

MINUTES OF THE MEETING OF THE
CADDO PARISH COMMISSION
HELD ON THE 19TH DAY OF FEBRUARY, 2009

The Caddo Parish Commission met in legal and regular session on the above date at 3:30 p.m. in the Government Chamber with Ms. Stephanie Lynch, President, presiding, and the following members in attendance, constituting a quorum: Commissioners Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (11). ABSENT: Commissioner Baker (1).

The invocation was given by Mr. Smith, and Mr. Linn led the Commission in the Pledge of Allegiance.

It was **moved by Mr. Thibodeaux**, seconded by Mr. Dominick, *that the Minutes of the Regular Meeting held on February 5, 2009, be adopted.* Motion carried.

SPECIAL RESOLUTIONS

Mr. Epperson stated that Reverend Harry Davis, Jr., is retiring after forty-six years of service with Canteen Vending Service. **He then moved**, seconded by Mr. Pierson, *that a resolution proclaiming Sunday, February 21, 2009, as 'Rev. Harry Davis, Jr., Day' in Caddo Parish be adopted for presentation to Rev. Davis.* Motion carried.

COMMUNIQUES AND REPORTS

□ At this time Administrator Woodrow Wilson came forward. He stated that he had asked Mr. Matthew Pepper, Director of Animal Services, to present a report to the Commission regarding ongoing operations at the Animal Shelter, as well as to make an announcement to the community relative to a spay and neutering program.

Mr. Pepper said that he wished to report on Parish spay and neuter initiatives and how his department is promoting those in the community. He said that however the issue is approached— from the standpoint of animal control, the safety of animals, animal welfare, etc.—reducing the population of animals in the community is the best way to impact all those areas.

Mr. Pepper said that Robinson Rescue has spayed and neutered more than 1,100 animals since it began its work in mid-2008. It is safe to assume, he said, that that is 1,100 more animals than would have been done had Robinson Rescue not opened its doors.

The Department is also in full swing in its public awareness campaign, using billboards and other media to convey the message of what happens when people do not spay and neuter their pets. Also being used are television ads, radio spots, brochures and door-hangers. The campaign is being funded by the Humane Society of the United States.

To accompany that effort, Mr. Pepper said, the Department is also trying to develop some community partnerships. Centenary College and Southern University have developed very helpful volunteer programs in conjunction with the Department. He said he broadcasts a live show weekly on two radio stations discussing new initiatives in the adoption program.

These efforts have increased exposure, he said, and the exposure has led to an increase of 66 percent in calls from 2007 to 2008—from 8,100 to 13,577. Animal redemptions have increased by some 150 percent, and animal intake at the Shelter is coming down as well, he said. These factors lead to much lower euthanasia rates—from 8,700 in 2007 to 7,600 in 2008. To help that trend continue the Department is having a free rabies clinic at Bilberry Park on February 28, Mr. Pepper said.

President Lynch thanked Mr. Pepper for his presentation and for the favorable remarks that have appeared in the local newspaper about the work of his department.

□ At this time Mr. Cox stated that Commissioners had perhaps read in the morning newspaper that under the provision of the national stimulus plan, not enough funding was included to complete the construction of I-49 north. He asked what plans will now be put into effect to obtain more federal funds for that project, and what efforts must be made with the legislative delegation to ensure that they share an urgency for that end.

Mr. Wilson said that the I-49 Coalition, of which he is a member, was extremely disappointed in the latest turn of events. The coalition is still actively working for I-49 completion. The pressure will be increased at both the State and federal level to ramp up the funding for the project until it is completed. He said that there was only \$116 million earmarked for the I-49 north project; the bulk of the funds allocated went to projects in south Louisiana.

Mr. Cox said he would like to see a letter from the Commission and co-signed by the City strongly urging each member of the Legislature, the Governor and the congressional delegation to make extraordinary efforts to finish I-49 north. Without the north, the south doesn't exist, he said.

□ President Lynch then stated that Mr. Larry Raymond and Mr. Henri Wesley, Parks Department, as well as Edwin Scott, Murial Burns and Margaret Thomas of the Juvenile Justice Department, had each submitted information packets to National Association of Counties to be considered for achievement awards from NACo. They worked very hard on the projects they submitted, she said, and they should be commended for their efforts. Winners should be announced by June.

□ President Lynch then asked Mr. Charles Kirkland, executive director of the Metropolitan Planning Commission, to come forward and provide the Commission with an evaluation of the MPC's progress in formulating a Master Plan, and the outcome of some recent meetings on the subject.

Mr. Kirkland said that the Planning Commission and some other officials were very unhappy that there was negative press in the local news media recently. He said his only response is that his office's records are open and its meetings are open, and they will continue to be. If the Commission or the City Council wish for more information to be publically presented, that will be done as well, he said.

Mr. Kirkland said that the previous day the MPC had approved an expanded Master Plan committee that will include two Parish Commissioners, two City Council members, two School Board members, the Parish Administrator and a member of the Mayor's Office. The committee will now consist of about 14 people who will comprise a voting group that will make recommendations to the MPC board before any final decisions are made. It has been agreed that no contracts will be signed and no official steps taken until that group makes recommendations to the MPC board.

He said that the good news is that the firm that has been selected as the lead consultant on the Master Plan, Goody Clancy, is excellent in its response to requests by the MPC. Their response time is rapid, and they are providing exactly what is needed in terms of a planning approach. He said that the MPC's objective is to have a contract signed with Goody Clancy by March 4, and to then concentrate on the planning work itself.

Mr. Kirkland said that hopefully the new expanded committee will help tremendously on communication with all the stake-holders in the process. In any event, MPC will be accountable to the public bodies and to the citizens on how the money allocated for the Master Plan project is spent, with the objective of wringing maximum value from every dollar spent.

VISITORS

Mr. Harold Fox, 6115 Victoria Lane, Keithville, came forward. He said that he lives in the Springridge Subdivision, which is being greatly disturbed as a result of Chesapeake Energy Company's utilization of access through the neighborhood to a natural gas drilling site. He said that the neighborhood had very little advance notice about this operation, which is a continual 24-hour-per-day disruption of the neighborhood.

The company moved its drilling equipment in the previous week, he said, destroying half of the roads in the subdivision in the process. In some cases trucks and trailers are causing damage in people's yards. The noise of trucks moving through the neighborhood is constant almost all hours of the day and night, and very little consideration has been given to the quiet of the neighborhood. The speed limits of the neighborhood are ignored by the workers for Chesapeake and their subcontractors, he said.

Mr. Fox said he has been told that the Sheriff's Office does not have enough deputies to maintain a patrol of the neighborhood. One deputy told him that it is not Chesapeake's desire to obey the laws of the land—they are above the law. He said he became convinced of that himself when trucks proceeded to come into the neighborhood, leaking oil on the roadways and disrupting the peaceful neighborhood.

Mr. Fox said he would hope the Commission would give very serious thought before granting any company access to a subdivision to do any kind of drilling or subjecting a neighborhood to heavy truck traffic such as has been done.

Mr. Smith, Commissioner for Mr. Fox's area, said that he is well aware of the plight of Mr. Fox's neighborhood and Mr. Fox is entirely correct in his comments and his displeasure. Mr. Smith said that the conditions are perhaps worse than Mr. Fox has described.

Mr. Smith said that he has apologized to Mr. Fox many times on his and the Commission's behalf, pointing out that the Commission at this time has little or no control on the activities

of the energy companies. He thanked Mr. Fox for his forbearance.

PUBLIC HEARING ON ZONING CASES

- ZONING CASE P-1-09 in regard to ORDINANCE NO. 4860 OF 2009 (2500 block of East 70th Street)(property located on the northerly side of East 70th Street 2,400 feet east of East Bert Kouns Industrial Loop) WARDELL PROPERTIES, L.L.C., APPLICANT.

Request to amend the Code of Ordinances by rezoning property located on the north side of East 70th Street, 2,400 feet east of East Bert Kouns Industrial Loop **from** R-A, Residence-Agriculture District, **to** B-1-E, Buffer Business/Extended Use District (specifically limited to the primary use of a pediatric therapy clinic," only, (all other child related services shall be either supplemental or accessory to the primary use)

The President asked if there was anyone present to speak in support of or in opposition to the above zoning case, and there was no one. She declared the public hearing to be concluded.

PUBLIC HEARING ON ORDINANCES

- Ordinance No. 4861 of 2009 to amend and re-enact Section 19-2 of the Code of Ordinances of the Parish of Caddo relative to culverts, driveways, and right-of-way standards generally, and to amend and re-enact Section 19-5 of the Code of Ordinances of the Parish of Caddo relative to pipelines under public roads
- Ordinance No. 4862 of 2009 to authorize the Parish Administrator to grant a right-of-way agreement to Weyerhaeuser Company for the use of a portion of Walter B. Jacobs Memorial Nature Park for the purpose of hauling timber from adjacent property

The President asked if there was anyone present to speak in support of or in opposition to either of the above ordinances, and there was no one. She declared the public hearing on ordinances to be concluded.

ZONING ORDINANCES: (For final passage)

ORDINANCE NO. 4860 OF 2009

BY THE CADDO PARISH COMMISSION:

AN ORDINANCE TO AMEND CHAPTER 51 OF THE CODE OF ORDINANCES OF THE PARISH OF CADDO, AS AMENDED, THE CADDO PARISH ZONING ORDINANCE, BY REZONING PROPERTY LOCATED ON THE NORTH SIDE OF EAST 70th STREET, 2,400 FEET EAST OF EAST BERT KOUNS INDUSTRIAL LOOP, CADDO PARISH, LOUISIANA, FROM R-A, RESIDENCE-AGRICULTURE DISTRICT, TO B-1-E, BUFFER BUSINESS/EXTENDED USE DISTRICT (SPECIFICALLY LIMITED TO THE PRIMARY USE OF A PEDIATRIC THERAPY CLINIC," ONLY, (ALL OTHER CHILD RELATED SERVICES SHALL BE EITHER SUPPLEMENTAL OR ACCESSORY TO THE PRIMARY USE) AND TO OTHERWISE PROVIDE WITH RESPECT THERETO

BE IT ORDAINED by the Caddo Parish Commission in due, legal and regular session convened, that Chapter 51 of the Code of Ordinances of the Parish of Caddo is hereby amended and re-enacted to read as follows, to wit:

The official Zoning Map of the Shreveport Metropolitan Planning Area of Caddo Parish, Louisiana, be amended by rezoning property located on the north side of East 70 Street, 2,400 feet east of East Bert Kouns Industrial Loop, Caddo Parish, Louisiana, more particularly described below, be and the same is hereby changed from R-A. Residence-Agriculture District, to B-1-E, Buffer/Extended Use District, specifically limited to the primary use of a pediatric therapy clinic," only, (All other child related services shall be wither supplemental or accessory to the primary use.)

5.196 acres M/L located in Sect. 21, T17N, R13W, Shreveport, Caddo Parish, LA, more particularly described as: From a 2 inch iron pipe being the most SE'ly corner of Lot 117,

Dixie Gardens Subdivision, said corner being the POB of the tract herein described; run thence S67°0'W along the rear line of Lots 117 – 120 731.53 feet; run thence S0°44'26"W 566.20 feet to the point of intersection with the W'ly R/W line of E. 70th Street; run thence N38°41'45"E along said R/W line 68.89 feet; run thence N53°7'57"E 156.54 feet; run thence N38°22'36"E 699.60 feet; run thence N43°34'36"E 166.73 feet; run thence N46°25'24"W 50.58 feet to the POB. Less & Except: a tract of land located in Sect. 21, T17N, R13W, Shreveport, Caddo Parish, LA, more particularly described as: From a 2 inch iron pipe being the most SE corner of Lot 117, Dixie Gardens Subdivision, thence run S67°30'51"W along the rear line of Lots 117-120 731.67 feet to the POB of the tract herein described; thence run S50°59'40"E 382.98 feet to the W R/W line of E. 70th Street; thence run S39°0'20"W along said W R/W 225.50 feet; thence run S53°56'13"W along said W R/W line 155.24 feet; thence run S39°0'20"W along said W R/W 68.89 feet; thence run N1°20'38"E 561.35 feet to the POB, less & except the following described property, to wit: The W'ly 1 foot of the above described tract, more particularly described as follows: from a 2 inch iron pipe being the most SE corner of Lot 117, Dixie Gardens Subdivision, thence run S67°30'51"W along the rear line of Lots 117-120 731.67 feet to the POB of the tract herein described; thence run S1°20'38"W 561.35 feet to the W R/W line of E. 70th Street; thence run N39°0'20"E along the W R/W line 1.64 feet; thence run N1°20'38"E 560.49 feet; thence run N50°59'40"W 1.26 feet to the POB, containing 0.0129 acres or 560.316 sq. ft.

BE IT FURTHER ORDAINED 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. A daycare or any teaching use shall require a revised site plan to be submitted to and approved by the Planning Commission.
3. Screening fence between commercial and residential properties shall be waived until such time as necessary (i.e., daycare use) because the levee provides a buffer.
4. DOTD and the City Engineer shall approve driveway cuts prior to the issuance of any permits.
5. Development of the property shall begin within a period of two (2) years from the date of the adoption of this ordinance and the failure to comply with such stipulation will cause the rezoning herein described to become null and void, and the zoning classification will automatically revert to R-A.

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 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 this ordinance shall become effective ten (10) days after publication in the official journal.

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

P-1-09

It was **moved by Mr. Escude**, seconded by Mr. Pierson, *that Ordinance No. 4860 of 2009, in regard to Zoning Case P-1-09, Wardell Properties, LLC, applicant, requesting to rezone property located on the north side of East 70th Street, 2,400 feet east of East Bert Kouns Industrial Loop from R-A to B-1-E, primary use limited to 'pediatric therapy clinic' only, be adopted. That motion carried*, as shown by the following roll call vote: AYES: Commissioners Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (11). NAYS: None. ABSTAINING: None. ABSENT: Commissioner Baker (1).

ORDINANCES: (For final passage)

ORDINANCE NO. 4861 of 2009

BY THE CADDO PARISH COMMISSION:

AN ORDINANCE TO AMEND AND RE-ENACT SECTION 19-2 OF THE CODE OF ORDINANCES OF THE PARISH OF CADDO RELATIVE TO

CULVERTS, DRIVEWAYS, AND RIGHT-OF-WAY STANDARDS
 GENERALLY, AND TO AMEND AND RE-ENACT SECTION 19-5 OF
 THE CODE OF ORDINANCES OF THE PARISH OF CADDO RELATIVE
 TO PIPELINES UNDER PUBLIC ROADS AND TO OTHERWISE
 PROVIDE WITH RESPECT THERETO

WHEREAS, the Caddo Parish Commission desires to amend and re-enact Section 19-2 of the code of Ordinances of the Parish of Caddo for the purpose of including text to cover fee schedules for the installation of a Pipeline within the Parish right of way.

Sec. 19-2 Culverts, driveways, and right-of-way standards generally.

(f) Any person desiring to construct, lay, maintain, operate, renew, repair, change the size of, remove or abandon in place pipes and pipelines for the collection, transportation or distribution of oil, gas, gasoline, water, sewage, petroleum, wet gas, hydrocarbon substances, together with all manholes, valves, appurtenances and service connections necessary or convenient for the operation of said pipes or pipelines including conduits, cathodic protection devices, wires, cables and other appurtenances necessary or convenient for the exercise of business parallel to and within any of the public roads of this parish shall first obtain a permit issued by the Department of Public Works.

(g) A permit to lay a pipeline along a public road in the parish shall be granted only after the person desiring to lay the pipeline shall have properly completed the permit and paid a fee in the amount fixed by the Department of Public Works.

PARALLEL TO AND WITHIN THE RIGHT OF WAY
 FEE SCHEDULE

LENGTH OF LINE	SIZE	FEE REQUIRED
100 feet or less	All	None required
100 feet to 200 feet	All	\$25.00
Over 200 feet	All	\$10.00 per 100 ft. or fraction thereof
Over 1 mile	Less than 8"	\$500.00 per mile
Over 1 mile	8" to 18"	\$1,000.00 per mile

WHEREAS, the Caddo Parish Commission desires to amend and re-enact Section 19-5 of the code of Ordinances of the Parish of Caddo for the purpose of including text to cover operation of pipes or pipelines in, under, along or across any and all streets within Caddo Parish.

Sec. 19-5 Pipelines under public roads.

(a) Any person desiring to construct, lay, maintain, operate, renew, repair, change the size of, remove or abandon in place pipes and pipelines for the collection, transportation or distribution of oil, gas, gasoline, water, sewage, petroleum, wet gas, hydrocarbon substances, together with all manholes, valves, appurtenances and service connections necessary or convenient for the operation of said pipes or pipelines including conduits, cathodic protection devices, wires, cables and other appurtenances necessary or convenient for the exercise of business in, under, or across a pipeline under any of the public roads of this parish shall first obtain a permit issued by the Department of Public Works.

~~A permit to lay a pipeline under a public road in the parish shall be granted only after the person desiring to lay the pipeline shall have properly completed the permit and paid a fee made a cash deposit in the amount fixed by the Department of Public Works. The deposit shall be conditioned upon the proper replacement of any part of road torn up for the laying of the pipeline. The director of public works shall base the amount of the deposit on the project cost of such replacement of the road. Such deposit shall be made with the director of finance.~~

Right Of Way Fee Schedule

The fee required in connection with lines crossing the right of way shall be calculated at the rate of \$20.00 per inch in diameter, or fraction thereof, of the casing. If the casing is not required, the fee shall be based on the diameter of the pipe.

© Permits issued under provisions of the section shall distinctly state what portion of road is to be disturbed for the laying of the pipeline, and shall also state that the ~~fee deposit~~ given in connection therewith is to apply only to the work set forth in the permit of which it is a part. (Code 1976, §§ 14-3-14-5)

NOW, THEREFORE, BE IT ORDAINED By the Caddo Parish Commission in due, legal and regular session convened that Section 19-2 and Section 19-5 of the code of Ordinances of the Parish of Caddo is hereby amended and re-enacted to read as follows, to-wit:

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

BE IT FURTHER ORDAINED, that this ordinance shall take effect ten (10) days after publication in the official journal.

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

It was **moved by Mr. Pierson**, seconded by Mrs. McCulloch, *that Ordinance No. 4861 of 2009, to amend and re-enact Section 19-2 of the Code of Ordinances of the Parish of Caddo relative to culverts, driveways, and right-of-way standards generally, and to amend and re-enact Section 19-5 of the Code of Ordinances of the Parish of Caddo relative to pipelines under public roads, be adopted. That motion carried*, as shown by the following roll call vote: AYES: Commissioners Cox, Dominick, Epperson, Escude, Jenkins, Linn, Lynch, McCulloch, Pierson, Smith and Thibodeaux (11). NAYS: None. ABSTAINING: None. ABSENT: Commissioner Baker (1).

It was **moved by Dominick**, seconded by Mr. Pierson, that Ordinance No. 4862 of 2009, to authorize the Parish Administrator to grant a right-of-way agreement to Weyerhaeuser Company for the use of a portion of Walter B. Jacobs Memorial Nature Park for the purpose of hauling timber from adjacent property, be adopted.

Mr. Jenkins stated that this matter had come before the Commission earlier, and he was under the impression that no action would be taken on this until it was definitively determined that there would be no disruption to the Park. He asked if those determinations have been made.

Mr. Dominick said he had spoken to Parks Director Larry Raymond, who said that individuals have used this road for years to access the property where the timber is located, and that he is comfortable with the situation.

Mrs. McCulloch said that she had received a communication from the Parish Attorney about this case. Parish Attorney Charles Grubb stated that he had suggested that the Commission postpone action on this ordinance for two weeks. The said that the agreement that is being worked out with all parties is not yet complete, and he would appreciate more time to finalize that document.

Answering a question from Mr. Escude, Mr. Grubb said that in the spring of 2007 the Commission authorized a company to use this same road for oil and gas exploration. That right has been re-assigned a couple of times and now it is in the possession of Chesapeake Energy. There are some issues between Chesapeake and Weyerhaeuser, which wants to cut timber on the tract, regarding the use of the same road. These parties need to work out their agreement before the Parish makes any kind of agreement, he said.

Mr. Escude said he cannot understand, if this is a Parish-owned, but non-public, road, why it is necessary for Chesapeake to approve the use of the road by Weyerhaeuser. Mr. Grubb responded that Chesapeake is believed to have made some improvements to the road at their expense, and those improvements might be compromised by the timbering operation.

Mr. Escude said it appears that Chesapeake is seeking assurances that Weyerhaeuser will make repairs or restitution for any damage done to the road—just as Chesapeake ostensibly will do when they tear up many of the public roads in the Parish. Mr. Grubb said that such is the hope.

Mr. Cox said that while he would prefer to vote on this ordinance at this meeting, but he would point out that what Chesapeake is asking is exactly the same thing the Springridge Community is asking—that any destroyed roads and streets be repaired by the entity inflicting the damage. In this instance Chesapeake is asking the Parish to limit the commercial use of a Parish-owned road and impose stipulations on that use, but yet Chesapeake has no qualms about going into a neighborhood and tearing up the subdivision streets, as was cited by a citizen earlier in the meeting

This is a problem that needs to be addressed quickly, he said, and he believes that an ordinance currently being prepared will do much to regulate the use of the Parish.

Mr. Jenkins agreed that such an ordinance needs to be in place. He said he would not like to appear to be opposed to the oil and gas industry, but these kinds of problems are arising with frequency, and it is apparent that some rules should be in place for the benefit of all parties involved.

Mr. Epperson said that if there are still unresolved issues, he will not support passage of the ordinance at this time.

Mr. Linn said he will vote to adopt the ordinance. This is an instance, he said, where one party has a stronghold on a road and is coercing another party to sign an agreement. If there is going to be a balance between the two groups, it will be with both of them having equal use of the same property. He said he would restrict use by either party until they can work it out.

Mr. Dominick said he was under the impression when he made his motion that everything was in order, but now he learns that that is not the case. He then withdrew his motion.

Mr. Dominick then moved, seconded by Mr. Smith, *to delay passage of this ordinance until March 5.* Motion carried, with Mr. Linn voting "No".

ORDINANCES: (For introduction, by title)

- Ordinance No. 4864 of 2009 to amend and reenact Chapter 18, Section 18-17 (g) of the Caddo Parish Code of Ordinances regarding Caddo Correctional Center inmate medical, psychiatric and dental reimbursement
- Ordinance No. 4865 of 2009 to deem property surplus and authorize the sale of surplus property owned by the Parish of Caddo

WORK SESSION MINUTES: FEBRUARY 17, 2009

It was **moved by Mr. Pierson**, seconded by Mr. Cox, *that the Work Session Minutes of February 17, 2009, be ratified.* Motion carried.

NEW BUSINESS

It was **moved by Mr. Smith**, seconded by Mr. Thibodeaux, *that Mr. Michael McCullough be appointed to fill the unexpired term (January 1, 2010) of Mr. Paul Bison on the Fire District No. 6 Board; effective immediately.* Motion carried.

It was **moved by Mrs. McCulloch**, seconded by Mr. Dominick, *that Mr. Thomas 'Ike' Awagu to fill the unexpired term (May 20, 2010) of Mr. Tom Vicker, who declined to serve, on the Pinehill Waterworks District No. 8 Board; effective immediately.* Motion carried.

Mrs. McCulloch stated that earlier in the meeting reference was made to the appointment of two Commissioners to serve on the Master Plan Committee. She asked if those appointments have been made. President Lynch said that she and Commissioner Linn will serve on that committee.

There being no further business to come before the Commission, the meeting was adjourned at 4:15 p.m.

Stephanie Lynch
President

Jerry C. Spears
Commission Clerk