

October 4, 2007

MINUTES OF THE REGULAR MEETING OF THE COUNCIL OF THE CITY OF NEW ORLEANS HELD IN THE COUNCIL CHAMBER, CITY HALL, THURSDAY,

OCTOBER 4, 2007 AT 10:30 A.M.

The Council of the City of New Orleans met this day in Regular Session, at 10:30 A.M., in the Council Chamber, City Hall, Council President, Arnie Fielkow, presiding.

On calling the roll, the following members answered to their names:

PRESENT:

CARTER

DARNELL (VICE PRESIDENT)

FIELKOW (PRESIDENT)

HEAD

MIDURA

WILLARD-LEWIS

ABSENT:

HEDGE-MORRELL

SIX MEMBERS, PRESENT, CONSTITUTING A QUORUM.

ROLL CALL

PEGGY LEWIS

CLERK OF COUNCIL

INVOCATION

REV. JOSEPH M. DOYLE, STOR

SECOND MORNING STAR BETHSAIDA

MISSIONARY BAPTIST CHURCH

PRESENTATION OF COLORS

PLEDGE OF ALLEGIANCE TO THE FLAG

SHELLEY S. MIDURA

COUNCILMEMBER DISTRICT "A"

NATIONAL ANTHEM

DR. C. JAMES SMITH

CITY COUNCIL CHAPLAIN

CONSENT AGENDA

APPROVAL OF MINUTES

The reading of the Journal of the Proceedings of the meetings of September 6, 2007 and September 20, 2007 were dispensed with, and the Journals were approved as transcribed.

REPORTS

OF THE EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION – Transmitting Zoning Docket Numbers 88/07, 89/07, 90/07, 92/07, 93/07, 94/07, 95/07 and Design Review Numbers 97/07, 100/07 and 109/07 to set hearing dates thereon:

ZONING DOCKET NUMBER	COUNCILMEMBER	COUNCIL DEADLINE	HEARING DATE SET FOR
88/07	Head	12/18/07	10/18/07
89/07	Head	9/14/07	10/18/07
90/07	Head	11/23/07	10/18/07
92/07	Midura	12/18/07	10/18/07
93/07	Carter	12/18/07	10/18/07
94/07	Midura	12/18/07	10/18/07
95/07	Midura	12/18/07	10/18/07
DESIGN REVIEW NUMBER	COUNCILMEMBER	COUNCIL DEADLINE	HEARING DATE SET FOR
97/07	Hedge-Morrell	11/12/07	10/18/07
100/07	Willard-Lewis	11/12/07	10/18/07
109/07	Midura	11/12/07	10/18/07

Received.

OF THE EXECUTIVE DIRECTOR OF CITY PLANNING COMMISSION – Recommending approval of a change in Non-Conforming Use from an adult day care center to a General Office Use for property located at 7100 Read Boulevard. (DR NO. 110/07)

Received.

OF THE EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION – Recommending approval of an appeal of the Alcoholic Beverage Moratorium in Council District “E” (Ordinance No. 22,517) to permit the sale of alcoholic beverages for consumption on-premises at Street Orleans Food & Spirits, a standard restaurant,

located on Lots B & C, in the Third Municipal District, bounded by Gentilly Road Louisville & Nashville Railroad and Bundy Road Extension in an LI Light Industrial District within the Urban

Corridor District for property located at 9000 Chef Menteur Highway, Ste. D., subject to nine (9) provisos. (DR. NO. 92/07)

Received.

OF THE MAYOR’S OFFICE/DIVISION OF ECONOMIC DEVELOPMENT – Recommending approval of the Restoration Tax Abatement request for:

RTA #	ADDRESS	COUNCILMEMBER
#2004-0193-27	925 Common Street	Head
#040234	4935 Magazine Street	Head
#1999-0474-54 (Renewal)	610 Poydras Street	Head
#2002-0279-41 (Transfer)	918 N. Dorgenois Street	Midura

Received. Hearing date set for 10/18/07.

OF THE MAYOR’S OFFICE/DIVISION OF ECONOMIC DEVELOPMENT – Recommending disapproval of the Restoration Tax Abatement request for:

RTA #	ADDRESS	COUNCILMEMBER
#2000-0145-27 (Renewal)	834 Orleans Avenue	Carter
#2001-0309-58 (Renewal)	1232 Decatur Avenue	Carter

Received. Hearing date set for 10/18/07.

OF THE MAYOR’S OFFICE/DIVISION OF ECONOMIC DEVELOPMENT – Recommending disapproval of the Restoration Tax Abatement request for:

RTA #	ADDRESS	COUNCILMEMBER
#2000-0145-27 (Renewal)	834 Orleans Avenue	Carter
#2001-0309-58 (Renewal)	1232 Decatur Avenue	Carter

Received. Hearing date set for 10/18/07.

ORDINANCES ON FINAL PASSAGE

CAL. NO. 26,678 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) - An Ordinance to amend Ordinance No. 22,456 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of

Revenues for the City of New Orleans for the Year 2007" to appropriate state grant funds from Intergovernmental Transfers to the Office of the Mayor, National Emergency Grant Program.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,679 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) - An Ordinance to amend Ordinance No. 22,457 M.C.S., as amended entitled "An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2007" to appropriate state grant funds to the Office of the Mayor, National Emergency Grant Program.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,681 - BY: COUNCILMEMBER CARTER - An Ordinance to effect a Map Change from an RD-3 Two Family Residential District to a B-1A Neighborhood Business District to permit construction of a Mixed Use Development (commercial/residential), on Square 777, Lots 22 and 23, in the Third Municipal District, bounded by St. Roch Avenue, North Roman, North Derbigny and Spain Streets (Municipal Addresses: 1700-06 St. Roch Avenue and 2363 North Derbigny Street); and otherwise to provide with respect thereto. (ZONING DOCKET NO. 52/07)

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,682 - BY: COUNCILMEMBER CARTER - An Ordinance to provide for a Map Change from an RD-3 Two Family Residential District to an RO General Office District to permit professional

offices in an existing structure, on Square 375, Lots 6, 7, 8, 9, 10 and J, in the Second Municipal District, bounded by St. Philip, North White, North Dupre and Bellchasse Streets (Municipal Address: 2803 St. Philip Street); and otherwise to

provide with respect thereto. (ZONING DOCKET NO. 54/07)

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,685 - BY: COUNCILMEMBER MIDURA - An Ordinance to provide for the establishment of a Conditional Use to permit the sale of alcoholic beverages for consumption on premises with meals in a standard restaurant in an existing structure in a B-1 Neighborhood Business District, on Square 136, Lot 17, in the

Sixth Municipal District, bounded by South Miro, South Tonti, Calhoun and State Streets (Municipal Address: 6215 South Miro Street); and otherwise to provide with respect thereto. (ZONING DOCKET NO. 17/07)

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,686 - BY: COUNCILMEMBER MIDURA - An Ordinance to rescind Ordinance No. 18,848 M.C.S., an existing Conditional Use to permit a large child care center, on Square 294, Lot 1, in the Second Municipal District, bounded by North Tonti, North Miro, Dumaine and St. Philip Streets (Municipal Address: 916 North Tonti Street); and otherwise to provide with respect thereto. (ZONING DOCKET NO. 59/07)

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,687 - BY: COUNCILMEMBER MIDURA - An Ordinance to provide for the establishment of a Conditional Use to permit an accessory parking lot in an RD-3 Two Family Residential District, on Square 780, Lots A, 24-25, 26, 27 and 28, in the First Municipal District, bounded by South Carrollton Avenue, Baudin, Banks and South Solomon Streets (Municipal Addresses: 4132-4148 Banks Street); and otherwise to provide with respect thereto. (ZONING DOCKET NO. 68/07)

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,689 - BY: COUNCILMEMBER HEAD - An Ordinance to provide for the establishment of a Conditional Use to permit a new multi-family structure in an LI-Light Industrial District, on Square 239, Lot 24-A, or Lots 6, 1/2 of 18 and an undesignated lot or Lots 8-A, 20 and 24, in the First Municipal District, bounded by Baronne, Erato, Clio and Carondelet Streets (Municipal Address: 1212 Baronne Street); and otherwise to provide with respect thereto. (ZONING DOCKET NO. 57/07)

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,690 – BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) – An Ordinance to amend Ordinance No. 22,456 M.C.S., as amended, entitled “An Ordinance Providing an Operating Budget of Revenues for the City of New Orleans for the Year 2007” to appropriate Federal grant funds from Intergovernmental Transfers to various departments for Federal Emergency Management Agency reimbursable related cost.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,691 – BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) – An Ordinance to amend Ordinance No. 22,457 M.C.S., as amended, entitled “An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2007” to appropriate Federal grant funds from Intergovernmental Transfers to various departments for Federal Emergency Management Agency reimbursable related

cost.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,692 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) - An Ordinance to amend Ordinance No. 22,456 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Revenues for the City of New Orleans for the Year 2007" to appropriate Federal Grant funds from Intergovernmental Transfers to the Department of Health, for the Healthcare for the Homeless Program.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,693 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) - An Ordinance to amend Ordinance No. 22,457 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2007" to appropriate Federal Grant funds from Intergovernmental Transfers to the Department of Health, for the Healthcare for the Homeless Program.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,694 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) - An Ordinance to amend Ordinance No. 22,456 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Revenues for the City of New Orleans for the Year 2007" to appropriate Federal Grant funds from Intergovernmental Transfers to the Department of Health, Steps to a Healthier US Program for asthma, diabetes and obesity.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,695 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) - An Ordinance to amend Ordinance No. 22,457 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2007" to appropriate Federal Grant funds from Intergovernmental Transfers to the Department of Health, Steps to a Healthier US Program for asthma, diabetes and obesity.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

On motion of Councilmember Fielkow, seconded by Councilmember Darnell, and without objection, the rules of the Council were suspended for the purpose of removing Calendar Number 26,696 from the Regular Agenda and place on the Consent Agenda.

CAL. NO. 26,696 - BY: COUNCILMEMBERS HEDGE-MORRELL (BY REQUEST) AND FIELKOW - An Ordinance to amend and reordain the pay plan for officers and employees of the city of New Orleans in accordance with sections 3-118 and 4-206(g) of the Home Rule Charter of the City of New Orleans to establish an educational incentive pay premium for the

classifications of superintendent of police (U-0139) and assistant superintendent of police (U-0018); and otherwise to provide with respect thereto.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,702 – BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) – An Ordinance to amend Ordinance No. 22,456 M.C.S., as amended, entitled “An Ordinance Providing an Operating Budget of Revenues for the City of New Orleans for the Year 2007” to appropriate Funds from Intergovernmental Transfers Fund Balance to the Department of Police for overtime.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,703 – BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) – An Ordinance to amend Ordinance No. 22,457 M.C.S., as amended, entitled “An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2007” to appropriate Funds from Intergovernmental Transfers Fund Balance to the Department of Police for overtime.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,706 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) - An Ordinance to amend Ordinance No. 22,456 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Revenues for the City of New Orleans for the Year 2007" to appropriate Federal Grant funds from Intergovernmental Transfers to the Office of the Mayor, Office of Homeland Security, for the COPS Technology Program.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,707 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) - An Ordinance to amend Ordinance No. 22,457 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2007" to appropriate Federal Grant funds from Intergovernmental Transfers to the Office of the Mayor, Office of Homeland Security, for the COPS Technology Program.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,710 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) - An Ordinance to amend Ordinance No. 22,456 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Revenues for the City of New Orleans for the Year 2007" to appropriate funds from Intergovernmental Transfers, Fund Balance, to the Chief Administrative Office.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

CAL. NO. 26,711 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) - An Ordinance to amend Ordinance No. 22,457 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2007" to appropriate funds from Intergovernmental Transfers, Fund Balance, to the Chief Administrative Office.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) - 2

AND THE ORDINANCE ADOPTED.

MOTION TO ADOPT CONSENT CALENDAR AND REFER OTHER MATTERS TO THE PROPER AGENCY.

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis - 2

AND THE CONSENT CALENDAR WAS ADOPTED.

GENERAL REPORTS

COUNCIL DISTRICT "E" – Giving a district report to the full Council.

Appeared.

SPECIAL ORDERS OF BUSINESS

FIRST ORDER

PRESENTATION

COMMUNITYWORKS AND THE WOMEN’S LEADERSHIP COUNCIL – Giving the status of childcare centers in New Orleans.

Appeared.

On motion of Councilmember Fielkow, seconded by Councilmember Darnell, and without objection, the rules of the Council were suspended for the purpose of making the following Presentation as Second Order of Business.

SECOND ORDER

PRESENTATION

KERRY MILLER, FRILOT, LLC – Updating the Council on the Board of Review Appeals hearings.

Appeared.

LEGISLATIVE GROUPING

TAX ABATEMENT HEARING

REPORT

OF THE MAYOR’S OFFICE/DIVISION OF ECONOMIC DEVELOPMENT – Recommending approval of the Restoration Tax Abatement request for:

RTA #	ADDRESS	COUNCILMEMBER
#2002-0001-01 (Renewal)	333 St. Joseph Street	Head
#2003-0227-33 (Transfer)	614 Canal Street	Head

Councilmember Fielkow moved to defer the foregoing report until later in the meeting.

There being no objection, so ordered.

On motion of Councilmember Fielkow, seconded by Councilmember Darnell, and without objection, the rules of the Council were suspended for the purposes of continuing/withdrawing the following matters:

HDLC APPEALS

OF MICHELLE LEAGUE – Requesting to appeal the Historic District Landmarks Commission’s decision of “denial” for inappropriate wood doors and board/batten shutters, both installed without a

Certificate of Appropriateness for property located at 2614 Annunciation Street.

Continued Indefinitely.

OF STEVEN HUY BUI – Requesting to appeal the Historic District Landmarks Commission’s decision of “denial” for retention of the brown roof and vinyl windows installed without a Certificate

of Appropriateness for property located at 939 Poland Avenue.

Continued to the meeting of 10/18/07.

OF EHAB ZAGZOUG – Requesting to appeal the Historic District Landmarks Commission’s decision of “denial” for retention of both of the side elevation dormers installed without a Certificate

of Appropriateness for property located at 913 Washington Avenue.

Continued to the meeting of 10/18/07.

OF WANDA FERNANDEZ – Requesting to appeal the Historic District Landmarks Commission’s decision of “denial” regarding the corrugated metal roof installed after Hurricane Katrina for

property located at 3016 Marais Street.

Continued to the meeting of 10/18/07.

OF TOM PONTHEUX, LIFETIME CONSTRUCTION, LLC - Requesting to appeal the Historic District

Landmarks Commission's decision of "NO ACTION" for retention of vinyl siding installed without a Certificate of Appropriateness for property located at 1803 St. Claude Avenue.

Continued to the meeting of 10/18/07.

OF BOBBIE F. MASON – Requesting to appeal the Historic District Landmarks Commission's decision of "denial" for retention of the two front doors, a storage shed, an 8 foot high wooden fence, chain link fence, vinyl siding and windows for property located at 1501-03 Clouet Street and 1505-1507 Clouet Street.

Continued to the meeting of 10/18/07.

ABO MORATORIUM APPEAL

OF SAUL MORGAN – Requesting to appeal the Alcoholic Beverage Licenses in District "B" for property located at 2730 Josephine Street.

Continued to the meeting of 10/18/07.

HOUSING CONSERVATION DISTRICT

REVIEW COMMITTEE APPEAL

OF RICHARD G. FULLERTON, AIA, LEDBETTER FULLERTON ARCHITECTS –

Requesting to appeal the Housing Conservation District Review Committee's decision of denial for demolition of property located at 1560 Henry Clay Avenue.

Continued to the meeting of 10/18/07.

LEGISLATIVE GROUPING

NON-CONFORMING USE APPEAL

OF FRANK A. MARULLO, JR., CARROLLTON REAL ESTATE – Requesting a

change in Non-Conforming Use from the present zoning of non-conforming use manufacturing to non-conforming use commercial zoning for property located at 1900 and 1902 S. Carrollton Avenue.

Continued to the meeting of 10/18/07.

REPORT

OF THE EXECUTIVE DIRECTOR OF CITY PLANNING COMMISSION – Recommending denial of a change in Non-Conforming Use from a

retail pesticide company to a coffee shop for property located at 1900-1902 S. Carrollton Avenue. (DR NO. 96/07)

Continued to the meeting of 10/18/07.

LEGISLATIVE GROUPING

NON-CONFORMING USE APPEAL

OF GLENN M. GARDNER – Requesting a change in Non-Conforming Use from adult day care center space on the ground floor to professional office use for property located at 7100 Read Boulevard.

Continued to the meeting of 10/18/07.

REPORT

OF THE EXECUTIVE DIRECTOR OF CITY PLANNING COMMISSION – Recommending approval of a change in Non-Conforming Use from an adult day care center to a General Office Use for property located at 7100 Read Boulevard. (DR NO. 110/07)

Continued to the meeting of 10/18/07.

ZONING PETITIONS

ZONING DOCKET NO. 32/07 – ST. ANDREW’S EPISCOPAL CHURCH – Requesting a Conditional Use to permit the expansion of an existing private school in a new structure and the demolition of an existing structure in an RD-2 Two Family Residential District, on Square 133, Lots P, Y, 12 thru 15, 18 or 18 pt. 19, 20 & 21 and 22, 17 & 20 or 17 & 22, 1 & 2 or 1 & 2 and Pt. 3, in the Seventh Municipal District, bounded by S. Carrollton Avenue, Short, Oak and Zimple Streets (Municipal Addresses: 8000 thru 8012 Oak Street, 1116 thru 1126 Short Street, and 1111 S. Carrollton Avenue). The recommendation of the City Planning

Commission being “FOR APPROVAL”, subject to four (4) waivers and twenty-two (22) provisos.

Continued to the meeting of 10/18/07.

ZONING DOCKET NO. 63/07 – BRAVE NEW WORLD INVESTMENTS LLC – Requesting a Conditional Use to permit a cocktail lounge in an existing structure in an HMC-2 Historic Marigny/Treme Commercial

District, on Square 5, Lots A and E or an undesignated lot, in the Third Municipal District, bounded by Esplanade Avenue, Decatur, Frenchmen and Chartres Streets (Municipal Address: 1407 Decatur Street). The recommendation of the City Planning

Commission being “FOR NO LEGAL MAJORITY”.

Continued to the meeting of 10/18/07.

ZONING DOCKET NO. 70/07 – DEBBIE L. MARTIN – Requesting a Conditional Use to permit a large child care center in an existing structure in an RO-1 General Office District, on Square 683, Lot 23 or 25, in the First Municipal District, bounded by South Jefferson Davis Parkway, Canal Boulevard, Cleveland Avenue and South Rendon Street (Municipal Address: 118-120 South Jefferson Davis Parkway). The recommendation of the City Planning Commission being “FOR DENIAL”.

Continued to the meeting of 10/18/07.

ZONING DOCKET NO. 71/07 – SUNBURST PROPERTIES NO. 2, LLC – Requesting a Zoning Change from an RD-2 Two Family Residential District to a B-1 Neighborhood Business District to permit a real estate office in a new structure, on Square 52, Lots 11, 12 and 13, in the Second Municipal District, bounded by Robert E. Lee and Milne Boulevards, Conrad and Wuerpel Streets (Municipal

Address: 300 Robert E. Lee Boulevard). The recommendation of the City Planning Commission being “FOR DENIAL”.

Continued to the meeting of 10/18/07.

ZONING DOCKET NO. 74/07 – ALVIN SMITH - Requesting a Conditional Use to permit a scrap metal collection and transfer center in an existing structure in an LI Light Industrial District, on Square 447, Lots X and Y, in the First Municipal District, bounded by Earhart Boulevard, S. Claiborne Avenue, Willow Street and the Crescent City Connection Bridge approach (Municipal Address: 2801 Earhart Boulevard). The recommendation of the City Planning Commission being “FOR DENIAL”

Continued to the meeting of 10/18/07.

ZONING DOCKET NO. 75/07 – THE ASIA BAPTIST CHURCH – Requesting a Zoning Change from a B-1 Neighborhood Business District to a C-1 General Commercial District, on Square 2315, Lots A, B, C and D, in the Third Municipal District, bounded by St. Bernard Avenue, Duplessis, Lafreniere and Sere Streets (Municipal Address: 3501 St. Bernard Avenue). The recommendation of the City Planning Commission being “FOR DENIAL”.

Continued to the meeting of 10/18/07.

ZONING DOCKET NO. 76/07 – PETER TRAN AND NIEN NGUYEN – Requesting a Conditional Use to permit the sale of alcoholic beverages for consumption off premises in an existing take out deli in a B-2 Neighborhood Business District, on an undesignated Square, Lot 3-B, in the Fifth Municipal District, bounded by Woodland Highway, Woodland and Tullis Drives (Municipal Address: 6057 Woodland Highway). The recommendation of the City Planning Commission being “FOR APPROVAL”, subject to one (1) waiver and nine (9) provisos.

Continued to the meeting of 10/18/07.

ZONING DOCKET NO. 81/07 - MAHER HAMDAN - Requesting a Zoning Change from an RM-2A Multiple Family Residential District to a

B-1A Neighborhood Business District, on Square 73, Lot A, in the

Fourth Municipal District, bounded by Josephine, Jackson, Annunciation and Chippewa Streets (Municipal Address: 700 Josephine Street). The recommendation of the City Planning Commission being “FOR DENIAL”.

Continued to the meeting of 11/1/07.

ZONING DOCKET NO. 82/07 - ROBERT AND BONNY MALONEY - Requesting an amendment to Ordinance No. 21,219 MCS (ZD 6/05, a Conditional Use to permit an amusement place with the sale of alcoholic beverages for on premises consumption), in an MU-A Mixed Use District, on Square 89, Lots 3, 4, 5, 6, 7, A, 11 and 12, in

the First Municipal District, bounded by Tchoupitoulas, Celeste, Felicity and Religious Streets (Municipal Address: 1755 Tchoupitoulas Street). The recommendation of the City Planning

Commission being “FOR DENIAL”.

Continued to the meeting of 10/18/07.

ZONING DOCKET NO. 84/07 - ROY M. PIAZZA AND JOSEPH D. PIAZZA - Requesting a Zoning Change from an RD-2 Two Family Residential District to a B-1A Neighborhood Business District, on Square

36, Lots B and C, in the Third Municipal District, bounded by Franklin Avenue, Jasmine, Wisteria and Lotus Streets (Municipal Address: 2603-2609 Jasmine Street). The recommendation of the City Planning Commission being “FOR APPROVAL”.

Continued to the meeting of 10/18/07.

DESIGN REVIEWS

DESIGN REVIEW NO. 81/07 – E. A. BIGGS AND ASSOCIATES, INC. – Requesting a Demolition under Section 26-2 of the City Code of one building in a CBD-2B Central Business District, on Square 336, lot undesignated, in the First Municipal District, bounded by Cleveland Avenue, Canal, LaSalle and S. Saratoga Streets

(Municipal Address: 1400 Canal Street). The recommendation of the City Planning Commission being “FOR APPROVAL”, subject to two (2) provisos.

Continued to the meeting of 10/18/07.

DESIGN REVIEW NO. 84/07 – CARL E. WOODWARD FOR 1505 CANAL STREET – Requesting a Demolition under Section 26-2 of the City Code of one building in a CBD-2 Central Business District, on Square 158, Lot 1-5-7, in the Second Municipal District, bounded by Canal,

Marais, Villere and Iberville Streets (Municipal Address: 1505 Canal Street). The recommendation of the City Planning Commission being “FOR DENIAL”.

Continued to the meeting of 10/18/07.

LEGISLATIVE GROUPING

SUBDIVISION APPEAL

OF WILLIAM V. HOWENSTINE – Requesting to appeal the City Planning Commission’s decision of denial of the resubdivision of Lot A-2 into Lots A-4, A-5, A-6, A-7 and A-8 in the Fifth Municipal District, bounded by Aurora Plantation, between Patterson Drive and General Meyer Avenue (Municipal Address: UNASSIGNED).

Continued to the meeting of 11/1/07.

REPORT

OF THE EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION – Recommending denial of the request by William Van Howenstine

for a resubdivision of Lot A-2 into Lots A-4, A-5, A-6, A-7 and A-8 in the Fifth Municipal District, bounded by Aurora Plantation, between Patterson Drive and General Meyer Avenue (Municipal Address: UNASSIGNED). (SD #37/06)

Continued to the meeting of 11/1/07.

ORDINANCES ON FINAL PASSAGE

CAL. NO. 26,261 – BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) – An Ordinance to amend Ordinance No. 22,091 M.C.S., as amended, entitled “An Ordinance Providing an

Operating Budget of Revenues for the City of New Orleans for the Year 2006,” to appropriate funds from Intergovernmental Transfers Fund Balance to the various departments to cover overages incurred for 2006.

Continued to the meeting of 11/1/07.

CAL. NO. 26,262 – BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) – An Ordinance to amend Ordinance No. 22,092 M.C.S., as amended, entitled “An Ordinance Providing an

Operating Budget of Expenditures for the City of New Orleans for the Year 2006,” to appropriate funds from Intergovernmental Transfers Fund Balance to the various departments to cover overages incurred for 2006.

Continued to the meeting of 11/1/07.

CAL. NO. 26,319 - BY: COUNCILMEMBERS DARNELL, HEAD AND WILLARD-LEWIS - An Ordinance to amend Article I of Chapter 26 of the Code of the City of New Orleans by adding a new section thereto, to be

designated as Section 25-11 to establish standards of sustainability for construction of residences in the City of New Orleans so that New Orleans residents and members of the construction industry can utilize advanced construction techniques which will result in durable, high-quality homes that are certifiable and encouraged by the City of New Orleans; and to otherwise provide with respect thereto.

Continued to the meeting of 11/1/07.

CAL. NO. 26,430 - BY: COUNCILMEMBERS WILLARD-LEWIS, DARNELL, FIELKOW, MIDURA, HEAD, CARTER AND HEDGE-MORRELL - An Ordinance that sets the framework for a recovery process that offers balance relative to single family and multi-family housing in our recovery neighborhoods. It requires any principal of a multi-family development of 100 units or more to engage in a neighborhood notification process and citizen review that assures neighborhood collaboration and consistency with neighborhood recovery plans. This ordinance seeks appropriate, equitable, and transparent fair housing policies that promote equitable distribution throughout the city and examines criteria for sustainability of all neighborhoods.

Continued to the meeting of 10/18/07.

CAL. NO. 26,527 - BY: COUNCILMEMBERS CARTER AND MIDURA (BY REQUEST) - An Ordinance to implement procedural mandates for the long-term use of the Orleans Parish Recovery and Redevelopment Plan (Citywide Strategic Recovery and Redevelopment Plan) by Orleans Parish governmental entities, as consistent with the recommendations of the City Planning Commission for the City of New Orleans, and as necessary to ensure that all governmental entities within Orleans Parish, shall consider the Orleans Parish

Recovery and Redevelopment Plan, and to the extent practicable, adopt, approve, promulgate, interpret, and administer local laws, ordinances, or regulations in a manner consistent with the adopted plan.

Withdrawn.

CAL. NO. 26,715 - BY: COUNCILMEMBER FIELKOW - An Ordinance to amend Sections 70-405, 70-407(a) and 70-408 of Chapter 70 of the Code of the City of New Orleans relative to the Economic Development Fund regarding the purpose of the fund and proposal and grant procedures; to ordain Section 70-405.1 of the City Code

relative to use of funds and eligibility; and otherwise to provide with respect thereto.

Continued to the meeting of 10/18/07.

MOTIONS/RESOLUTIONS

NO. M-07-466

BY: COUNCILMEMBER FIELKOW

Authorizing the Council’s President to execute a contract with the firm of Sher Garner Cahill Richter Klein & Hilbert, L.L.C. to initiate and file the appropriate response; pro bono, regarding the opinion requested by the Administration from the Louisiana Attorney General concerning the validity of a subpoena issued by the President of the Council to the Director of Property Management.

Continued to the meeting of 10/18/07.

This concludes Legislation to be continued/withdrawn.

REGULAR ORDER OF BUSINESS RESUMED

The following Tax Abatement Hearing was deferred earlier in the meeting.

LEGISLATIVE GROUPING

TAX ABATEMENT HEARING

REPORT

OF THE MAYOR’S OFFICE/DIVISION OF ECONOMIC DEVELOPMENT – Recommending approval of the Restoration Tax Abatement request for:

RTA #	ADDRESS	COUNCILMEMBER
#2002-0001-01 (Renewal)	333 St. Joseph Street	Head
#2003-0227-33 (Transfer)	614 Canal Street	Head

Hearing held.

RESOLUTIONS

NO. R-07-462

BY: COUNCILMEMBER HEAD

SECONDED BY: COUNCILMEMBER CARTER

WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and

WHEREAS, in accordance with the procedures established by Resolution R-98- 126 the following described property has been submitted to the Mayor's Office of Planning & Development for review, said property being described as municipal address 333 St. Joseph Street owned by Bella Luna Catering, LLC ; and

WHEREAS, the Mayor's Office of Planning & Development recommends approval with regard to participation in the renewal of the aforementioned tax program; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Office of Planning & Development, hereby approves participation of municipal address 333 St. Joseph Street owned by Bella Luna Catering, LLC and further identified by the State Board of Commerce and Industry as application number RTA #2002-0001-01 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective October 4, 2007; therefore

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Carter, Darnell, Fielkow, Head, Midura,

Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE RESOLUTION WAS ADOPTED.

NO. R-07-463

BY: COUNCILMEMBER HEAD

SECONDED BY: COUNCILMEMBER CARTER

WHEREAS, Article VI, Section 21(H) of the State Constitution and Act 445 of 1983 provides for payment of ad valorem taxes on certain basis for property owners performing certain improvements in Historic, Economic, Development, and Downtown Development Districts; and

WHEREAS, in accordance with the procedures established by Resolution R-03-152 the following described property has been submitted to the Mayor's Department of Economic Development for review, said property being described as municipal address

614 Canal Street transferred ownership from CNL New Orleans Hotel L.P. to Ashford Hospitality Trust, Inc.; and

WHEREAS, the Mayor's Office of Economic Development recommended approval with regard to participation in the aforementioned tax program; and

WHEREAS, the Council of the City of New Orleans passed Resolution R-05-537 approving participation of said municipal address; now therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the Council after consideration of the recommendation of the Mayor's Department of Economic Development, hereby approves participation of municipal address 614 Canal Street owned by Ashford Hospitality Trust, Inc. and further identified by the State Board of Commerce and Industry as application number RTA #2003-0227-33 in the Property Tax Abatement Program authorized by Act 445 of 1983 and Article VII Section 21(H) of the Constitution, effective October 4, 2007; therefore

BE IT FURTHER RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that a copy of this resolution be forwarded to the State Board of Commerce and Industry.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Carter, Darnell, Fielkow, Head, Midura,

Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE RESOLUTION WAS ADOPTED.

LEGISLATIVE GROUPING

LAKEVIEW MORATORIUM APPEAL

OF LORETTA KATHERINE HARMON, NCARB, CSI, AIA, PRESIDENT, LK HARMON ARCHITECTS – Requesting to appeal the Lakeview Moratorium Ordinance No. 22,701 M.C.S. for an RD-2 Two Family Residential

District parcel for property located at 6819 Milne Street.

Hearing Held.

REPORT

OF THE EXECUTIVE DIRECTOR OF THE CITY PLANNING COMMISSION – Recommending approval of an appeal of Moratorium Ordinance No. 22,701 M.C.S. for an RD-2 Two Family Residential District zoned

parcels in the Lakeview area of Council District “A”, to permit the construction of a porch and uncovered stair on an existing single-family residence with insufficient front yard and aggregate side yard setbacks, to be located on Lots 19 and 20, in Square 108, in the Second Municipal District, subject to two (2)

waivers and one (1) proviso for property located at 6819 Milne Street. (DR NO. 99/07)

Received.

SPEAKERS:

PROPPONENTS:

L. Katherine Harmon

OPPONENTS:

None

INFORMATION ONLY:

None

After discussion, Councilmember Midura offered the following motion:

NO. M-07-472

BY: COUNCILMEMBER MIDURA

SECONDED BY: COUNCILMEMBER HEAD

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That

the request of LORETTA KATHERINE HARMON, NCARB, CSI, AIA, PRESIDENT, L K HARMON ARCHITECTS FOR ANN MARIE LOCASCIO (DR #99/07) – To appeal the Lakeview Moratorium Ordinance No. 22,701 M.C.S. for an RD-2 Two Family Residential District zoned parcels in the Lakeview area of Council District “A”, to permit the construction of a porch and uncovered stair on an existing single-family residence with insufficient front yard and aggregate side yard setbacks, to be located on Lots 19 and 20, on Square 108, in the Second Municipal District, bounded by Chapelle, Mouton and Colbert Streets for property located at 6819 Milne Street, be, and the same is hereby upheld and the appeal is granted, subject to two (2) waivers and one (1) proviso as stated in the City Planning Commission’s report to read as follow:

WAIVERS :

1. The applicant shall be granted a waiver of Article 4, Section 4.5.7, which requires a minimum front yard setback of twenty (20) feet, to permit a minimum front yard setback of eight (8) feet.
2. The applicant shall be granted a waiver of Article 4, Section 4.5.7 which requires a minimum aggregate side yard setback of 12’-6”, to permit a minimum aggregate side yard setback of 9’-11”.

PROVISO :

1. The proposed front porch shall protrude no further than 6’-10” from the facade of the dwelling into the front yard and the proposed stairs shall protrude no further than 10’-8” from the facade of the dwelling into the front yard, as indicated on the proposed plans.

BE IT FURTHER MOVED, That the Clerk of Council’s Office shall forward copies of this motion directly to all affected departments.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Carter, Darnell, Fielkow, Head, Midura - 5

NAYS: 0

ABSENT: Hedge-Morrell, Willard-Lewis (Temporarily Out of Chamber) – 2

AND THE MOTION WAS ADOPTED.

ZONING PETITIONS

ZONING DOCKET NO. 79/07 – SIMPLY SELF STORAGE (NEW ORLEANS) I,

LLC - Requesting a Conditional Use to permit a mini-warehouse in

an existing structure in a C-1A General Commercial District, on

Square 334, all Lots, in the Second Municipal District, bounded

by N. Broad, Conti, N. Dorgenois and Bienville Streets (Municipal

Address: 300 N. Broad Street). The recommendation of the City

Planning Commission being “FOR APPROVAL”, subject to two (2)

waivers and fifteen (15) provisos.

SPEAKERS:

PROPOSERS:

Paul Ikemin

Shaun B. Rafferty

OPPOSERS:

None

INFORMATION ONLY:

None

After discussion, Councilmember Head offered the following motion:

NO. M-07-473

BY: COUNCILMEMBER HEAD

SECONDED BY: COUNCILMEMBER FIELKOW

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and favorable recommendation of the City Planning Commission on ZONING DOCKET NO. 79/07 – SIMPLY SELF STORAGE (NEW ORLEANS) I, LLC – Requesting a Conditional Use to permit a mini-warehouse in an existing structure in a C-1A General Commercial District, on Square 334, all Lots, in the Second Municipal District, bounded by North Broad, Conti, North Dorgenois and Bienville Streets (Municipal Address: 300 North Broad Street), be, and the same is hereby upheld and the Conditional Use is granted, subject to two (2) waivers and fifteen (15) provisos as stated in the City Planning Commission’s report, with an additional two (2) provisos numbered accordingly to read as follows:

PROVISOS :

“16. The owner shall provide an additional 10 spaces with the location to be determined in consultation with the City Planning staff prior to the final release for building permits.

17. The owner shall maintain “flex-space” areas on the first floor of the development of 3,094 and 880 square feet in the locations shown on the Site Layout Plan. The flex-space shall remain available for commercially reasonable rental for community business uses so long as such use is

economically viable. The community business uses shall

include without limitation small business incubation.”

BE IT FURTHER MOVED, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney’s Office for the preparation of an ordinance to effectuate the Conditional Use.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Carter, Darnell, Fielkow, Head, Midura,

Willard-Lewis – 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE MOTION WAS ADOPTED.

ZONING DOCKET NO. 83/07 - RYAN MARCOMB AND BRETT RICHMAN - Requesting a Zoning Change from an RD-2 Two Family Residential District to an RM-3 Multiple Family Residential District, on Square 121, Lot 10, in the Sixth Municipal District, bounded by Tulane University, Delord, Story and Calhoun Streets

(Municipal Address: 6319-6321 Delord Street). The recommendation of the City Planning Commission being “FOR DENIAL”.

SPEAKERS:

PROPONENTS:

Ryan C. Marcomb/Brett Richman

OPPONENTS:

Betty Flair

Martha Robinson

Pamela Stanton

INFORMATION ONLY:

None

After discussion, Councilmember Midura offered the following motion:

NO. M-07-474

BY: COUNCILMEMBER MIDURA

SECONDED BY: COUNCILMEMBER HEAD

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 83/07 - RYAN MARCOMB AND BRETT RICHMAN - Requesting a Zoning Change from an RD-2 Two Family Residential District to an RM-3 Multiple Family Residential District, on Square 121, Lot 10, in the Sixth Municipal District, bounded by Tulane University, Delord, Story and Calhoun Streets (Municipal Address: 6319-6321 Delord Street), be, and the same is hereby upheld and the Zoning Change is denied.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Fielkow, Darnell, Head, Midura, Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE MOTION WAS ADOPTED.

ZONING DOCKET NO. 85/07 - AUDRY R. SALADINO - Requesting a Zoning Change from an RD-2 Two Family Residential District to a B-1 Neighborhood Business District and a Conditional Use to permit

the sale of alcoholic beverages for consumption off premises, on Square 352, Lot A, in the Second Municipal District, bounded by Ursuline Avenue, Orchid, Crete and N. White Streets (Municipal Address: 2703 Ursuline Avenue). The recommendation of the City Planning Commission being "FOR DENIAL".

SPEAKERS:

PROPOSERS:

Dolores J. Walker

Ricky Soprano

OPPONENTS:

Conrad Abadie

INFORMATION ONLY:

None

After discussion, Councilmember Carter offered the following motion:

NO. M-07-475

BY: COUNCILMEMBER CARTER

SECONDED BY: COUNCILMEMBER MIDURA

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and unfavorable recommendation of the City Planning Commission on ZONING DOCKET NO. 85/07 - AUDRY R. SALADINO - Requesting a Zoning Change from an RD-2 Two Family Residential District to a B-1 Neighborhood Business District and a Conditional Use to permit the sale of alcoholic beverages for consumption off premises, on Square 352, Lot A, in the Second Municipal District, bounded by Ursuline Avenue, Orchid, Crete and North White Streets (Municipal Address: 2703 Ursuline Avenue), be, and the same is hereby upheld and the Zoning Change and the Conditional Use is denied.

THE FOREGOING MOTION WAS READ IN FULL THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND RESULTED AS FOLLOWS:

YEAS: Carter, Fielkow, Darnell, Head, Midura, Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE MOTION WAS ADOPTED.

ZONING DOCKET NO. 87/07 - THE INTERNATIONAL SCHOOL OF LOUISIANA –

Requesting a Zoning Change from an HI-Heavy Industrial District to a C-2 General Commercial District and a Residential Planned Community District Overlay (RPC) to permit a multiple family residential development, on Square 676, Lot B or Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 28, 29, 30, 31, 32, 33, 34 and Part 5, in the First Municipal District, bounded by S. Jefferson Davis Parkway, Gravier, S. Rendon and Perdido Streets (Municipal Address: 750-760 South Jefferson Davis Parkway). The recommendation of the City Planning Commission being “FOR MODIFIED APPROVAL”, to include only

lots E, F, G, H, I, J, K, L and M of Square 676 in the First Municipal District, subject to five (5) waivers and fifteen (15) provisos.

SPEAKERS:

PROPOSERS:

Staci Rosenberg

Chris Papamichael

OPPOSERS:

None

INFORMATION ONLY:

None

After discussion, Councilmember Head offered the following motion:

NO. M-07-476

BY: COUNCILMEMBER HEAD

SECONDED BY: COUNCILMEMBER MIDURA

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the report and recommendation of MODIFIED APPROVAL of the City Planning Commission on ZONING DOCKET NO. 87/07 - THE INTERNATIONAL SCHOOL OF LOUISIANA – Requesting a Zoning Change from an HI-Heavy Industrial District to a C-2 General Commercial District and a Residential Planned Community District Overlay (RPC) to permit a multiple family residential development, on Square 676, Lot B or Lots 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 28, 29, 30, 31, 32, 33, 34 and Part 5, in the First Municipal District, bounded by South Jefferson Davis Parkway, Gravier, South Rendon and Perdido Streets (Municipal Address: 750-760 South Jefferson Davis Parkway), be, and the same is hereby upheld and the Zoning Change and the Residential Planned Community District Overlay (RPC) is granted with MODIFIED APPROVAL to include only lots E, F, G, H, I, J, K, L, and M of Square 676 in the First Municipal District, subject to five (5) waivers and fifteen (15) provisos as stated in the City Planning Commission’s report, and amending Proviso Numbers 2, 5 and 6 to read as follows:

PROVISOS :

“2. The applicant shall be granted a waiver of Article 4,

Section 4.12.7 of the Comprehensive Zoning Ordinance (CZO), which requires a twenty (20) foot front yard setback, to permit an eight (8) foot front yard setback from the Gravier Street frontage.

5. Three (3) of the four (4) mature live oaks within the street right-of-way abutting the Jefferson Davis Parkway side of the site shall be preserved during the construction process, subject to the recommended standards of the Department of Parks and Parkways. The fourth live oak tree, which is in decline, may be removed to make way for the entrance to the project, with the approval of the Department of Parks and Parkways.
6. The applicant shall provide a secure, fenced green space of a sizable concentration that can be used as outdoor recreation area as a justification for reduced parking requirements.”

BE IT FURTHER MOVED, That a copy of the report of the City Planning Commission and of this motion be forwarded to the City Attorney's Office for the preparation of an ordinance to effectuate the Zoning Change and the Residential Planned Community District Overlay (RPC).

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED

ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Carter, Darnell, Fielkow, Head, Midura,

Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE MOTION WAS ADOPTED.

ORDINANCES ON FINAL PASSAGE

CAL. NO. 26,570 - BY: COUNCILMEMBERS DARNELL AND FIELKOW (BY REQUEST) - An Ordinance approving rates to be charged the users of the water system of the City of New Orleans, Louisiana.

Councilmember Fielkow offered the following amendment:

AMENDMENT TO ORDINANCE CALENDAR NO. 26,570

CITY HALL: October 4, 2007

BY: COUNCILMEMBER FIELKOW

1. On page 3, Section 1, on line 3, delete the words “June 30, 2007 and insert in lieu thereof the words “November 1, 2007.

SPEAKERS:

PROPOSERS:

None

OPPOSERS:

Helen LeBourgeois

INFORMATION ONLY:

Frances Sewell

Norbert Rome

After discussion, Councilmember Fielkow moved adoption of the foregoing amendment.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura,

Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE AMENDMENT WAS ADOPTED.

Councilmember Fielkow moved adoption of the ordinance as amended.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura,

Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE ORDINANCE, AS AMENDED, WAS ADOPTED.

CAL. NO. 26,699 - BY: COUNCILMEMBER HEAD - An Ordinance to temporarily waive certain fees, permit fees, and requirements within and around the 400 block of Soraparu Street between Tchoupitoulas Street and Rousseau Street, in conjunction with a KaBOOM! Community-build playground project, sponsored by the Irish Channel Neighborhood Association, a non-profit organization, on November 2, 2007 from 8:30 a.m. to 2:30 p.m., to specify the duration and boundaries of said waiver; and to provide otherwise with respect thereto.

After discussion, Councilmember Head moved adoption of the foregoing ordinance.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura,

Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE ORDINANCE WAS ADOPTED.

CAL. NO. 26,708 - BY: COUNCILMEMBER MIDURA - An Ordinance to temporarily waive certain fees, permit fees, and requirements within and around the 6300 block of Memphis Street between Bragg Street and Harrison Avenue from 4:30 p.m. to 8:30 p.m., in conjunction with the Harrison Avenue Marketplace on Wednesday, September 19, 2007, to specify the duration and boundaries of said waiver, and to provide otherwise with respect thereto.

After discussion, Councilmember Midura moved adoption of the foregoing ordinance.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura,

Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE ORDINANCE WAS ADOPTED.

MOTIONS/RESOLUTIONS

(LYING OVER)

NO. M-07-413

CITY HALL: September 20, 2007

BY: COUNCILMEMBER FIELKOW

SECONDED BY: COUNCILMEMBER CARTER

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That Rule 45 of the Rules and Regulations of the City Council relative to the Council's competitive selection process for professional services is hereby amended to read as follows:

Coding: Words ~~struck out~~ are deleted.

Wording underlined is added.

“COMPETITIVE SELECTION PROCESS FOR
PROFESSIONAL SERVICES CONTRACTS

Rule 45. Pursuant to Section 6-308 (5) (c) of the City Charter , contracts for professional services to be administered by the Council shall include but not be limited to the following professions:

Accountants

Appraisers

Architects

Auditors

Attorneys

Economists

Management Consultants

Public Relations/Media Consultants

Real Estate Consultants

Telecommunications Consultants

Utilities Regulatory Consultants

~~Consultants with expertise in a field as required by the Council for all contracts at or above the threshold amount established by Ordinance #17,423 M.C.S. the following process shall be followed:~~

The following process shall be followed for retention of consultants with expertise in a field as required by the Council for all contracts at or above the threshold amount established by Section 2-7 of the City Code:

1. Upon determination by a majority vote of the entire membership of the City Council that the services of a professional are needed, a Request for Qualifications(RFQ) or Request for Proposals(RFP), as appropriate based on the scope of work to be performed, shall be issued. The Request shall include the deadline for submission of responses. The RFQ or RFP shall additionally require that the person or entity responding to the RFP or RFQ (the respondent) provide the following information:

A sworn affidavit listing all persons with an ownership interest in the respondent. An “ownership interest” shall not be deemed to include ownership of stock in a publicly traded corporation or ownership of an interest in a mutual fund or trust that holds an interest in a publicly traded corporation. This affidavit is a public record.

- A sworn affidavit stating that no other person holds an ownership interest in the respondent via a counter letter.
- A list of all persons, natural or artificial, who are retained by the respondent at the time of the application and who are expected to perform work as sub-contractors in connection with the respondent's work for the City Council. The Council may require information on employees or sub-contractors of or ownership interests in the sub-contractor. This list is a public record.

The RFQ or RFP shall additionally advise the respondent that the contract with the City Council shall contain a provision that in regard to any sub-contractor proposed to be retained by the respondent to perform work on the contract with the City Council, the respondent must provide notice to the appropriate Council Committee within thirty (30) days of retaining said sub-contractor. The Council may require information on ownership interests in the sub-contractor.

2. The Request for Qualifications or Request for Proposals shall be published at least three times in a 10 day period in the Official Journal by the Clerk of Council. The publication may be in brief, if the Request is lengthy, and may be supplemented by letters of inquiry and/or placement of the request in appropriate additional publications.

3. Interested professionals who respond by the deadline date shall be evaluated by the Selection Review Committee . If more than five (5) responses are received, the Selection Review Committee shall review all responses but is authorized to eliminate from consideration, if it deems doing so appropriate, all but the five (5) most qualified and responsive respondents.

4. The committee shall establish appropriate evaluation criteria, which may include but not be limited to the following:

- (a) training and experience with type of task required;
- (b) appropriateness of plan submitted;
- (c) capability of contractor to provide staffing and support;
- (d) knowledge of local conditions;
- (e) ability to provide the work in the time period
required, as evidenced by past performance and current workload;
- (f) involvement of members of disadvantaged groups at the

professional level;

(g) participation by persons living and/or working in New Orleans at a professional level;

(h) the need for continuity of services and/or specialized and institutional experience and knowledge.

5. The Selection Review Committee shall forward to the Council Committee under whose jurisdiction the subject matter of the contract falls, if any, a list of up to five top respondents, with an analysis of each respondent's compliance with each criterion. If there is no such Council Committee, the list shall be forwarded to the entire Council.

6. The Council Committee, or the Council, if there is no specific committee, may choose one of these respondents and negotiate a proposed contract, including a scope of work to be performed. If a proposed contract cannot be negotiated with the firm/individual initially chosen, one of the other firms/individuals submitted by the Selection Review Committee may be chosen; and a proposed contract negotiated.

7. The Council Committee may recommend to the City Council its choice of the firm/individual. The Council, by a majority vote of its entire membership and by motion, may accept or reject the Council Committee's recommendation and choose one of the other firms/individuals submitted by the Selection Review Committee to the Council Committee. If the Council does not choose one of the firms/individuals submitted by the Selection Committee, the selection process shall begin again. In the absence of a Council Committee, this same process shall be followed by the City Council.

8. The Selection Review Committee shall consist of the Council Chief of Staff, the Council Research Officer and either the Council Fiscal Officer or the Director of Council Utilities, depending on the type of professional service to be performed. The Council, responsible committee, or Chief of Staff may invite additional knowledgeable persons to participate as member(s) of the Selection Review Committee when particular expertise would be helpful in the evaluation process.

9. Exceptions from this Competitive Selection process shall be made for:

~~1-~~ (a.) Professional services contracts for an individual Councilmember's Office.

~~2-~~ (b.) Annual Audit, for which requests for

qualifications shall be sent to ~~"Big Six"~~ "Big Four"

accounting firms with local offices.

~~3.~~ (c.) Emergency situations in which a majority of the entire membership of the Council by motions determines that there is an immediate need for a specific contract and that there is not sufficient time to go through the Competitive Selection Process.

Emergency situations may include, but are not limited to, legal actions to which action or response is needed or required in 30 days or less or emergency situations as defined in LA. R.S.38:2211 A (6). In those emergency instances, where there are available at least 10 working days but not the 30-35 days required for an RFQ/RFP process, an informal process consisting of solicitation of firms/individuals and a shortened review process shall be followed.

4. (d.) Any contracts in existence prior to January 1, 1996 for:

- Renewal or extension of the contract, when continuity of service is essential;
- Amendments to such contracts that may expand but do not materially alter the scope of services and for which specialized and institutional experience and knowledge are required.

The Council, by majority vote of its entire

membership, shall determine which contracts are eligible for exemption under this ~~paragraph~~ sub-paragraph .

(e.) The Council may by motion authorize the amendment

of a contract that was under the monetary threshold for use of the competitive selection process to increase the maximum compensation or modify the scope of services if justified by a need to ensure continuity of services for the performance of work related to the original scope of services if the proposed amendment satisfies one or more of the following criteria:

- 1) the increase in scope of work adds a task which can best and most efficiently be performed in a timely and effective manner by a contractor having knowledge and experience gained during performance of the scope of the existing contract;
- 2) the increase in scope of work adds a task which is essential to completion of the original scope of work but could not reasonably have been anticipated when the original scope was developed;
- 3) the increase in compensation is needed because the time required to complete the original scope of work exceeded the original estimate, which was reasonable based upon the information available to the Council and its consultant at the time the compensation was agreed upon.
- 4) the Council may authorize no more than three such amendments to any individual contract.”
- 5)

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Carter, Darnell, Fielkow, Head, Midura,

Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE MOTION WAS ADOPTED.

NO. M-07-423

CITY HALL: September 20, 2007

BY: COUNCILMEMBER WILLARD-LEWIS (BY REQUEST)

SECONDED BY: COUNCILMEMBER CARTER

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the appointment of Wesley T. Bishop, (vice Derek Honore), as a member of the Criminal Justice Council, for a term that will expire January 31, 2008, be, and the same is hereby ratified, confirmed and approved.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Carter, Darnell, Fielkow, Head, Midura,

Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE MOTION WAS ADOPTED.

NO. R-07-426

BY: COUNCILMEMBER FIELKOW

Establishing a Customer Service Taskforce, consisting of the Mayor, the Council President, representatives from the City Council, the Mayor's Office of Public Advocacy, Director of Intergovernmental Affairs, Deputy Director of Intergovernmental Affairs, the Mayor's Office of Technology, relevant department heads, and community representatives.

After discussion, Councilmember Fielkow moved to withdraw the foregoing resolution.

There being no objection, so ordered.

On motion of Councilmember Fielkow, seconded by Councilmember Midura, and without objection, the rules of the Council were suspended for the purpose of advancing to Motions/Resolutions.

MOTIONS/RESOLUTIONS

On motion of Councilmember Fielkow, seconded by Councilmember Midura, and without objection, the rules of the Council were suspended for the purpose of introducing and considering the following resolution received after the Council's deadline.

NO. R-07-426

SUBSTITUTE

BY: COUNCILMEMBER FIELKOW

SECONDED BY: COUNCILMEMBER MIDURA

WHEREAS, it is in the best interest of the community that city government be transparent and accountable; and

WHEREAS, it is the belief of the New Orleans City Council that citizens should have access to current information regarding the capabilities and performance of city government; and

WHEREAS, the Council believes that citizens should be able to track their requests for information and

WHEREAS, the Mayor's Office of Public Advocacy is responsible for answering any and all questions, responding to walk-in or telephone complaints about problems with city services, handling social service needs, and disseminating vital information to the public during emergencies; and

WHEREAS, it has come to the attention of the Council that constituents are presently not always contacted in response to their inquiries, requests, and complaints and kept up to date on the status of such inquiries, requests, and complaints; and

WHEREAS, city government should develop a standard of excellent customer service in order to do the following: increase access to government information and service; improve the quality of information delivery by making it timely, accurate, consistent, and increasingly simple to access; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that this Council shall establish a Customer Service Taskforce, consisting of the Mayor (or his designee), the Council President (or designee), representatives from the City Council, the Mayor's Office of Public Advocacy, Director of Intergovernmental Affairs, Deputy Director of Intergovernmental Affairs, the Mayor's Office of Technology, relevant department heads, and community representatives.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Carter, Darnell, Fielkow, Head, Midura,

Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE RESOLUTION WAS ADOPTED.

On motion of Councilmember Fielkow, seconded by Councilmember Darnell, and without objection, the rules of the Council were suspended for the purpose of reverting to Motions/Resolution (Lying Over)

MOTIONS/RESOLUTIONS

(LYING OVER)

NO. M-07-455

CITY HALL: September 20, 2007

BY: COUNCILMEMBER HEAD

SECONDED BY: COUNCILMEMBER FIELKOW

WHEREAS, Ordinance No. 20,631 M.C.S., adopted by the Council of the City of New Orleans, established the St. Thomas

Project as an economic development project to stimulate and construct new mixed-income housing and to renovate St. Thomas;
and

WHEREAS, Historic Restoration Incorporated (“HRI”) and the Housing Authority of New Orleans (“HANO”) executed a Development Agreement dated October 28, 1999, as amended by the Amendment to Development Agreement dated December 14, 1999, the Second Amendment to Development Agreement dated October 1, 2001, the Third Amendment and Intervention to Development Agreement dated November 17, 2002, the Fourth Amendment to Development Agreement effectively dated April 23, 2003, the Fifth Amendment to the Development Agreement dated August 19, 2005, and the Sixth Amendment and Intervention to Development Agreement dated June 27, 2007 (hereafter referred to as the “Agreement”); and

WHEREAS, HRI and HANO desire to amend, and modify certain provisions of the Agreement by the Seventh Amendment Development Agreement; and

WHEREAS, the City of New Orleans desires to amend in the Development Agreement pursuant to the Seventh Amendment for the limited purposes set forth in the Amendment; now therefore

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the *Seventh Amendment to the Development Agreement attached hereto shall be incorporated into the Agreement.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Carter, Darnell, Fielkow, Head, Midura,

Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE MOTION WAS ADOPTED.

*Copies may be seen in full in the Clerk of Council’s office, 1300 Perdido Street, Room 1E09, City Hall.

MOTIONS/RESOLUTIONS

NO. M-07-464

BY: COUNCILMEMBERS CARTER, MIDURA, AND WILLARD-LEWIS

WHEREAS, Council Rule 45 establishes a competitive selection process for the selection of professional services consultants to the City Council; and

WHEREAS, the Council's Competitive Selection Committee was appointed to oversee the selection of professional consultants in those cases when there is not an existing Council committee under whose purview the proposed contract already falls; and

WHEREAS, on April 5, 2007, the City Council adopted Motion M-07-169, directing Council staff to reissue a Request for Proposals (RFP) relative to the competitive selection process established by Council Rule 45 relative to the services of a communications consultant for the City Council; and

WHEREAS, a Request for Proposals relative to the Communications Consultant's position was reissued on April 5, 2007; and

WHEREAS, by the advertised deadline, four (4) responses to the RFP were received; and

WHEREAS, as directed, the staff Selection Review Committee evaluated the proposals and forwarded evaluations relative thereto to the Competitive Selection Committee for its analysis; and

WHEREAS, on August 13, 2007, the Competitive Selection Committee decided to eliminate from further consideration two of the four submissions and to interview the two finalists; and

WHEREAS, the Competitive Selection Committee met on

September 27, 2007 to consider the proposals of the two finalists and to interview the principals involved; and

WHEREAS, on September 27, 2007, the Competitive Selection Committee made a formal recommendation relative to this matter and believes that the city's interests will now be best served by entering into a contract with one of the qualified respondents to the RFP, The Estopinal Group, to provide communications consultant services to the Council; and

WHEREAS, the Council has budgeted the sum of \$95,000.00 for a one year contract for such communications consultant; now, therefore

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS That The Estopinal Group be retained as Communications Consultant to the City Council on terms and conditions expressed in the Request for Proposals reissued relative to these services on April 5, 2007.

BE IT FURTHER MOVED That the President of the City Council is hereby authorized and requested to sign a professional services

contract to retain The Estopinal Group, as Council Communications Consultant in an amount not to exceed ninety-five thousand dollars (\$95,000.00) per year.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF, AND RESULTED AS FOLLOWS:

YEAS: Carter, Darnell, Fielkow, Head, Midura,

Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE MOTION WAS ADOPTED.

NO. R-07-465

BY: COUNCILMEMBER FIELKOW

SECONDED BY: COUNCILMEMBER CARTER

WHEREAS, assuring that our citizens feel and are safe where they live, work and play is one of our most sacred responsibilities as government leaders; and

WHEREAS, the New Orleans Recreation Department is the City agency responsible for developing a well-rounded program of public recreation to serve all people; and

WHEREAS, statistics from the American Heart Association estimates that of the 450,000 people who experience sudden cardiac arrest each year, only five percent survive; and

WHEREAS, the primary cause of death is directly related to the availability of Automated External Defibrillators (AED), a portable device used to restore normal heart rhythms to patients in cardiac arrest; and

WHEREAS, the American Heart Association supports placing AEDs in targeted public areas such as recreational facilities, etc.; and

WHEREAS, the American Heart Association also strongly encourages that when these devices are placed in the community, that they be a part of a defibrillation program in which persons that acquire an AED notify the local EMS office; persons responsible for using the AED are trained in CPR and how to use an AED; and

WHEREAS, the New Orleans Recreation Department is committed to ensuring the safety of citizens who participate in various recreational activities throughout the City of New Orleans; and

WHEREAS, the Youth and Recreation Committee of the New Orleans City Council believes that the cost of securing AEDs for the New Orleans Recreation Department is negligible relative to the ability to save lives; NOW THEREFORE

BE IT RESOLVED, That the Council of the City of New Orleans considers this matter of utmost importance to ensure the safety of our citizens and directs Council Research to explore the possibility of establishing an Automated External Defibrillators Program by Ordinance; and

BE IT FURTHER RESOLVED, That the Clerk of Council send certified copies of this resolution to Mayor Nagin, Chief Administrative Officer, Dr. Brenda Hatfield, New Orleans Recreation Department Director, Mr. Larry Barabino, Jr., New Orleans Director of Emergency Medical Services Dr. Juliette Saussy, the Southeast Louisiana Chapter of the American Red Cross and the Greater Southeast Affiliate of the American Heart Association for their immediate attention and consideration.

Councilmember Feilkow offered the following amendment:

AMENDMENT TO RESOLUTION R-07-465

CITY HALL: October 4, 2007

BY: COUNCILMEMBER FIELKOW

1. On page 2, delete BE IT FURTHER RESOLVED paragraph 1 and insert in lieu thereof the following BE IT FURTHER RESOLVED, That the Council of the City of New Orleans considers this matter of utmost importance to ensure the safety of

our citizens and recommends the immediate research and creation of an Ordinance formally establishing an Automated External Defibrillators Program for Orleans Parish; and

SPEAKERS:

PROPOSERS:

Nancy M. Barcia - AED Placement

OPPOSERS:

None

INFORMATION ONLY:

None

After discussion, Councilmember Fielkow moved adoption of the foregoing amendment.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura, Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE AMENDMENT WAS ADOPTED.

Councilmember Fielkow moved adoption of the resolution as amended.

ROLL CALL:

YEAS: Carter, Darnell, Fielkow, Head, Midura, Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE RESOLUTION, AS AMENDED, WAS ADOPTED.

On motion of Councilmember Fielkow, seconded by Councilmember Darnell, and without objection, the rules of the Council were suspended for the purpose of advancing to Communications.

COMMUNICATIONS

On motion of Councilmember Fielkow, seconded by Councilmember Darnell, and without objection, the rules of the Council were further suspended for the purpose of introducing and considering the following Communication received after the Council's deadline.

FROM ARTHUR A. MORRELL, CLERK OF CRIMINAL DISTRICT COURT – Recommending to the City Council for immediate action in

preparation for the October 20, 2007 Gubernatorial and Special Election, the following polling places changes:

Ward/Precinct	Change From	Change To
9/10	Douglas High School 3820 St. Claude Avenue	Drew Elementary School 3819 St. Claude Avenue
9/14	Douglas High School 3820 St. Claude Avenue	Drew Elementary School 3819 St. Claude Avenue
9/16	Douglas High School 3820 St. Claude Avenue	Drew Elementary School 3819 St. Claude Avenue
9/26	Douglas High School 3820 St. Claude Avenue	Drew Elementary School 3819 St. Claude Avenue
9/26A	Douglas High School 3820 St. Claude Avenue	Drew Elementary School 3819 St. Claude Avenue

RECEIVED.

On motion of Councilmember Fielkow, seconded by Councilmember Darnell, and without objection, the rules of the Council were suspended for the purpose of reverting to Motions/Resolution.

MOTIONS/RESOLUTIONS

(Continued)

On motion of Councilmember Fielkow, seconded by Councilmember Darnell, and without objection, the rules of the Council were suspended for the purpose of introducing and considering the following motions/resolution received after the Council's deadline

NO. M-07-469

BY: COUNCILMEMBERS FIELKOW, DARNELL, MIDURA, HEAD, CARTER,

HEDGE-MORRELL, AND WILLARD-LEWIS

WHEREAS, this motion identifies the relocation of 5 polling places which have become unavailable for use or recommended for relocation by Clerk of Criminal District Court Arthur Morrell now, therefore

BE IT MOVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that the locations shown on the list here in below are hereby established as the official polling places for the precincts specified therein for the City of New Orleans, Parish of Orleans.

Ward / Precinct Change From: Change To:

9 / 10 Douglas High School Drew Elementary School

3820 St. Claude Ave. 3819 St. Claude Ave.

9 / 14 Douglas High School Drew Elementary School

3820 St. Claude Ave. 3819 St. Claude Ave.

9 / 16 Douglas High School Drew Elementary School

3820 St Claude Ave. 3819 St. Claude Ave.

9 / 26 Douglas High School Drew Elementary School

3820 St. Claude Ave. 3819 St. Claude Ave.

9 / 26A Douglas High School Drew Elementary School

3820 St. Claude Ave. 3819 St. Claude Ave.

BE IT FURTHER MOVED that the Clerk of Council shall forward a copy of this Motion to the City Attorney requesting their office to file all necessary documents in connection with preclearance for the polling place changes recommended by the Clerk of Criminal District Court with the United States Department of Justice under Section 5 of the Voting Rights Act.

BE IT FURTHER MOVED that the Clerk of Council shall forward certified copies of this motion to the Governor of the State of Louisiana, the Louisiana Secretary of State, the Clerk of Criminal District Court of Orleans Parish and the Registrar of Voters for Orleans Parish.

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND THE RESULTED AS FOLLOWS:

YEAS: Carter, Darnell, Fielkow, Head, Midura, Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE MOTION WAS ADOPTED.

NO. R-07-467

BY: COUNCILMEMBER CARTER

SECONDED BY: COUNCILMEMBER FIELKOW

WHEREAS, the Council of the City of New Orleans, on March 16, 2006, adopted Ordinance No. 22,163, M.C.S., relative to the "Fourth Amendment to Amended and Restated Lease Agreement" by and between the Rivergate Development Corporation, the City of New Orleans, and Jazz Casino Company L.L.C., successor in interest to Harrah's Jazz Company, which included the commitment from Jazz Casino Company L.L.C., to provide \$225,000 annually to fund the City Council/ Harrah's Community Support Grants Program ; and

WHEREAS, the agreement provides for the total of \$225,000 to be funded semi-annually in two payments of \$112,500; and

WHEREAS, the purpose of the program is to foster organizations and projects that demonstrably contribute to the economic, cultural, and civic fabric of the City; and

WHEREAS, the guidelines for eligibility, procedures, and monitoring of the grants have been approved by the City Council; and

WHEREAS, the following group has demonstrated its commitment to improving the civic life of the New Orleans community through its activities and programs; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, That the following grant is approved from 2007 grant funds, subject to the organization's eligibility pursuant to the aforementioned guidelines:

Old Algiers Mainstreet Corporation \$5,000

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND THE RESULTED AS FOLLOWS:

YEAS: Carter, Darnell, Fielkow, Head, Midura, Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE RESOLUTION WAS ADOPTED.

NO. M-07-468

BY: COUNCILMEMBER MIDURA

SECONDED BY: COUNCILMEMBER HEAD

BE IT MOVED BY THE CITY COUNCIL OF THE CITY OF NEW ORLEANS, That the City Planning Commission is hereby directed to conduct a public hearing to consider a zoning map change from an LRM-1 Lake Area Low Rise Multi-Family Residential District to a LB-2 Lake Area Neighborhood Business District for that portion of Square 240 that is currently zoned LRM-1 District, generally bounded by Rosedale Drive, Clayton Avenue/South Railway and Canal Boulevard (Zoning Base Map B-12).

THE FOREGOING MOTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND THE RESULTED AS FOLLOWS:

YEAS: Carter, Darnell, Fielkow, Head, Midura, Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE MOTION WAS ADOPTED.

NO. R-07-470

BY: COUNCILMEMBER FIELKOW

SECONDED BY: COUNCILMEMBER DARNELL

WHEREAS, in the aftermath of Hurricane Katrina, New Orleans received an outpouring of support from individuals, local and national relief organizations; and

WHEREAS, on August 15, 2007 a massive earthquake struck Peru and left many dead and injured and over 100,000 homeless; and

WHEREAS, on September 4, 2007 Hurricane Felix made landfall just south of the border between Nicaragua and Honduras, leaving hundreds missing and thousands homeless; and

WHEREAS, local relief efforts have been organized to provide additional assistance to the victims in Peru, Honduras and Nicaragua; and

WHEREAS, The Peru Earthquake Relief 2007 committee began accepting donations of clothing, non-perishables, medicine and money the weekend of August 25, 2007 at the Carnival Latino; and

WHEREAS, The Asociación Nicaragüense de Louisiana, in collaboration with several organizations and volunteers, has started a collection campaign to assist victims by purchasing food, medical supplies and other essential needs for survival; and

WHEREAS, The Consulate of Honduras in New Orleans, in collaboration with several organizations and volunteers, has started a collection campaign to assist victims by purchasing food, medical supplies and other essential needs for survival; and

WHEREAS, donations are being collected at many local area Hispanic-owned businesses and support has been received from various Hispanic organizations; and

WHEREAS, despite the ongoing challenges of recovery, the people of New Orleans continue to show compassion for others who face similar circumstances and offer their assistance to the people of Peru; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEW ORLEANS, that on behalf of the citizens of New Orleans, this Council expresses its support for the people of Peru, Honduras, and Nicaragua in the aftermath the natural disasters that devastated their countries and offers financial assistance in the amount of \$12,500 to Christ Church Cathedral for Peru Earthquake Relief 2007, \$6250 to the Honduran American Emergency Fund and \$6250 to The Asociación

Nicaragüense de Louisiana.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND THE RESULTED AS FOLLOWS:

YEAS: Carter, Darnell, Fielkow, Head, Midura, Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE RESOLUTION WAS ADOPTED.

NO. R-07-471

BY: COUNCILMEMBERS FIELKOW, DARNELL, MIDURA, HEAD, CARTER,

HEDGE-MORRELL AND WILLARD-LEWIS

WHEREAS, The Children’s Health Insurance Program (CHIP) was created in 1997 and is a national program which provides health insurance for families who earn too much money for Medicaid, yet cannot afford to buy private insurance; and

WHEREAS, the program was created to address the growing number of children in the United States without health insurance; and

WHEREAS, Although CHIP currently covers approximately 6 million children, it is estimated that there are nearly 9 million uninsured children throughout the country; and

WHEREAS, H.R. Bill 976 was a bipartisan bill passed by Congress designed to reduce the number of uninsured children in the country by expanding the program and allowing an additional 4 million children to become eligible for coverage; and

WHEREAS, on October 3, 2007, President George W. Bush vetoed H.R. Bill 976, citing cost concerns and possibly compromising coverage for approximately 35,000 Louisiana children; NOW THEREFORE

BE IT RESOLVED, that the Council of the City of New Orleans believes that healthcare is a critical issue for the citizens of New Orleans, strongly supports the proposed expansion of CHIP and encourages the Louisiana Congressional delegation to work diligently with the other members of Congress to pass H.R. Bill 976; and

BE IT FURTHER RESOLVED, that the Clerk of Council is hereby directed to forward certified copies of this Resolution to President George W. Bush, and the Louisiana Congressional Delegation.

THE FOREGOING RESOLUTION WAS READ IN FULL, THE ROLL WAS CALLED ON THE ADOPTION THEREOF AND THE RESULTED AS FOLLOWS:

YEAS: Carter, Darnell, Fielkow, Head, Midura, Willard-Lewis - 6

NAYS: 0

ABSENT: Hedge-Morrell - 1

AND THE RESOLUTION WAS ADOPTED.

COMMUNICATIONS

(Continued)

FROM CHRISTOPHER E. HORRELL – Requesting to appeal the Historic

District Landmarks Commission’s decision to allow 60 days to replace the board and batten shutters at the front elevation

with more appropriate louvered shutters for property located at 609 Sixth Street.

Received. Hearing date set for 10/18/07.

FROM REV. CALVIN W. WOODS, JR., PASTOR, GREATER LIBERTY BAPTIST CHURCH – Requesting to appeal the Historic District Landmarks Commission’s decision of “denial” for the proposal of

demolition for property located at 1231-33 Piety Street.

Received. Hearing date set for 10/18/07.

FROM RUSSELL MICHAEL FRAISE – Requesting to appear before the City Council concerning follow up on Housing Authority of New Orleans’s Section 8 promises from a prior meeting.

Received. Referred to the Housing Committee.

FROM BRIAN A. FERRARA, ATTORNEY IV, SEWERAGE AND WATER BOARD OF NEW ORLEANS – Submitting for filing a copy of the Sewerage & Water Board of New Orleans “Petition of Intervention” in Council of the City of New Orleans “Docket No. UD-07-05”, An Investigation Into The Impact of Entergy New Orleans Inc.’s

“Long-Term And Short-Term Power Supply and Power Supply Planning Process On The City and Its Ratepayers”.

Received. Referred to the Council Utilities Regulatory Committee.

FROM BRIAN A. FERRARA, ATTORNEY IV, SEWERAGE AND WATER BOARD OF NEW ORLEANS – Submitting for filing a copy of the Sewerage & Water Board of New Orleans “Petition of Intervention” in Council of the City of New Orleans “Docket No. UD-07-03”, An Investigation Regarding Issues Related To The Entergy System

Agreement And The Intended Withdrawal of Entergy Arkansas, Inc.

Received. Referred to the Council Utilities Regulatory Committee.

FROM BRIAN A. FERRARA, ATTORNEY IV, SEWERAGE AND WATER BOARD OF NEW ORLEANS – Submitting for filing a copy of the Sewerage & Water Board of New Orleans “Petition of Intervention” in Council of the City of New Orleans “Docket No. UD-07-04”, An Investigation Regarding The Impact Of The Procurement And

Construction Of New High Cost Nuclear Generation Capacity On The City Of New Orleans And Its Ratepayers.

Received. Referred to the Council Utilities Regulatory Committee.

On motion of Councilmember Fielkow, seconded by Councilmember Darnell, and without objection, the rules of the Council were suspended for the purpose of introducing and considering the following communications received after the Council’s deadline.

COMMUNICATIONS

(Continued)

FROM LISA HUDSON, DIRECTOR OF PERSONNEL, CITY CIVIL SERVICE DEPARTMENT – Submitting for Council approval the following amendment to the Pay Plan for the Classified Service as adopted by the Civil Service Commission at its meeting of September 17, 2007:

Employees in the classifications of Police Recruit, Police Officer I, II, III, IV, Police Sergeant, Police Lieutenant, Police Captain, Police Major and Deputy Superintendent of Police

(Fiscal and Personnel Management) are eligible for a special rate of compensation upon completion of academic levels in accordance with the following:

Degree Level Annual Premium

Associate’s Degree	\$1,000
Bachelor’s Degree	\$2,000
Graduate Degree	\$3,000

Received. Referred to the Budget Committee.

FROM E. LANIER EDWARDS, JR., LEMLE & KELLEHER, LLP - Submitting for filing a copy of the Air Products and Chemicals, Inc, (“Air Products”), An INVESTIGATION REGARDING ISSUES RELATED TO THE ENTERGY SYSTEM AGREEMENT AND THE INTENDED WITHDRAWAL OF ENTERGY ARKANSAS, INC. (Docket No. UD-07-03).

Received. Referred to the Council Utilities Regulatory Committee.

FROM E. LANIER EDWARDS, JR., LEMLE & KELLEHER, LLP - Submitting for filing a copy of the Air Products and Chemicals, Inc, (“Air Products”), An INVESTIGATION REGARDING IMPACT OF THE PROCUREMENT AND CONSTRUCTION OF NEW HIGH COST NUCLEAR GENERATION ON THE CITY AND ITS RATEPAYERS. (Docket No. UD-07-04).

Received. Referred to the Council Utilities Regulatory Committee.

FROM E. LANIER EDWARDS, JR., LEMLE & KELLEHER, LLP - Submitting for filing a copy of the Air Products and Chemicals, Inc, ("Air Products"), An INVESTIGATION REGARDING IMPACT OF ENTERGY NEW ORLEANS, INC.'S LONG-TERM AND SHORT-TERM POWER SUPPLY AND PLANNING PROCESS ON THE CITY AND IT'S RATEPAYERS. (Docket No. UD-07-05).

Received. Referred to the Council Utilities Regulatory Committee.

FROM JEAN TRAN - Requesting to appeal the Alcoholic Beverages Moratorium in Councilmanic District "E" (Ordinance No. 22,517) for property located at 6721-23 Chef Menteur Highway.

Received. Hearing date set for 10/18/07.

On motion of Councilmember Fielkow, seconded by Councilmember Darnell, and without objection, the rules of the Council were suspended for the purpose of reverting to Ordinances on Final Passage.

ORDINANCES ON FINAL PASSAGE

(Continued)

CAL. NO. 26,643 - BY: COUNCILMEMBERS WILLARD-LEWIS AND HEDGE-MORRELL - An Ordinance to amend Paragraph a) of Section 130-39 of the Code of the City of New Orleans (as adopted by Ordinance No. 22,600 M.C.S.) relative to the regulation of transfers of scrap metal; to prohibit the purchase of scrap metal except from persons holding certain valid State or City licenses; to amend Paragraph d) to increase penalties for violations; and otherwise to provide with respect thereto.

Councilmember Willard-Lewis offered the following amendment:

AMENDMENTS TO ORDINANCE CALENDAR NUMBER 26.643

CITY HALL: October 4, 2007

BY: COUNCILMEMBERS WILLARD-LEWIS, HEDGE-MORRELL, FIELKOW, AND HEAD

In Section 1 of the ordinance, delete the underlined portion of line 7 and lines 8 through 36 and insert the following:

“a) It shall be unlawful for any such purchaser, collector of, or dealer to purchase or accept such metals as copper electrical components and attachments, copper and brass irrigation components (including tubing and wiring), air conditioning unit components (including H-vac), and ornamental non-ferrous items unless the person offering such metal for sale or acceptance holds a valid, current license as follows:

- i. A Louisiana Contractor’s License issued pursuant to R.S. 37:2151 *et seq* . or
- ii. A New Orleans Plumber’s License; or
- iii. A New Orleans Gasfitter’s License issued; or
- iv. A New Orleans Electrician’s License.

Every purchaser, collector of, or dealer in junk, scrap metal, or any secondhand property shall keep a separate record for each transaction involving the purchase or trade of any metals such as aluminum, brass, bronze, copper, or zinc wire, cable, bars, ingots, rods, tubes, pipes, wire scraps, clamps, or connectors, regardless of the condition or length of such metal and whether or not it is mixed or conjoined with any other substances. This record shall contain the following information from each person from whom such material is purchased or traded:

- i. Name, address, and phone number of the seller;
- ii. A photocopy of the seller’s driver’s license or other state issued form of identification;
- iii. A photocopy of the seller’s Louisiana Contractor’s license, New Orleans Plumber’s License, Gasfitter’s License, or Electrician’s License for copper electrical components and attachments, copper and brass irrigation components (including tubing and wiring), air conditioning unit components (including H-vac), and ornamental non-ferrous items;
- iv. The Motor vehicle license plate number of the vehicle utilized in delivering the material for copper electrical components and attachments, copper and brass irrigation components (including tubing and wiring), air conditioning unit components (including H-vac), and ornamental non-ferrous items; and
- v. The date, time, place of, and full description of each such purchase or trade including the quantity weight thereof.
- vi. If the person from whom the material is obtained does not possess a valid state-issued photo identification that matches the appearance of the person, the purchaser, collector or dealer shall take and maintain, in a manner that cross references to the written record, a photograph of the face of the person, along with a reasonably accurate record of the person’s height and weight.

The information contained in the written record shall be submitted by the purchaser, collector of, or dealer to the New Orleans Police Department, in a manner prescribed by the Superintendent of Police, and shall be available for inspection by police officers during hours of operation.

The provisions of this section shall not apply to purchases of metal by a purchaser, collector of, or dealer in junk, scrap metal, or any secondhand property from a government entity, a utility company, or telecommunications company, nor to purchasers of used beverage containers less than 3 gallons or used food containers.”

Following Section 1 of the ordinance, insert the following:

“SECTION 2. (a) A preliminary report from the New Orleans Police Department shall be submitted to the City Council no later than April 30, 2008, regarding the effect that this ordinance has had on reduction of incidence of scrap metal thefts and on arrests and convictions of persons for theft of scrap metal. This report shall be included as a special order of business at the first regular council meeting of May 2008.

(b) It shall be the duty of the Chief Administrative Officer (CAO), or a person designated by the CAO, to submit a written report to the City Council regarding the effect that this ordinance has had on business and the scrap metal industry in New Orleans.

(c) It shall be the duty of the Superintendent of Police, or a person designated by the Superintendent, to submit a written report to the City Council regarding the effect that this ordinance has had on reduction of incidence of scrap metal thefts and on arrests and convictions of persons for theft of scrap metal.

(d) The reports required in paragraphs (b) and (c) shall be submitted no later than September 26, 2008. The Clerk of Council shall schedule these reports as a special order of business at the first regular Council meeting of October, 2008.”

SECTION 3. The Clerk of Council shall forward certified copy of this ordinance to the Presidents, Council Presidents, and Sheriffs of Jefferson, St. Bernard, St. Tammany, and Plaquemines Parishes, along with a request that those parishes consider adoption of ordinances containing similar requirements and prohibitions. ”

SPEAKERS:

PROPOSERS:

Frances Sewell

OPPOSERS:

None

INFORMATION ONLY:

None

After discussion, Councilmember Willard-Lewis moved adoption of the foregoing amendment.

ROLL CALL:

YEAS: Darnell, Fielkow, Head, Midura, Willard-Lewis - 5

NAYS: 0

ABSENT: Carter (Temporarily Out of Chamber),

Hedge-Morrell - 2

AND THE AMENDMENT WAS ADOPTED.

Councilmember Willard-Lewis moved adoption of the ordinance as amended.

ROLL CALL:

YEAS: Darnell, Fielkow, Head, Midura, Willard-Lewis - 5

NAYS: 0

ABSENT: Carter (Temporarily Out of Chamber),

Hedge-Morrell - 2

AND THE ORDINANCE, AS AMENDED, WAS ADOPTED.

RESUMED TO REGULAR ORDER OF BUSINESS

On motion of Councilmember Fielkow, seconded by Councilmember Darnell, and without objection, the rules of the Council were further suspended for the purpose of introducing the following Ordinances on First Reading received after the Council's deadline.

ORDINANCES ON FIRST READING

CAL. NO. 26,717 - BY: COUNCILMEMBER FIELKOW (BY REQUEST) - An Ordinance to amend and reordain the pay plan for officers and employees in the unclassified service of the city of New Orleans in accordance with sections 3-118 and 4-206 (g) of the Home Rule Charter of the City of New Orleans to establish a hiring rate for the position of judicial administrator assistant for juvenile court; and otherwise to provide with respect thereto.

CAL. NO. 26,718 - BY: COUNCILMEMBER CARTER (BY REQUEST) - An Ordinance to temporarily waive certain fees and requirements and permit street closure within and around Music Street (1800 block) between North Prieur and North Roman Streets from 9:00 a.m. to 5:00 p.m. in conjunction with Family Day sponsored by Our Lady Star of the Sea Catholic Church, on Sunday, September 30, 2007; to specify the duration and boundaries of said waiver; and to provide otherwise with respect thereto.

CAL. NO. 26,719 - BY: COUNCILMEMBER HEAD (BY REQUEST) - An Ordinance to authorize the City of New Orleans to enter into a contract of lease for ground air rights in/on/above portions of City-owned property designated as portions of S. Cortez and Canal Streets adjacent to Sq. 732, First Municipal District within the right of ways adjacent to Square 732, First Municipal District, not presently needed for public purposes, to be used for encroachment of the building, canopies, a balcony and a handicap ramp, with MANDINA'S, INC., and to fix the minimum price and terms of said lease.

CAL. NO. 26,720 - BY: COUNCILMEMBER HEAD - An Ordinance to provide for the issuance of a temporary alcoholic beverage permit to the Academy of Sacred Heart for the sale of alcoholic beverages from Friday, January 25, 2008 to Tuesday, February 5, 2008 in conjunction with their Mardi Gras concession sales at 4301 St. Charles Avenue.

CAL. NO. 26,721 - BY: COUNCILMEMBERS WILLARD-LEWIS, CARTER, DARNELL AND HEDGE-MORRELL - An Ordinance to amend and reordain Section 162-183(b) of Chapter 162 of the Code of the City of New Orleans to include not only the contiguous parishes of Jefferson Parish, St. Bernard Parish, St. Tammany Parish, Plaquemines Parish, but also include the non-contiguous parishes of St. Charles Parish, St. John the Baptist Parish, and St. James Parish as parishes in which an applicant for a Certificate of Public Necessity and convenience (CPNC) must reside; to repeal all conflicting ordinances; and to otherwise provide with respect thereto.

CAL. NO. 26,722 - BY: COUNCILMEMBERS WILLARD-LEWIS, CARTER, DARNELL AND HEDGE-MORRELL - An Ordinance to amend and reordain paragraph (a) of Section 162-606 of Chapter 162 of the Code of the City of New Orleans to permit the use of sports utility vehicles (SUV) as taxicabs; to repeal all conflicting ordinances; and to otherwise provide with respect thereto.

CAL. NO. 26,723 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) - An Ordinance to amend Ordinance No. 22,456 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Revenues for the City of New Orleans for the Year 2007" to transfer Federal Grant funds to State Grant funds, the Office of the Mayor, Office of Health Policy for the Infant Mortality Reduction Initiative Program.

CAL. NO. 26,724 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) - An Ordinance to amend Ordinance No. 22,457 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2007" to transfer Federal Grant funds to State Grant funds, the Office of the Mayor, Office of Health Policy for the Infant Mortality Reduction Initiative Program.

CAL. NO. 26,725 - BY: COUNCILMEMBER MIDURA, HEAD AND CARTER - An Ordinance to establish a temporary moratorium on the issuance of permits or licenses relative to the operation of new scrap metal dealer businesses which conduct transactions in the sale, purchase, and distribution of various metals including but not limited to the following metals: aluminum, brass, bronze, copper, or zinc wire, cable, bars, ingots, rods, tubes, pipes, wire scraps, clamps, or connectors, regardless of the condition or length of such metal and whether or not it is mixed or conjoined with any other substances or other types of metals within City Council District A, B, and C; and otherwise to provide with respect thereto.

CAL. NO. 26,726 - BY: COUNCILMEMBER HEDGE-MORRELL - An Ordinance to provide for the establishment of a Conditional Use to permit the sale of alcoholic beverages with meals in an existing standard restaurant in a B-1 Neighborhood Business District, on Square 1172, Lots 25 and B, in the Third Municipal District, bounded by Elysian Fields Avenue, Interstate 10, North Miro, North Tonti and Marginy Streets (Municipal Address: 2201 Elysian Fields Avenue); and otherwise to provide with respect thereto. (ZONING DOCKET NO. 78/07)

CAL. NO. 26,727 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) - An Ordinance to amend Ordinance No. 22,457 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2007" to transfer federal grant funds within the Office of the Mayor, Office of Planning and Development for additional operating expenses.

CAL. NO. 26,728 - BY: COUNCILMEMBER WILLARD-LEWIS (BY REQUEST) -An Ordinance to implement a Green Building Program for municipal and private sector construction within the City of New Orleans; and otherwise to provide with respect thereto.

CAL. NO. 26,729 - BY: COUNCILMEMBERS MIDURA AND CARTER - An Ordinance to extend the effectiveness of Ordinance No. 22,443 M.C.S., for a first 180 days from November 3, 2007 to April 30, 2008 that establish a temporary moratorium on the issuance of permits relative to the establishment of bars, cocktail lounges, package liquor stores, grocery stores or restaurants and the issuance or renewal of alcoholic beverage permits to persons who do not both hold a current valid alcoholic beverage permit or a conditional use to permit an alcohol beverage outlet and are engaged in the commercial sale of alcoholic beverages at the permitted premises on the effective date of this ordinance; to provide that the moratorium shall apply only to persons or entities seeking the issuance or renewal of alcoholic beverage permits for premises that are located within the area bounded by the North Claiborne Avenue to North Broad Avenue and Esplanade Avenue to St. Louis Avenue; and to provide otherwise with respect thereto.

CAL. NO. 26,730 - BY: COUNCILMEMBER HEDGE-MORRELL - An Ordinance to temporarily suspend the requirement of Article 10, Section 10.1.7.2c "Conditional Uses in the UC Urban Corridor District" of the Comprehensive Zoning Ordinance No. 4264 M.C.S., as amended, temporarily suspending the requirement for conditional use approval for any new development occupying more than 10,000 square feet of floor area or more than one (1) acre of site area, to permit the new construction of hotel/guest house and registration/meeting room buildings within the interior of the existing New Orleans Baptist Theological Seminary campus, on the former Geme Plantation site, on lots 26, 27, & 28, in the Third Municipal District, generally bounded by Press Drive, Old Gentilly Road, and Iroquois Street, Municipal Address 4101 Chef Mentuer Highway, and to otherwise provide with respect thereto;

CAL. NO. 26,731 - BY: COUNCILMEMBERS HEDGE-MORRELL, FIELKOW, HEAD AND DARNELL (BY REQUEST) - An Ordinance to amend Ordinance No. 22,457 M.C.S., as amended, entitled "An Ordinance Providing an Operating Budget of Expenditures for the City of New Orleans for the Year 2007" to transfer Louisiana Law Enforcement funds within the Police Department for overtime.

CAL. NO. 26,732 - BY: COUNCILMEMBER WILLARD-LEWIS - An Ordinance to provide for a Conditional Use and moratorium appeal to permit the sale of alcoholic beverages for off-premises consumption in an existing grocery store in an SC Shopping Center District, on Square 78, Lot 4-A, in the Third Municipal District, bounded by Alcee Fortier Boulevard, Alsace Street, Peltier and Saigon Drives (Municipal Address: 14401 Peltier Drive); and otherwise to provide with respect thereto. (ZONING DOCKET NO. 69/07)

CAL. NO. 26,733 - BY: COUNCILMEMBER MIDURA - An Ordinance to effect a Map Change from an RM-2 Multiple Family Residential District to an RO-1 General Office District to permit a real estate office and flower shop, on Square 533, Lot 10, in the Second Municipal District, bounded by Bienville Avenue, Iberville, North Scott and North Pierce Streets (Municipal Addresses: 3936-38 Bienville Avenue and 224 North Pierce Street); and otherwise to provide with respect thereto.

(ZONING DOCKET NO. 73/07)

CAL. NO. 26,734 - BY: COUNCILMEMBER CARTER - An Ordinance to effect a Map Change from an LI-Light Industrial District to a B-1A Neighborhood Business District for properties located within Squares 122, 151, 154, 183, 186, 215, 218 and 246, in the Fifth Municipal District, bounded by Opelousas and Brooklyn Avenues, Ptolemy and Teche Streets; and otherwise to provide with respect thereto. (ZONING DOCKET NO. 80/07)

CAL. NO. 26,735 - BY: COUNCILMEMBER HEAD - An Ordinance to temporarily waive certain fees, permit fees, and requirements within and around the 2100 block of Annunciation Street, in conjunction with "The Black Men Crusade", sponsored and sanctioned by the Sixth Baptist Church, to specify the duration and boundaries of said waiver; and to provide otherwise with respect thereto.

THE FOREGOING ORDINANCES WERE LAID OVER AS REQUIRED BY LAW.

There being no further business, on motion of Councilmember Fielkow, seconded by Councilmember Darnell, and without objection, the Council meeting adjourned at 3:40 P.M.

Peggy Lewis, CMC

Clerk of Council

dm