

MINUTES OF THE MEETING OF THE
CADDO PARISH COMMISSION'S
LONG RANGE PLANNING COMMITTEE
HELD ON THE 7th DAY OF JANUARY, 2022

The Caddo Parish Long Range Planning Committee met in legal session on the above date, at 11:00 a.m., in the Government Plaza Chambers, with Mr. Chavez, Chairman, presiding, and the following members in attendance: Commissioners Atkins, Chavez, Hopkins, Jackson and Young (5). ABSENT: None (0).

The Chair requested that the new Commission President serve on the Committee and be counted in attendance. The Clerk responded.

Dr. Wilson gave the invocation, and Mr. Jackson led the Committee in the Pledge of Allegiance.

AGENDA ADDITIONS

It was **moved by Mr. Jackson**, seconded by Mr. Chavez, *to expand the agenda to discuss E Edward Jones Housing Trust Fund and the ARP process.*

At this time, the President of the Commission opened the floor for any public hearings for or against adding this item to the agenda.

John Settle came before the Committee and gave the following statement:

John Settle, 4 Tealwood. My only question is is this a violation of the open meetings law when you change and add a substantial addition to agenda that has not been published?

The Chair requested that Mr. Bernstein address the concern. Mr. Bernstein responded that the open meetings law allows amendments to an agenda with a public hearing and by unanimous vote to amend the agenda.

The Clerk notified the Committee that a virtual comment was received from Jon Glover to clarify the agenda item. The Chair stated that there was enough clarification.

Point of Clarification, by Mr. Jackson, that the agenda addition was advertised on the agenda. The clerk responded that the potential agenda addition did not meet the 24-hour notice period and that it was electronically sent out.

At this time, Mr. Jackson's motion passed, as shown by the following roll call votes: AYES: Commissioners Atkins, Chavez, Hopkins, Jackson, and Young (5). NAYS: None (0). ABSENT: None (0). ABSTAIN: None (0).

CITIZENS COMMENTS

There were no public comments.

NEW BUSINESS

- The Chair then moved to the next New Business item, *Discussion Ordinance 6169 Of 2022 Including A Comparison Contrast With Ford Street.*

Mr. Chavez requested that Dr. Wilson provide a report on the comparison of Ford Street and the bridge.

Point of information, by Mr. Jackson, that he did not request for a discussion on the topic, but a document and that he has not received one.

Dr. Wilson stated that they have documentation but are still gathering facts and do not have a formal report to provide the Committee. And that Administration will provide a simple explanation.

Mr. Jackson restated they compare and contrast the Ford Street project and the project he advocated for four years. He expressed that a short statement is insufficient and he publicized his request on the agenda to expedite correspondence from Administration.

Mr. Chavez commented that he did not specify to have a written comparison report ready for their committee meeting.

Mr. Atkins stated that the proposed Red River Express Tollway will invest \$80 million private dollars that could connect more areas of the Parish without exhausting state dollars and that maintenance would not occur until 20 to 25 years later on the tollway.

Mr. Young suggested that they request state assistance for improving Ford Street and ask Tim Jones if he has any extra asphalt to donate to Ford Street.

Mr. Chavez wanted to know if Ford Street is a city road or state road. Dr. Wilson responded that Ford Street is a state road.

Dr. Wilson informed the Committee that the Parish accepts roads often and exemplified that subdivision builders can donate those roads into the Parish when built to standard. And that the Parish does not participate in the state's right-sizing program and they do not take in state roads. He then addressed that the state can repair Ford Street but the delay is on the City of Shreveport to repair the utilities under the street.

Mr. Jackson stated that Mr. Epperson and Mrs. Gage-Watts were also told that the Parish did not want to adopt more road ways. And that they must push for things to get done. He mentioned that he is aware of the process and the City of Shreveport has started work on Ford Street. And expressed concerns about the Administration's reluctance on reporting updates on Ford Street and that citizens are disadvantaged.

Mr. Hopkins wanted to know whether the Parish could use their road tax funding to repair a road in the city limits of Shreveport. Dr. Wilson responded that the Parish would have to accept it first and the state is responsible to repair a state road. He advised that the right sizing program is used when it benefits the Parish.

Mr. Hopkins expressed his concerns in trusting the DOTD after an instance of closing bridges during emergency evacuation.

Mr. Jackson explained that the right sizing program has a matched dollar capital outlay credit which could be applied to overlay a road. And that the right sizing program will adopt a road and build it to state standard then apply the credit towards a capital project in the Parish or maintain the road. Mr. Jackson requested a copy of the resolution requesting the Parish to participate in the right sizing program be forwarded to the Commission, that a resolution be drafted, and for a written report about why the Red River Expressway is adopted by the Parish except for Ford Street.

Mr. Young read the DOTD website regarding the right sizing program and that the Parish must contact their DOTD Representative. He suggested that their District DOTD Administrator meets with the Committee and Administration.

Mr. Chavez read an excerpt of the Executive Summary from the Louisiana Department of Transportation's Right Sizing the State Highway System: A Voluntary Road Transfer Program report, then responded requested Dr. Wilson invite the District DOTD Administrator provide a report on the right sizing program. He also asked if there were any potential blockages in moving forward with Ordinance 6169. Of 2022. Dr. Wilson responded that Attorney Brandon is in support of the Expressway and there is an estimated annual cost of \$18,000 road maintenance up to 36 years.

Mr. Chavez wanted to know whether they should pass a resolution of support for Ford Street along with the DOTD's report. Dr. Wilson stated that they could move forward with the right sizing issue as well as move forward with a no-cost of the Parish build of the expressway.

Mr. Jackson asked for clarification on the maintenance of the expressway and the estimated annual cost of maintenance. Dr. Wilson responded that there will be a maintenance warranty effective for 15 years and an overlay will be applied on the 13th year which will extend road for 15 years. He explained that the Parish overlays 40 miles of roads per year on a 15-year repair cycle.

Mr. Jackson wanted to know if they have completed an analysis on Highway 173 when brought to state standards. Dr. Wilson responded that the life expectancy is 15 years and is based on practical experience that they do every year.

Mr. Jackson wanted to know why the Administration is in support of the Red River Expressway and how it was determined free for the Parish. Dr. Wilson responded that it serves the interest of that community and the connection to 3132. And that private dollars are being paid for the project.

Mr. Jackson also asked the cost to bring 173 up to state standards before the Parish adopting it. Dr. Wilson stated that there are no up front costs, expenses would occur after year 15 and the factor depends on the traffic load.

Mr. Jackson expressed concern that he does not see a difference between handling the Expressway and Ford Street.

Mr. Jackson wanted to know whether the tolls will be shared with the Parish. Mr. Bradford responded that the tolls are not going to be split and is how Tim James, Inc. will gain return on their investment.

Mr. Jackson pointed out that traffic will have to pass 173 to get to the bridge and asked what the traffic count of the bridge would be. Mr. Bradford responded that they have do not have traffic studies and are unable to move forward with that until they receive a CEA.

Mr. Jackson wanted to know what will happen if they don't meet their investment return and whether the Parish or the City would have to adopt the tollway or recover the losses if the company defaults. Mr. Brandon responded that they will handle the expressway as a business would if it defaults on its investment and that the CEA would state there is no obligation for the Parish to adopt the tollway in the event the company defaults.

Mr. Jackson wanted to know whether three previous tax years were requested of the company. Mr. Brandon said no, he is a private developer.

Mr. Jackson pointed out that certain individuals or organizations have to run a hamster wheel but heaven and earth can be overturned for others to get things done and asked Mr. Brandon whether that was fair. Mr. Brandon stated that he will not speak on the fairness, but on behalf of his client that there are checks and balances.

Mr. Jackson expressed that he was in favor of the project and wanted to know if there were any conflicts to serve the Parish. Mr. Brandon declined that there are no conflicts.

Mr. Chavez reminded the Committee that they are under a time limit and the live stream was down.

Mr. Young inquired on Mr. James' use of local contractors. Mr. Brandon responded.

It was **moved by Mr. Atkins**, seconded to Mr. Young, *that Ordinance No. 6169 be moved favorably to the full body.*

Mr. Hopkins reminded the committee that they have introduced the ordinance and that it will be up for public hearing and final vote on the next session.

At this time, Mr. Atkins' motion carried, as shown by the following roll call votes: AYES: Commissioners Atkins, Chavez, Hopkins, Jackson and Young (5). NAYS: None (0). ABSENT: None (0). ABSTAIN: None (0).

The Chair moved for a brief recess.

- The Chair then moved to the next New Business item, *Discussion And Recommendations Regarding Caddo Parish Zoning.*

Mr. Chavez asked did the House Bill 697 remove the 5-mile buffer. Mr. Bernstein responded that the ordinance was adopted by the Parish and is still in place.

Mr. Chavez wanted to know what the Parish must do regarding the applications in process at the MPC. Mr. Bernstein stated that there hasn't been a status update at the MPC and that it is the City's responsibility to decide.

Mr. Chavez wanted to know could the Commission intercept those cases from the MPC and vote on them. Mr. Bernstein responded that a zoning commission would have to recommend the action to the governing authority which is the Commission and that the Commission has created a zoning commission by ordinance but there is no one appointed.

Mr. Chavez asked if they could hire the MPC. Mr. Bernstein responded that they currently have a contract with the MPC staff to provide staff to the zoning commission, but there aren't any members to function the zoning commission. And that would be where citizen's cases can be heard.

Mr. Chavez wanted to know whether the Parish could request the MPC to submit a recommendation not to have zoning in the Parish. Mr. Bernstein responded that a local services law allows two political subdivisions to jointly engage in an endeavor if one of the entities has the authority to do so.

Mr. Jackson commented that the home rule charter could act as a board.

Mr. Bernstein responded that the Parish Commission can not act as the zoning commission due to the Constitution stating that a governing authority can appoint a zoning commission. He added that should answer Mr. Young's previous question asking the Attorney General to evaluate the law for an option and reminded that they are asking a lawyer to read the law and provide advice. And that the Commission could choose to appoint members to the zoning commission.

Mr. Jackson asked if they could sit on the board similar to the Property Standards Board. Mr. Bernstein stated that would not suffice.

Mr. Bernstein added that to repeal zoning is making a change to zoning. And that by appointing a zoning commission to recommend that the Commission repeal zoning it would increase the chance of the Parish winning a lawsuit.

Mr. Atkins commented that citizen's prefer an elected official to serve on the board and what is the best response to that concern. Mr. Bernstein responded that the Commission is the elected body and that they could include a clause for appeals to come to the Commission.

Mr. Hopkins expressed that he is not going to support having the MPC that is comprised of employees who reside in the City limits to be staff the zoning board. And that he would support people who reside in the Parish to lead the zoning commission. He expressed that he was aware of the issues of zoning and his desire to fix the problem. And that people can create a petition to remove ordinance 6071. He stated that by example in Texas he hopes to design Shreveport similar to Texas zoning by removing zoning and having ordinances to address other zoning issues.

Mr. Atkins wanted to know what can the Commission do without a zoning commission. Mr. Bernstein responded that a citizen who lives in the 5-mile radius would not be able to present their request to the commission without a zoning commission to make the recommendation to the full body.

Mr. Chavez wanted to know how to reprimand citizens in violation of the 5-mile radius and if a VRBO can be useful. Mr. Bernstein stated that it is an open question that he can not answer for the Commission and that he has not researched the VRBO by that time.

Mr. Chavez explained that the Parish does not have an ordinance against a VRBO and that a citizen could use a VRBO to operate a business in the Parish.

Dr. Wilson stated that appeals would overflow the district attorney's office and that the Commission staff would have to get annual certification training to operate the staff of the zoning commission.

It was **moved by Mr. Young**, seconded to Mr. Jackson, *that the support of a request to the Attorney General for an opinion be recommended to the full body.*

Mr. Young expressed that he wanted a second opinion.

Mr. Jackson recalled that the City of Shreveport had fines and rulings against them and asked how we could a copy of it. Mr. Bernstein responded that the full body would have to pass a resolution to make the request and explained that the Parish Attorney's office will provide the Attorney General with the research they had so far.

Mr. Jackson asked Mr. Bernstein to explain who would sue the Parish. Mr. Bernstein responded that a landowner or a resident of a property could file a lawsuit against the Parish Commission or a citizen could petition the Commission to reconsider an ordinance. And that the ordinance could become referendum should the Commission not pass the

Substitute motion by Mr. Chavez, seconded to Mr. Young, *to request a Constitutional Attorney for an alternative opinion be recommended to the full body.*

Mr. Atkins expressed that two many opinions could be too much.

Mr. Chavez retracted his motion.

At this time, Mr. Young's motion carried, as shown by the following roll call votes: AYES: Commissioners Atkins, Chavez, Hopkins, Jackson and Young (5). NAYS: None (0). ABSENT: None (0). ABSTAIN: None (0).

- The Chair then moved to the next New Business item, *Discuss MPC Contract And Payment Schedule*.

Mr. Chavez inquired what the payment to the MPC is for. Mr. Bernstein stated that they are hired to staff the zoning commission such as accepting and reviewing applications and other functions in support of zoning and planning in the Parish.

Mr. Young wanted to know if the MPC is going to enforce zoning as well. Mr. Bernstein responded that the MPC can investigate and present citations but may not penalize. And that prosecution of violation of the Parish ordinance is a fine up to \$500 by the court.

Mr. Hopkins asked whether the MPC could accept applications without a board. Mr. Bernstein responded that a zoning commission is created but not populated and that the contract with the MPC was in place before the zoning commission was created.

Mr. Jackson also wanted to know whether permits or variances would be managed by the MPC and stated that he has requested an ordinance be drafted regarding regulations on alcohol and tobacco on private property, trail rides, juvenile curfews, pets, and sexually oriented businesses. Mr. Bernstein responded that variances are handled under the zoning ordinance and that permits are handled separately.

Mr. Young explained that zoning in the Parish could cause citizens moving to the outskirts of the city that has occurred in his district. And asked Mr. Bernstein to clarify whether repealing the zoning commission ordinance would not require they pay the MPC. Mr. Bernstein responded that the Parish would treat the termination of a contract as any other contract.

Mr. Chavez commented that the easiest process is to assign a zoning commission, accept their recommendation and disband the zoning commission once they do what the rural citizens request that they do.

- The Chair then moved to the next New Business item, *Discuss Comprehensive Parish Plan*.

It was **moved by Mr. Jackson**, seconded to Mr. Young, *to amend the 2030 Master Plan to accommodate rural area into a comprehensive plan*.

Mr. Chavez recommended the Master Plan be designed similar to a Master Plan in Wichita Parish. Mr. Bernstein explained that a comprehensive plan could be drafted to meet the desires of the Parish and that a statute requires that the City planning commission and the Parish planning commission work together in the Parish Master Plan.

Mr. Jackson clarified that they could revisit the Master Plan and redraft it to engage rural residents.

Dr. Wilson reminded the Committee that the north Caddo residents were against planning. Mr. Hopkins responded that the citizens didn't want zoning and that a plan is for progressive planning in the Parish.

Mr. Bernstein explained that the Master Plan is informative for economic development and NLCOG.

Mr. Jackson clarified that the Master Plan is a reference for suggestions and developers are building in rural areas.

Mr. Hopkins stated that they need to amend the 2030 Master Plan and that they should come up with their own comprehensive plan that is separate from zoning and focuses on water, sewer, schools, and roads.

Substitute motion by Mr. Atkins, seconded to Mr. Chavez, *to repeal the existing 2030 Master Plan and replace it with a comprehensive plan*.

Mr. Jackson suggested that they do not repeal the current master plan.

Mr. Atkins withdrew his motion. Mr. Chavez withdrew his second on the motion.

At this time, Mr. Jackson's motion carried, as shown by the following roll call votes: AYES: Commissioners Atkins, Chavez, Jackson and Young (4). NAYS: Commissioner Hopkins (1). ABSENT: None (0). ABSTAIN: None (0).

Mr. Jackson pointed out that he may remove his ordinance regarding the emergency rental assistance program.

There being no further business to come before the Committee, the meeting was adjourned at 1:35 p.m.

A handwritten signature in cursive script, appearing to read "L. Montgomery", written over a horizontal line.

Linda J. Montgomery
Administrative Clerk III