

TENTATIVE AGENDA
FOR THE AD HOC COMMITTEE MEETING
EAST BATON ROUGE PARISH LIBRARY
BOARD OF CONTROL
FOR SOUTH BRANCH DEVELOPMENT
BOARD ROOM, MAIN LIBRARY
7711 GOODWOOD BOULEVARD
OCTOBER 28, 2009
10:00 A.M.

- I. CALL TO ORDER/ROLL CALL
- II. ELECTION OF COMMITTEE CHAIR
- III. FORMULATION OF STATEMENT OF PURPOSE
- IV. SPECIFIC INFORMATION NEEDED FOR DECISION
- V. ASSIGNMENT/ASSEMBLY OF RESEARCH
- VI. NEXT MEETING DATE
- VII. ADJOURN

ALL MEETINGS ARE OPEN TO THE PUBLIC

Revised Minutes of the Meeting of the Ad Hoc Committee of the
East Baton Rouge Parish Library Board of Control
for South Branch Development

October 28, 2009

The first meeting of the Ad Hoc Committee of the East Baton Rouge Parish Library Board of Control for South Branch Development was held in the Board Room of the Main Library on Wednesday, October 28, 2009. Mr. Stanford O. Bardwell, Jr. called the meeting to order at 10:12 a.m. Members of the Committee present were Ms. Beth Tomlinson, Library Board member, Mr. Jermaine Watson, Governmental Affairs Associate with the Baton Rouge Area Chamber, and Mr. Tom DuBos, a member of the community. Also in attendance were Mr. David Farrar, Library Director; Ms. Patricia Husband, Assistant Library Director of Branch Services; Ms. Mary Stein, Assistant Library Director of Administration; Ms. Liz Zozulin, Executive Assistant to the Library Director; Ms. Nikki Essix of the Parish Attorney's Office. Also present were Mr. Steve Ward, reporter with *The Advocate*, Mr. John Berry, Ms. Gayle Smith and Ms. Kathy Wascom, members of the community.

Election of Committee Chair

Mr. Bardwell introduced those present and noted that the election of a committee chair was the first order of business. Mr. DuBos nominated Mr. Bardwell for chairman. Ms. Tomlinson said she did not think they needed a chairman, but simply a moderator. She nominated Mr. Watson for that role. Mr. Dubos replied that they need a chairman and that it should be a member of the Library Board since the Board had named this committee to study south branch development. Mr. DuBos said he nominated Mr. Bardwell because of his seniority on the Library Board. Ms. Tomlinson agreed. Mr. Watson will act as parliamentarian ensuring an orderly discussion of topics.

Formulation of Statement of Purpose

Mr. Bardwell said that at the Library Board of Control meeting on October 15, 2009 an ad hoc committee was appointed by Mr. Dan Reed, Board President, to study the pluses and minuses of both sites for a south branch library; those being the Burbank Drive location and the Rouzan development. The committee is then to present the relevant information it gathers in the form of a report to the Library Board at the November Board meeting.

Mr. DuBos added that the scope is narrower in that the Library has \$6 million to spend on the south branch. There is no intention of building two branches at \$6 million each. He said they are to review the facts that have brought the Board to this point. Ms. Tomlinson replied that the Board has actually voted to appropriate a total of \$12 million for two facilities in the southern portion of the parish, so that needs to be discussed. Mr. Watson added that Mr. DuBos' comment is not inconsistent with what Mr. Bardwell stated as the purpose.

Mr. Bardwell said that excluding a site before all issues are reviewed is premature. The committee must study how to provide library service to the southern portion of the parish, whether it is with two or 1 1/2 branches.

Mr. Watson replied that the committee must consider what Mr. Farrar, the Head of the Library System said at the last Board meeting and what was written in *The Advocate* regarding the fact that the Library cannot afford to build two branches in the southern portion of the parish. Mr. Bardwell said that the committee needs to be broad in its scope because the Board has made two motions to spend \$6 million at each proposed site.

Ms. Kathy Wascom, a member of the community said that the committee should look at the actual minutes of the October 15, 2009 meeting of the Board to see what the Board President asked them to do. Mr. DuBos replied that the minutes for that meeting have not been approved yet. He added that there was no direct charge for this committee.

Mr. Watson formulated a purpose and after discussion the committee agreed that the following would be the statement of purpose:

To gather the pros and cons on both sites and report to the Library Board with a recommendation regarding library service in the area of the southern portion of the parish.

Specific Information Needed for Decision

Mr. Bardwell said they should discuss what information the committee needs and what information is already available in the records. He suggested making a list for clarification.

Ms. Tomlinson asked who has the title to the Burbank property to which Mr. Bardwell said the Library does. Mr. Bardwell read from a copy of the Act of Donation dated December 16, 2004 noting that the donors specified that construction of a branch library must have commenced in five years; that date being December 16, 2009. Mr. Reed has been trying to contact the donors to see if they would be agreeable to extending the deadline for the construction date. Ms. Tomlinson said that one of the pieces of information they need is whether the Burbank site is viable and if so, under what conditions.

Mr. Watson said they need to know what the programmatic needs of the 2 branches would be. Mr. Farrar replied that if there were two branches built, the one at Rouzan would be a traditional branch whereas the one on Burbank Drive would be more of a technology-based branch.

Mr. DuBos said they need to find out if a branch library can be built on the Burbank Drive site in light of the concerns with the wetlands and the floodplain. Ms. Tomlinson replied that she is gathering this information for the committee. Mr. DuBos added that they need to verify that there is adequate road accessibility to the site. Mr. Ward of *The Advocate* commented that the Library Board has had this property for five years and does not have these facts to which Mr. Bardwell replied that the Board did contract with SJB Group, LLC to provide an analysis of the property in regard to the wetlands and the floodplain.

Mr. Bardwell said they need demographic information about the customer base in the area such as the number of households, and income and education statistics. Mr. Watson said he would like projections illustrating not only the cost of the construction of a branch, but also the cost to staff a branch. Mr. Bardwell noted that at a Board meeting earlier this year, they were given a comparison of costs and services for a 5,000, 10,000 and 15,000 square foot branch. He asked that they review that document.

Ms. Tomlinson said they need to know the legal status of the Library in regard to the Rouzan development. Ms. Essix said that she forwarded Ms. Tomlinson's e-mail regarding this concern to Mr. William "Bushy" Aaron, Jr. of the Parish Attorney's Office for his response. Mr. Bardwell said he also has e-mailed Mr. Aaron.

In this regard Mr. DuBos said they need to verify who the title owner is of the Rouzan property. Mr. Bardwell commented that JTS Realty, LLC has presented themselves as the designated developer to the Library Board. Ms. Essix noted that JTS Realty, LLC has been the primary contact with the Library Board.

Ms. Tomlinson said the committee needs to discuss what happens if we build on neither site. Mr. DuBos said he doesn't think the Board really intended to build at the both locations. Ms. Essix said it is her understanding that Mr. Reed gave the committee a broad scope under which to function. Mr. Watson asked when the committee is to report their findings to the Library Board to which Mr. Bardwell said at the November 19th Board meeting. Mr. DuBos said they feel honored that Mr. Reed appointed them to serve on the committee. Mr. Dubos said they need to know the difference in mileage between the two sites.

Mr. Bardwell said two lawsuits have been filed regarding the Rouzan site. There's litigation pending within the succession of Mary Lillian Ford in terms of her will. Both the executors for the succession and 2590 Associates, L.L.C., the buyer of the surrounding land, have challenged the legacy to three individuals of approximately five acres in the middle of the proposed TND, as well as the servitude of ingress and egress to Glasgow Avenue. The object of the challenge is for the executors to be able to sell the affected parcel to 2590 Associates, L.L.C. so that the buyer would then own the entirety of the tract. The challenge has been rebuffed by the entry of a Partial Judgment of Possession in the Succession of Mary Lillian Ford as to the disputed parcel, recognizing the ownership by the legatees under the will of Mrs. Ford.

The second suit was filed against the Metropolitan Council by the residents living on the Rouzan site. They had worked for the Ford family and inherited the house on the property with a servitude to the public road. The question for the committee is what would happen if JTS Realty, LLC loses the suits. Ms. Essix said that she is involved in the suit and therefore, cannot comment in detail. She did say that a motion for a summary judgment was denied meaning that there is a dispute which cannot be resolved because both parties cannot agree on the facts. Ms. Essix commented that zoning reversals are difficult to accomplish. Ms. Essix said she would discuss these issues with the Library Board at the next meeting in executive session if the Board desires. Ms. Gayle Smith, a member of the community, asked about the three signs posted in front of the Rouzan site to which Ms. Tomlinson replied those are notifying the public of a

Planning Commission hearing regarding the submission of Phase 1B which includes the Library. Another question that the committee would like to consider is what if any risk is there to the Library from the lawsuits against the Rouzan development.

Mr. DuBos asked if the Board knows exactly where the branch library will be located on the Rouzan site and why the Board was not given the property outright. Mr. Bardwell said that he has seen where the branch would be located. The question that arose at the last Board meeting was in regard to the separate entities adjacent to the library. Ms. Stein noted that the Library staff has been aware of these planned commercial structures near the branch library.

Mr. Bardwell asked about the specific budget costs for the two branches under consideration. Mr. Farrar then provided copies of the comparison of costs and services for a 5,000, 10,000 and 15,000 square foot branch library to those in attendance. Ms. Tomlinson said that Ms. Brenda Lovett, Library Business Manager, can supply projections for the committee to review.

The committee then agreed that they would like to verify that Mr. Tommy Spinosa's financial status has not changed since the Board's last report. An updated financial statement from Mr. Spinosa would be beneficial in determining whether he has the ability to obtain a loan for the Rouzan development.

Ms. Tomlinson then said she would like to hear if the staff or the public have any issues they thought needed to be discussed regarding a south branch library. Ms. Patricia Husband replied that they don't have specific figures for the operating costs. Ms. Stein added that the operating costs for a small or middle size branch with the same hours of operation will be the same. Ms. Husband noted that in order to maintain a well-run branch of either size the same type of "back of the house" services and costs will apply. In a small branch one still needs a staff for service and security. If the branch is too small, then the patrons' needs cannot be adequately met. Ms. Tomlinson agreed and said that in conversation with Ms. Denelle Wrightson of PSA Dewberry who has written several building programs for the Library, a 5,000 square foot branch does not make financial sense. Ms. Husband said that they have found that in a branch with a large gate count more staff is required to meet the needs of the patrons coming into the building. From this discussion another question arose for consideration; that being is it practical to consider a 5,000 or 10,000 square foot branch at the Burbank Drive site.

Mr. DuBos said another question comes to mind regarding JTS Realty, LLC. He asked to what extent is the Library Board willing to trust Mr. Spinosa and JTS Realty that there will ever be a branch constructed in Rouzan? Mr. DuBos said that the timeline changes frequently. He said he has reviewed the Library Board minutes and it states that on October 13, 2006 Mr. Spinosa sent a letter to Mrs. Georgia Brown. In the letter Mr. Spinosa says that he will donate property to the Board in fee simple in 180 days.

The committee formulated the following list of questions and actions to be taken:

1. Is the Burbank site viable and if so, under what conditions?
2. What would be the programmatic needs if two branches were built and is that financially feasible?

3. In light of concerns with the wetlands, the floodplain, and road accessibility, can a branch actually be built on Burbank Drive?
4. Gather demographic information regarding residents in the southern portion of the parish.
5. Calculate projections of the cost to construct and staff a branch.
6. What is the legal status of the Library in regard to the Rouzan development?
7. Who owns the Rouzan property?
8. What are the ramifications of deciding not to build at either location?
9. What is the difference in mileage between the two sites?
10. What happens to the donation of property to the Library in Rouzan if JTS Realty, LLC loses the lawsuits filed against it?
11. What if any risk is there to the Library from the lawsuits against the Rouzan development?
12. Verify that Mr. Spinosa's financial status has not changed since the Board's last report with an updated financial statement to determine whether he has the ability to obtain a loan for the Rouzan development.
13. What issues do the Library staff and the public have regarding a south branch library?
14. Is it practical to consider a 5,000 or 10,000 square foot branch at the Burbank Drive site?
15. To what extent is the Library Board willing to trust Mr. Spinosa and JTS Realty that there will ever be a branch constructed in Rouzan?

Assignment/Assembly of Research

Mr. Bardwell said the committee has formulated some questions. The next process is to review what data they already have and what data they need to obtain to answer their questions. Mr. Bardwell summarized the data they have and the assignments for research as follows:

1. Legal issues the lawsuits and options-Ms. Nikki Essix;
2. Distance between the branches-data available;
3. Updated projections-Ms. Brenda Lovett;
4. Wetlands/floodplain information-data available-Ms. Beth Tomlinson;
5. Extension of the time deadline for construction at the Burbank Drive site-Mr. Dan Reed and Mr. David Farrar to report the results.

Mr. John Berry, a member of the community, arrived at this meeting at 11:20 a.m. He said he had two issues to ask the committee to consider. He would like to know what the distance is between the Rouzan and Burbank sites and how close to these two sites the population resides. Mr. DuBos replied that this information will be provided in gathering the demographics research. Mr. Berry's second issue of concern is the lawsuits filed against JTS Realty, LLC and the City-Parish. These legal proceedings will further delay the construction of Rouzan and possibly result in JTS Realty being unable to proceed with construction at all.

Next Meeting Date

The next meeting of the ad hoc committee of the Library Board for the south branch development will be held on Friday, November 6, 2009 at 9:30 a.m. in the Board Room of the Main Library

There being no further business, the meeting was adjourned at 11:25 a.m.

Stanford O. Bardwell, Jr.,
Chairman of Ad Hoc Committee

David Farrar
Library Director