request to postpone it till December 13th.

Councilman Green: Yes sir.

Mr. Dark: That's all we have.

Councilman Green: Anyone else. Anyone to speak in opposition?

Councilman Lester: I have a question Mr. Chairman. And maybe Mr. Dark can answer this. When we vote to pass or approve the DDA budget, what is our level of influence with the DDA's budget? Is it a similar situation with the Convention Tourist Bureau where we basically approve it, and have no say so over it? Or how does that work?

Mr. Dark: I think that analogy would be a pretty good one. The Mayor is nodding his head. We approve, I mean obviously the Mayor appoints a number of members to the DDA Board, and you have influence in that regard. But basically at least from the Administration and Programming part, they operate reasonably autonomously.

Councilman Lester: Okay, so the reason why this is on the agenda is because the State statute requires that we look at it - - - look but don't touch basically?

Mr. Dark: Yes.

Councilman Green: Mr. Dark, are there any things, unsacred cows on this particular budget that we would have any influence on?

Mr. Dark: Obviously you can bring Mr. Williams in any Council Meeting and ask him whatever questions and influence him in whatever way you can. But as far as the budget, when you pass it, you pass it.

Councilman Green: What's the penalty if we did not pass it?

Mr. Dark: That's a legal question I'd be happy to let Ms. Glass try to answer.

Mr. Glass: I'm sorry I was discussing something with Mr. Walford.

Councilman Green: What's the legality if we did not pass this budget?

Ms. Glass: The DDA budget?

Councilman Green: Yes.

Ms. Glass: Since the City Council levies the DDA Tax, they are funds of the City. And the City Charter requires you to adopt the budget ordinances by December 15th. If you didn't do that, then you would not have those funds appropriated and the money could not be spent. Because the previous years appropriation lapses.

Councilman Green: Do we have any thing as far as an amendment that we could have it appropriated at different intervals until some matters were straightened out if we had a conflict with some matters that were going on?

Ms. Glass: Well, I guess you could amend the budget to only appropriate a lesser amount of the funds so they could only spend those funds until they ran out of them.

Councilman Green: Then they would have to come back to the Council right? Ms. Glass: Yeah, it's whatever amount is appropriated would be what would - - - Councilman Green: Mr. Thompson, that's the type amendment that I'd like.

Anyone else to speak in opposition? Seeing there are none, this Public Hearing is closed. At this particular time, we have another Public hearing.

Motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Robertson</u> to open the Public Hearing on Proposed Annexations – Tag No(s). 05-01, 05-03, 05-04, 05-05, and 05-07. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7. Nays: None.

Public Hearing: Proposed Annexations

- 1. TAG NO. 05-01: Enlarging the limits and boundaries of the City of Shreveport a tract of land located in Sections 29 and 32 (T16-R13W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.
- 2. <u>TAG NO. 05-03</u>: Enlarging the limits and boundaries of the City of Shreveport a tract of land located in a portion of the S/2 of the N/2 of Section 29 (T16N–R13W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.
- 3. <u>TAG NO. 05-04</u>: Enlarging the limits and boundaries of the City of Shreveport three tracts of land located south of the Southern Loop Road and West of the Norris Ferry Road in the SE/4 of Section 20 and in the NE/4 of Section 29 (T16N-R13W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.
- 4. TAG NO. 05-05: Enlarging the limits and boundaries of the City of Shreveport two tracts of land located southeasterly of the Ellerbe Road in the S/2 of Section 22 and in the N/2 of Section 27 (T16N-R13W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.
- 5. **TAG NO. 05-07:** Enlarging the limits and boundaries of the City of Shreveport a tract of land located north of the Southern Loop Road and west of the Norris Ferry Road in the SE/4 of Section 20 (T16N-R13W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.

Councilman Green: This public hearing is open. Does the Administration have a presentation?

Mr. Strong: Can we get the overhead turned on please? Mr. Chairman, we have five annexations. The first one is **TAG NO. 05-01**. This concerns nearly 54 acres of land in the Southern Trace neighborhood southeast Shreveport. Acreage is located in the extreme southwest corner of the existing and large Southern Trace tract. There's two new subdivision units. They're now recorded at the Courthouse to add 17 home building sites at this section. Our existing city limits line already crosses through a portion of lot 1 and 17 lot section. Private streets and utility facilities will be installed by the developer.

48% of this proposed annexation is already touching or adjoining the existing city limits. Our next item is TAG NO. 05-03. This concerns 40 acres of land for the St. Charles Place neighborhood that's located west of the Norris Ferry Road and south of the Southern Loop in southeast Shreveport. And Unit no. 5 of 38 homebuilding lots is already platted with street under construction now. There is room for 55 more lots in this 40 acres for future Units 6 and 7. All the streets in the new unit will be publicly dedicated, as in all of the St. Charles Place Subdivision. The original acreage for St. Charles was annexed in '99 and is now full with four subdivision units and 126 home sites. 27.9% of the proposed annexation is already touching or adjoining this subdivision. The next one is **TAG NO. 05-04**. This is three separate tracts of land totaling 14.9 acres located in the general area south of the Southern Loop Road, and west of Norris Ferry Road in southeast Shreveport. The first tract of 11.15 acres is located extremely southwest corner of the roads. The tract includes the existing P&S Pantry business that is addressed at 1907 Southern Loop and is the only business built at this time at the corner of the two roads. Fairly all of this tract will be developed for commercial or business interest in the near future. The second tract is 3.61 acres which will actually become the new Norris Ferris crossing Unit No. 3 with 20 possible home sites. Extension of the Pelican Creek Drive into this new Unit 3 will be a private drive as is the case with the existing Norris Ferry crossing. Unit No. 2 has room for 60 home sites and is more than ten homes under construction or finished and was annexed this past January. The third tract is for a small .14 acre tract which includes the annexation to help round our city limits in this area. 55% of the proposed annexation of this Tag No. 05-04 is already touching or adjoining this subdivision. The next item is **TAG NO. 05-05**. Concerns two separate tracts of land containing a total of 37.867 acres of located southwest of the Ellerbe Road, extreme southeast Shreveport. The acreage is for two new units on lakeside of Longlake Subdivision situation on either side of lakeside on Longlake Unit No. 1, which was annexed at the end of city limits in 2000 with 119 home sites and today, that very large first unit is nearly fully developed. Two new units as seen on the attached plat contain a total of 67 more lots for this large growing neighborhood. The streets in these two units will be publicly dedicated as in the original Unit No. 1. 42% of this proposed annexation is already touching or adjoining the existing city limits. The last item is **TAG NO. 05-07** which is 28.84 acre tract that will become the site for Units 6 and 7 and 97 more home lots in the Norris Ferry landing neighborhood of homes located in the northwest corner of the Southern Loop to Norris Ferry Roads in southeast Shreveport. The existing Norris Ferry Landing development of 191 lots subdivided into five units of 54 acres came inside the city in the year 2002 and is now almost fully developed. These additional two units of 97 lots will apparently be complete and ends this development of large single family homes. The streets in this new area will be publicly dedicated and will be installed along with utility facilities by the owner/developer. 28% of this proposed annexation is already touching or adjoining the existing city limits. Mr. Chairman, that concludes the City's presentation on the five annexations.

Councilman Green: Do we have anyone to speak in favor of these annexations? Do we have anyone to speak against these annexations?

Councilman Lester: Mr. Chairman, I don't know if my comments will be construed as necessarily for or against, but I have some questions if Mr. Strong could

come back up please? Could you put up those maps again? We can start from the very first one. 05-01? Okay, does the portion that we're talking about bringing in, that's what's shaded right?

Mr. Strong: That is correct.

Councilman Lester: Okay, now those to the I guess upper left, or upper right hand corner, all of that is currently in the City, where it says 'IN'?

Mr. Strong: Yes sir. Everything showing as being in is already in the City and the other side would be outside.

Councilman Lester: Okay. When did that portion, and I apologize if you said it and I missed it. When did those portions come into the city or were they always in the city?

Mr. Strong: Nothing was always in the city out in this area. This would be some of it would be, maybe annexed when some of it was coming in, in the late '80s. I'm not sure of the specific area here. Southern Trace would not have - - - that would have been somewhere after '92, 93. And some of it come in as late as 2000.

Councilman Lester: Okay, on 05-03, and my question is the same on all of those. I have the same question like this one. Okay, every thing in the southern part, I guess on your map is already in, and this portion that is highlighted, that's out, and that's the part that they want annexed?

Mr. Strong: That's correct.

Councilman Lester: Okay, just to the I guess to the east and to the west, both are out. Correct?

Mr. Strong: That is correct.

Councilman Lester: But there is no development out there? No housing?

Mr. Strong: St. Charles would be, that would be correct.

Councilman Lester: But that's where the St. Charles is presently - - - they're working, so at some point, we can anticipate that they're going to make a request to come in?

Mr. Strong: Yes sir. Or whether it's part of that subdivision or not, I'm not sure of all the ownership in that total area.

Councilman Lester: Okay, and to the north, I guess the northwest of where that development is in that kind of 'Z-shaped', is that in or out?

Mr. Strong: That would be in. Are you talking about the top?

Councilman Lester: Yes sir.

Mr. Strong: That would be in. That's a subdivision that would be in (inaudible) that part right there.

Councilman Lester: Okay, so the subdivision is in, but the other is - - - okay, okay. Alright. Okay, and the subdivisions that are there currently, when were they brought in?

Mr. Strong: Councilman, I'm not sure exactly when they were brought in. I couldn't tell you the dates on that right now? I can get you all that information, but I don't have it with me.

Councilman Lester: Okay, well, if you could get me that information, I would appreciate it. And I can just save time. I would like to know that the areas that are bounded, these proposed developments that are seeking to come in, I would want to know the ones that are in the City, when they actually came in.

Mr. Strong: I can get you that information.

Councilman Lester: Okay, and my next question and I don't know if this would be to Mr. Thompson or to Ms. Glass, our legal representative. As I appreciate it, at some point anytime the city does any annexations, there is a report that has to be done and sent to the Justice Department. Is that done before this process or after this process?

Mr. Strong: After it's passed here, then it goes to the Department of Justice.

Councilman Lester: Okay, and does the Department of Justice reduce their report to writing and is that report sent to us?

Mr. Thompson: Yes. They say they have no objections or they do have an objection.

Councilman Lester: Okay. I would like to get those reports from the Justice Department that deal with those portions that were out, that are now in. And for all of these, for the land that abuts all this. Does that make any sense?

Mr. Strong: This would be through our legal and Julie, I think you can get that.

Ms. Glass: We can find it.

Councilman Green: Do we have anyone speaking in opposition?

Councilwoman Robertson: I would like to say that if these are annexed, they will become portions of District D, and I have gotten with Mr. Strong's office and gotten some of the fact sheets. And the City is the one that's proposing it to be annexed, and the residents have not come in. Now Southern Trace, originally Southern Trace came to the City and asked to be annexed in.

Councilman Green: Thank you. Anyone else? If nothing more, this public hearing is now closed.

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

Confirmations and/or Appointments.

Shreve Memorial Library Board – Ms. Deborah Roberson
Property Standards Board – Mr. James Moore
Shreveport Housing Authority – Mr. Richard King
Shreveport Regional Sports Authority – Sandra Braddock, Sandy Cimino.,
Shreveport Regional Airport Authority – Dr. C. O. Simpkins

Councilman Green: On yesterday, I understand that confirmations were being postponed?

Councilman Jackson: If we would, Mr. Chairman I'd like to move that we postpone the confirmations 1-5.

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

Adding Legislation to the Agenda

- 1. **Resolution No. 215 of 2005:** A resolution ordering and calling a special election to be held in the city of Shreveport, state of Louisiana, to authorize the renewal of the levy and collection of the 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.
- 2. **Resolution No. 216 of 2005:** A resolution rejecting the bid received on IFB 05-086, Barnwell Center Conservatory renovations for SPAR Planning and otherwise providing with respect thereto.

Motion by Councilman <u>Walford</u>, seconded by Councilman <u>Carmody</u> to add Resolution No(s). 215, and 216 of 2005. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7. Nays: None.

Mr. Thompson: Mr. Chairman, if there are no objections, we would ask that you would consider adopting the resolution to authorize the renewal and levy of the sales tax, so that we could get that signed today?

Motion by Councilman <u>Walford</u>, seconded by Councilman <u>Carmody</u> to suspend the rules to consider Resolution No. 215 of 2005. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7. Nays: None.

RESOLUTION NO. 215 OF 2005

A RESOLUTION ORDERING AND CALLING A SPECIAL ELECTION TO BE HELD IN THE CITY OF SHREVEPORT, STATE OF LOUISIANA, TO AUTHORIZE THE RENEWAL OF THE LEVY AND COLLECTION OF THE 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.

WHEREAS, on November 8, 2005 the City Council adopted Resolution No. 190 of 2005 ordering and calling a special election to be held in the City of Shreveport, State of Louisiana, to authorize the renewal of the levy and collection of the one-fourth percent sales and use tax for salaries, benefits, equipment and personnel for the Police and Fire Departments of the City of Shreveport; and

WHEREAS, there was an error in the summary of the proposition which needs to be corrected by the adoption of this resolution.

NOW THEREFORE 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 SATURDAY, APRIL 1, 2006, 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 RENEWAL FOR POLICE AND FIRE SALARIES, BENEFITS, EQUIPMENT AND PERSONNEL)

PROPOSITION

SUMMARY: SIX-YEAR, 1/4 PERCENT RENEWAL 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, a renewal 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 1950 within the corporate limits of the city of Shreveport for a term not to exceed six years from and after the date such renewal 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 APRIL 11, 2006 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, April 11, 2006 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. Authorization of Officers. 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. Furnishing Election Call to Election Officials. 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. Application to State Bond Commission. 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 renewal 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.

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

BE IT FURTHER RESOLVED that all resolutions or parts thereof in conflict herewith are hereby repealed, including specifically but not limited to Resolution No. 190 of 2005.

Read by title and as read motion by Councilman <u>Walford</u>, seconded by Councilman Carmody to adopt Resolution No. 215 of 2005.

Councilman Lester: Mr. Chairman, what brings us to this point?
Ms. Glass: Mr. Chairman? The resolution that you just adopted at the last meeting, we discovered an error in it. It had in one place stated that the term would be four years, and the term is actually six year. This was also correctly stated in the main body of the resolution. So, it's basically just to correct that error.

Councilman Lester: Oh, okay. Thank you Mr. Chairman.

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

Motion by Councilman <u>Lester</u>, seconded by Councilman <u>Robertson</u> to suspend the rules to allow public comments.

Councilman Walford: Are we talking all public comments or - - -?
Councilman Lester: Well, there were two specifically. Two groups that approached. One was a constituent in the North Shreveport area, and the other was an

Interfaith.

Councilman Walford: So, we're suspending for those two?

Councilman Lester: Yes.

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

Ms. Lita L. Smith: (3444 Villa Avenue) My name is Lita Smith, and I'm from the Lakeview Community out on the North Lakeshore off the N. Lakeshore Drive. And I'm coming to you today to - - - we're very concerned with the case there at N. Lakeshore and Lorraine. Ms. (Inaudible) and I went and met with several of the people at KCS prior to the November 1st meeting that they called out at Southern University. And they, the plans - - - did you see the plans? Did they give you a copy of the plans?

Councilman Lester: We're getting them now.

Ms. Smith: Okay, if you could see the plan that's being passed out to y'all now, it was the - - - just the worst plan of all. And this was the last thing that they wanted to do. But yet, we just found out that this is the very plan that they are trying to implement right now. They're working on it. And we would like to have y'all look into this and try to help us to get this thing straightened out. The only way we found about it was that the KCS people contacted Mr. Harry Lowery who is the present President of the water company. And they were talking to him about moving the water lines. They didn't have any explanation of - - - I mean they didn't have anyone that had come out, they didn't have any engineers come out, they didn't speak of any money, they just was talking to him about moving the water lines, and that's about 100 feet that has to be moved. And we're a very small water company. It would be very expensive to us, and I don't really think that the Lakeview Water Company should be responsible for moving the lines. Yesterday, I contacted Ms. Rose McCullouch, and asked her if she would come by my house so that I could give her a copy of these plans, and she came by and met with Mr. Lowery, my husband and myself. And she called Mr. Lester, and asked him - - - and Mr. Lester came by and we all met together at my home. And he has agreed with us that it's definitely something that needs to be looked into, because it's very hazardous. This underpass here, this is the old underpass right here. And it is 19 feet wide, and 11 feet tall. They are instead of replacing it like they led us to believe, they are going to just come forward here, right here, and this is 35 foot wide and 15 feet tall. And they're going to leave the existing underpass, which means you're going to have a tall underpass here, and a narrow underpass here. And these walls right here, they are there now. They exist now. You're going to have people coming off of the Blanchard Highway, they're going to be coming into a 35 foot wide area, and they're going to run into these walls right here. Somebody's going to get killed. Somebody's going to get killed. And if you have an 18-wheeler, which they have been known to come through there, and have to let

the air out of their tires to get through the existing underpass, because it's only 11 feet tall. If you get them coming through here even with a bar up there telling them that there is going to be an 11 foot underpass, that they're going to go into after being in the 15, and they're not paying attention, they're going to hit the underpass, if they're not careful. Right now, they have not got anything on here about lighting. That's going to be a very long tunnel. It's bad enough right now. I'm with the Lakeview Community Association, and when we do our cleanups, we go into that tunnel and lean up against the wall. That's how narrow it is because it's very dangerous just to in there and pick up trash. And we have people that walk through there in the evening times coming through here. Somebody's going to get killed. And this also this floods. And even in some of their own writings, when Ms. Ziegler asked us to write letters to the State in support of what they were doing, they even make mention of significant community safety issues including sight, vertical clearance, flooding and etc. So, they know what is wrong here. But instead of doing what they led us to believe that they were going to do, and that's what they're trying to push through with the (inaudible) right now. And that is totally unacceptable. I know that KCS - - - I know the City is behind KCS, with all the economic development and all this kind of stuff, but when it comes to people's lives, then you need to take another look at it. And we would appreciate it very much if y'all would look at it. The existing underpass right now, when you're coming off the Shreveport-Blanchard Highway, and you're coming into the Lakeview community, it is already in complete disrepair. One side, the right handed side of it has got a huge crack coming all the way down it. Right now, that's the existing one. That's what they're going to leave and put another one right next to it. So, I would appreciate it very, very much if y'all would looking into this for us, and do what you know is right for us as a community so that we will be safe. All of our people be safe. I thank you very much, and I appreciate you and your help. Thank you.

Councilman Lester: Thank you Mr. Chairman, I would just like to let Ms. Smith know and other members, obviously we're very excited about KCS's \$50,000,000 expansion. You know KCS is a major employer, economic engine in Shreveport particularly in the north Shreveport area. But our major concern is if they're going to do this underpass, it has to be done in such a way that it does not affect people's safety. They asked for letters for support for many of us that are in government, and we provided them, but our concern is that the option we were told was going to happen, was going to be a brand new underpass. And now they're talking about extending this underpass and basically creating a funnel situation. The underpass as it is right now is tremendously dangerous, and it's just one bad accident away from having a serious fatality. And obviously from the City's standpoint, that's not something that we want to endorse. Because obviously if we do that plan or if that plan is done, the City is going to have I think, some liability in terms of coming off that road, and that nature. So we have a meeting scheduled on Thursday at 3:30 with Mike Strong, myself, and some folks from the Parish to try to get some resolution on that issue and talk with the folks from KCS and hopefully prevail upon them that they change their plans. Certainly if KCS is going to be asking the City and it has for a certain level of support for their expansion, we don't think it's asking a lot for them to do these underpasses in a safe way. So I appreciate you coming down Ms. Smith and addressing and informing us.

Councilwoman Robertson: Mr. Lester, where is that meeting going to be held?

Councilman Lester: It's going to be in the 8th Floor in the Parish Works Office, Thursday at 3:30 and any of the members are welcomed to attend.

Pastor Kenneth Paul: (Holy Cross Episcopal Church) And this group is representing the Interfaith Committee, which is a committee of Christians of all denominations, Jews and Muslims. We have been well received by this Council, individually and by the Mayor and his staff. I always like to say his staff, because they are the competent ones who keep things going. And when given an opportunity to thank people, I like to seize the moment as my dead father would have said. Before he died. No one's heard from him since. I take the opportunity to represent the Interfaith Committee and to thank you for the courtesies that are extended to us. And as you well know Preachers and Politicians are apt to talk too much because we earn our living by the sweat of our tongues. So, I hope to discipline myself and simply to thank you for this opportunity.

Ms. Eva Dianne Wilson: (402 Edwards) Two weeks ago, we attended the budget review period specifically on the time when the transportation budget was presented. We acknowledged that a portion of the budget that we were anticipating might be included was not included because revenue is not available for the extension of the transportation hours in certain hours in certain areas of Shreveport. But we also are aware that some of the federal funds that could have been accessed have just kinda gotten bogged down in red tape. We're also aware that the Katrina and Rita and job accessed resources that there will be opportunities for some revenue for this City Council to receive and approve extended hours. We are committed to work with State and Federal resources so that those dollars can be made available. And as a matter of fact, we are meeting with the congressional delegation and members of the Governor's staff on December 10th in New Orleans to further pursue that effort.

Mr. Bobby Matte': (St. Elizabeth Ann Seton Catholic Church) We're a member of this group. In Sunday's editorial, was the title about SPORTRAN and extended hour service. We've had several editorials in the past couple of years. Especially this year to be specific. But the main thing is that this item affects people of low income, who can't be represented, but they are represented here today. The people that we're talking about those who have not been heard from. They work for 24 hour industry in this town. They pay taxes, they're not on welfare and their employers are struggling with this as well as the employees. Now a person affected by this and an employer (inaudible).

Ms. Ruth Wilson Bryant: (Evergreen Baptist Church) And I'm here to share a story of concern is for a family member, in fact my son. He has a job, but no transportation and it's after hours. And I find myself struggling late at night to find out who will go and pick him up. And if no one will go, then I have to get up out of my bed late at night, drive through the dangerous streets, so I urgently appeal to you to please report after hours bus transportation.

Ms. Gaye Hill: (9314 Melissa Way) Good afternoon. I'm a Pastoral Council President at St. Elizabeth Ann Seton Catholic Church, and I'm also the Acting Nurse Executive for Willis Knighton Health System. As an employer, I have many times hired qualified individuals for good paying health care positions, who then have difficulty finding and maintaining cost effective reliable transportation. This transportation is of particular importance for off hours and our employment which means the evening, night shifts, the weekends and holidays shifts. The lack of timely transportation affects both

the service and entertainment industries within our community. It also affects our institutions of higher education. What could possibly be more important than supplying transportation to our local educational facilities, so that our citizens can improve themselves and provide a living wage for their families. I encourage each of you to participate in a positive change for our community. Thank you.

Sister Dolores Sanchez (3500 Fairfield) And I'm the Director of the Hispanic Ministry with the Catholic Diocese of Shreveport. And so I speak for the growing Hispanic community, many of whom work in service industries in restaurants, hotels and casinos, who also would very much benefit from extended bus hours. So, I would very much encourage you to work toward that.

Rev. Willie Henry: (Pastor of St James Fairfield United Methodist Church) To put it all in a nutshell, what we're saying is that the rest of the City is in a Cadillac while our transportation is still in the ox car. So, when it comes to favoring the issues of extending transportation hours, it's is a no-brainer. However, the challenge should come with the findings. Making good government decisions at the budget time. The Times closed the editorial with it must be noted that straight line balance sheets don't measure the full economic environmental impact that affordable public transportation that provides. Local bus service deserves to be extended beyond the light of day. It is past time to make it so.

Ms. Wilson: Thank you very much Lady and Gentlemen. We understand the position of the Council at this point, but we want to continue to work with you to make this happen.

Councilman Lester: Before you leave, just want to make a couple of points and I'm sure the other Council Persons might have some other comments as well. One of the things that I personally have approached our SPORTRAN folks with prior to my knowledge of the Interfaith Group, as recently as 2002 and 2003, was the idea of extending our bus hours. So please understand this is not something that is necessarily lost on this Council. We even went so far as to explore the idea. We had as I recall eight buses that we were selling, that we sold to Baton Rouge. Their Capital Transit Corporation. And the idea that we worked on was what if we could take two of those buses and have a special shuttle bus, that ran with later hours, that did not make all of the stops around the City, but was kinda like an express whistle stop situation that would stop at your hospitals. That would stop at our casinos and other places that did shift work that was late in the evening. Because I do represent and I have the pleasure of representing people who more often than not live in like Ms. Bryant's son, and she is one of my constituents in the Lakeside/Allendale communities, where people are struggling hard to work, but may not have the transportation that a lot of other people have. And it always comes down to resources. I'm encouraged that we have people as part of this group that are employers because I do believe that if our casino industry and our healthcare industry from the Willis Knighton, to the Schumperts or all of those folks were willing to help defray some of the costs, I think we could come up with something that would work. And obviously as you know, we have some resources that are supposed to be there from the congressional side, but it's hard enough for us here to make budgetary decisions on the money that we have lest alone make budgetary decisions on the money that we may or may not have. Particularly given the fact that it took what five or six years for the current transportation bill to even be passed. So, know that that is an issue of concern for this Council, and know that once we are given some guidance as to whether or not there are resources there from the Federal Government, I do expect that we would be able to come up with something, but I'm just encouraged that this group has taken that on as an issue. And I'm particularly encouraged that we have some employers that understand the value of having their people coming to work on a consistent basis. So, I think if we continue the partnership, we can get something done, and I appreciate you for coming today. Thank you Mr. Chairman.

Councilman Jackson: Thank you Mr. Chairman, and I too obviously want to notwithstanding the issue, I think we've talked about, many of us have talked about this issue outside of this setting, one on one and in groups as well. But I also just want to commend you on staying together and keeping the faith if you will, throughout this process. Some of my colleagues may or may not know that this is not a group that just got together, and now if my recollection is accurate, it's been over four years now, and I had the pleasure of being a part of the embryonic stage of the process. And so it's good to see everybody who is involved still yet involved, and I think there is going to be a ground swell, because this is grassroots leadership and at it's best activism that makes sense for people who can't speak for themselves. So, thank you so much for what you're doing. Keep the faith, and I certainly look forward to joining you again sometime soon.

Councilwoman Robertson: I also commend your efforts in what you've done and would be interested to hear after your December 10th meeting what comes out of that, if y'all could maybe make an appointment or try to get with some of the Council Members so that we can find out what happened.

Ms. Wilson: We'd love to invite (inaudible)

Councilman Green: I'd also like to commend you all and say if you would flood Mr. Gene Eddy's office with phone calls. Thank you. Next we move to Public Comments.

Public Comments (Agenda Items to be Adopted)

Mr. John David Stewart: (2505 Fairfield) Thank you very much. I appreciate the opportunity Mr. Mayor and Mr. Chairman, and Council Members to speak briefly to you about the issues concerning our street and our circumstances. I have lived on the corner of Fairfield and Prospect since 1981. We purchased an old home from the original owners from 1904 and restored it. We are immediately north and our property line abuts the Baucums who restored the property to the south which was known as the Norton home for many years. Behind us to the east is an alleyway that runs from the north to the south, and does a 90 degree - - - runs east off into Line Avenue. To the east of the Baucum's property is another property that is owned by Arlena Acree and her family. The problems I think that I would define in short order often times have to do with a misunderstanding of misstatements, and sometimes misrepresentations. But here are the facts that I will tell you are substantive and the truth. As it relates to my conversation with three medical professionals, 80% of the people who reside, 80% of the mammals that reside in the Red River Valley and the Mississippi Valley, have or have had Histoplasmosis. So, that means 80% of each of us. That perhaps includes myself. I give that to you not as a professional in that area, but is a matter of fact that certainly speaks contrary to many allegations that tend to spread fear when that's not really an issue at all

here. 2) This is an area of friends and neighbors. I find our neighbor to the south, the Baucums to be caring, diligent. They're good families, they're good neighbors realizing that Dr. Baucum is a professional, if there was an issue here of endangerment for life and health, I can assure you that he would not put his family, our family or any other resident at risk. And quite frankly, they took an older home and restored it entirely and cleaned it up. We in our home have owned seven dogs plus some additional puppies, we still have two. The Baucums have three. Our property abuts there where the chickens are or have been. We have never had one exposure to or one problem with Histoplasmosis or any other issues. And it is fair to say that the Baucums have maintained this property well. It is another fact that to the east of us is a property that for over 21 years has been disrepaired and is quite frankly the source of rats and other issues that brings problems to all of us. But that is the source. And anybody who would characterize that realizing I've lived there through this whole time far beyond those around me. That's just a matter of fact. The property is run down, it was occupied for a brief period of time. It's been used for storage, and is presently owned by contractors who continue to operate in the Alabama, Mississippi, and now in Florida. It's been allowed to fall down and rot. That is a fact. It's an abandoned property. This is the source of the rats. This is the source of any issue. The City was called twice during my tenure on the City Council and asked to examine it. There've been no problems with Arlena Acree's dogs or adverse experiences. There've been no problems with the Baucum's dogs. There've been no problems or (inaudible). There've been no problems at our home. There've been no problems to the east of this property with the exception of the person who resides and our neighbor who feels differently. I certainly respect everybody's right. But what I've given you is the facts. And for anyone to infer or perhaps allege that property that's been upgraded or the property around it is the source is far from correct. This is a neighborhood that has gone through a significant restoration and upgrading. There is a great amount of friendship, friendliness, and cooperation throughout the neighborhood. And it's unfortunately this singular incident mars that. I defend everybody's rights to express their concerns. But I remember quite well, as I know that y'all know and I think everyone in this operation knows as well as those around us. It's the truth that is the real issue. People have two or three cats, two or three dogs, and I'm not adverse to two or three chickens. I'm not here to propound what should or shouldn't be except for the truth, and I think that the request seems to be fair and equitable based on all the information I've seen including the eleven years I had the pleasure of serving here. Thank you for your time and your attention. And I can assure you of the objectivity, equity, and factual information that I shared with you. Any questions that I can address?

Councilman Walford: Feels different down there doesn't it?

Mr. Stewart: If there is a person in this place that admires what y'all are going through, you know that I happen to be that person.

Councilman Walford: How long have the chickens been there?

Mr. Stewart: Four or five years.

Councilman Walford: For the benefit of those that don't understand the location, first of all would it be fair to say that you are probably more impacted than any of the other neighbors because of your proximity?

Mr. Stewart: That is an absolutely correct statement.

Councilman Walford: And so that we can kinda, since we don't have a map, going along Fairfield, there are only two houses in that block. There is yours and to the south of you is the Baucums. So, we're talking a rather large lot for the Baucums?

Mr. Stewart: Yes, that's correct. It's somewhat L-shaped and their lot is approximately two-thirds of the Robinson side with the other third being Arlena's property.

Councilman Walford: Okay, and you're at the corner of Prospect with - - - I won't say a normal size lot, I'm not sure of the right words to use, but a smaller lot, and then the Baucums have - - - would it be safe to say about two-thirds of the block, going to Robinson?

Mr. Stewart: That's correct sir.

Councilman Walford: So, I'm just trying for the benefit of those who aren't familiar to describe your house and theirs. That's all I've got. Thank you Mr. Stewart.

Mr. Ronald S. Lambert: (1135 Heritage Oaks) Mayor, Council. I'm a physician at Schumpert. I only come here today out of just a professional commentary on this thing, and I'm not sure that I need to say a whole lot more other than to affirm exactly what Mr. Settle just said in terms of he is factually, absolutely correct in everything he said on the medical side. I did research on Histoplasmosis for about ten years during my medical school residency and fellowship in pulmonary and critical care here at LSU. At least 80% of the people in this room would test positive if they skin tested for Histoplasmosis. It is almost always a non event in terms of making you ill. A minor cold or flu-like illness with a cough and sometimes a minor skin rash. Occasionally, people and/or animals do get very sick from this. It is everywhere in our environment locally. It is a soil fungus, and it tends to thrive in areas that are enriched by fecal matter, particularly animal fecal matter, birds in particular. Any kind of birds, especially bats. Black Birds, Starlings, Mockingbirds, any kind of birds and chickens. There have been numbers of outbreaks of this illness around the country for years caused by stirring up dust with bird droppings. Most of the people as I said don't get very sick, some of 'em get very sick. It's generally a very treatable disease in an imuno competent host including animals. So, I don't know - - - I've never been on the Baucums' property, so I don't know anything about their chicken pen, but I've got to say, if the animal contracted this disease, it is absolutely as likely to have contacted it accidentally just through contact with it's other environment as it would have been contracted through contact with contaminated chicken droppings. So, I confine my comments exactly to that medical fact.

Councilman Hogan: Dr. Lambert, if you said it, forgive me, I might need you to repeat it, but can it be passed from one human being to another, or from an animal to a human.

Dr. Lambert: That has never been documented. No. It is generally always felt to be environmentally passed by spores or fungus that gets aerosolized in dust and breathed in.

Councilman Walford: You practice at Schumpert on Margaret Place?

Dr. Lambert: I am at Highland. Both.

Councilman Walford: You ever had an occasion to be leaving Schumpert on Margaret around dark or just before?

Dr. Lambert: Before they cut down the Oak trees, and there were 4,000 birds out there at minimum? Yes, I have many years.

Councilman Walford: So, my point is - - - have you noticed that the sky can be almost black in that area? I go home that way.

Dr. Lambert: Absolutely.

Councilman Walford: It's black with I guess Starlings or whatever?

Dr. Lambert: Right. Starlings or Martins or one of those.

Councilman Walford: Would those also - - - are you telling us that those would also be a carrier or would create the droppings?

Dr. Lambert: Absolutely. That's correct.

Mr. Alan Berry: (702 Prospect) I'm not nearly as eloquent as Mr. Stewart. I have a few comments that I have gleaned from the information that's been passed around the neighborhood between myself and the principle players since this began. I'm 38 years old and I'm a lifelong resident of the neighborhood. My parents moved into my childhood home at 926 Prospect Street in 1965. My mother now resides two doors down from that house. My wife and I as I said live two blocks farther down on the other side of Line. In recalling years past, I can think of very few incidents in our neighborhood that have caused such sensationalism and turmoil as this one has. Ours has always been a quite and fairly close group of neighbors, socializing with and looking out for each other. We were here along with the chickens and all got along fine before Frances Kelly arrived. Now that she's here, Ms. Kelly is disrupting our peace, stirring unrest and spewing (inaudible) and half truths all for her own sake. She has verbally attacked my mother and other neighbors, even threatened one because they signed a petition in support of the chickens. In the six years that they chickens have been in residence, they have not caused even a fraction of the turmoil that Ms. Kelly has in her two. Last year, another animal killed one of Ms. Kelly numerous pets, a lame cat named Popo. Ms. Kelly claimed she found the cat's body on the Baucums' property and blamed the incident on one of the Baucums' dog. In my opinion, this latest uproar has nothing to do with the Baucums' chickens or Ms. Kelly's sick dog. It has to do with Ms. Kelly punishing the Baucums for the death of her cat. Since she has recently filed a lawsuit against the Baucums, it may also be about fabricating a public health scar to bolster her legal case. Potentially culminating in a generous award for Ms. Kelly. The Metropolitan Planning Commission, the Body in our city government responsible for addressing matters of this nature, considered this case and made a ruling. That ruling was arrived at in a fair and legal manner. In which begs the question of me of why are we here today? It seems to me that Frances Kelly is using the public forum, the local media and the legal system to pursue a vendetta against the Baucums. The chickens never bothered anyone in the neighborhood including Frances Kelly. They didn't bother her until she saw an opportunity to use them to her advantage. I submit to you that Ms. Kelly is less than candid about her intentions, misguided in her efforts, and as I'm sure there are more pressing matters for this Council to address, she is wasting your time on a matter already resolved by the MPC. I therefore urge you individually, and collectively to uphold the ruling of the Metropolitan Planning Commission and allow this matter to be settled. Thank you for your time.

Councilman Walford: You live several blocks down Prospect, and your mother still lives in the 900 block of Prospect.

Mr. Berry: That's correct. She lives directly across the street from Ms. Kelly.

Ms. Maxine S. Avery: (838 Prospect) We have a lovely neighborhood. And this is unfortunate that something like this occurs. I mainly wanted to mention the fact that Ms. Kelly as recently gotten a parrot and you know parrots have droppings too, and this is inside her own home. And I feel like that this the most fowl deed against fowls and I would like your consideration on behalf of the Baucum family. Thank you.

Ms. Audrey B. Berry: (916 Prospect) Mayor Hightower, good to see you and members of this committee. I want to be sure you hear me because I'm in honest. As Alan told you, I have lived in that neighborhood for some time. I've lived there 40 years. I've seen people come and go. Alan was the first child in that old neighborhood, when it started renewing and I'll never forget how happy I was when I counted the noses and thought my goodness, we've got 29 on these two streets now. 29 young citizens. They're all grown and moved away, but they were reared right there, right in the neighborhood with everything that's going on. We did not have the Baucums' chickens at that time, but there were chickens on the street. We had game chickens that belonged to another family. And chickens at the Baucums really don't bother us, because we feel like it's part of living in historical Highland. I also want to mention to you that I am the lady that was verbally abused because I signed a petition stating the chickens did not bother me, and they still don't bother me. The person asked me why would I signed that petition. I said I was asked if they bothered me, and they don't so I signed it. And she was pretty unhappy with me and I think still is and probably will be. However, I am not angry with her. I did put my arms around her and give her a hug and I asked her to think this thing over and perhaps in a day or two, she would feel better. And she explained to me that's what I did last night, I slept on it. Well, this too will pass. Because all I can think of in my mind is I've always been taught the precious words of Christ on the cross, "forgive them Father, for they know not what they do." And I do believe in everyday lives, things happen when we do things and we don't realize what we have done or what we're causing. And in my heart, I hope that God will look down and bless all of us and I would like to request that y'all consider leaving the situation as it is today. We need no changes. I have been in the neighborhood for 40 years and have lived there longer than anybody else whose there. So, I'm going to ask you in a 'queenly' manner, lets don't make no changes. Thank you.

Ms. Crystal Sanders: (912 Prospect) I bought my house about a year and a half ago in Highland, and I grew up in the country in New York, and I've had stocks my entire life and had the liberty of having fresh eggs. And I moved to Shreveport, and since I've moved and bought my house in Highland, I've never seen as many rats. And I understood buying a house in a very old neighborhood would come along with have a very large rat population, but I didn't realize that moving into the house and having a clean house, and having no pets, that I would have the rat problem that I do, and have to have an exterminator come in month after month, after month, after month. Last year, we came home from Florida and my daughter got sick. Very, very sick actually. And she was diagnosed with the disease that was very infectious and to this day, we have no idea where she contracted it from. Even though I have no medical standing to say it was from the rats, it is a strong possibility that with them coming into my house, they could have carried anything that could have given her this disease that put us in the hospital for a week and quarantined us from anybody. Other than that, I don't understand how being against the law, they're still allowed to have these. Even though (inaudible). I would just

like the facts about the rats to be taken into consideration. I just wanted to state also that my daughter were walking in the alley right next to the chicken coup and when - - - we walked by there several times, and on numerous occasions seen dead rats. Like my daughter walked up to one and kicked one and stepped on one. It happened to be right outside the chicken coup. I'd just like you to take that into consideration when you make your decision today.

Councilman Jackson: Thank you Ms. Sanders and Little Miss Sanders. We didn't expect to have that kind of commentary since Councilman Green was gone, but that was good. Next I have a request to speak from Frances Kelly.

Ms. Frances Kelley: (917 Prospect) It sounds like this is becoming a personal attack on me, and I just want to address that briefly and say that I have nothing against the Baucums, in fact we were friends ever since I moved in. We share the love of animals. What I don't like is hypocrisy, and I've heard some hypocrisy here today, or I'm aware of some hypocrisy from certain people who have spoken, cause I'm not personally attacking anybody. I have nothing against these people. What I do have though is a dog who is very sick. Last Thanksgiving, I was walking my dog with my neice. The Baucums' chickens had escaped from their coup, so as a good neighbor, I stopped, left my dog right outside of the coup while my niece and I ran around and picked up each chicken and put it back in the coup. He was there for probably 20 minutes. We probably did stir up the area as we were putting the chickens back in. Within two weeks which is the incubation period, up to 21 days is the incubation period for Histoplasmosis. He started showing symptoms. I want you to understand that has a lot to do with why I believe he contracted it from the chickens. My dog lives in my house. He goes out in my backyard and that's it. I didn't walk him again in those two weeks, and so it's a pretty good likelihood he contracted it from the chickens. It has cost me over \$10,000 in treatment. I continue to spend \$377 a month on medication, and this is why I'm here today. It's not because I dislike the Baucums or Mrs. Berry or Alan Berry or anybody else. My vet who is Nancy Treadwell, she is the only internal medicine specialist in the City of Shreveport believes that Woodrow did contract it from the chickens. If it was such a, as some people have said, a disease that seems to proliferate in 80%, I think is what you heard, of the population probably contracted or has it, then why aren't more animals getting it? She has seen no other cases in the City of Shreveport. None. And she gets the most difficult cases by referral. And she wanted me to let you know that today. She couldn't be here today because her husband is in the hospital. But she has been practicing for ten years here in Shreveport and has seen no other cases of Histoplasmosis in dogs in the City of Shreveport. Another reason that I am opposing this variance is that we have a rat problem as Crystal Sanders said earlier. And although there is an abandoned house behinds the Stewarts, the rats may live there, that's very possible, but the rats dine on chicken feed on a daily basis. In fact, Mrs. Baucum has told me on numerous occasions she's had to fill in rat holes that are being dug into the chicken pen. I've also seen myself personally where the rats actually ate into the chicken bin to get to the chicken feed. Last year four of her chickens were killed by rats. Four of her baby chicks were killed by rats. At night you can stand in the alley and watch the rats run back and forth to the pen. So they may live in that abandoned house, but they're eating across the alley in the chicken feed. I also want to point out that people getting Histoplasmosis and animals getting Histoplasmosis is very different. I've done a lot of

research on this, I've contacted Veterinarian Specialist, Dr. Green at the University of Georgia, School of Veterinarian Medicine, and dogs tend to when they get it or when they're exposed to it, tend to get it much worse than humans, and very often can die. And my dog may die. We are still trying to keep him from dying by giving him medication. I also want to point out, it's illegal to raise farm animals in the City of Shreveport as all of you know. There is an ordinance, an animal control ordinance specifically stating that the raising or owning of poultry is illegal. So, by granting this variance, you're setting a precedent or the MPC is setting a precedent for allowing other people who desire to own farm animals such as pigs, cows, horse. In fact I think Commissioner Cox told you yesterday in Sunset Acres who had a couple of goats and was asked to give those goats away. But I understand that if you uphold this variance, he will be asking to have those goats back. And my guess is there will be a lot of other people in Shreveport who will be doing the same thing. I also want to point out there needs to be compelling reasons why we need to keep - - - the other thing I want to mention is that you all recently passed an animal control ordinance, and in that ordinance you have a nuisance clause. And one of the MPC (inaudible) granted this variance allowing the Baucums to have one rooster. The rooster would violate this ordinance, because roosters start crowing at sunrise and may continue crowing until sunset. In my opinion, that would be considered a nuisance under your new legislation. I wanted to say there must be compelling reasons and I think that having fresh eggs every morning and watching the cycle of life is not a compelling reason to put the health and safety of myself, my animals and my neighbors at risk. So, I hope that you all would please overturn this variance. Because I think that my health and my neighbors are at risk. Oh, one other thing I want to point out. It was mentioned that everybody has dogs in the neighborhood. Well, I have four dogs, and my other three dogs don't have Histoplasmosis, but again, those dogs as you've heard cannot get as close to the pen as Woodrow got. The Baucums' dogs are separated by an entire yard and a fence, the same with the Stewarts dogs. There is a fence and a yard between their dogs and the pen. But my dog was literally right by the pen that day when I was rescuing the chickens for the Baucums. Thank you for letting me speak, and please I'm asking to overturn the variance. Thank you.

Ms. Sallie McNeill: (613 Simpson Street, Benton, LA) And you're asking why is somebody would want to come in here and talk about this. But I have lived in Shreveport for almost 40 years, and my husband is from Shreveport. He grew up, and he was reared here. And he's a lawyer, and y'all don't hold that against me, alright?

Councilman Lester: I know I won't.

Ms. McNeill: And his office is down in the Dean Lane Building, so he's a Shreveporter. Now, we moved to Benton five years ago, and the country's nice, but I want to come back to Shreveport because I love Shreveport, and I miss Shreveport and it's a long drive back and forth. Mr. Carmody, I'd liked your prayer. I thought it was very nice and God bless you.

Councilman Carmody: Thank you, but that was Mr. Hogan, but I will take the blessings.

Ms. McNeill: Okay, I'm sorry, I apologize.

Councilman Jackson: You're from Benton, don't worry about it. We don't expect you to know 'em, you're from Benton now.

Ms. McNeill: No, that's right. But we want to move very much back to Shreveport and we want to get an older house off Fairfield Avenue. And I know when we move back to Shreveport, and when we get that older house off Fairfield Ave, I would not like my neighbors to have chickens adjoining mine. And I would like to ask every Council Member here, would they like to have chickens in their backyards, the neighbor behind them. Would they like that? And why I specifically object is because of roosters. Now, I think it was one of the attorneys, I don't know his name I met in the hall, and he said well, there's no roosters, there's hens. But if there's a hen, can there be a rooster far behind? Okay? But my main objection is I just would not like roosters crowing in the morning, because I'm not an early morning person. And that's all I wanted to say. And thank you and God bless you.

Ms. Wendy Kelly: (512 Sleepy Hollow Rd) I'm here to say I'm opposed to having chickens in the city limits. I believe if you allow one family to have chickens, you're opening up for anyone that lives in the city limits to also have chickens. Thank you.

Dr. Ralph Baucum: (2525 Fairfield) I guess you could say I'm one of the principles in this. I'm - - - my wife and children have three pet chickens, specifically they have three hens. They've been raising chickens for about eight years. And it started off just as a hobby. I'm from the city, I didn't grow up with chickens, I grew up in Shreveport, the town proper and my wife's from the country. And she said, wouldn't it be nice for the children to see sort of eggs being laid, chicks being born, sort of the process because it's been our experience that children are so far removed now from any of those things. Any kind of the natural life, the stuff that used to be taken for granted. Even in the city back then, people would see sort of a cycle of life. And so we did it, and we think its been a very good experience for the kids. Point of fact, our dogs do mingle with the chickens, whether or not the dogs have gotten used to them, they'll leave the chickens alone, the chickens walk on the dogs' heads, and the cats get in there with the chickens, the children all the time, they feed them and they take care of them. My daughter even showed one of the chickens. She's probably the only girl on Fairfield that was in 4-H. And I know that Frances is very concern that somehow the chickens infected her Doberman Pincher with Histoplasmosis, but I can tell you as a physician, that, that is completely without any rational basis. Chickens don't carry Histoplasmosis, and don't convey Histoplasmosis to any other animal. As it's been mentioned, Histoplasmosis is in the soil everywhere in the Shreveport area, everywhere in the whole Red River Valley, and any kind of animal dropping is a nutrient that makes Histo grow, but it could be under a bird feed or bats carry Histoplasmosis. In fact, its probably the No. 1 place that you contract Histoplasmosis. But Starlings, Pigeons, Doves, I mean we could go into any one of your yards now, take one soil sample and find Histoplasmosis. When you dig in your rose garden, you expose yourself to Histoplasmosis. 80% of us have had Histoplasmosis. About 80% of dogs and horses in this region also have Histoplasmosis. I'm somewhat surprised by the comments attributed to a veterinarian, but I'm sure that the veterinarian meant that most dogs don't become seriously ill with Histoplasmosis, because most dogs have a benign infection (inaudible) unlike humans. Certain dog species are more susceptible to more serious infections like Spaniels, Pointers, and Weimaraners, and Doberman as a similar breeds, I guess maybe Dobermans or perhaps Woodrow was in an immuno-compromised state. He may have had a viral infection, I'm

not sure why he got it. But it is impossible to say that Woodrow got this infection in my yard or from my chickens, any more so than digging in his own yard, digging under the bird feeder in his own yard, (inaudible) the parrot, (inaudible). Anytime we walk into one of these buildings underneath all these pigeons, we're exposed to Histoplasmosis. And as a physician, I'm (inaudible) that it gets cleared up, because this keeps getting bantered about as if it might be a fact, that somehow chickens are infectious, and they're not. And my yard is no more dangerous than anybody else's yard because Histoplasmosis is in every scoop of soil in this area. But I was concerned about it and I wanted to make sure I was right. So, I spoke to several other physicians who all agree with me and the two Infectious Disease experts who agree. In one Infectious Disease expert who I would like to quote, because Dr. Cross who I'm about to read this letter lived in Shreveport. He now lives in Colorado. But he is boarded in four subspecialties, two of which are infectious disease and pediatric infectious disease, he is an advisor to the White House on Viral Terroism, and an expert in this, and I would like to put this to rest for once and only. And he said: Dear Dr. Baucum: Histoplasma Capusulatum is a fungal organism that is endemic in the eastern and central United States, particularly the Mississippi, Ohio, and Missouri River Valleys. By endemic, I mean that the organism is pretty much everywhere, especially in Northern Louisiana. The natural habitat for the organism is soil. Any type of bird (not just chickens), but especially Sparrows, Starlings, Pigeons, etc. that are common in the Shreveport area are likely to harbor the organism. Bats particularly are prone to carry the infection and deposit the organism in the soil with their guano. Anything done to disturb the soil, such as digging by a dog (or by human, such as gardening, etc.) will disturb the ground and bring the organisms into the air where they are easily inhaled by humans, dogs, and cats.

A study by Edwards, Acquaviva Livesay, et al. published in the American Review of Respiratory Disease journal showed that 80% of us who live in endemic areas (like Shreveport are infected with histoplasmosis by the age of 18. Nearly 250,000 infections occur annually in the United States and almost all of them occur without any symptoms. Other studies have shown that, histoplasmosis is everywhere in all of our soil and in much of the air we breathe. It obviously must be very common for 805 of us to be infected before the age of 18. Luckily for most of us, it causes no problems.

From the map, you can see that histoplasmosis is common all along the Mississippi River Valley including major U.S. cities such as St. Louis, Chicago, and Memphis. 50-80% of this population is infected with histoplasmosis as well, and I would speculate that very few people in Chicago have had contact with live chickens. In the 21st century, it is the common everyday bird or bat that spreads this disease. And like I said, I'm not trying to belabor the point, but here's a world expert on it saying that it's not because of the chickens, and its especially important unfortunately, because now I found out yesterday that I'm being sued by Ms. Kelly along this same line. So that point is very important to me. In closing I was curious because the MPC saw this data, granted us a variance. We were very pleased, unfortunately we have to be here today going over it again. But I became very curious about what other cities are doing about this. It just turns out that on Good Morning America, on Thanksgiving Day, there was a special on the rising popularity of chickens as pets. And they specifically cited Seattle, WA and they used that as an example. They said in Seattle now, every home can have up to three chickens, as long as you have 20,000 square feet of acreage or 20,000 square feet of lot.

And you can have an additional chicken for every 1,000 square foot. And their point was the exact opposite of most of the points made here. They thought this was a healthy thing. This is good for people to have fresh eggs, to see the process of life, almost the exact same things that we said about our children. So the national trend is the other way. Probably to take chickens off this list of farm animals and allow them to be held as pets like any other bird. So, I would please ask you to uphold the decision of the MPC. Thank you very much for your time.

Councilman Walford: Did I understand you to say that you have three chickens?

Dr. Baucum: Currently we have three hens, yes.

Councilman Walford: And no more.

Dr. Baucum: That's all we have right now. And the variance says we can have up to four.

Councilman Walford: Right, but I just wanted to make sure I thought that you said three.

Councilman Hogan: Dr. Baucum, I don't know if your wife told you or not, but I came by your home one afternoon. And she showed me the chicken coup, and I looked at it. And the way I understand it, y'all are not in the chicken raising business. I know the word raise has been used and the word own has been used, but technically, you're not raising chickens. These are your pets?

Dr. Baucum: Yes sir. No, we're not breeding them, we're not interested in getting a lot of chickens, they're just pets like any other pet bird. And they live in an enclosed room. I have pictures if you're interested, but it's an enclosed aviary. This is like chicken heaven. An enclosed avian to keep the hawks away from them, they're hand fed everyday, they're cared for by my children, they have a coup that they sleep in. You have to go through two gates to get to them, if someone outside. Oh, in Seattle, by the way, their requirement is they should only be 10 feet from the next lot, the chicken coup.

Councilman Hogan: Okay, so as I witnessed that day, it's enclosed the top, all the sides, and if there were a rooster running loose, a stray rooster in the neighborhood, he couldn't get in if he wanted to could he?

Dr. Baucum: No, a stray rooster could not get to my chickens.

Councilwoman Robertson: Ms. Kelly had mentioned that they had gotten out while y'all were out of town or whatever. Do y'all have provisions made where if you are out of town, somebody does watch after them or something?

Dr. Baucum: Actually our neighbor who we'd asked to care for them was helping put them back when Ms. Kelly showed up. Ms. Kelly actually came with her niece because she wanted to show her niece the chickens and Laura (inaudible) who we'd asked to take care of them was trying to herd them down - - - I've learned a lot about chickens since my wife took this up as a hobby. The chickens will put themselves up every evening. Once the chicken establishes his coup, doesn't matter what they do during the day, at night as soon as the sun starts to set, they go back to that same spot. So, even if you don't find them during the day, they put themselves back up at night.

Councilwoman Robertson: Okay, and with this variance with the MPC, you were going to have to make a concrete slab. How is that going to affect the coup that you have?

Dr. Baucum: The coup currently has a concrete floor, so I don't think that's an issue. I appreciate your time gentlemen. Thank you.

Ms. Grace Peterson: (4602 Norway) My doctoral training is in microbiology, and I'm aware of the dangers of Histoplasmosis. One thing I'd like to clear up that chickens do not carry Histoplasmosis. It is in the soil, but it's an increased - - - a lot of nitrogen that causes the Histoplasmosis to become active. And when you have chickens in a coup, I love chickens a lot too, but I lived out in Stonewall at the time. When you have a lot of chickens in one area, and they have access to soil, that build up of chicken droppings, over a thee year period, it can build up a lot of Histoplasmosis that can be dispersed in the air if the soil is disturbed. To me the main issue is not just about Histoplasmosis, it's about offering a special variance to one family, allowing farm animals on their Shreveport neighborhood property. I had many concerns about this. But I'm going to talk about two main ones. The first concern is the obvious health hazard created by the presence of confined chickens in a Shreveport neighborhood. There is a documented threat of disease as well as the proliferation of the rodent population, rats which can also carry disease. And I think that this issue is especially relevant now, due to the threat of the Avian Bird Flu, that we heard President Bush talk about over and over again. Things going on, this flu can be passed from chickens to humans. And it seems extremely irresponsible to consider housing chickens in our city with the potential health risk of bird flu. The second concern I have is the act of gaining preferential treatment to certain individuals allowing them to break and honor the existing law. To me this establishes a dangerous precedence, and I am very much against it.

Mr. Larry Cobb: (911 Wilkinson) Other than having a barbeque background, I am not a chicken expert. But I have five children and two dogs and live about a block over. And I can tell you that on numerous occasions in the eight years that my wife and I and five kids have lived there, that we've been to the Baucums' house and eaten, had the opportunity to eat outside and drink and interacted with the chickens and the dogs and not one time has any type of illness or sickness ever occurred. And I would not have no problem at recommending my kids go back to the Baucums. Secondly, I wanted to make a point about - - - in the preliminary hearing, there was a point that there were no bats in the neighborhood. And unfortunately, the house that I moved into had a swimming pool and is one of the things I enjoy doing at night during the summer, turn the lights on in the pool and watch the bats swoop down. It's really a good thing. Y'all come on by. Thank you.

Councilman Walford: I've got to ask him Mr. Chairman. When you ate out at the Baucums, you had hamburgers right? Not barbeque chicken?

Mr. Cobb: Well I probably had chicken. We had a turkey one time at the Mardi Gras.

Councilman Walford: He's not listening, so it's not funny. Cause I was really aiming that at him. But thank you.

Ms. Charlene Buck: (917 Prospect) And I just want to address the Council today. My concern is the health risk. Avian flu is a very serious thing. My grandfather passed away in that 1918 epidemic. He was a doctor and he - - - you know it was really sad for my family. And I've heard stories about how bad that truly was back then and I don't think we as this generation really have an idea about what that would mean in our country and I pray to God every night we never have that. But I plead with you to think

about this when you make your vote. Because chickens in the City of Shreveport. How much closer would that bring that flu to us in the City and how liable would it make the City to have made a decision to have a variance to have farm animals – chickens in the City of Shreveport? Now, that's my basic concern. And also I've lived in Shreveport for 25 years. And I love this city. I love the people of this city, and I'm sincerely concerned for the health in the future. As it's been said before, our government, our federal government has been proactive concerning this. Should we not as people in this city, as leaders of the city be proactive concerning this very real health risk. And also as being in the City of Shreveport, I understand the comradery that happens. Maybe it's Southern folks, I don't know what it is. But I've grown to love people in my neighborhood before too. I lived at 1124 Georgia Street for 20 years, and I got to be really good friends with my neighbors. And I just prayed when I walked in, because I had to work so I was late. I prayed the personal attack that I heard isn't about somebody from being out of the city moving in. I hope we're not people like that. I hope we've grown past that. And I would urge you to think real seriously about overturning this variance.

Councilman Walford: Mr. Buck, if you don't mind, if you said it, I missed it, but would you - - - you and I have spoken on the phone. But for the benefit of the Council, would you tell them what your professional training is.

Ms. Buck: I'm a pharmacist.

Councilman Walford: With some knowledge of - - -

Ms. Buck: Yes, and that's my main concern for being here.

Councilman Green: Again, your knowledge of?

Councilman Walford: I think her concern was influenza.

Ms. Buck: The Bird Flu that is the concern of this nation right now.

Mr. Larry Androes: (4602 Norway Dr) Thank you. A few observations on this issue. We have a law. That law is not unusual or arbitrary and it is not outdated. And it's shared by thousands of communities in our nation. It has a good reason behind it, to safeguard our community. Part of the principle of these kinds of laws is our collective agreement to give up some of our personal preferences to gain the benefits and services of a larger community. I might wish to burn barn fires in my front yard and play loud music at 2:00 in the morning. And my close neighbors might really enjoy that as well. Yet I agree to relinquish those preferences in order to participate in the benefits of this community. And I think there are consequences to consider. If this Council agrees to this variance, what happens in six months if there are 560 households with chickens and other farm animals? How will you monitor which have city approval? And if you then decide to limit the situation, where do you draw the line? How on earth could you choose criteria that would not be seen and act as prejudice towards some groups of people? And lastly, if the threat flu viruses ever become more of a reality than a distance concern, today's decision could show true foresight in protecting our community.

Councilman Hogan: The only reason I was calling your for Dr. Baucum, I saw that you had a (inaudible)

Dr. Baucum: I didn't hear that last person's name or address, I may have just missed it. That last person that spoke? And also I would like to say one thing about the (inaudible) virus that they're talking about. Once again, I hate to say this, but that's fear mongering. The H5N1 virus which is the Avian Flu, not the chicken flu. All birds carry this. Migratory birds especially, ducks, fowl, anything carries this flu. So far, it has only

been devastating to birds. There have been rare cases of bird to human contact. But that is no different than have a parakeet or any other bird, or the birds living in your yard. This is not a flu that chickens carry, necessarily above other birds. It's the Avian Flu, not the chicken flu. So once again, I just feel like that needs to be cleared up for the public.

Councilman Hogan: Dr. Baucum, I know Mr. Stewart was here, but I don't see him now. Is he in the audience? Well I had a question for him. I suppose we can wait until we actually come down to the vote. Do you know if he'll be here at that time?

Dr. Baucum: Nan's still here, I'm not sure.

Councilman Hogan: Well, okay I just had a question for him. Oh, if his wife is here, that will be fine, that'll be fine. Would you come forward? Oh Mr. Stewart. Here he comes, it doesn't matter. Either one of you. Thank you Mr. Stewart, I've listened to all of the people speak and one thing that came to my mind. And I wanted to be sure I understand that you're directly to the north of the Baucums, right next door to them right?

Mr. Stewart: That's correct sir.

Councilman Hogan: And you have animals. You have seven dogs. Is that what you said?

Mr. Stewart: We've had seven dogs, we presently have two.

Councilman Hogan: Okay, well as I went out there that day to the Baucums, and I witnessed where this was, and she showed me the property line, I thought she did mention also that, that was your home there. And I guess my question is how close - - - do your dogs run loose in the back yard or are they right up next to the chicken coup, I was just kind of wondering how close they were in proximity to the chicken coup?

Mr. Stewart: Right through the cyclone fence.

Councilman Hogan: That's what I understood. I thought that's what - - - they're outside dogs and they spend time in the back yard.

Mr. Stewart: Yes sir.

Councilman Hogan: Right up next to the chicken coup.

Mr. Stewart: Not only on the side where the parking area is, but around the back and when we walk them in the evenings or on weekends, in the alley, and we abut on the east side too from the alley.

Councilman Hogan: I was curious to know too, what kind of dogs they are.

Mr. Stewart: The two that we have now? One is a Beagle, who we've had for about 12 years. The other is a West Island Terrier, the West Island is about 5-6 years old. And prior to that we had another West Island Terrier. That one died, but died of old age. Not of any complications. I'm happy to tell you that none of our doges have been sick at any time.

Mr. & Mrs. T.J. McCoy: (12206 Rust Lane, Keithville, LA) We came to ask the Council to overturn a decision by the MPC to allow us to move down the street to continue our current business of Adult Day Healthcare from 2356 Malcolm down to 2609 and 2617 Malcolm. We went before the MPC to ask for them to re-zone this so that we could continue our business, but they denied it saying that we were an intrusion into the community. But we feel that our business is the community, and so, it is not intrusive.

Mr. Sam Scott: (8344 Odom Road, Greenwood, LA) My son actually owns the property that they have their current business at. He does not want to sell it, but he said he would, but he does not really want to sell that property. I own a piece of property in the neighborhood in the next block down. I rent to a young family that's got young kids.

Also I came before the MPC. I had letters from 11 different property owners that actually did not want the intrusion of a business into the neighborhood. There are several parcels of land that are available on Hearne Ave within a four to six block area of where that business right now is. I can give them the names of people that's willing to sell the property. One of them actually has a large building that would probably suffice what they would need. I brought today, and you have those copies of the owners letters saying that they didn't want that business intruding into the subdivision. Also I brought copies of a petition that was done by people that's actually living on the street, Malcolm street within that two block area, saying they don't want the extra traffic and business. They'd rather have the bumps in the road to keep the traffic down. Cause it's too much traffic in the area right now. I ask that the decision of the MPC be upheld so we don't have the intrusion of a business into the neighborhood. Thank you.

Councilwoman Robertson: Sir, I've got a question. I see your letters and all that you've submitted to us, to let us have, but their business as I understand it is right on the corner of Malcolm right now, so it's already in that neighborhood. So the opposition is them moving further into it?

Mr. Scott: Well, yes ma'am. Right now that piece of property has been zoned business for over 20 years. And the property that they're trying to get re-zoned is actually residential area. And it's actually moving down two to three houses down the street which would be actually, you'll have at least three houses on the same side of the street they are that are residential houses, and at least 15 houses on the other side of them to the next street. The main street which is Mansfield Road. Now, on Mansfield, there is some other business property there. But I hadn't checked it on those, but I did check the ones on Hearne Ave, if they want to expand, there are some places two blocks over, behind them where they're at toward - - - going south. There's a building for sale, it's already zoned, there's one that's three blocks down left hand side zoned business already for sale. There's a real large business building that's on the corner of Hearne and Regents that for sale. I did talk to the owner and told them that they were looking for a business, would he be interesting in selling it? He said that he would. It's actually already zoned business and you don't have to get into a neighborhood where you have families and small children which the extra traffic would be. I know they're trying to increase their business, and I have no problem with that.

Councilwoman Robertson: And your son is who they rent from now? Mr. Scott: Yes ma'am.

Councilman Jackson: Yes, thank you Mr. Scott. Now, I heard you say Hearne Avenue. Four-lane Hearne Ave?

Mr. Scott: Now I couldn't imagine how that could possibly be more conducive with the type of business that they have being in a neighborhood. I guess my concern was on yesterday when I learned about it, at the meeting, questions we asked the MPC Director and the owners, was this seemed to be moving into a neighborhood where there are obviously residents now. And this business though it is a commercial business operates like a residence. And would be, I would think though the zoning would be necessarily changed, then perhaps all 1-D or whatever the case may be. Or even to a B-1, whatever the zoning is appropriate. But it seems to me what would be more conducive in a residential area than it would be out on a major street. And I don't know if we just confused the term commercial with the fact that it needs to be located on a major

thoroughfare versus in a neighborhood where I'm not sure if little children would be threatened by senior citizens, as much as perhaps the business may have a concern about the children and younger people perhaps being seen as a threat to older citizens. And so, I guess maybe, I don't know maybe it's a fundamental argument, just with the idea of the zoning change of a business, because there certainly can't be an argument against that type of business.

Mr. Scott: Well, it could be two things. 1) You don't know the patients that there, and they have wondered off, or so I've been told by Mr. Terry Brown which lives across the street. They wondered off from the place. I mean, I don't know, if you have something that could happen to them even. But it could happen to a child or something like that. That's not really then concern that I have, more than just the traffic that you have on the street there. And businesses on Hearne Ave, they're zoned commercial because they're on Hearne Ave. And even though it's in a subdivision or Werner Park Subdivision, Hearne Ave is chicken place or drug stores or stuff like that. And of course their business is daycare center which is right there on Hearne Ave also.

Councilman Green: Mr. Scott, what's your address?

Mr. Scott: 8344 Odom Road, Greenwood, LA.

Councilman Green: How will you know that they are there.

Mr. Scott: I have a house at 2510 Malcolm Street.

Councilman Green: You stay there? Mr. Scott: No sir, I rent that house out.

Councilman Green: But my question is once this transaction is made, how will you know that the senior citizens are there?

Mr. Scott: Because I visit that area pretty regular.

Councilman Green: Okay, if in fact they were just expanding their business, and they were still going to use the business that your son has, would you object to them enlarging their business if your son was still collecting?

Mr. Scott: I don't have a problem with that. But I think that what they're wanting to do is expand larger than what that property is. And so the property right directly across from them is larger, they could go to that which would be better. And other pieces of property are actually larger than what we've got, so it would be better for them anyway.

Councilman Green: So, what type business do you have?

Mr. Scott: Basically, I rent that house. That's it. I retired a couple of years ago and had kidney transplant.

Councilman Green: And so, basically as you're doing with them finding them a spot, is that normal routine that you do?

Mr. Scott: I'm not doing anything, but that's one thing I wouldn't mind doing, and I can give them the address to those places.

Mr. John Milkovich: (656 Jordan) I am speaking to you briefly today on the issue of the sale or the retail sale of alcohol beverages directly across from the Broadmoor Library. Simply remind you all that we take our children to church for spiritual instruction. We insist that they go to school so that they can acquire learning skills. And we encourage our children to go to the library so they can broaden their horizons. And I hope that while we encourage our children to use our public library facilities, that we're very, very careful about allowing retail alcohol outlets to operate directly across the

street. And I must confess, I have not done any specific research, but I've been to Broadmoor Library. I'm sure Mr. Carmody can help us with specifics. But certainly hundreds, if not thousands of children use the Broadmoor library every year. If the retail alcohol outlet is allowed immediately across the street from that public library, I think it is reasonable to assume that there may be hundreds or probably thousands of drivers in a given year that go to that location, purchase and/or consume alcoholic beverages, and then drive away from the library. And in affect, if we allow this retail alcohol outlet across the street from the library, we're allowing drinking and driving vehicles - - dangerous mix to intrude into what should be a protected environment for our children. I believe it's not fair for us to encourage our children to use library resources and then allow these types of dangers to be introduced into their environment. This is not consistent with the trust our children place on us to protect them. They are other places where alcohol retailers can do business, however it's not so easy to relocate the Broadmoor Library. The kids were here first, the library was here first, I hope we remember the safety of the children when making a decision about whether retail alcohol outlet should be allowed immediately across the street from Broadmoor Library. I appreciate the time and consideration. And I hope that the members of this Council will consider voting against allowing - - - and I want to say I certainly don't know anything negative about this particular owner, but I do believe that the safety and welfare of many children in our city is potentially protected by this development. Thank you very much for your consideration.

Councilman Lester: Mr. Milkovich, I understand your concern and I share your concern as it relates to putting our young people in places that are dangerous and putting them in places that are around things that are negative. My question however, is this. As I appreciate it, the restaurants that are around the Broadmoor Library, several of them were operating and selling alcohol before the Shreveport Library Board purchased the land and built the library there. So, I guess my question is how can, if our concern is as it should be the safety and welfare of our children, and if you're asking the Council to deny this establishment, the ability to do what others are currently doing, why would the Broadmoor Library be built in an area right next to places that were selling alcohol before the library was built?

Mr. Milkovich: You know I think there are some - - -

Councilman Lester: I mean because the last statement you made was, the children and the library came first. And that's in this case not accurate.

Mr. Milkovich: Well, actually what I was referring to Councilman is that the library and the children are there and have been there before this particular, I believe the name of the establishment, Rollin' N the Dough has been allowed to set up shop. My understanding is that they are converting a former gas station to a retail alcohol outlet. And it is increasing a number of drivers, it is increasing the number of adults that are served alcoholic beverages. It's increasing the numbers of drivers that are driving there drinking, and then driving to leave the library, using the same streets that the children are walking to the library on.

Councilman Lester: Mr. Milkovich, Mr. Mildovich. They have restaurants that were there before the library doing all those things, and the library decided, obviously notwithstanding, to buy this land and build directly across the street from places that were selling alcohol where people have to drive on the streets, and they located their building

across the street - - - they had obviously that opportunity to buy land anywhere before they bought. And so, I guess what my question is, is this. How do we serve justice when the library board apparently by your question and your comments made a poor decision? What if I take the belief that okay, I will assume that the library board 1) has the best interest of the children at heart. And I would assume that the library board would not intentionally do anything to put children in harms way. And given the fact that they decided to locate a business or a library across the street from places that were already serving alcohol to the south of the establishment at the Texaco and across the street, were the two restaurants, that obviously - - - am I not safe to assume that they didn't have a problem with it because the restaurant that serves alcohol was there before they were? How am I not to make that assumption?

Mr. Milkovich: Well, I'm not able to second guess or reconstruct the reasoning of the library board when they purchased that property there. I wasn't there.

Councilman Lester: Should I trust their reasoning?

Mr. Milkovich: Well, this is what I would suggest to you Councilman. The children didn't make that decision. But if one child gets run over riding their bicycle by somebody that's been drinking and driving across the street, that child and that family pays the price. And I don't believe there's been any type of referendum from that neighborhood to establish that the parents and the families want more alcohol selling establishments near a public library. I don't think that, that is the consensus of the neighborhood. Though certainly Mr. Carmody I'm sure will give this Council guidance on that issue as the representative of that neighborhood. But I would simply say this. Do we have, or ask this. Do we have an obligation of trust to the children. None of the children that go to that library, none of the families that go that library with few if any exceptions made the decision to allow alcohol establishments in the vicinity of the library.

Councilman Lester: But you would agree that the library board made the choice because they purchased the property knowing full well that the Texaco and two restaurants directly across the street serve alcohol. I guess help me.

Mr. Milkovich: If you're asking me, did the library make a poor decision, I'm not sure that I can agree with that. Nor do I think that I can analytically dissect that judgement, because I wasn't there when it was made. But I can tell you that we are where we are. We do have a neighborhood facility that is important to Broadmoor and to the City that is used by families and children and the question is do we protect that environment or do we allow the intrusion of more alcohol use, more drinking, and more driving into that immediate environment. And I believe that's a decision that this City Council is entrusted and empowered to make. And do we have an obligation of trust to the children? Do we simply look at the political decision made by the library board, or do we operate on behalf of the families that use that facilities? I don't think that our only obligation is to back up political decisions that were made months or years ago by the library board. I think an even greater obligation is to consider the needs of the families that use that resource in the present.

Councilman Lester: Mr. Milkovich again, because you haven't answered my question? Do you believe that the library board considered the families of the perspective users when they obviously made a choice to build the Broadmoor Library in close proximity to at least three establishments that serve alcohol? I say that because let's get -

- - lets boil this down. If it's wrong to have alcohol around children, and I think we all agree that it is.

Mr. Milkovich: And it gets a little bit more dangerous when you introduce the factor of driving I'm sure - - -

Councilman Lester: But my point is this. I don't understand how the math works when they say it's okay. Obviously they have to be fine with the concept because they built it there. It would be completely different discussion if in fact the library was there first, and then other establishments moved in. Because I can understand you could swear that, but when the establishments were there and the library board had the choice, and I would suspect, I don't say that they made a political decision, because they aren't passing any taxes. They're only choice is to find a place to put a library where it's safe for the children. So, how do I decide that their judgement was in error?

Mr. Milkovich: Well, Councilman I really don't believe that I'm the best person to answer the question of the wisdom of the decision of the library board made in purchasing this land other than to say this. I don't think you're meaning to imply by the tenor of your question that this is not a family, friendly neighborhood. This is not only a family friendly neighborhood, this is a family friendly portion of the city. Broadmoor is home to many strong families and churches. And the character of this neighborhood is important. And while I'm not able to tell you, and I don't really think it's my place to second guess the decisions that were made to purchase the land and where the purchase was made and what businesses were up and running. I don't believe that's my place. I simply came today to say the narrower decision that you have before you today is do we allow more booze selling establishments right next to where we tell the kids we want them to go to learn more about the world and acquire more learning skills. And I'm sorry, but I will tell you no. I'm not answering the question. Because I don't think I'm qualified. I think it's unfortunate if we're in the situation where kids can't go to the library without drivers who may be drinking. It's unfortunate we're in a situation where children have to use the same street where people are drinking and driving in, and I'm not certainly saying that everyone that goes to that restaurant will drink irresponsibly, but how many - - -?

Councilman Lester: But even if we denied their application, that doesn't obfuscate the fact that there are at least three establishments that sell alcohol over there.

Mr. Milkovich: This is what I would say to you. If you deny the permit, it's a victory for the kids, it's a victory for the families that use that library, and I believe it's a victory for Broadmoor.

Councilman Lester: How is it a victory for Broadmoor, the kids and the people that use it be when the harm still exist?

Mr. Milkovich: Because you will have reduced the harm and protected the children, given that we may not be, and it's obvious. I mean it's almost semantic. We're not here to undo and I don't have the power to undo the past decision to allow alcohol outlets right across the street from the library. And I think Mr. Rachal has mentioned with Ms. Robertson, this isn't the only library perhaps that's having to face that dilemma. We are where we are. I do not have the legal or political authority to undo alcohol establishments or liquor licenses next to libraries. What we have before us today is a narrow decision, do we allow one more alcohol selling outlet across the street from a public library that's used by the families and children of Broadmoor? To me, that's the

narrow question. And I'm sorry, if I don't feel qualified to go back and second guess the library board. And I'm humbly submitting, and I know it's a decision this board has to make, that I don't believe it is in the best interest to allow more retail alcohol sales right across the street from the library which is a resource not only for the people of Broadmoor, but the City of Shreveport, and it's actually a Parish resource. And I'm sorry if I didn't answer your question in the way that you wanted it addressed, but I do want to thank the Mayor.

Councilman Green: Before you finish, are you familiar with Hollywood Avenue? Mr. Milkovich: Yes. Driven on it many times.

Councilman Green: Are you familiar with Union Street, off Hollywood? It's where the Caddo Career Center is?

Mr. Milkovich: Pastor, I've probably driven through that intersection many times, I don't know exactly. Is that near the Airport?

Councilman Green: No sir. Let me try and help you. Union Street and Hollywood. At the corner of Union Street and Hollywood, there have been at least five or six killings there. In fact a little girl was killed there I believe a few years ago.

Mr. Milkovich: You talking about vehicular?

Councilman Green: No, shot.

Mr. Milkovich: Okay sir.

Councilman Green: Yeah, they get shot and killed there. They sell whatever they want to sell around there. Right across the street from it was the old library, they tore it down and now they're building a brand new one across- - - it's not even across the street, it's across the sidewalk. And I guess my question would be, why is it that following as close as you do with everything that going on in the City, where there was no protest against the library for rebuilding a library across the sidewalk from a dangerous place like that. I could take you by there now, and you would be afraid to drive back down there by yourself. So, my question would be, why nobody protested? And a person like yourself, I mean, you're up on all of the issues and why would - - -

Mr. Milkkovich: Thank you for that vote of confidence. But I will suggest - - - Councilman Green: But my question is why there is no protest, because you just said children will be going there and folk will be drinking. Not only that, they needed to put some money in the budget for bullet proof vests. Because they shoot over there, they don't just drink. People are killed there. But you and nobody else put up a protest to say to the library don't rebuild here because of the safety of the children and their families that will be coming there to learn?

Mr. Milkovich: The answer to your question is if it's wrong in Broadmoor, it's wrong in Hollywood. And if it's wrong on one side of town, it's wrong on the other side of town. And I did not lobby or abdicate putting alcohol retail outlets in the proximity of any library or any school or any church in the city. And I must confess to you since there is only one of me, I have a difficult time coming up here and protesting every time the MPC or the ZBA or the City Council makes a decision which is contrary to the interest of the citizens of Shreveport. It's difficult to do that. But I was asked by Mr. Rachal to participate in this, and he did share some information with me, and I've used the Broadmoor Library. But to answer your question, I would say to you, I'm against people selling alcohol across the street from any and every library in Shreveport, if that answers your questions. And I apologize to you. In a perfect world, it would have been very

good Pastor Green, if I would have been available and have the time to protest every single time that pornography or retail alcohol outlets were permitted in the City, to the detriment to the character of our city. That would take a lot of time to do. But I'm not going to take the position, because it's difficult for me to stand up and speak out every time, that I should not speak up and address the issue anytime. And certainly, I appreciate the challenges that you have made, and I hope the citizens of Shreveport hear what you're saying loud and clear Pastor. I hope that the citizens of Shreveport begin showing up a lot more at City Council Meetings. Well, the challenge is the citizens of Shreveport should show up here a lot more often to complain

Councilman Green: No sir, that's not my - - -

Mr. Milkovich: To complain about zoning decisions that are detrimental to the citizens of this community, no matter where they occur. And I will tell you Pastor and Chairman, that I agree with that sentiment entirely. I believe that citizens should be here an awful lot more than they have been to address these zoning issues that affect the quality of life in Shreveport. If that is your suggestion, I agree with it entirely.

Councilman Green: No sir, that's not my challenge, nor suggestion. My question was why is it that you did not protest against the library board for rebuilding that library across the sidewalk from a liquor store killing area. You don't have to answer if - - -

Mr. Milkovich: No, I will answer. I'm very happy to do that Chairman. And I apologize to you if in the course of events I was timewise unable to register a protest to every decision that's made by public entities in the city contrary to public interest. That could be pretty much a full-time job. And I'm not meaning to denigrate any present member of this City Council, but I have been watching the zoning decisions. But in so far as I may have been delinquent in not protesting, I'll just say right now, just so there's no mistake about where I stand Mr. Chairman. I'm against there being any alcohol outlets near libraries in Hollywood. I'm protesting it. You're the Chairman of the City Council, and I want to believe that you'll do whatever is in your power to make sure that, that doesn't happen again. And I thank you.

Councilman Walford: I think you and Councilman Lester have established that the library board decided on that location when there were already three outlets, one virtually sharing the parking lot with the library. It apparently was not a concern at that time, but like you say - - - that was months or years ago. Those were your words. So, we're going to put that behind us. But the library board did not oppose the special exception use before the ZBA. The library board did not appeal the ZBA decision to this council. That was done by an individual. If the library board figured that this protective use was that important, beside the fact that they built the library there with the conditions that existed, why did they not come forward and either oppose before the Zoning Board of Appeals, or pass a resolution for this Body with the appeal that's hear?

Mr. Milkovich: Well, Mr. Walford, I guess I would answer that question with a question. What's really important here - - - backing up the decisions of local governmental entities or protecting the citizens? I would be of the view and am of the view that protecting the public interest is more important than avoiding recognizing that public entities or governmental entities make a mistake. In other words, I think it's more important to do what's right for the people than it is to simply rubber stamp what other governmental entities. And of course I understand that may be due to a difference in philosophy in governing. But I believe the City Council as an elected body that is elected

to represent the citizens of Shreveport should do what's right for the citizens. Not what conforms to what another governmental entity or another bureaucratic body, such as the Shreve Memorial Library Board does, or what the ZBA wants to do or what the MPC wants to do, or what the Zoning Administrator wants to do. I am of the view and there may be others that believe that elected officials are elected to serve the public interest. And so my suggestion to you is that it does not protect or advance the public interest to allow additional alcohol sales immediately across the street from a library that is a resource for an entire community of families. And I will say in further response to Pastor Green, because he raised the issue, that would be my position in Broadmoor, that would be my position in Mooretown, that would be my position in Allendale.

Councilman Walford: Now, let me ask you one more question. The legislature set the measurement for the protected uses. Our City Ordinances conforms with that measure. This actually is 150% of that measurement. So, this Council if it upholds the Zoning Board of Appeals would be upholding the law Mr. Milkovich.

Mr. Milkovich: Well, I disagree on that legal question. And also my - - - sir, the law does not require that the City Council place that, allow that liquor license go into affect. This is a discretionary decision by City officials in the first instance that worked for the Administration, for Keith Hightower, Mayor Hightower, and then in the second instance, it is the discretionary decision by elected officials of the City of Shreveport. That is City Council. And actually, y'all are really not officials of the City Government. You're actually, in my view elected representatives that represent the citizens of Shreveport. And you are not legally required to permit that booze selling restaurant right across the street from the library. No, that is not true.

Councilwoman Robertson: I agree with the position of you saying that we are elected officials, I am appointed, but we do have a voice for the people that are not only in our districts, but are across the city-wide. I've had calls from people in my district on this issue. I've had calls from Mr. Carmody's district on this issue, I've had calls from Mr. Walford's district on this issue. So, when I vote, I'm not voting on what I want, I'm voting on what those citizens that you say we're representing want. You're one voice that's coming, and we've gotten calls from 20-30 people that are in that area.

Mr. Milkovich: I understand that.

Councilwoman Robertson: Well know that it's not just our decision and you're saying that the Council has a choice to make a decision going over this law, discretionary decision to be making on it.

Mr. Milkovich: Well, there's a legal point and - - -

Councilwoman Robertson: The law is the law and (inaudible) of the citizens. Thank you Mr. Chairman.

Mr. Milkovich: Madam Councilman, the law does not require you to affirm or grant this liquor license. Depending upon your interpretation of the law, the law may allow you or permit you to uphold this liquor license, the law does not require you. In fact my understanding was that the applicant was seeking a variance from the existing - - prior usage. It was a gas station. They're transforming a gas station into a an alcohol selling outlet. But I appreciate your comments, that you are here to represent - - -

Councilwoman Roberts: Restaurant.

Mr. Milkovich: Restaurant that sell alcohol. That's correct.

Councilman Green: Mr. Milkovich, I just need to know one underlying factor, because every time alcohol comes up, we always talk about the children. Tomorrow, where will you be on securing children from drink? What will you be doing to prevent that? It's just a direct question.

Mr. Milkovich: To me that's getting a little bit personal, but I guess - - - Councilman Green: You don't have to answer.

Mr. Milkovich: No, since you asked it I'm happy to answer. I guess I along with thousands of Christians in this city will be, and I don't know that I'm going to have specific ministry duties tomorrow, but 1) as a parent, I try to teach my children right ways to live. I've got one daughter and a foreign exchange student living with me from Thailand. And also our church like many others, and I'm going to assume yours and Pastor Jackson's, we work with children all the time throughout the entire city.

Councilman Green: Thank you. You've answered my question.

Mr. Milkovich: Spending times with kids, I guess that's what it is.

Councilman Green: Tomorrow?

Mr. Milkovich: Sorry about the --- well.

Councilman Green: You've answered my question.

Mr. Milkovich: Okay sir.

Councilman Green: Thank you.

Mr. Milkovich: Is there any other question?

Councilman Green: No sir.

Mr. Milkovich: I hope that you all vote against permitting this liquor license, and I thank you very much for your consideration.

Mr. Robbie Ferrier: (8310 Ashbourne Dr) Before I address Mr. Mayor and the Council people, if I could, could I ask Mr. Kirkland to come up here and explain the measurements. I think he said that all - - -

Councilman Carmody: Mr. Chairman, could I ask Mr. Kirkland to come forward please?

Mr. Kirkland: Let me put this map up. Councilman Carmody, I think you and the other Council Members have this map. I believe this will show what we're talking about. And when we make a measurement for the Planning Commission, we don't even accept an application, unless it meets the law. The state law and the local law. Only one person on my staff makes that measurement, because we've learned to experience, and I'm talking 18 almost 26 years in the zoning world in this city and parish, we've learned the hard way to make absolutely certain that that measurement is correct. Because it's very important to getting on the agenda. Mr. Milkovich is right. Just because you meet the measurement, does not mandate approval. That's what the board is there to do, and that's what you're to do when the vote comes to you or the question. The measurement from the closest point of Mr. Carroll's (Mr. Ferrier's proposed building site) down Captain Shreve, across the street, and back up to the property line is 475 feet. It was physically walked and measured by Mr. Clark of my staff. The next measurement that he physically walked was down at this end of the property, 1,025 feet. The next dimension taking another extreme was to go from this corner of the building and then down to Preston to this point, and that's 550 feet. I think that clearly says this applicant had a right to be on an agenda. That's all it say. It doesn't say anymore than that. And there is no other law to go by in that regard. As you know then, there is a public hearing. Notices are sent out.

Neighborhood associations are notified. Hundreds of people are notified including the Caddo Parish Library. Now, the property owner there is Caddo Parish. They got a notice. And the bottom line is they didn't show up at the hearing, but they still exercised their right through two board members who appealed this. The board didn't appeal this case. I think that's already been made clear. But that basically explains the measurement issue. But every citizen that had a concern has a right to express themselves. And that's where we are today. Did I explain I believe Mr. Ferrier?

Mr. Ferrie: I'd just like to say that I personally take offense to Mr. Milkovich's comments of a booze selling restaurant. We're not Déjà vu. We're not a bar where you're going to be able to go in there and belly up to it and drink until you get drunk and leave the parking lot, and run over somebody. We're asking for beer. Beer only. We didn't ask for anything more, anything less. So, for him to say that without knowing all the facts and saying that we're trying to renovate a building that was a gas station. Again, that's wrong because the building has never been a gas station. It's been an auto parts store, it's been a dry cleaners, and it's been a hard liquor packaged liquor store years ago, when the building was conceived. So, for him to say that and not know the facts, I personally take offense to that. Mr. Lester, I thank you very much for making the point that we made at the last Council Meeting, and we tried to make it very clear, but couldn't maybe get our point across that there were already three businesses in that vicinity selling beer. Packaged beer before the library every made the obligation to buy the property and build the building on there. So, that being said and the fact that we've done everything that the City's asked us to do to the law, and being outside that 300 foot barrier, I think that as you said your statement at the last meeting, that if nothing else, it's fundamental fairness that we be granted the same rights and privileges that our neighbors had. And if we did not have precedence on that street, we would have never entered into a contract to buy that building. Never. Because as I stated previously, I have children of my own. I respect people's opinion of trying to protect the children, but again, we're not - - - all we're doing is trying to renovate a building, grow our business that has been successful for 8 ½ going on 9 years now, and make a building that had not a lot of eye appeal, all due respect to Mr. Carroll owning the building and take it and renovate it on the inside and out and make it to where if you're sitting at that 4-way stop sign or you drive by it, you say to yourself, look at what they did to that building. They're really trying to do some good for the neighborhood. So, with that being said, again, I can't thank Mr. Kirkland's office first and foremost for accepting our application and looking at it and walking us through it. Been very professional, but the Council as well for hearing our case. Thank you.

Mr. Al Carroll: (318 Wayne): I do own the building that Robbie is trying to purchase. I would like to clarify one thing that has been misstated today. I have been in business for 36 years in Shreveport. I have been at my present location, the service station at E. Preston and Captain Shreve for the past 19 years. I built that place 19 years ago. I have been a member of the executive board of the Captain Shreve Neighborhood Association for the last 14 years. I pride myself in knowing my customers and since Robbie and I have entered into this agreement, I have not had one customer voice opposition. It has been nothing but encouragement. They want to see the neighborhood grow and Mr. Milkovich thinks that alcohol is bad problem. The only problem that we've had with alcohol in that neighborhood was when the Mardi Gras parade was

staging in (inaudible) vacant lot. They can't do that with the library now. We have not had any problems with alcohol As Robbie said, the building used to be the bottle shop. I'm sure many people my age remember the bottle shop. Mr. Barrow operated it for many years. He was former Senator Barrow's father. He was a real nice guy. There is nothing that is going to corrupt our neighborhood. And I would encourage y'all to really take a good look at it. I really resent people from outside our neighborhood who are not aware of what goes on in our neighborhood coming and addressing y'all and trying to sway you from doing what is right. Thank you gentlemen.

Councilman Green: That completes the public comments. Would also like to advise the Council that earlier in the meeting, we had a discussion as to Councilman Walford's information that he did not receive. Since then, they have located the information and as soon as Ms. Bonnie Moore comes back in, then I'll have her to come up and state her case. So wherever we are we'll just pause for that.

CONSENT AGENDA LEGISLATION

TO INTRODUCE RESOLUTIONS AND ORDINANCES:

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

TO ADOPT RESOLUTIONS AND ORDINANCES:

RESOLUTIONS:

The Clerk read the following:

RESOLUTION NO. 197 of 2005

A RESOLUTION AUTHORIZING RIVERBROOKE, L.L.C., LOCATED AT 10029 EAST KINGS HWY., TO CONNECT TO THE WATER & SEWER SYSTEM OF THE CITY OF SHREVEPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that Riverbrooke, L.L.C., be authorized to connect the building located at 10029 East Kings Hwy., to the water system of the City of Shreveport. BE IT FURTHER RESOLVED that if any provisions or items of this resolution or the application thereof are held invalid, such invalidity shall not affect other provisions, items or applications of this resolution which can be given effect without the invalid provisions, items or applications, and to this end, the provisions of this resolution are hereby declared severable.

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

Read by title and as read, motion by Councilman <u>Robertson</u>, seconded by Councilman <u>Carmody</u> to adopt.

Councilman Hogan: I had a question for Councilman Attorney Lester there. We got it resolved, but can you clarify what we're voting on please?

Councilmen Lester and Green: 197.

Councilwoman Robertson: Mr. Strong if you're still here, I wanted to make sure this is allowing subdivision Southern Home Builders is going to make a subdivision, and this is to allow Lots 1, 2, and 3. Is that correct? Okay, and for the other homes that are built in that area, they'll come back for connection at that point? Okay and have the annexation papers been signed? They have. Okay. Okay Mr. Chairman, I would call for the vote.

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

2. **Resolution No. 202 of 2005**: Authorizing Cottage Ridge, L.L.C., located at 245 Flournoy Lucas Rd. to connect to the water and sewer of the City of Shreveport and otherwise provide with respect thereto. (D/Robertson)

Councilman Jackson: Mr. Chairman, it has my name listed, I'm not sure that's my district.

Councilwoman Robertson: I tried to clarify that also.

Councilman Jackson: I mean, there was a portion of Flournoy Lucas that's in Councilman Hogan's District and that's as close as it comes to my district, and Councilwoman Robertson's District.

Mr. Thompson: Mr. Chairman, I believe that the official agenda, the paper agenda rather than the e-agenda has Ms. Robertson as the person who represents that district. The e-agenda is in error.

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

Councilwoman Robertson: Mr. Chairman, I would ask that we postpone this so that I could look into it further because I was going by thinking it was his, and looking on the map. And it's my error for not checking, but - - -

Councilman Green: So, make a motion to reconsider, we just voted on it. Councilwoman Robertson: Oh, I thought we just voted to bring it onto the agenda.

Councilman Walford: No, we're adopting.

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

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

RESOLUTION NO. 203 of 2005

A RESOLUTION AUTHORIZING ELLERBE ROAD BAPTIST CHURCH, LOCATED AT 10705 ELLERBE RD., TO CONNECT TO THE WATER SYSTEM OF THE CITY OF SHREVEPORT AND OTHERWISE PROVIDING WITH RESPECT THERETO.

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

BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened, that Ellerbe Road Baptist Church, be authorized to connect the building located at 10705 Ellerbe Rd., to the water system of the City of Shreveport.

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

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

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

RESOLUTION NO. 204 OF 2005

A RESOLUTION ACCEPTING DEDICATION FOR ASH STREET AND BASILWOOD STREET IN SAGEWOOD PLACE SUBDIVISION UNIT 2, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for Ash Street and Basilwood Street in Section 3 (T16N-R15W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

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

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

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

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

RESOLUTION NO. 205 OF 2004

A RESOLUTION ACCEPTING DEDICATION FOR UTILITY SERVITUDES IN THE ROSENWALD SUBDIVISION UNIT NO. 4, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for utility servitudes in the Rosenwald Subdivision Unit No. 4 in Section 20 (T18N-R14W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

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

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

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

RESOLUTION NO. 206 OF 2005

A RESOLUTION ACCEPTING DEDICATION FOR UTILITY SERVITUDES IN THE ROSENWALD SUBDIVISION UNIT NO. 3, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for utility servitudes in the Rosenwald Subdivision Unit No. 3 in Section 20 (T18N-R14W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

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

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

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

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

RESOLUTION NO. 207 OF 2005

A RESOLUTION ACCEPTING DEDICATION FOR VIVIAN STREET IN WERNER PARK UNIT NO. 3, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for Vivian Street in Section 14 (T17N-R14W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

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

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

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

RESOLUTION NO. 208 OF 2005

A RESOLUTION ACCEPTING DEDICATION FOR ISLAND PARK BOULEVARD, CARIBBEAN COVE, SANDPIPER LANE, MANDALAY DRIVE, AND PARADISE DRIVE IN ISLAND PARK SUBDIVISION UNIT NO. 1, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for Island Park Boulevard, Caribbean Cove, Sandpiper Lane, Mandalay Drive, and Paradise Drive in Section 15 and 16 (T17N-R13W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a

part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

BE IT FURTHER RESOLVED that the original plat reflecting the dedication for Island Park Boulevard, Caribbean Cove, Sandpiper Lane, Mandalay Drive, and Paradise Drive be recorded in the official records of the District Court for Caddo Parish, Louisiana.

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

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

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

RESOLUTION NO. 209 OF 2005

A RESOLUTION ACCEPTING DEDICATION FOR ISLAND PARK BOULEVARD, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for Island Park Boulevard in Section 15 (T17N-R13W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

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

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

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

Read by title and as read, motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Walford</u> to adopt.

Councilman Hogan: I know throughout the past three hours, Mr. Raley's been back there, and the reason he came. Just wanted to give you an opportunity. I don't think there's going to be a problem with passing it, but did you need to speak or anything on this?

Mr. Raley: I'm here to answer questions.

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

RESOLUTION NO. 210 OF 2005

A RESOLUTION ACCEPTING DEDICATION FOR SUNSET LANE, SANDPIPER LANE, AND SUNSHINE LANE IN ISLAND PARK TOWNHOMES UNIT NO. 1, AND TO OTHERWISE PROVIDE WIT H RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for Sunset Lane, Sandpiper Lane, and Sunshine Lane in Section 15 (T17N-R13W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

BE IT FURTHER RESOLVED that the original plat reflecting the dedication for Sunset Lane, Sandpiper Lane, and Sunshine Lane be recorded in the official records of the District Court for Caddo Parish, Louisiana.

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

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

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

RESOLUTION NO. 211 OF 2005

A RESOLUTION ACCEPTING DEDICATION FOR CRESCENT COVE IN ISLAND PARK GARDEN HOMES UNIT NO. 2, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BE IT RESOLVED by the City Council of the City of Shreveport, in due, legal, and regular session convened, that the dedication for Crescent Cove in Section 15 (T17N-R13W), Caddo Parish, Louisiana, and as shown on the plats attached hereto and made a part hereof, be and the same is hereby accepted as dedicated to the public for public use in the City of Shreveport.

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

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

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

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

Mr. Thompson: Mr. Chairman, one was added that can be adopted

The Clerk read the following:

RESOLUTION NO. 216 OF 2005 A RESOLUTION REJECTING THE BID RECEIVED ON IFB 05-086, BARNWELL CENTER CONSERVATORY RENOVATIONS FOR SPAR PLANNING AND OTHERWISE PROVIDING WITH RESPECT THERETO By:

WHEREAS, One bid was received as a result of solicitations on IFB 05-086 for Barnwell Center Conservatory Renovations; and,

WHEREAS, The City has rejected the bid because it was over budget and the Contractor would not extend their prices a third time;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, regular and legal session convened that the bid received on IFB 05-086 be rejected;

BE IT FURTHUR 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; and

BE IT FURTHUR RESOLVED that all resolutions are parts thereof in conflict herewith are hereby replaced.

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

Councilman Green: Thank you. I'd just like pause and have Ms. Moore to come, she has a report she'd like to make.

Councilman Walford: Actually Mr. Chairman, I just had a meeting with Ms. Moore and Mr. Bowie. If it pleases the Council, instead of waiting for Councilmen's comments, I'd like to suspend the rules to extend an apology.

Councilman Green: Okay, she's coming. We don't have to suspend the rules, I had already laid the foundation, so you can just go right ahead.

Councilman Walford: Okay, Ms. Moore and I just met. I saw the correspondence that I had not gotten, and I certainly apologize to both you and Mr. Bowie. Somewhere

in cyberspace, there is some correspondence, and Mr. Thompson confirms, that indeed I was sent a letter and it had my answer. The house is still there, but I certainly want to apologize to both you and Mr. Bowie. The information I saw in Ms. Moore's folder is timely. We were going to be sure that everything goes to my City email address so that I have it, but both to you and Mr. Bowie, I certainly apologize. You did do your job. I and Mayor, I blindsided you and I apologize for that. I certainly - - -

Mr. Antee: Let me give you this back.

Councilman Walford: Yeah, you can throw that away.

Mr. Antee: You don't need a copy of this email that I sent you?

Councilman Walford: No, I've read my emails now, but that's been bothering me all the way through the meeting, and I appreciate the Chairman giving me the opportunity. I would like to have a copy of the emails if I may.

Ms. Moore: Certainly, we accept your apology and so want to acknowledge that we responded all three times in a timely fashion.

Councilman Walford: And now she knows to mark stuff, when any of us are inquiring about things like this, it's what? A hot file?

Ms. Moore: Yes, we have a hot file. It's this thick, it's six months old, and we respond timely to all of them.

Councilman Walford: And the only thing I would ask now is get that one torn down, so I don't get any more phone calls. The burned one.

Mr. Moore: We will do the best we can.

Councilman Walford: Thank you so much, and Mr. Chairman, thank you for the opportunity to answer.

Councilman Green: Mr. Mayor, since they were publicly humiliated, are they in line for a raise?

Councilman Walford: They are in line for a lunch. I think I would like to invite both of them for a lunch.

Councilman Green: You going Wardell? I'm just playing.

ORDINANCES: None.

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

The Clerk read the following:

RESOLUTION NO. 200 OF 2005

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE LSU BOARD OF SUPERVISORS, ACTING THROUGH LOUISIANA STATE UNIVERSITY IN SHREVEPORT, FOR THE RETENTION, PRESERVATION, AND SERVICING OF CITY RECORDS AT LSUS AND OTHERWISE PROVIDING WITH RESPECT THERETO.

WHEREAS, the City of Shreveport and the LSU Board of Supervisors, acting through Louisiana State University in Shreveport ("LSUS"), have recognized the need to formally organize, preserve, and make accessible to present and future generations the historical records of the City of Shreveport and;

WHEREAS, the City and LSUS wish to enter into an agreement for the retention, preservation and servicing of City records at LSUS.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport in due, legal and regular session convened that Keith P. Hightower, Mayor, be and is hereby authorized to execute an agreement between the City of Shreveport and the LSU Board of Supervisors, acting through Louisiana State University in Shreveport, substantially in accordance with the draft thereof filed in the Office of the Clerk of Council on November 8, 2005.

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

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

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

RESOLUTION NO. 212 OF 2005

A RESOLUTION APPROVING THE 2006 BUDGET FOR THE SHREVEPORT-BOSSIER CONVENTION AND TOURIST BUREAU AND OTHERWISE PROVIDING WITH RESPECT THERETO.

BY:

WHEREAS, the Shreveport-Bossier Convention and Tourist Bureau is required to submit its annual budget to the City of Shreveport for approval.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Shreveport, in legal session convened, that the Shreveport-Bossier Convention and Tourist Bureau budget for 2006, a copy of which was filed with the Clerk of Council on November 29, 2005, be and the same is hereby approved.

BE IT FURTHER RESOLVED that the Shreveport-Bossier Convention and Tourist Commission, acting as the governing body for the Bureau, is hereby authorized to adjust individual line items within the approved 2006 budget, provided that any adjustment which increases the total budget shall require the approval of the City Council.

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 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>Walford</u>, seconded by Councilman <u>Green</u> to adopt.

Councilman Jackson: I was just trying to see Mr. Chairman, I was looking for a copy of the Board of Directors. Is it in the packet? It looks as if it's in the packet that we had. I think I may have question answered. Are there only eight members on the Board of Directors? Does anyone know?

Mayor Hightower: I think it's 17 or 19 or something like that.

Councilman Jackson: Where are they listed? I show eight on Page 3 under Board of Directors, and I guess since they are the folks that make the decisions about how this money is spent, I was concerned about - - - okay, I see four, right here on Page 2. I thank you Mr. Chairman, looks like there are 17. I guess these people at the top who are officers are counted in that bunch as well.

Mayor Hightower: Yeah. The total should be 17.

Councilman Jackson: Okay, I've found it Mr. Chairman. Thank you.

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

INTRODUCTION OF RESOLUTIONS (Not to be adopted prior to December 13, 2005)

- 1. **Resolution No. 213 of 2005:** A resolution closing to vehicular and pedestrian thru traffic a portion of the alleys bounded by Fairfield Avenue, College Street, Boulevard Street, and Thornhill Avenue (An area behind College Street and behind Fairfield), and to otherwise provide with respect thereto. (B/Walford)
- 2. <u>Resolution No. 214 of 2005</u>: A resolution authorizing the Mayor to execute a cooperative endeavor agreement with the Louisiana Science Teachers Association and Louisiana Association of Teachers of Mathematics relative to holding its Annual Conference in Shreveport, and to otherwise provide with respect thereto.

Read by title and as read, motion by Councilman <u>Walford</u>, seconded by Councilman <u>Carmody</u> to introduce Resolution No(s) 213 and 214 of 2005. to lay over until December 13, 2005 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7. Nays: None.

INTRODUCTION OF ORDINANCES (Not be adopted prior to December 13, 2005)

- 1. <u>Ordinance No. 204 of 2005</u>: An ordinance amending a portion of section 62-78 of the code of ordinances relative to Golf Course Fees.
- 2. Ordinance No. 205 of 2005: An ordinance closing and abandoning the 20 footwide alleyway located in Block 14 of the Waterside Subdivision, bordered by Alexandria Avenue on the east and bordered by East Dudley Drive to the south located in Section 07 (T17-R13W), Shreveport, Caddo, Parish, Louisiana and to otherwise provide with respect thereto. (C/Carmody)
- 3. Ordinance No. 206 of 2005: Closing and abandoning the portion of Arkansas Avenue running between West College Street and to a point located ½ Block south of Lakeshore and closure and abandonment of the portion of the adjacent

- alleyway located between Lots 1 and 20, Block 7 of the Queensborough Addition Subdivision in the SE/4 of Section 3 (T17N-R14W), Shreveport, ,Caddo Parish, Louisiana and to otherwise provide with respect thereto. (G/Jackson)
- 4. Ordinance No. 207 of 2005: ZONING C-87-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the south side of Egan Street, 247 feet west of Centenary Boulevard, Shreveport, Caddo Parish, Louisiana from R-3, Multiple-Family Residence/Extended use District, Limited to "A Group Home for Parolees" ONLY, and to otherwise provide with respect thereto. (B/Walford)
- 5. Ordinance No. 208 of 2005: ZONING C-89-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the northwest corner of West 63rd and Linwood Avenue, Shreveport, Caddo Parish, Louisiana, from R-1H, Urban, One-Family Residence District, to B-2, Neighborhood Business District, and to otherwise provide with respect thereto. (F/Green)
- 6. Ordinance No. 209 of 2005: ZONING C-90-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the west side of Dilg League Drive, 1700 Feet west of Lakeshore Drive, Shreveport, Caddo Parish, Louisiana, from B-1, Buffer Business District, to R-1D, Urban, One-Family Residence District, and to otherwise provide with respect thereto. (G/Jackson)
- 7. Ordinance No. 210 of 2005: ZONING C-91-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the north side of Greenwood Road, 500 feet west of Metro Drive, Shreveport, Caddo Parish, Louisiana from B-1, Buffer Business District, to I-1, Light Industry District, and to otherwise provide with respect thereto. (G/Jackson)

Read by title and as read, motion by Councilman <u>Walford</u>, seconded by Councilman <u>Carmody</u> to introduce Ordinance No(s) 204, 205, 206, 207, 208, 209, and 210 of 2005. to lay over until December 13, 2005 meeting. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7. Nays: None.

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

1. Ordinance No. 182 of 2005: An ordinance closing and abandoning the 20 footwide alleyway running between Albert L. Bicknell Drive and Portland Avenue and bounded by Edgar Street and Kings Highway in the NW 4 of Section 11 (T17N-R14W), Shreveport, Caddo Parish, Louisiana and to otherwise provide with respect thereto. (G/Jackson) (Postponed – Nov 8, 2005)

Having passed first reading on <u>October 25, 2005</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 Jackson, seconded by Councilman <u>Carmody</u> to postpone. Motion

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

Councilman Jackson: Mr. Chairman, let me say that they did make an attempt to get with me via telephone, and I missed them back. So we played phone tag while I was out of town, so hopefully, by next meeting we'll be prepared to take some action on it.

2. Ordinance No. 193 of 2005: An ordinance amending and supplementing Resolution No. 131 of 1984 (the "General Bond Resolution") adopted on June 12, 1984, as amended; providing for the issuance of not to exceed \$20,500,000 principal amount of Water and Sewer Revenue Bonds, 2005 Refunding Series A, of the City of Shreveport, State of Louisiana, pursuant to the General Bond Resolution; approving and confirming the sale of such bonds; prescribing the form, fixing the details and providing for the payment of principal of and interest on such bonds and the application of the proceeds thereof for refunding certain bonds issued for the purpose of constructing and acquiring extensions and improvements to the City's combined waterworks plant and system and sewer plant and system (the "System") of the City; making application to the State Bond Commission; and providing for other matters in connection therewith.

Having passed first reading on November 8, 2005 was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman Jackson, seconded by Councilman Hogan. The Clerk read the following:

Amendment No. 1 to Ordinance No. 193 of 2005

Delete the ordinance as introduced and substitute the attached ordinance.

Motion by Councilman <u>Walford</u>, seconded by Councilman <u>Carmody</u> to adopt Amendment No. 1 to Ordinance No. 193 of 2005. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7. Nays: None.

Motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Walford</u> to adopt Ordinance No. 193 of 2005 as amended. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7. Nays: None.

3. <u>Ordinance No. 194 of 2005</u>: An ordinance amending Section 74-54 of the Code of Ordinances relative to landfill disposal fees.

Having passed first reading on <u>November 8, 2005</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 Walford, seconded by Councilman Green to adopt.

Councilman Jackson: Did we have this question answered the last meeting, did we talk about this or is it just my recollection not correct. We were asking about the fees going up and what was the cause for the fees going up.

Mayor Hightower: CPI.

Councilman Jackson: It was the Consumer Price Index going up?

Mayor Hightower: Correct.

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

4. Ordinance No. 195 of 2005: An ordinance closing and abandoning the 20 footwide water and sanitary sewer easement located in lot 21 of the Fox Ridge Townhouses Subdivision in the SE 4 of Section 26 (T17N-R15W), Shreveport, Caddo Parish, Louisiana and to otherwise provide with respect thereto. (E/Hogan)

Having passed first reading on <u>November 8, 2005</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>Hogan</u>, seconded by Councilman <u>Carmody</u> to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7. Nays: None.

5. Ordinance No. 196 of 2005: An ordinance closing and abandoning the 5 footwide by 120 foot- long sanitary sewer easement located in Lot 1 of the Christus Schumpert Commercial Subdivision Unit No. 2 in the NE/4 of Section 1 (T17N-R14W), Shreveport, Caddo Parish, Louisiana and to otherwise provide with respect thereto. (B/Walford)

Having passed first reading on <u>November 8, 2005</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>Walford</u>, seconded by Councilman <u>Carmody</u> to adopt. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7. Nays: None.

- 6. Ordinance No. 197 of 2005: ANNEXATION: TAG NO. 05-01: An ordinance to enlarge the limits and boundaries of the City of Shreveport a tract of land located in Sections 29 and 32 (T16N-R13W), Caddo Parish, Louisiana and to otherwise provide with respect thereto. (D/Robertson)
- 7. Ordinance No. 198 of 2005: ANNEXATION: TAG NO. 05-03: An ordinance to enlarge the limits and boundaries of the City of Shreveport A tract of land located in a portion of the S/2 of the N/2 of Section 29 (T16N-R13W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.(D/Robertson)
- 8. <u>Ordinance No. 199 of 2005</u>: ANNEXATION: TAG NO 05-04: An ordinance to enlarge the limits and boundaries of the City of Shreveport Three tracts of land located south of the Southern Loop Road And west of the Norris Ferry Road in

- the SE/4 of Section 20 and in the NE/4 of Section 29 (T16N-R13W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto.(D/Robertson)
- 9. Ordinance No. 200 of 2005: ANNEXATION: TAG NO. 05-05: An ordinance to enlarge the limits and boundaries of the City of Shreveport Two tracts of land located southwesterly of the Ellerbe Road in the S/2 of Section 22 and in the N/2 of Section 27 (T16N-R13W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto. (D/Robertson)
- 10. Ordinance No. 201 of 2005: ANNEXATION: TAG NO. 05-07: An ordinance to enlarge the limits and boundaries of the City of Shreveport A tract of land located north of the Southern Loop Road and west of the Norris Ferry Road in the SE/4 of Section 20 (T16N-R13W), Caddo Parish, Louisiana, and to otherwise provide with respect thereto. (D/Robertson)

Having passed first reading on <u>November 8, 2005</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>Robertson</u>, seconded by Councilman <u>Lester</u> to postpone Ordinance No(s) 197, 198, 199, 200, and 201 of 2005. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7. Nays: None.

Councilwoman Robertson: Mr. Chairman, can I comment?

Councilman Green: Yes Ma'am.

Councilwoman Robertson: Mr. Lester had a question during the public hearing, so I wanted to go and let him be able to get the information he requested so that we can deal with that.

Councilman Lester: Thank you.

11. <u>Ordinance No. 202 of 2005</u>: An ordinance adopting the 2006 Downtown Development District Budget, appropriating the funds authorized therein, and otherwise providing with respect thereto.

Having passed first reading on <u>November 8, 2005</u> was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Green</u>, seconded by Councilman <u>Lester</u> to postpone. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7. Nays: None.

12. Ordinance No. 184 of 2005: ZONING APPEAL – C-70-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance by rezoning property located on the northeast corner of Fairfield Avenue and Robinson, Shreveport, Caddo Parish, Louisiana, from SPI-1, Highland Urban Conservation District, to SPI-1-E, Highland Urban Conservation/Extended Use District, limited to "A total of 4 Pet Fowl" only, and to otherwise provide with respect thereto. (B/Walford) (Postponed on November 8, 2005)

Having passed first reading on <u>October 25, 2005</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>Walford</u>, seconded by Councilman <u>Green</u>.

Amendment No. 2 to Ordinance No. 184 of 2005

In Section II, add stipulation No. 5 to read as follows:

5. The three pet fowl shall be limited to hens, and no roosters shall be kept on the premises.

Motion by Councilman <u>Walford</u>, seconded by Councilman <u>Carmody</u> to adopt Amendment No. 2 to Ordinance No. 184 of 2005.

Councilman Walford: Mr. Chairman, I have an amendment being passed out to the Council members. This is not on the electronic, this is brand new. Not a question, but just a comment. But this certainly has been an emotional thing. What my amendment proposes is a total of three pet fowl with an added stipulation that the three pet fowl should be limited to hens, and no roosters should be kept on the premises. And again, this one has been very emotional, and I know that everybody's gotten a lot of information. I know that you've had calls and emails, and what I'm going to ask on this one if for each of my colleagues to just vote their conscious and what they feel is best.

Councilman Lester: Mr. Chairman, sitting here through this discussion has been an interesting exercise. Quite obviously I don't have the benefit of or the knowledge of the parties like Councilman Walford does, but my present sense of pressure is that there is a whole lot going on with this situation. And it has less to do with the issue at hand and more to do with something amongst some neighbors. And so, that's one issue. I have been educated much more than probably any of us would like on viruses, on Histoplasmosis. I was sitting here and I, Mr. Antee, and Ms. Glass, and Mr. Thompson will appreciate it, you know, it's almost like I'm in a (inaudible) hearing where I have to decide which expert do I listen to? What's the test, and that whole nine yards. Which medically excepted version do I accept? Do I accept the theory that it's an airborne, is it virus, is it bacterial, the whole nine yards. I don't think it's that' complicated. I think that the issue is not the parties. Because our position as Councilmen is not to look at the individual parties or the individual package, because one thing they tell us in law school is bad facts make for bad law. And you might have a good situation or bad situation that's dressed up nice, because you like the package. But what's in the package might be a bad idea, but you accept the bad idea because you like the package. I think the last speaker that spoke on this issue in my mind hit the nail right on the head. How do you draw the line? Where does it stop? How do you make a ruling and be prejudicial. We just passed a resolution or an ordinance, that is not outdated, is not ill-conceived, it was not arbitrary and capricious. And in my mind at the end of the day, Shreveport is a city, not a town. Cities don't have chickens in their backyards, towns do. And in my mind it's not about one party versus, the other. It's not about the competing diagnosis of Histoplasmosis and their causes, it's about is the City of Shreveport a place where we're going to allow people to keep chickens in their backyards. And I believe that chickens are farm animals, and I believe that we should not have chickens in the backyards. And it's not about any of the families, because I don't know anybody. But I don't think that in a city, you have chickens in the backyard. And I'm going to be voting No. Thank you Mr. Chairman.

Councilman Jackson: Thank you Mr. Chairman. My questions were from yesterday. Mr. Kirkland, I guess would be a good person to answer this question. If you don't mind. On yesterday, not even on this subject I believe we were on another subject that had to do with zoning with the Adult Care, said something that I guess started to formulate for me a philosophical construct of trying to make zoning decisions. You said when we make one decision, that we have granted a right. And then you know how that becomes when we grant a right. Then it becomes a situation where then now, you can't stop, and people use that case as precedence to suggest here's some other things that we need to do. We talked about that yesterday, just about that particular daycare. I think it came up because someone suggested that 'well, you know it's on a case-by-case basis and it's for one particular location. Maybe it's just me, but I see this as the same type scenario. Do you as the MPC's Executive Director view this differently, am I seeing it wrong?

Mr. Kirkland: I wouldn't say you're seeing it wrong Councilman, but let me try to explain it by using an analogy. We've had over the last, at least this is my direct experience, 20+ years, we've had a number of cases dealing with horses. Now people could call those farm animals. We also know that they are used for recreation, riding and that sort of thing. A number of horses have been approved in the city, but I guarantee you it didn't open the flood gates to everybody in the city have a horse or even a lot of people having horses. Only people who had enough land to keep a horse, and those are the only ones that the Board approved. I remember we had one case where a guy wanted to keep about eight horses on about one acre. Well, the Board denied that and that decision stuck, but we've approved some others and we've approved some chickens. I think the last time we dealt with it, about fours ago, it was about twelve chickens. Now this guy originally had 30 something chickens, but that didn't open the gates either. Our system is set up to review every request case-by-case, and make a decision. Now, precedence setting means that if you had exactly same situation that this Council approved or the ultimate decision was to approve it, and it stuck, if someone else had an identical situation, they could claim this case as a rationale why their case should be approved. But there might be other mitigating factors that either the Boards or the Council or the Parish Commission would crank into that decision. 90% or I'm going to say 95% or more of your decisions and the Caddo Parish Commission decisions stick. Whatever you decide, our citizens go by. Our zoning laws allow for discretion. It doesn't matter if it's a ZBA alcohol request, or if it's a bunch horses as the exception used, or a truck stop or whatever. The elected officials ultimately have the power to decide. And if people don't like that, they can go to court. Now the courts though, cannot legally substitute their opinion for yours or the Caddo Parish Commission's. Now that's the law in Zoning. Unlike a lot of other laws. But the bottom line is your judgement as I think Mr. Milkovich said, and I don't really like to quote him, but you are elected to represent the people. And that's what I see you do meeting after meeting. You make this decision or that decision. You make one decision over here in this neighborhood and another one over here. You exercise the good judgement that our laws have been trusted to you. The same as our Boards that are appointed, half of 'em by you, appointed by the Mayor and recommended, you appoint, and then the Parish recommends the others. They make the

best judgement they can. The bottom line, Councilmen, you can continue in my opinion, and based on absolute experience, continue to exercise that discretion. And this is another case, if you want to approve it, just like that Adult Daycare on Malcolm. And the odds are, I would almost, well I've learned better than that, but I've almost assure you, that decision will stick. Whatever you decide. If you deny it, of course (inaudible) would uphold that. Same thing on these chickens. Now, very few people are going to have the amount of property that the Baucum's have got. For one thing, so precedent setting, if you've got that much land in the city, maybe you might be able to get approval for it, but maybe not either. A lot depends on the circumstances involved. So, here's what would happen. If we said it was entirely precedent setting, we could start going home after we settled the chicken issues. We could say okay, that one is forever decided. Everybody can have chickens or everybody can't have them. That's not the way it works.

Councilman Jackson: But you know several people made the statement or alluded to and I didn't want to chime in, I figured I'd wait until the debate time. But several people alluded to the fact that we were already breaking the law, that there was a clear law on - - -

Mr. Kirkland: Well, it is a violation.

Councilman Jackson: - - - record now, and they're already outside of the law, if you will.

Mr. Kirkland: It is a violation, that's correct. And that's why they applied. They either had to cease having the chickens, how you get rid of 'em or try to apply to get legal approval. And that's not uncommon either. Probably half the cases we see, zoning and otherwise are because people find out that they're violating the zoning law, so they have to or they can comply with the law. So that's not unusual either, the fact that they're before you.

Councilman Green: Mr. Kirkland, I'd just like to commend you and your staff for doing a great job on all of the issues that you're faced with and certainly I think that you have a great professional staff.

Mr. Kirkland: Well thank you Reverend, I appreciate that.

Councilman Green: But I'd just like to say about the chickens I guess I've always wondered and I guess most of my family members have wondered and if they are watching television now, then I guess the proof will be in the pudding. I'm from Belcher and I used to take care of 150 chickens that my grandmamma had, and we had a hen house that I had to clean it out. And now that I'm educated as to all the stuff that can happen to you with chickens, now I've discovered what's wrong with me. So, I just had a flashback as to taking care of all those chickens, so my vote is going to be No.

Councilman Walford: Just a couple of comments. I agree certainly in part with Mr. Lester where he said that it shouldn't be about personalities or individuals. Before this came up, I didn't know any of the parties involved. To clear up one other thing, we keep hearing that it's breaking the law. It has been a zoning violation as Mr. Kirkland said, however I will point out that our animal control ordinance does not address fowl. That's not a fowl ordinance. And the last thing that I'd like to say is that based on everything I read, the information I passed out to the Council Members, I don't believe that this is a public health issue. I don't think that three hens are going to affect public

health one way or the other. So, again I will ask because it's been a rather contentious issue, I ask my Council Members to vote their conscious on this one.

Councilman Jackson: I don't know Mr. Chairman, and maybe you can give us direction. I didn't want to go as far I guess needing a substitute motion because I guess my major struggle, because we're on the amendment.

Councilman Walford: Right.

Councilman Jackson: We're talking about the amendment, we really have been talking about the actual ordinance itself. But the amendment, I guess I'm trying to detect the wisdom in three instead of four. And to me it would seem like three chickens, four chickens, you know, six in one hand, half a dozen in the other - - - I mean no pun intended.

Councilman Green: If you're looking for leadership from me I would be against the amendment, because to have two hens and no rooster would be bad.

Councilman Jackson: That's not quite what I was saying. I just don't know if the amendment only - - - the only difference it seems to me in the amendment and the actual zoning appeal is four fowl versus three. Are we defining by saying, because the term pet fowl I would assume includes hens and roosters. Is that correct?

Councilman Walford: In the amendment, I add the stipulation that no roosters shall be kept on the premises. And the three is because they said they had three. We certainly don't want to add any. That's where the three came from.

Councilman Jackson: I don't know what the appropriate - - - I guess (inaudible) a defeat of this particular amendment personally.

Councilman Green: You said no rooster can be kept on the premises. They can bring a rooster, but he can't stay.

Councilman Walford: That wasn't my intent Mr. Chairman. And they said that the stray one can't get in.

Councilwoman Robertson: And this may be for Ms. Glass or one of the other Council representatives can tell me. What exactly is the statute for animal control that y'all passed as the new ordinance.

Ms. Glass: Mr. Chairman, we just checked on that and there is an animal control ordinance in the City Code, but the new ordinance does not cover fowl. So, it does not apply in this case.

Councilwoman Robertson: What does it read?

Ms. Glass: Well, it doesn't apply to fowl. So I mean, there's a lot of provisions on dogs and other things, but not for chickens.

Councilman Hogan: Thank you Mr. Chairman. I'd like to say that first of all Mr. Kirkland had reminded me of something a few minutes ago, when he said about the laws are made for discretion. And if you had a case where the horses were allowed before and it was okay. Just about three miles from my house in District E is someone on Bert Kouns Industrial Loop who has five acres, and they've got about 3 horses. And so I never hear any complaints, I've been in this position three years and hadn't had one complaint from anybody about that. My first impression when I first heard this, and Ms. Baucum, even after I went to your house, I was kinda leaning the other direction, but after listening to everything, and I appreciate all the people that have come and spoke. Many have already had to leave, and explain the issue over the Histoplasmosis. You know, when we passed the smoking ban, what did everybody say? All the restaurants

without an alcohol license are going to rush down and get an alcohol license. It didn't happen. That's what I've heard in arguments yesterday and today, that people are going to start asking for cows, and horses, and goats. And I don't think that's going to be the case at all. But it would be a totally different story for me if you were raising chickens, if you were in the business of raising chickens. If you were breeding 'em, if you were selling the eggs and all that, it would be a totally different story. And there is exceptions and there should be to a lot of things, and it should be looked at on a case-by-case basis. Sometimes, not often times do I quote the bible up here, it's the most important book to me. It's the foundation of our western civilization's law. And the Bible is against divorce. You know Jesus is against divorce. But there is an exception. It's except for the cause of unchastity. The Bible says that you shouldn't work on Sunday, except if your ox falls in the ditch. You know so there are indeed and should be I believe exceptions to everything. And this has risen to that level I believe. That if you've had them there for seven years, there's something to what Councilman Lester said about I would say a personal issue between Ms. Kelly and your family. Since you've had the chickens for seven years and really nothing was said, now all of a sudden her dog has it, I thought that was also a weak argument that the dog got the Histoplasmosis from five minutes of being around the chicken yard. I thought that was a weak argument. But I said all that to say this. I have pets in my home and they're small dogs. I'm in the rental property business. I allow people to have pets to a certain extent. Under 20 lbs. Nobody has a Great Dane in one of my apartments. So, I do allow small house pets, and I can appreciate that you want to have pets for your children to. But my vote will be in favor to uphold the MPC. Thank you.

Councilwoman Robertson: Let me make sure. We're voting on the - - - Councilman Green: The amendment for the chickens.

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

Motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Walford</u> to adopt Ordinance No. 184 of 2005 as amended. Motion denied by the following vote: Nays: Councilmen Lester, Robertson, Green, and Jackson. 4. Ayes: Councilmen Walford, Carmody, and Hogan. 3.

Ordinance No. 189 of 2005: ZONING – C-80-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the northeast corner of Kings Highway and Albert Bicknell Drive, Shreveport, Caddo Parish, Louisiana, from R-2, Suburban, Multi-Family Residence District, to B-2, Neighborhood Business District, and to otherwise provide with respect thereto. (G/Jackson) (Postponed on November 8, 2005)

Having passed first reading on <u>October 25, 2005</u> was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Jackson</u>, seconded by Councilman <u>Walford</u> to postpone. Motion approved by the following vote: Ayes: Councilmen Lester, Walford, Carmody, Robertson, Green, Hogan, and Jackson. 7. Nays: None.

14. Ordinance No. 203 of 2005: ZONING APPEAL – C-88-05: An ordinance amending Chapter 106 of the Code of Ordinances, the City of Shreveport Zoning Ordinance, by rezoning property located on the south side of Malcolm, 330 feet east of Hearne Avenue, Shreveport, Caddo Parish, Louisiana, from R-1D, Urban, One-Family Residence District to R-1D-E, Urban One-Family Residence/Extended Use District, Limited to "An Adult Day Care" ONLY, and to otherwise provide with respect thereto. (F/Green)

Having passed first reading on <u>November 8, 2005</u> was read by title, and on motion, ordered passed to third reading. Read the third time in full and as read motion by Councilman <u>Jackson</u>, seconded by Councilman <u>Walford</u> to adopt.

Councilman Hogan: I just want to make sure that I understand what you're saying. That you're in favor of upholding the MPC, I'm sorry denying the MPC's decision.

Councilman Green: Right, we're denying their decision, and we're recommending denial of it, and we've worked something out that everybody will be happy.

Councilman Hogan: You're recommending denial of it?

Councilman Lester: Overturn. The MPC denied, and he's approving with a stipulation.

Councilman Hogan: I understand.

Mr. Thompson: Mr. Chairman, the motion is to adopt the ordinance as written?

Councilman Green: Yes. So you would have a "yes" vote.

Councilman Hogan: If you are allowing the people to have it, vote Yes? If you don't want them to have it, vote No.:

Councilman Green: Correct.

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

The adopted ordinances and amendments follow:

AMENDMENT NO. 1 TO ORDINANCE NO. 193 OF 2003
Offered by Councilman:
TWENTY THIRD SUPPLEMENTAL ORDINANCE
A Supplemental Ordinance amending and supplementing Resolution No. 131 of
1984 (the "General Bond Resolution") adopted on June 12, 1984, as amended;
providing for the issuance of not to exceed \$12,000,000 principal amount of Water
and Sewer Revenue Bonds, 2005 Refunding Series A, of the City of Shreveport,
State of Louisiana, pursuant to the General Bond Resolution; approving and
confirming the sale of such bonds; prescribing the form, fixing the details and
providing for the payment of principal of and interest on such bonds and the
application of the proceeds thereof for refunding certain bonds issued for the

purpose of constructing and acquiring extensions and improvements to the City's

combined waterworks plant and system and sewer plant and system (the "System") of the City; making application to the State Bond Commission; and providing for other matters in connection therewith.

WHEREAS, the City of Shreveport, State of Louisiana (the "Issuer"), owns and operates a revenue-producing public utility comprised of a combined waterworks plant and system and sewer plant and system (the "System"); and

WHEREAS, the Issuer is authorized to borrow money and issue revenue bonds, payable solely from the income and revenues to be derived by the Issuer from the operation of the System to refund a portion of the Issuer's outstanding Water and Sewer Revenue Bonds, 1997 Refunding Series A and 2000 Series A (collectively, the "Refunded Bonds"), the proceeds of which were used to finance construction, improvements and extensions to the System, pursuant to the provisions of Chapter 14-A of Title 39 of the Louisiana Revised Statutes of 1950, as amended (R.S. 39:1444-1455) (the "Act"), and other constitutional and statutory authority; and

WHEREAS, the Issuer adopted Resolution No. 131 of 1984 (the "General Bond Resolution") on June 12, 1984, as amended and supplemented, authorizing the issuance from time to time of Water and Sewer Revenue Bonds of the Issuer on the terms and conditions set forth in the General Bond Resolution; and

WHEREAS, the General Bond Resolution provides that the details of the Bonds of each Series of Bonds issued thereunder shall be specified in a supplemental resolution adopted by the Issuer authorizing the issuance of such Series of Bonds, subject to the terms, conditions and limitations established in the General Bond Resolution; and

WHEREAS, the Issuer proposes by this Twenty Third Supplemental Ordinance to authorize the issuance of not to exceed \$12,000,000 principal amount of its Bonds to be the Twenty Third Series of Bonds issued under the General Bond Resolution and to be designated "Water and Sewer Revenue Bonds, 2005 Refunding Series A" (the "Series 2005 Bonds"), and to specify the terms and conditions of the Series 2005 Bonds; and

WHEREAS, the Issuer has heretofore issued \$40,940,000 original principal amount of Water and Sewer Revenue Bonds, 1986 Series A (the "Series 1986A Bonds") pursuant to the General Bond Resolution and the Third Supplemental Resolution; \$31,080,000 Water and Sewer Revenue Bonds, 1986 Refunding Series C (the "Series 1986B Bonds") pursuant to the General Bond Resolution and the Fourth Supplemental Resolution, \$45,595,000 Water and Sewer Revenue Bonds, 1986 Refunding Series C (the "Series 1986C Bonds") pursuant to the General Bond Resolution and the Fifth Supplemental Resolution; \$11,568,877.37 Water and Sewer Revenue Bonds, 1989 Series A (the "Series 1989A Bonds") pursuant to the General Bond Resolution and the Sixth Supplemental Resolution; \$11,125,333.62 Water and Sewer Revenue Bonds, 1990 Series A (the "Series 1990A Bonds") pursuant to the General Bond Resolution and the Seventh Supplemental Resolution; \$4,623,201.02 Water and Sewer Revenue Bonds, 1990 Series B (the "Series 1990B Bonds") pursuant to the General Bond Resolution and the Eighth Supplemental Resolution; \$7,187,914.56 Water and Sewer Revenue Bonds, 1991 Series

A (the "Series 1991A Bonds") pursuant to the General Bond Resolution and the Ninth Supplemental Resolution; \$3,106,823.80 Water and Sewer Revenue Bonds, 1992 Series A (the "Series 1992A Bonds") pursuant to the General Bond Resolution and the Tenth Supplemental Resolution; \$40,153,936.80 Water and Sewer Revenue Bonds, 1992 Refunding Series C (the "Series 1992B Bonds") pursuant to the General Bond Resolution and the Eleventh Supplemental Resolution; \$10,290,000 Water and Sewer Revenue Bonds, 1993 Series B (the "Series 1993B Bonds") pursuant to the General Bond Resolution and the Twelfth Supplemental Resolution; \$28,100,000 Water and Sewer Revenue Bonds, 1994 Series A (the "Series 1994A Bonds") pursuant to the General Bond Resolution and the Thirteenth Supplemental Resolution; \$6,060,000 Water and Sewer Revenue Bonds, 1997 Refunding Series A (the "Series 1997A Bonds") pursuant to the General Bond Resolution and the Fourteenth Supplemental Resolution; \$10,210,000 Water and Sewer Revenue Bonds, 2000 Series A (the "Series 2000A Bonds") pursuant to the General Bond Resolution and the Seventeenth Supplemental Resolution; \$21,169,624 Water and Sewer Revenue Bonds, 2002 Series A (the "Series 2002A Bonds") pursuant to the General Bond Resolution and the Eighteenth Supplemental Resolution; and \$40,735,000 Water and Sewer Revenue Bonds, 2003 Refunding Series A (the "Series 2003A Bonds") pursuant to the General Bond Resolution and the Nineteenth Supplemental Resolution; and \$18,800,000 Water and Sewer Revenue Bonds, 2003 Refunding Series B (the "Series 2003B Bonds") pursuant to the General Bond Resolution and the Twentieth Supplemental Resolution.

WHEREAS, Financial Security Assurance, Inc. (the "Bond Insurer") is issuing a policy of municipal bond insurance which insures the payment of principal of and interest on the Series 2005 Bonds (the "Bond Insurance Policy (Series 2005)"); and

WHEREAS, Bonds may be issued pursuant to the General Bond Resolution which shall constitute Prior Lien Bonds provided certain conditions are met as provided in the General Bond Resolution; and

WHEREAS, said terms and conditions shall be satisfied prior to the issuance of the Series 2005 Bonds and, accordingly, the Series 2005 Bonds shall constitute Prior Lien Bonds;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Shreveport, Louisiana, acting as the governing authority of said City, that:

ARTICLE I

Definitions; Findings and Interpretation

Section 101. <u>Definitions</u>. Unless the context shall clearly indicate some other meaning, all words and terms used in this Supplemental Resolution which are defined in Resolution No. 131 of 1984 adopted by this Council on June 12, 1984, entitled: "A resolution authorizing the issuance from time to time of Water and Sewer Revenue Bonds of the City of Shreveport, State of Louisiana, prescribing the form, fixing the details and

providing for the payment of principal of and interest on such bonds and for the rights of the holders thereof, as amended and supplemented to date shall, for all purposes of this Twenty Third Supplemental Resolution, have the respective meanings given to them in the General Bond Resolution, as amended. In addition, unless the context shall clearly indicate some other meaning, the following terms shall, for all purposes of the General Bond Resolution or of any resolution or other instrument amendatory thereof or supplemental thereto have the following meanings:

"Bond Insurer" or "FSA" shall mean Financial Security Assurance, Inc., a New York stock insurance company or any successor thereto or assignee thereof.

"Bond Insurer Policy" or "Insurance Policy" shall mean the insurance policy issued by the Bond Insurer guaranteeing the scheduled payment of principal of and interest on the Series 2005 Bonds when due.

"Insurer's Fiscal Agent" shall mean the Bond Insurer's fiscal agent or its successor.

"Twenty Third Supplemental Resolution" shall mean this Twenty Third Supplemental Resolution as the same may be supplemented or amended hereafter.

"Redemption Price of the Refunded Bonds" shall mean a price equal to 100% of the price of the Refunded Bonds, without premium plus accrued interest to the redemption date.

"Refunded Bonds" shall mean the portion of the Issuer's outstanding Water and Sewer Revenue Bonds as follows:

SERIES	<u>MATURITIES</u>
1997A	2008-2014
2000A	2011-2024

"Regular Record Date" shall mean with respect to the Series 2005 Bonds, the fifteenth day of the calendar month next preceding each Interest Payment Date.

"Series 2005 Bonds" or "Bonds" shall mean not to exceed \$12,000,000 principal amount of Water and Sewer Revenue Bonds, 2005 Refunding Series A, issued pursuant to the General Bond Resolution as amended and supplemented to the date hereof.

"Underwriter" shall mean collectively, Morgan Keegan and Company, Inc., New Orleans, Louisiana and Stephens Inc. of Baton Rouge, Louisiana.

Unless or except as the context shall clearly indicate otherwise or may otherwise require in this Twenty Third Supplemental Resolution: (i) all references to a particular

section, paragraph or subdivision of the General Bond Resolution or this Twenty Third Supplemental Resolution, as the case may be, are to the corresponding section, paragraph or subdivision of the General Bond Resolution only, or this Twenty Third Supplemental Resolution only, as the case may be; (ii) the terms "herein", "hereunder", "hereby", "hereto", "hereof', and any similar terms, refer to this Twenty Third Supplemental Resolution as a whole and not to any particular section, paragraph or subdivision thereof; (iii) the terms "therein", "thereunder", "thereby", "thereto", "thereof", and any similar terms, refer to the General Bond Resolution, and to the General Bond Resolution as a whole and not to any particular section, paragraph or subdivision thereof, and (iv) the term "heretofore" means before the time of effectiveness of this Twenty Third Supplemental Resolution, and the term "hereafter" means after the time of the effectiveness of this Twenty Third Supplemental Resolution.

Section 102. <u>Findings and Determinations</u>. The Governing Authority hereby finds and determines:

- (a) The Issuer is authorized under the Act to issue its revenue bonds in such amounts as may be necessary for the purpose of refunding the Refunded Bonds, and is further authorized pursuant to the General Bond Resolution, as amended and supplemented to the date hereof, to issue the Series 2005 Bonds for such purpose by means of a Supplemental Resolution adopted pursuant to and in accordance with Sections 204 and 205 of the General Bond Resolution.
- (b) The Issuer has sold the Series 2005 Bonds to the Underwriter all in accordance with the terms of the Bond Purchase Agreement.
- (c) The Series 2005 Bonds, when issued, shall constitute Prior Lien Bonds as provided in the General Bond Resolution, as amended.
- (d) It is anticipated that the Series 1997A Bonds will be redeemed on December 1, 2007 and the Series 2000A Bonds will be redeemed on December 1, 2009 and will be payable on such date solely from proceeds of the Series 2005 Bonds, which amounts have been calculated to be sufficient to pay the Redemption Price of the Refunded Bonds.

Section 103. <u>Interpretation</u>. In this Twenty Third Supplemental Resolution, unless the context otherwise requires, (a) words importing persons include firms, associations and corporations, (b) words importing the singular include the plural and vice versa and (c) words of the masculine gender shall be deemed and considered to include correlative words of the feminine and neuter genders.

ARTICLE II

Authorization and Details of Series 2005 Bonds

Section 201. <u>Authorization and Designation</u>. Pursuant to the provisions of the General Bond Resolution, as amended, this Twenty Third Supplemental Resolution and the Act, there is hereby authorized the issuance of not to exceed Twenty Million Five Hundred Thousand Dollars (\$12,000,000) original principal amount of Series 2005 Bonds of the Issuer to be designated "Water and Sewer Revenue Bonds, 2005 Refunding Series A", for the purpose of refunding the Refunded Bonds and paying costs of issuing the Series 2005 Bonds. The Series 2005 Bonds shall be special obligations of the Issuer payable solely from the Revenues, shall be entitled pursuant to and in accordance with the General Bond Resolution, as amended, to the pledge and lien created thereby and shall be otherwise entitled to the security and benefits thereof. The Series 2005 Bonds shall be issued in the form set forth in Exhibit A hereto.

The Series 2005 Bonds, together with other Parity Bonds, are payable as to both principal and interest solely from the Revenues to be derived from the operation of the System, subject to the prior payment of the reasonable and necessary expenses of operation and maintenance of the System and the Bonds do not constitute an indebtedness or pledge of the general credit of the Issuer within the meaning of any constitutional and statutory limitation of indebtedness.

Section 202. <u>Principal Amount and Type</u>. The Series 2005 Bonds shall be issued in the aggregate principal amount of not to exceed Twenty Million Five Hundred Thousand Dollars (\$12,000,000).

Section 203. <u>Denominations</u>, <u>Dates</u>, <u>Maturities and Interest</u>. The Series 2005 Bonds are issuable as fully registered bonds. Interest on the Series 2005 Bonds (payable June 1 and December 1 of each year, commencing June 1, 2006) is payable by check mailed to the registered owner. The Series 2005 Bonds are in the denomination of \$5,000 each or any integral multiple thereof, and in fully registered form.

The Series 2005 Bonds shall mature no later than twenty (20) years from the date thereof and bear interest at a rate not to exceed 6.0% per annum.

The principal of the Series 2005 Bonds is payable at the principal corporate trust office of Regions Bank, in the City of Baton Rouge, Louisiana, as Paying Agent and Bond Registrar with respect to the Series 2005 Bonds upon surrender thereof.

Each Series 2005 Bond shall be dated the date of delivery. Except as otherwise provided in this Section, the Series 2005 Bonds shall bear interest from the date thereof or from the most recent Interest Payment Date to which interest has been paid or duly provided for, as the case may be. However, when there is no existing default in the payment of interest on the Series 2005 Bonds, each Series 2005 Bond executed after the Regular Record Date for any Interest Payment Date but prior to such Interest Payment Date, shall bear interest from such Interest Payment Date provided, however, that if and to the extent that the Issuer shall default in the payment of the interest due on any Interest Payment Date, then all such Series 2005 Bonds shall bear interest from the most recent

Interest Payment Date to which interest has been paid or duly provided for, unless no interest has been paid on the Series 2005 Bonds, in which case from the date of delivery.

The person in whose name any Series 2005 Bond is registered at the Regular Record Date with respect to an Interest Payment Date shall in all cases be entitled to receive the interest payable on such Interest Payment Date (unless such Series 2005 Bond has been called for redemption on a redemption date which is prior to such Interest Payment Date) notwithstanding the cancellation of such Series 2005 Bond upon any registration of transfer or exchange thereof subsequent to such Regular Record Date and prior to such Interest Payment Date.

ARTICLE III

Redemption Prior to Maturity

Section 301. <u>Redemption</u>. The Bonds are subject to redemption prior to maturity at the discretion of the Mayor and Director of Finance upon advice of Bond Counsel and the Underwriter at the time of pricing.

In the event a Bond to be redeemed is of a denomination larger than \$5,000, a portion of such Bond (\$5,000 or any multiple thereof) may be redeemed. Any Bond which is to be redeemed only in part shall be surrendered at the principal corporate office of the Paying Agent and there shall be delivered to the Owner of such Bond a new Bond or Bonds of the same maturity and of any authorized denomination or denominations as requested by such Owner in aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Bond so surrendered. Official notice of such call of any of the Bonds for redemption shall be given by the Paying Agent by means of first class mail, postage prepaid, by notice deposited in the United States mails not less than thirty (30) days prior to the redemption date addressed to the Owner of each Bond to be redeemed at his address as shown on the Bond Register.

ARTICLE IV

Application Of Proceeds of Series 2005 Bonds

Series 2005 Bonds. This Governing Authority hereby binds and obligates itself and the Issuer to use or cause to be used the proceeds derived from the sale of the Series 2005 Bonds to refund the Refunded Bonds and to pay costs of issuance associated with the Series 2005 Bonds. The Director of Finance is authorized to pay costs of issuance upon receipt of appropriate invoices.

ARTICLE V

Execution and Form of Series 2005 Bonds

Section 501. Execution and Form of Series 2005 Bonds. The Series 2005 Bonds issuable hereunder shall be executed by the Mayor, Clerk of Council and Director of Finance, respectively, substantially in the form set forth in Exhibit A hereto, with such necessary or appropriate variations, omissions and insertions as are required or permitted by law or by the General Bond Resolution, as amended and supplemented by this Twenty Third Supplemental Resolution. The Series 2005 Bonds shall be lettered "R" and shall be numbered separately from 1 upward.

ARTICLE VI

Sale of the Series 2005 Bonds

Section 601. Sale of Series 2005 Bonds. The sale of the Series 2005 Bonds to the Underwriter is hereby in all respects approved, ratified and confirmed and after their execution, the Series 2005 Bonds shall be delivered to the Underwriter or its agents or assigns, upon receipt by the Director of Finance of the Issuer of the agreed purchase price. The execution and delivery on behalf of the Issuer of the Bond Purchase Agreement, is hereby approved and ratified in all respects. The Mayor and Director of Finance of the Issuer are each hereby empowered, authorized and directed to execute and deliver or cause to be executed and delivered all documents required to be executed on behalf of the Issuer or deemed by them necessary or advisable to implement this Supplemental Resolution or facilitate the sale of the Series 2005 Bonds including an Escrow Agreement with Regions Bank, as escrow agent.

Section 602. Official Statement. The Governing Authority hereby approves the form and content of a Preliminary Official Statement, pertaining to the Series 2005 Bonds submitted to the Governing Authority and hereby ratifies its prior use by the Underwriter in connection with the sale of the Series 2005 Bonds. The Governing Authority further approves the form and content of a final Official Statement and hereby authorizes and directs the execution by the Mayor or Director of Finance of the Issuer and delivery of such final Official Statement to the Underwriter for use in connection with the public offering of the Series 2005 Bonds.

ARTICLE VII

Notice of Events of Default

Section 701. <u>Notice to Bond Insurer</u>. The Trustee hereby agrees to give immediate notice to the Bond Insurer Attn: Surveillance of the occurrence of any Event of Default under the General Bond Resolution, as amended and supplemented to the date hereof, including, without limitation, this Twenty Third Supplemental Resolution as well as a copy of any other notices required to be given under this Ordinance.

ARTICLE VIII

Municipal Bond Insurance

Section 801. Municipal Bond Insurance. The Bond Insurer has committed to issue the Bond Insurance Policy (Series 2005) with respect to the payments due for principal of and interest on the Series 2005 Bonds to the Paying Agent. Upon issuance, the Bond Insurance Policy (Series 2005) will be on file and available for inspection at the principal office of the Paying Agent. The summary of the form of policy relating to the Bond Insurance Policy (Series 2005) is hereby authorized to appear on the Series 2005 Bonds, substantially in the form set forth in Exhibit A hereto.

Section 802. Payments under Bond Insurance. If on the third Business Day prior to the related scheduled interest payment date or principal payment date ("Payment Date") there is not on deposit with the Trustee, after making all transfers and deposits required under this Ordinance, moneys sufficient to pay the principal of and interest on the Series 2005 Bonds due on such Payment Date, the Trustee shall give notice to the Bond Insurer and to its designated agent (if any) (the "Insurer's Fiscal Agent") by telephone or telecopy of the amount of such deficiency by 12:00 noon, New York City time, on such Business Day. If, on the second Business Day prior to the related Payment Date, the Trustee shall make a claim under the Bond Insurance Policy and give notice to the Insurer and the Insurer's Fiscal Agent (if any) by telephone of the amount of such deficiency, and the allocation of such deficiency between the amount required to pay interest on the Series 2005 Bonds and the amount required to pay principal of the Series 2005 Bonds, confirmed in writing to the Insurer and the Insurer's Fiscal Agent by 12:00 noon, New York City time, on such second Business Day filing in the form of Notice of Claim and Certificate delivered with the Bond Insurance Policy.

The Trustee shall designate any portion of payment of principal on the Series 2005 Bonds paid by the Insurer, whether by virtue of mandatory sinking fund redemption, maturity or other advancement of maturity, on its books as a reduction in the principal amount of Series 2005 Bonds registered to the then current Bondholder, whether DTC or its nominee or otherwise, and shall issue a replacement Bond to the Insurer, registered in the name of Financial Security Assurance, Inc., in a principal amount equal to the amount of principal so paid (without regard to authorized denominations); provided that the Trustee's failure to so designate any payment or issue any replacement Bond shall have no effect on the amount of principal or interest payable by the Issuer on any Bond or the subrogation rights of the Insurer.

The Trustee shall keep a complete and accurate record of all funds deposited by the Insurer into the Policy Payments Account (defined below) and the allocation of such funds to payment of interest on and principal of any Bond. The Insurer shall have the right to inspect such records at reasonable times upon reasonable notice to the Trustee.

Upon payment of a claim under the Bond Insurance Policy, the Trustee shall establish a separate special purpose trust account for the benefit of Bondholders referred to hereon as the "Policy Payments Account" and over which the Trustee shall have exclusive control and sole right of withdrawal. The Trustee shall receive any amount paid under the Bond Insurance Policy in trust on behalf of Bondholders and shall deposit

any such amount in the Policy Payments Account and distribute such amount only for purposes of making the payments for which a claim was made. Such amounts shall be disbursed by the Trustee to Bondholders in the same manner as principal and interest payments are to be made with respect to the Series 2005 Bonds under the sections hereof regarding payment of Series 2005 Bonds. It shall not be necessary for such payments to be made by checks or wire transfers separate from the check or wire transfer used to pay debt service with other funds available to make such payments. Notwithstanding anything herein to the contrary, the Issuer agrees to pay to the Insurer (i) a sum equal to the total of all amounts paid by the Insurer under the Bond Insurance Policy (the "Insurer Advances"); and (ii) interest on such Insurer Advances from the date paid by the Insurer until payment thereof in full, payable to the Insurer at the Late Payment Rate per annum. "Late Payment Rate" means the lesser of (a) the greater of (i) the per annum rate of interest, publicly announced from time to time by JPMorgan Chase Bank at its principal office in The City of New York, as its prime or base lending rate (any change in such rate of interest to be effective on the date such change is announced by JPMorgan Chase Bank) plus 3%, and (ii) the then applicable highest limiting interest rates. The Late Payment Rate shall be computed on the basis of the actual number of days elapsed over a year of 360 days.

Funds in the Policy Payments Account shall not be invested by the Trustee and may not be applied to satisfy any costs, expenses or liabilities of the Trustee. Any funds remaining in the Policy Payments Account following a Bond payment date shall promptly be remitted to the Insurer.

Section 803. Notices. Any notice that is required to be given to a Holder of the Series 2005 Bonds or to the Trustee pursuant to this Ordinance shall also be provided to the Bond Insurer. All notices required to be given to the Bond Insurer under this Ordinance shall be in writing and shall be sent by registered or certified mail addressed to Financial Security Assurance, Inc., 31st West 52nd Street, New York, New York, 10019, Attention: Managing Director – Surveillance, Re: Policy No. ______, Telephone: (212) 826-0100; Telecopier: (212) 339-3556. In each case in which notice or other communication refers to an Event of Default, then a copy of such notice or other communication shall also be sent to the attention of the General Counsel and shall be marked to indicate "URGENT MATERIAL ENCLOSED."

Section 804. Special Provisions with respect to the Bond Insurer.

- (a) The Bond Insurer shall be deemed to be the sole holder of the Insured Bonds for the purpose of exercising any voting right or privilege or giving any consent or direction or taking any other action that the holders of the Series 2005 Bonds insured by it are entitled to take pursuant this Ordinance.
- (b) Upon the occurrence of an extraordinary optional, special or extraordinary mandatory redemption in part hereunder, the selection of Series 2005 Bonds to be redeemed shall be subject to the approval of the Bond Insurer. The exercise of any provision of this Ordinance which permits the purchase of Series 2005 Bonds in lieu of redemption shall require the prior written approval of the Bond Insurer if any Bond so purchased is not cancelled upon purchase.

- (c) Any amendment, supplement, modification to, or waiver of, this Ordinance or any other transaction document, including any underlying security agreement (each a "Related Document"), that requires the consent of Bondowners or adversely affects the rights and interests of the Bond Insurer shall be subject to the prior written consent of the Bond Insurer.
- (d) The rights granted to the Bond Insurer under this Ordinance or any other Related Document to request, consent to or direct any action are rights granted to the Bond Insurer in consideration of its issuance of the Bond Insurance Policy. Any exercise by the Bond Insurer of such rights is merely an exercise of the Bond Insurer's contractual rights and shall not be construed or deemed to be taken for the benefit, or on behalf, of the Bondholders and such action does not evidence any position of the Bond Insurer, affirmative or negative, as to whether the consent of the Bondowners or any other person is required in addition to the consent of the Bond Insurer.
- (e) Only (1) cash, (2) non-callable direct obligations of the United States of America ("Treasuries"), (3) evidences of ownership of proportionate interests in future interest and principal payments on Treasuries held by a bank or trust company as custodian, under which the owner of the investment is the real party in interest and has the right to proceed directly and individually against the obligor and the underlying Treasuries are not available to any person claiming through the custodian or to whom the custodian may be obligated, (4) subject to the prior written consent of the Bond Insurer, pre-refunded municipal obligations rated "AAA" and "Aaa" by S&P and Moody's, respectively, or (5) subject to the prior written consent of the Bond Insurer, securities eligible for "AAA" defeasance under then existing criteria of S & P or any combination thereof, shall be used to effect defeasance of the Series 2005 Bonds unless the Bond Insurer otherwise approves.

To accomplish defeasance, the Issuer shall cause to be delivered (i) a report of an independent firm of nationally recognized certified public accountants or such other accountant as shall be acceptable to the Bond Insurer ("Accountant") verifying the sufficiency of the escrow established to pay the Series 2005 Bonds in full on the maturity or redemption date ("Verification"), (ii) an Escrow Deposit Agreement (which shall be acceptable in form and substance to the Bond Insurer), (iii) an opinion of nationally recognized bond counsel to the effect that the Series 2005 Bonds are no longer "Outstanding" under this Ordinance and (iv) a certificate of discharge of the Trustee with respect to the Series 2005 Bonds, each Verification and defeasance opinion shall be acceptable in form and substance, and addressed, to the Issuer, Trustee and Bond Insurer. The Bond Insurer shall be provided with final drafts of the above-referenced documentation not less than five business days prior to the funding of the escrow.

- Series 2005 Bonds shall be deemed "Outstanding" under this Ordinance unless and until they are in fact paid and retired or the above criteria are met.
- (f) Amounts paid by the Bond Insurer under the Bond Insurance Policy shall not be deemed paid for purposes of this Ordinance and the Series 2005 Bonds relating to such payments shall remain Outstanding and continue to be due and owing until paid by the Issuer in accordance with this Ordinance. This Ordinance shall not be discharged unless all amounts due or to become due to the Bond Insurer have been paid in full or duly provided for.
- (g) The Bond Insurer, the Issuer and Trustee hereby covenant and agree to take such action (including, as applicable, filing of UCC financing statements and continuations thereof) as is necessary from time to time to preserve the priority of the pledge of the water and sewer revenues under applicable law.
- (h) The Bond Insurer shall, to the extent it makes any payment of principal of or interest on the Series 2005 Bonds, become subrogated to the rights of the recipients of such payments in accordance with the terms of the Bond Insurance Policy. Each obligation of the Issuer to the Bond Insurer under the Related Documents shall survive discharge or termination of such Related Documents.
- (i) The Issuer shall pay or reimburse the Bond Insurer any and all charges, fees, costs and expenses that the Bond Insurer may reasonably pay or incur in connection with (i) the administration, enforcement, defense or preservation of any rights or security in any Related Document, (ii) the pursuit of any remedies under this Ordinance or any other Related Document or otherwise afforded by law or equity, (iii) any amendment, waiver or other action with respect to, or related to, this Ordinance or any other Related Document whether or not executed or completed, or (iv) any litigation or other dispute in connection with this Ordinance or any other Related Document or the transactions contemplated thereby, other than costs resulting from the failure of the Bond Insurer to honor its obligations under the Bond Insurance Policy. The Bond Insurer reserves the right to charge a reasonable fee as a condition to executing any amendment, waiver or consent proposed in respect of this Ordinance or any other Related Document.
- (j) After payment of reasonable expenses of the Trustee, the application of funds realized upon default shall be applied to the payment of expenses of the Issuer or rebate only after the payment of past due and current debt service on the Series 2005 Bonds and amounts required to restore the Reserve Fund to the Reserve Fund Requirement.
- (k) The Bond Insurer shall be entitled to pay principal or interest on the Series 2005 Bonds that shall become Due for Payment but shall be unpaid by reason of Nonpayment by the Issuer (as such terms are defined in the Bond Insurance Policy) and any amounts due on the Series 2005 Bonds as a result of acceleration of the maturity thereof in accordance with this Ordinance, whether or not the Bond Insurer has received a Notice of Nonpayment (as such terms are defined in the Bond Insurance Policy) or a claim upon the Bond Insurance Policy.

- (l) The Bond Insurer shall be provided with the following information by the Issuer or Trustee, as the case may be:
- (i) Annual audited financial statements within 150 days after the end of the Issuer's fiscal year (together with a certification of the Issuer that it is not aware of any default or Event of Default under the Ordinance), and the Issuer's annual budget within 30 days after the approval thereof together with such other information, data or reports as the Bond Insurer shall reasonably request from time to time;
- (ii) Notice of any draw upon the Reserve Fund within two Business Days after knowledge thereof other than (i) withdrawals of amounts in excess of the Reserve Fund Requirement and (ii) withdrawals in connection with a refunding of Series 2005 Bonds;
- (iii) Notice of any default known to the Trustee or Issuer within five Business Days after knowledge thereof;
- (iv) Prior notice of the advance refunding or redemption of any of the Series 2005 Bonds, including the principal amount, maturities and CUSIP numbers thereof;
- (v) Notice of the resignation or removal of the Trustee and/or Paying Agent and the appointment of, and acceptance of duties by, any successor thereto;
- (vi) Notice of the commencement of any proceeding by or against the Issuer commenced under the United States Bankruptcy Code or any other applicable bankruptcy, insolvency, receivership, rehabilitation or similar law (an "Insolvency Proceeding");
- (vii) Notice of the making of any claim in connection with any Insolvency Proceeding seeking the avoidance as a preferential transfer of any payment of principal of, or interest on, the Series 2005 Bonds;
- (viii) A full original transcript of all proceedings relating to the execution of any amendment, supplement, or waiver to the Related Documents; and
- (ix) All reports, notices and correspondence to be delivered to Bondholders under the terms of the Related Documents.
- (m) Notwithstanding satisfaction of the other conditions to the issuance of Additional Bonds set forth in this Ordinance, no such issuance may occur (1) if an Event of Default (or any event which, once all notice or grace periods have passed, would constitute an Event of Default) exists unless such default shall be cured upon such issuance and (2) unless the Reserve Fund is fully funded at the Reserve Fund Requirement (including the proposed issue) upon the issuance of such Additional Bonds, in either case unless otherwise permitted by the Bond Insurer.
- (n) In determining whether any amendment, consent, waiver or other action to be taken, or any

failure to take action, under this Ordinance would adversely affect the security for the Series 2005 Bonds or the rights of the Bondholders, the Trustee shall consider the effect of any such amendment, consent, waiver, action or inaction as if there were no Bond Insurance Policy.

- (o) No contract shall be entered into or any action taken by which the rights of the Bond Insurer or security for or sources of payment of the Series 2005 Bonds may be impaired or prejudiced in any material respect except upon obtaining the prior written consent of the Bond Insurer.
- (p) The Bond Insurer may not exercise any rights under this Ordinance so long as a payment default exists under the Bond Insurance Policy.
- (q) The prior written consent of the Bond Insurer shall be a condition precedent to the deposit of any credit instrument provided in lieu of a cash deposit into the Reserve Fund, if any. Notwithstanding anything to the contrary set forth in this Ordinance, amounts on deposit in the Reserve Fund shall be applied solely to the payment of debt service due on the Series 2005 Bonds.
- (r) The maturity of Series 2005 Bonds insured by the Bond Insurer shall not be accelerated without the consent of the Bond Insurer and in the event the maturity of the Series 2005 Bonds is accelerated, the Bond Insurer may elect, in its sole discretion, to pay accelerated principal and interest accrued, on such principal to the date of acceleration (to the extent unpaid by the Issuer) and the Trustee shall be required to accept such amounts. Upon payment of such accelerated principal and interest accrued to the acceleration date as provided above. The Bond Insurer's obligations under the Insurance Policy with respect to such Series 2005 Bonds shall be fully discharged.

Section 805. The Bond Insurer as Third Party Beneficiary. The Bond Insurer is hereby explicitly recognized as being a third-party beneficiary under this Ordinance with the power to enforce any right, remedy or claim conferred, given or granted under this Ordinance.

Section 806. <u>Subrogation</u>. If principal and/or interest due on the Series 2005 Bonds shall be paid by the Bond Insurer, the Series 2005 Bonds shall remain outstanding under this Ordinance, and shall not be deemed defeased or otherwise satisfied, or paid by the Issuer, and the assignment and pledge of the trust estate and all covenants, agreements and other obligations of the issuer to the owners shall continue to exist and shall run to the benefit of the Bond Insurer, and the Bond Insurer shall be subrogated to the rights of such owners.

ARTICLE IX

Amendments to the General Bond Resolution

Section 901. Effective Date. The provisions of this Article IX shall be effective on the date of issuance of the Series 2005 Bonds.

Section 902. <u>Amendment to Section 504 of Article, V of the General Bond</u>
<u>Resolution, as Amended to the Date Hereof.</u> Section 504 of Article V of the General Bond Resolution, as amended, is hereby amended to read as follows:

"Section 504. <u>Deposit and Disposition of Revenues</u>. From the Revenue Fund, the following payments shall be made at the times, in the amounts and in the order as follows:

"<u>First</u>: To the Issuer the monthly amount sufficient to pay Operating Expenses of the System.

"Second: To the Issuer for deposit in the Debt Service Fund and the Debt Service Reserve Fund as follows:

"(1) On the twenty-fifth day of each month there shall be deposited in the Debt Service Fund to the credit of the Prior Lien Interest Account hereby created therein (the 'Prior Lien Interest Account') an amount computed by (i) deducting the amount of moneys then in the Prior Lien Interest Account from the interest next due on the following Interest Payment Date on an Outstanding Prior Lien Bonds, and (ii) multiplying the difference by a fraction the numerator of which is one and the denominator of which is the number of months, from and including the month of computation, to and including the month prior to the month in which such interest is due.

"The Issuer shall transfer from the Prior Lien Interest Account to the Trustee, at least three (3) Business Days prior to any Interest Payment Date, immediately available funds sufficient to pay promptly the interest so falling due on such date on all Outstanding Prior Lien Bonds. Moneys so transferred shall be applied by the Trustee solely for the payment when due on the interest falling due on the Outstanding Prior Lien Bonds.

(2) On the twenty-fifth day of each month there shall be deposited in the Debt Service Fund to the credit of the Prior Lien Principal Account hereby created therein (the 'Prior Lien Principal Account'), after giving effect to moneys then on deposit therein, the following amounts: (a) commencing 12 months prior to the next principal payment date for Prior Lien Bonds, an amount computed by multiplying the amount of the principal payment due on all Outstanding Prior Lien Bonds, on the next succeeding principal payment date on which such principal falls due whether at maturity or by virtue of mandatory redemption requirements by a fraction the numerator of which is one and the denominator of which is the number of months, including the month of computation, to and including the month prior to said principal payment date, together with such additional proportionate sum as may be required to pay said principal on said principal payment date. The Issuer shall transfer from the Prior Lien Principal Account to the Trustee, at least three (3) Business Days prior to any principal payment date, immediately available funds sufficient to pay promptly the principal so falling due on such date on all

Outstanding Prior Lien Bonds. Moneys so transferred shall be applied by the Trustee solely for the payment when due, of the principal on all Outstanding Prior Lien Bonds as aforesaid.

"It shall be the duty of the Trustee to make such arrangements with each Paying Agent as will, to the extent of the moneys in the Debt Service Fund, assure the prompt payment when due of all Series 2005 Bonds and the interest thereon.

"(3) On the twenty-fifth day of each month there shall be deposited with the Trustee in the Debt Service Reserve Fund to the credit of the Prior Lien Reserve Account hereby created therein (the 'Prior Lien Reserve Account') an amount at least equal to 33-1/3% of the total of the amounts payable on such date into the Prior Lien Interest Account and Prior Lien Principal Account, which amounts shall be paid for so long and resumed as often and to the extent only as may be necessary to create and thereafter maintain a balance in the Prior Lien Reserve Account at least equal to the Debt Service Reserve Fund Requirement (Prior Lien Bonds).

"If on any Interest Payment Date the amount in the Prior Lien Interest Account or Prior lien Principal Account shall be less than the amount required to be on deposit therein, the Trustee shall apply the moneys in the Prior Lien Reserve Account to the extent necessary to make up such deficiency (or the entire amount in the Prior Lien Reserve Account if less than sufficient). In the event any funds are so withdrawn from the Prior Lien Reserve Account to correct any such deficiency, such withdrawn amount shall be replenished from Revenues after making the deposits required by (1) and (2) above. Whenever the amount in the Prior Lien Reserve Account exceeds the Debt Service Reserve Fund Requirement (Prior Lien Bonds), the Trustee shall withdraw from the Prior Lien Reserve Account the amount of any excess therein as of the date of such withdrawal and deposit the moneys so withdrawn into the Revenue Fund.

"Moneys on deposit in the Prior Lien Reserve Account shall be used to remedy deficiencies in the Prior Lien Interest Account or the Prior Lien Principal Account, as the case may be, with respect to the Prior Lien Bonds.

"<u>Third</u>: All moneys remaining on the last day of each month in the Revenue Fund, after making the deposits required in paragraphs First and Second above shall be regarded as surplus and may be used by the Issuer for any lawful purpose; provided, however, any such surplus moneys in each Fiscal Year, unless otherwise consented to by the Bond Insurer, shall remain on deposit in the Revenue Fund and be expended only for lawful purposes of the System until such time as the Issuer shall have met the bond service requirement for such Fiscal Year as set forth in Section 902 hereof."

ARTICLE X

Miscellaneous

Section 1001. <u>Publication of Resolution</u>. A copy of this Twenty Third Supplemental Resolution shall be published in the Official Journal of the City of Shreveport. For a period of thirty (30) days from the date of such publication any person in interest shall have the right to contest the legality of this Twenty Third Supplemental Resolution and of the Series 2005 Bonds to be issued pursuant hereto and the provisions securing the Series 2005 Bonds. After the expiration of said thirty (30) days, no one shall have any right of action to contest the validity of the Series 2005 Bonds or the provisions of this Twenty Third Supplemental Resolution, and the Series 2005 Bonds shall be conclusively presumed to be legal and no court shall thereafter have authority to inquire into such matters.

Section 1002. Supplemental Resolution to Constitute Contract. In consideration of the purchase and the acceptance of the Series 2005 Bonds by those who shall hold the same from time to time, the provisions of this Twenty Third Supplemental Resolution shall be a part of the contract of the Issuer with the holders of the Series 2005 Bonds and shall be deemed to be and shall constitute a contract between the Issuer, the Trustee, the Bond Insurer and the holders from time to time of the Series 2005 Bonds. The provisions, covenants and agreements herein set forth to be performed by and on behalf of the Issuer shall be for the benefit, protection and security of the holders of any and all of the Series 2005 Bonds and the Bond Insurer.

Section 1003. <u>Filing of Resolution</u>. A certified copy of this Twenty Third Supplemental Resolution shall be filed and recorded as soon as possible in the Mortgage Records of the Parishes of Caddo and Bossier, Louisiana.

Section 1004. Employment of Bond Counsel. The employment of Casten & Pearce, A.P.L.C. as Bond Counsel to the Issuer in connection with the Series 2005 Bonds, is hereby approved, confirmed and ratified. The fee of such Bond Counsel for the Series 2005 Bonds shall not exceed the fee prescribed by the Attorney General of the State of Louisiana plus out-of-pocket expenses and expenses incurred with respect to the Series 2005 Bonds. A certified copy of this resolution shall be forwarded to the Attorney General of the State of Louisiana for his approval in the manner required by law.

Section 1005. Employment of Special Counsel to the Issuer. It is found and determined that a real necessity exists for the employment of Special Counsel to the Issuer in connection with issuance and delivery of the Series 2005 Bonds and, accordingly, Trahan & Davis, L.L.C., New Orleans, Louisiana has been employed as Special Counsel to the Issuer in connection with the issuance and delivery of the Series 2005 Bonds. The fee to be paid to Special Counsel shall be an amount less than the Attorney General's then current hourly fee schedule, together with reimbursement of out-of-pocket expenses incurred and advanced in connection with the issuance of the Series 2005 Bonds, said fee to be payable

out of the Bond proceeds subject to the Attorney General's written approval of said employment and fee to be paid with Bond proceeds as required by the Act.

Section 1006. Paying Agent. The Issuer hereby appoints Regions Bank, in the City of Baton Rouge, Louisiana, as Trustee and Paying Agent, subject to the conditions set forth in Section 1110 of the General Bond Resolution. The Paying Agent shall designate its Principal Office to the Trustee, the Bond Insurer and the Issuer and signify its acceptance of the duties and obligations imposed upon it by this Twenty Third Supplemental Resolution by executing and delivering a written instrument of acceptance to the Trustee, the Bond Insurer and the Issuer. The Paying Agent is a commercial bank or trust company having a capitalization of at least \$15,000,000 and authorized by law to perform all duties imposed upon it by this Twenty Third Supplemental Resolution.

No resignation or removal of the Trustee, Paying Agent or Bond Registrar shall become effective until a successor has been appointed and has accepted the duties of Trustee, Paying Agent or Bond Registrar, as applicable. The Bond Insurer shall be furnished with written notice of the resignation or removal of the Trustee, Paying Agent or Bond Registrar and the appointment of any successor thereto.

Section 1007. Tax Covenants. The Issuer covenants and agrees that it will not permit at any time or times any of the proceeds of the Series 2005 Bonds or any other funds of the Issuer (including proceeds of any obligations of the Issuer) (i) to be used, directly or indirectly in any manner which would adversely affect the exclusion of interest on the Series 2005 Bonds or any Prior Lien Bonds heretofore issued (other than the Refunded Bonds) from gross income of the owner for federal income tax purposes or (ii) to be used directly or indirectly to acquire any securities or obligations the acquisition of which would cause the Series 2005 Bonds or any other Prior Lien Bonds heretofore issued (other than the Refunded Bonds) to become "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The Mayor, Director of Finance and/or Clerk of Council are hereby authorized to execute such documents and take any and all such actions as may be required by this Section.

Section 1008. Rebate Fund. In connection with complying with the Code in order to maintain the tax-exempt status of the Series 2005 Bonds, there is hereby authorized and ordered established with the Paying Agent a special trust fund to be designated as the "Rebate Fund (2005)." The Issuer hereby covenants and agrees that it will make or cause to be made all "rebate" payments to the Rebate Fund (2005) attributable to the Series 2005 Bonds which are required to be made in order to comply with Section 148(f) of the Code. The Rebate Fund (2005) shall be maintained with the Trustee and used to receive any amounts payable by the Issuer to the U.S. Government pursuant to Section 148(f) of the Code and invested and applied as described in a letter of instructions delivered by special tax counsel or bond counsel to the Issuer and the Trustee on the date of original issuance and delivery of the Series 2005 Bonds, as such letter may be supplemented or amended from time to time. The amounts on deposit in the Rebate Fund (2005) shall be payable to the United States in such amounts and at such times as provided in said letter of instructions and as provided in Section 148(f) of the Code.

Section 1009. <u>Amounts Not Security</u>. It is hereby recognized and understood that moneys of the Issuer deposited in the Rebate Fund (2005) and any earnings thereon do not constitute Revenues of the System, and such amounts are not and never shall be pledged to the payment of or be security for any Bonds, including, without limitation, the Series 2005 Bonds.

RESOLUTION APPROVED	
City Attorney's Office EXHIBIT "A" TO THE	
TWENTY THIRD SUPPLEMENTAL (ORDINANCE
(FO	RM OF BOND)
No. R	Principal Amount:
	Maturity Date: Interest Rate:
% Bond Date:, 2005	
UNITED STATES OF AMERICA	
STATE OF LOUISIANA	
PARISH OF CADDO	

WATER AND SEWER REVENUE BOND, 2005 REFUNDING SERIES A OF THE CITY OF SHREVEPORT, STATE OF LOUISIANA

The City of Shreveport, State of Louisiana (the "Issuer"), promises to pay, but only from the source and as hereinafter provided, to

Cede & Co., Inc.

or registered assigns, on the Maturity Date set forth above the Maturity Amount set forth above or upon earlier redemption, the Principal Amount as set forth above, upon presentation hereof at the principal corporate trust office of Regions Bank, in the City of Baton Rouge, Louisiana, or any successor thereto (the "Trustee" and "Paying Agent/Registrar"). Interest on this Bond shall accrue from the date hereof and be payable on each June 1 and December 1 of each year commencing on June 1, 2006.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit under the Bond Resolution until the certificate of authentication hereon shall have been signed by the Trustee.

It is certified that this Bond is authorized by and is issued in conformity with the requirements of the Constitution and statutes of the State of Louisiana. It is further certified, recited and declared that all acts, conditions and things required to exist, to happen and to be performed precedent to and in the issuance of this Bond and the issue of which it forms a part to constitute the same legal, binding and valid obligations of the Issuer have existed, have happened and have been performed in due time, form and manner as required by law, and that the indebtedness of the Issuer, including this Bond and the issue of which it forms a part, does not exceed the limitations prescribed by the Constitution and statutes of the State of Louisiana.

This Bond is one of an authorized issue of Water and Sewer Revenue Bonds,	
2005 Refunding Series A, of the City of Shreveport, State of Louisiana aggregating in	1
principal the sum of Dollars (\$) (the "Series 20	05
Bonds"), said Series 2005 Bonds having been issued by the Issuer pursuant to Resolu	tion
No. 131 of 1984 (the "General Bond Resolution") adopted by the governing authority	of
the Issuer on June 12, 1984, as amended and supplemented to the date hereof, and	
Ordinance No. 193 of 2005 (the "Twenty Third Supplemental Resolution") adopted by	y
the governing authority of the Issuer on November 29, 2005 (the General Bond	
Resolution, as amended and supplemented, being herein called the "Bond Resolution	").
The Series 2005 Bonds have been issued by the Issuer under the authority of Chapter	14-
A of Title 39 of the Louisiana Revised Statutes of 1950, as amended (R.S. 39:1444-1	455)
(the "Act"), and other constitutional and statutory authority, for the purpose of refund	ing
a portion of the Issuer's outstanding Water and Sewer Revenue Bonds, 1997 Refund	ing
Series A and Series 2000A.	

The Series 2005 Bonds are issuable only as fully registered bonds in principal amounts of \$5,000 or any integral multiple thereof. As provided in the Bond Resolution, and subject to certain limitations set forth therein, the Series 2005 Bonds are exchangeable for an equal aggregate principal amount of bonds of the same maturity of any other authorized denomination.

Subject to the limitations and upon payment of the charges provided in the Bond Resolution, the transfer of this Bond may be registered on the registration books of the Paying Agent/Registrar upon surrender of this Bond at the principal corporate trust office of the Paying Agent/Registrar, duly endorsed by or accompanied by a written instrument of transfer in form satisfactory to the Paying Agent/Registrar, duly executed by the registered owner or his attorney duly authorized in writing, and thereupon a new Series 2005 Bond or Bonds of the same maturity and of authorized denomination or denominations, for the same aggregate principal amount, will be issued to the transferee. Prior to due presentment for transfer of this Bond, the Issuer and the Paying Agent/Registrar may deem and treat the registered owner hereof as the absolute owner hereof (whether or not this Bond shall be overdue) for the purpose of receiving payment

of or on account of principal hereof and interest hereon and for all other purposes, and neither the Issuer nor the Paying Agent/Registrar shall be affected by any notice to the contrary.

Upon any such registration of transfer or exchange, the Paying Agent/Registrar may require payment of an amount sufficient to cover any tax or other governmental charge payable in connection therewith. The Paying Agent/Registrar shall not be required (a) to issue, register the transfer of or exchange any Series 2005 Bonds during a period beginning at the opening of business 15 days next preceding any date of selection of Series 2005 Bonds to be redeemed and ending at the close of business on the day on which the applicable notice of redemption is given or (b) to register the transfer of or exchange any Series 2005 Bonds so selected for redemption in whole or in part.

The Bonds maturing on,, and thereaf	ter, shall be callable for
redemption at the option of the Issuer in full at any time on or after	,,
or in part in the inverse order of their maturities, and if less than a fu	Ill maturity then by lot
within such maturity, on any Interest Payment Date on or after	,, at
the principal amount thereof, plus accrued interest from the most red	cent Interest Payment
Date to which interest has been paid or duly provided for.	

This Bond and the issue of which it forms a part, together with the other Prior Lien Bonds hereinafter defined, are payable as to both principal and interest solely from the Revenues (as defined in the Bond Resolution) to be derived from the operation of the System, subject to the prior payment of the reasonable and necessary expenses of operation and maintenance of the System, all as provided in the Bond Resolution, and this Bond does not constitute an indebtedness or pledge of the general credit of the Issuer within the meaning of any constitutional and statutory limitation of indebtedness. The governing authority of the Issuer has covenanted and agreed and does hereby covenant and agree at all times to fix and collect rates and charges for all water and sewerage services furnished by the System sufficient to provide for the payment of all reasonable and necessary expenses of operation and maintenance of the System, to provide for the payment of interest on and principal of all Series 2005 Bonds and other Prior Lien Bonds payable therefrom as and when the same shall become due and payable and for the creation of a reserve therefore. For a more complete statement of the Revenues from which and conditions under which this Bond is payable, a statement of the conditions under which additional Prior Lien Bonds may hereafter be issued pursuant to the Bond Resolution, and the general covenants and provisions pursuant to which this Bond is issued, reference is hereby made to the Bond Resolution. If an Event of Default (as defined in the Bond Resolution) occurs and is continuing, the principal of all Outstanding Series 2005 Bonds may be declared due and payable upon the conditions and in the manner and with the effect as provided in the Bond Resolution.

This Bond and the issue of which it forms a part are issued on a parity with the outstanding bonds of the Issuer's Prior Lien Bonds, consisting of Water and Sewer Revenue Bonds, 1993 Series B, Water and Sewer Revenue Bonds, 1997 Refunding Series A, Water and Sewer Revenue Bonds, 2000 Series A, Water and Sewer Revenue

Bonds, Series 2001A, B and C, Water and Sewer Revenue Bonds, Series 2002, Water and Sewer Revenue Bonds, 2002 Refunding Series A, Water and Sewer Revenue Bonds, Series 2002B, Water and Sewer Revenue Bonds, Refunding Series 2003A, Water and Sewer Revenue Bonds, Refunding Series 2003B, Water and Sewer Revenue Bonds, Refunding Series 2003C and the Louisiana Local Government Environmental Facilities and Community Development Authority Revenue Bonds (Shreveport Utility System Project) Series 2005.

The Bond Resolution permits, with certain exceptions as therein provided, the amendment thereof and the modification of the rights and obligations of the Issuer and the rights of the owners of the Series 2005 Bonds as provided in the Bond Resolution.

* * * * * * *

IN WITNESS WHEREOF, the Council of the City of Shreveport, State of Louisiana, acting as the governing authority of said City, has caused this Bond to be executed in its name by the facsimile signatures of the Mayor, Clerk of Council and Director of Finance, and a facsimile of the corporate seal of said City to be imprinted hereon.

CITY OF SHREVEPORT
STATE OF LOUISIANA

(facsimile)

(facsimile)

(facsimile)

Director of Finance

(SEAL)

(FORM OF TRUSTEE'S CERTIFICATE OF AUTHENTICATION)

This Bond is one of the, Series 2005 Bonds referred to in the within mentioned Bond Resolution.

REGIONS BANK, as Trustee

(FORM OF ASSIGNMENT)

Date of Authentication:

Authorized Officer

FOR VALUE RECEIVED,	, the undersigned, hereby sells,
assigns and transfers unto	the within Bond and all rights
thereunder, and hereby irrevocable constitut	* *
attorney or agent to transfer the within bond	<u>. </u>
with full power of substitution in the premis	es.
Dated:	
NOTICE: The signature to this assignment rupon the face of the within bond in every part any change whatever.	must correspond with the name as it appears articular, without alteration enlargement or
(FORM OF LEGAL OPINION CERTIF)	ICATE)
LEGAL OPINION CERTTFICATE	
do hereby certify that the following is a true	
(Bond Printer Shall Insert Legal Opinion)	
I further certify that an executed cop my office, and that an executed copy thereon Agent/Registrar for this Bond.	y of the aforesaid legal opinion is on file in f has been furnished to the Paying
(facsimile)	
Clerk of Council	
City of Shreveport, State of Louisiana	
(FORM OF STATEMENT OF INSURAN	ICE)

Financial Security Assurance, Inc. ("FSA") has delivered its municipal bond insurance policy (the "Policy") with respect to the scheduled payments due of principal of and interest on this Bond to Regions Bank, Baton Rouge, Louisiana, or its successor, as paying agent (the "Paying Agent") for the City of Shreveport, State of Louisiana Water and Sewer Revenue Bonds, 2005 Refunding Series 2005. Said Policy is on file and available for inspection at the principal office of the Paying Agent and a copy thereof may be obtained from FSA or the Paying Agent.

Amendment No. 1 to Ordinance No. 193 of 2005

Delete the ordinance as introduced and substitute the attached ordinance.

James E. Green, Chairman

Arthur G. Thompson, Clerk of Council

ORDINANCE NO. 194 OF 2005 AN ORDINANCE TO AMEND SECTION 74-54 OF THE CODE OF ORDINANCES RELATIVE TO LANDFILL DISPOSAL FEES AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

BY:

BE IT ORDAINED by the City Council of the City of Shreveport, in due, legal and regular session convened that Section 74-54 of the Code of Ordinances of the City of Shreveport is hereby amended to read as follows:

Sec. 74-54. Disposal of fees for city-owned facilities.

- (a) (2) The minimum fee, regardless of weight, shall be \$16.00.
- (a) (3) The fee per ton shall be \$32.00, with any partial fee being prorated on the basis of that basic fee exclusive of the minimum fee requirement.

* * * * * * * * * * *

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.

James E. Green, Chairman

James E. Green, Chairman

Arthur G. Thompson, Clerk of Council

ORDINANCE NO. 195 OF 2005

AN ORDINANCE CLOSING AND ABANDONING THE 20 FOOT - WIDE WATER AND SANITARY SEWER EASEMENT LOCATED IN LOT 21 OF THE FOX RIDGE TOWNHOUSES SUBDIVISION IN THE SE 4 OF SECTION 26 (T17N-R15W), SHREVEPORT, CADDO PARISH, LOUISIANA AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, today the Property Management Section of the Department of Operational Services has received a request to close and abandon the above identified water and sanitary sewer easement; and

WHEREAS, Water and Sewerage Engineering has reviewed this request and has no objections to this closure and abandonment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that the 20 foot-wide water and sanitary sewer easement located in block 21 of the Fox Ridge Townhouses Subdivision located in the

SE/4 of Section 26 (T17N-R15N), 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.

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 of this ordinance or the application thereof is invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without 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.

James E. Green, Chairman

Arthur G. Thompson, Clerk of Council

ORDINANCE NO. 1960F 2005

AN ORDINANCE CLOSING AND ABANDONING THE 5 FOOT-WIDE BY 120 FOOT- LONG SANITARY SEWER EASEMENT LOCATED IN LOT 1 OF THE CHRISTUS SCHUMPERT COMMERCIAL SUBDIVISION UNIT NO. 2 IN THE NE/ 4 OF SECTION 1 (T17N-R14W), SHREVEPORT, CADDO PARISH, LOUISIANA AND TO OTHERWISE PROVIDE WITH RESPECT THERETO.

WHEREAS, today the Property Management Section of the Department of Operational Services has received a request to close and abandon the above identified and sanitary sewer easement; and

WHEREAS, Water and Sewerage Engineering has reviewed this request and has no objections to this closure and abandonment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Shreveport in due, legal and regular session convened, that the 5 foot-wide by 120 foot-long sanitary sewer easement located in lot 1 of the Christus Schumpert Comercial Subdivision Unit No.2 in the NE/4 of Section 1 (T17N-R14N), 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.

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 of this ordinance or the application thereof is invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without 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.

James E. Green, Chairman				
·	James E.	Green,	Chairman	

ORDINANCE NO. 203 OF 2005

BY:

AN ORDINANCE AMENDING CHAPTER 106 OF THE CODE OF ORDINANCES, THE CITY OF SHREVEPORT ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE SOUTH SIDE OF MALCOLM, 330 FEET EAST OF HEARNE AVENUE, SHREVEPORT, CADDO PARISH, LOUISIANA, FROM R-1D, URBAN, ONE-FAMILY RESIDENCE DISTRICT, TO R-1D-E, URBAN, ONE-FAMILY RESIDENCE/EXTENDED USE DISTRICT, LIMITED TO "AN ADULT DAY CARE" ONLY, AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

SECTION I: BE IT ORDAINED by the City Council of the City of Shreveport, Caddo Parish, Louisiana, in due, legal and regular session convened, that after having earlier been considered and denied at a public hearing by the Shreveport Metropolitan Planning Commission of Caddo Parish, Louisiana, that the zoning classification of Lots 7, 8, 9, 10 & E/2 of 6 Block P Werner Park Subdivision, Shreveport, Caddo Parish, Louisiana, located on the south side of Malcolm 330 feet east of Hearne Avenue, be and the same is hereby changed from R-1D, Urban, One-Family Residence District, to R-1D-E, Urban, One-Family Residence/Extended Use District, limited to "an adult day care" only. SECTION II: THAT the rezoning of the property described herein is subject to compliance with the following stipulations:

- 1. Development of the property shall be in substantial accord with the site plan submitted with any significant changes or additions requiring further review and approval by the Planning Commission.
- 2. Number of clients limited to 40.
- 3. No permits shall be issued until re-platting of lots has been approved by the Planning Director or 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.

James E. Green, Chairman						
Arthu	r G. 7	Thompson	ı, Cl	erk of	Council	l

UNFINISHED BUSINESS:

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

- 2. <u>2006 Budget Ordinances</u> (Not to be adopted prior to Dec 15, 2005) (Introduced and Tabled on Oct 11, 2005)
- Adopting the 2006 General Fund Budget.
- Adopting the 2006 Budget for the Airports Enterprise Fund.
- Adopting the 2006 Debt Service Fund Budget, appropriating the funds therein and otherwise providing with respect thereto.
- 166 Adopting the 2006 Capital Improvements Budget
- Adopting the 2006 Budget for the Community Development Special Revenue Fund.
- Adopting the 2006 Budget for the Convention Center Hotel Enterprise Fund.
- Adopting the 2006 Budget for the Downtown Entertainment Economic Development District Special Revenue Fund.
- Adopting the 2006 Budget for the Downtown Parking Enterprise Fund.
- Adopting the 2006 Budget for the Environmental Grants Special Revenue Fund, appropriating the funds authorized therein, and otherwise providing with respect thereto.
- Adopting the 2006 Budget for the Fleet Services Internal Service Fund.
- Adopting the 2006 Budget for the Golf Enterprise Fund.
- 174 Adopting the 2006 Budget for the Metropolitan Planning Commission Special Revenue Fund.
- 175 Adopting the 2006 Budget for the Police Grants Special Revenue Fund.
- Adopting the 2006 Budget for the Shreveport Redevelopment Agency Special Revenue Fund.
- Adopting the 2006 Budget for the Retained Risk Internal Service Fund.
- 178 Adopting the 2006 Budget for the Riverfront Development Special Revenue Fund.
- Adopting the 2006 Budget funding contractual Services provided to Sportran By Metro Management Associates, Inc.
- Adopting the 2006 Budget for the Water and Sewerage Enterprise Fund.

NEW BUSINESS:

1. ABO Appeal:

- a) Mr. Casey Long (Don's Steak and Seafood, Corner of Kings and Highland, Shreveport, La) (B/Walford) *Decision rendered November 28, 2005*
- b) Ms. Katrina Cheevis (Texaco, Mansfield Road, Shreveport, La) (E/Hogan) *Decision rendered November 28, 2005*.

2. Zoning Appeals

BAC 100-05, Robert Ferrier Jr. dba Rollin' in the Dough (Albert M. Carroll, land owner), 1333 Captain Shreve Drive, Shreveport LA. zoning for special exception use and a variance in the required parking in a B-3 District for a restaurant with the on-premise consumption of low alcoholic content beverages. (Postponed – November 8, 2005) (C/Carmody)

Motion by Councilman <u>Carmody</u>, seconded by Councilman <u>Walford</u> to uphold the approval for the low content alcohol sales and variance in parking.

Councilman Lester: Thank you Mr. Chairman. This situation in my opinion points out a number of things that are I think, I don't know if I want to use hypocritical, but I'll say it borders on hypocrisy. In one respect, we have a situation where months ago, we had a development that was across the street from Caddo Parish School Board Stadium, a Caddo Parish property. This Councilman voted no, because I don't believe that you should put an establishment next to places where children are, particularly when the place where the children are came before the place with the alcohol. And I was consistent with that. In this particular case, well before I get off that, let me say this. One of the reasons that was articulated by proponents was that we need to change the law from the measurements that are done by the state and go to 'as the crow flies.' One of the members of the legislature seizing on the comments that were made by this Council or some on this Council passed a state statute that would have allowed this Council to go back to 'as the crow flies.' We had an opportunity to do that and we didn't. And that ball has been dropped. Now, we have a scenario where the same system of measurements that at one point was objectionable by some that was used an excuse that a remedy has been provided but we haven't availed ourselves of that remedy. Now we're in the same situation again, where we have an alcoholic establishment next to a place where we have children, i.e. a library. The hypocrisy of all this is it seems that depending on the proponent, there is a sliding scale about what's objectionable, and what's not. What's acceptable and what's not. And I think that's bad public policy. The other side of this is obviously the board that makes the decisions on where you put libraries, bought land across the street from three establishments that presently sell alcohol. And so, in the mix of all the politics and the use of faith and use of religion, and use of those buzz words from the right to vilify certain things, we're in a situation where it's squarely on it's head. This makes absolutely no sense. If we're going to say, and I've heard members of this Council say that you know what, give me the opportunity to go back to 'as the crow flies,' I'm going to have a statute, we're going to (inaudible) as the crow flies, and that's what's going to happen. But we didn't do that and we dropped the ball. And at the same time we say, well you know what, I don't like the way the laws are, give me something different. But we gave you and opportunity to do something different, and you didn't. So, was that comment that you made give me something that I can work with? Was that for our ears and our hearts, and not for our minds? Were you toying with folks' emotions? I don't know. My heart goes out to the Ferriers because they're being placed in the middle of a political football match, and it's ridiculous and it's not fair to them. From where I sit in my district, I would not vote to put and alcohol establishment next to a school, next to a library, next to a church, and I've voted against that. Straight down the line. You can check my record, it's clear. But at the same time, the Ferriers have to and other business people have to know what are the rules. What's fair. In this particular situation, I think it was fair for them to rely on the idea that if in fact alcohol next to libraries was something that the Caddo Parish Library Board thought was a problem, they would not have purchased land that was next door to no less than three establishments that sell alcohol. And if the Ferriers or any other business person cannot trust a decision

that a governmental body made years ago, and then turns around and commits the millions of dollars and the resources to build that library, what can they rely on? So, I am going to do something that I don't normally do. I'm going to vote for this. And please understand if this issue was in District A, I would not vote for this. Particularly given the fact that, and I would advise like I advise people all the time. Ride down Pierre Ave. I got YWCA, I got alcohol on both sides of the street. I've got across the street from the YWCA, and depending on, well it's about seven. There's a crowd at a house hanging out so if there are kids at, of course the school is closed, now when the school was open, the kids would have to literally stagger over the winos and the beer bottles if they wanted to go to the YWCA and swim or come back. And it's killed the neighborhood. I don't think this is necessarily the same thing. But in all fairness to the Ferriers and the business people, if they can't rely on the decision that was made years ago by the library board, then what can they depend on. They certainly can't depend on anything from this Council, because we've been all over the place on this, and we've had an opportunity to correct this, and we said we were and we haven't. So, on this issue I'm voting yes. And I just wanted to explain that vote for my constituents that are going to ask me why did you vote yes. And that's why.

Councilman Walford: I too am going to vote yes on this. Several points that I brought up when speaking to Mr. Milkovich. One as Mr. Lester said, the library board made a decision to locate this library where it is, with three alcohol outlets already there. Second, the legislature and the City Council have enacted legislation which says 300 feet and they specify the method used to measure. This is more than 150% as Mr. Kirkland told us, it's 475 feet. So, I will be voting to uphold the Zoning Board of Appeals. Thank you.

Councilwoman Robertson: Also, I know at the last time that we met, I had several questions for the Ferriers, and he answered all of them the way I - - - in my mind, figured he was going to answer 'em. But I did look at the different libraries that were around in town, since they were the main ones that were coming and opposing and as Councilman Green stated, there are other libraries that are right across from true liquor stores. Not just a restaurant that wants to have beer with their fish, and I'm a little bit further on it than Mr. Lester. If this was in my district and I did not have opposition from anyone that was in my district and the neighborhood associations did agree on it and did approve of it, I would vote the same way. And I am voting in favor of this also.

Councilman Hogan: I just have one comment Mr. Chairman. Mr. Ferrier, would you come forward please? I'm just going by my memory, but I was present at the last meeting when we had some discussion on it. And my understanding is if you're granted this license, that you will be allowed to have video poker. And I recall you had considered that and wanted to have that option?

Mr. Ferrier: That option, correct.

Councilman Hogan: Okay. Do you have - - - what are your plans regarding video poker?

Mr. Ferrier: My plans are most likely to apply for the license.

Councilman Hogan: Okay, thank you. You know the only meeting I've missed out of three years was the meeting that Councilman Carmody had brought up the ordinance about the crow flies. Unfortunately it failed 3-3 and if I had been here, I would have been the vote that tipped that to the prevailing side to the passing the law. And I

hate that I missed that meeting. But nonetheless, I think what you said Councilman Lester about bad public policy, it does cloud the vision of people that are applying and there really aren't any set rules in many regards. But on the other hand I think there comes a point when you've got to say somewhere in time, we're not going to allow anymore alcoholic establishments near our schools, our churches, etc. That we have got to have some type and I would be an advocate of some type of law that says, we're not going to have X number or so, in the future, you know, Councilman Carmody, I'd like to talk to you later on about drawing something up about that. But I think we've reached that saturation point here in this level, and I hope this doesn't shut you down Mr. Ferrier, but - - and I understand you're running a good business there, but at some point we've got to say enough is enough. And so, I'm at that point. That might be different for everyone else on the Council, but my vote will be a no vote.

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

3. Property Standards Appeals:

- Ms. Catherine D. Bryan (Case# PSD 0500091, 142 Herndon Street, Shreveport, La) (B/Walford)
 Mr. Herman Davis, Jr. (Case# PSD 0500091, 142 Herndon Street, Shreveport, La) (B/Walford) *Decision rendered November 28, 2005*.
- b) Ms. Eula Mae Lewis (Case# HBO 0500092, 636 Springhill Ave, Shreveport, La) (B/Walford) *Decision rendered November 28, 2005*.

4. Election of City Council Officers

a) Chairman

Motion by Councilman <u>Walford</u>, seconded by Councilman <u>Green</u> to elect Councilman Lester City Council Chairman.

Councilman Walford: In the way of a brief discussion, I had planned on doing that all the long. But I have to tell you your campaign efforts yesterday on his behalf certainly just really helped with that decision, and I'm sure with the rest of the Council.

Councilman Green: And we did it on a low budget.

Councilman Hogan: Mr. Chairman, I just want to clarify that Councilman Walford, you're nominating him for chairman and not vice chairman.

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

b) Vice-Chairman

Motion by Councilman Green, seconded by Councilman <u>Walford</u> to elect Councilwoman Robertson as City Council Vice Chairman. Motion approved by

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

REPORTS FROM OFFICERS, BOARDS, AND COMMITTEES: None. **CLERK'S REPORT:**

Mr. Thompson: Just one, the appointment of Mr. Leonard Barnes - Shreveport Regional Sports Authority. Under the rules you can vote on that at the next meeting.

ADJOURNMENT: There being no further business to come before the Council, the meeting adjourned at approximately 6:57 p.m.

//s//James E. Green, Chairman

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