

TENTATIVE AGENDA
FOR REGULAR MEETING OF THE
EAST BATON ROUGE PARISH LIBRARY BOARD OF CONTROL
MAIN LIBRARY
7711 GOODWOOD BOULEVARD
BATON ROUGE, LA 70806
MARCH 18, 2010
4:00 P.M.

I. ROLL CALL

II. APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF
FEBRUARY 18, 2010

III. REPORTS BY THE DIRECTOR

- A. FINANCIAL REPORT
- B. SYSTEM REPORTS
- C. OTHER REPORTS

IV. OLD BUSINESS

- A. REPORT ON DESIGN WORK FOR NEW MAIN LIBRARY – MR. NORMAN
CHENEVERT - CHENEVERT ARCHITECTS, LLC
- B. REPORT ON ROUZAN DEVELOPMENT – JTS REALTY SERVICES, LLC
- C. REPORT ON FAIRWOOD BRANCH LIBRARY – MR. RICHARD BROWN - BANI,
CARVILLE & BROWN ARCHITECTS, INC.

V. COMMENTS BY THE LIBRARY BOARD OF CONTROL

ALL MEETINGS ARE OPEN TO THE PUBLIC

**THE PUBLIC IS ALLOWED TO MAKE COMMENTS RELATIVE TO AN AGENDA
ITEM AT THE DISCRETION OF THE LIBRARY BOARD PRESIDENT. ANY
COMMENTS NOT RELATED TO AN AGENDA ITEM MAY BE RECEIVED AND
DISCUSSED OR DEFERRED TO A FUTURE MEETING UNDER PROCEDURES
DIRECTED BY THE LIBRARY BOARD PRESIDENT.**

Revised Minutes of the Meeting of the
East Baton Rouge Parish Library Board of Control

March 18, 2010

The regular meeting of the East Baton Rouge Parish Library Board of Control was held in the auditorium of the Main Library on March 18, 2010. Mr. Dan Reed, President of the Board, called the meeting to order at 4:09 p.m. Members of the Board present were Mr. Stanford O. Bardwell, Jr., Mr. Donald Browning, Ms. Tanya Freeman, and Ms. Beth Tomlinson. 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. Brenda Lovett, Library Business Manager; Ms. Rhonda Pinsonat, Assistant Library Business Manager; Mr. Tim Bankston, Library Facilities Manager; and Ms. Liz Zozulin, Executive Assistant to the Library Director. Mr. Davis Rhorer, Director of the Downtown Development District; Ms. Nikki Essix, of the Parish Attorney's Office; Mr. Jermaine Watson, Governmental Affairs Associate with the Baton Rouge Area Chamber; Mr. Ken Tipton, and Mr. Steve Jackson, architects with The Library Design Collaborative; and Mr. Norman Chenevert and Mr. Dyke Nelson, architects with Chenevert Architects also attended. Mr. Tommy Spinosa of JTS Realty Services, LLC and several of his pre-construction team; Mr. Richard Brown, architect with Bani, Carville & Brown Architects, Inc.; Mr. Trey Trahan, architect with Trahan Architects also were present. There were about thirty people from the community in attendance. Mr. Steven Ward, reporter with *The Advocate* and Mr. Todd Brown, reporter with *The Greater Baton Rouge Business Report* were also at the meeting. Absent from the meeting was Board member, Ms. Kizzy Payton.

The minutes of the regular meeting of the Library Board on February 18, 2010 was unanimously approved with five corrections on a motion by Ms. Freeman, and seconded by Mr. Browning.

Reports by the Director

Mr. Reed asked Mr. Farrar to present his financial and system reports. Mr. Farrar gave his reports noting that the Statement of Revenues, Expenditures, and Encumbrances as of December 31, 2009 show operating expenditures of \$22,624,273.61 or 83.84% of the operating budget spent. As noted last month, changes to 2009 have been minimal, as final insurance charges to 2009 were posted.

For 2010, operating expenditures through February 28, 2010 were \$4,197,534.40 or 13.50% of the operating budget. Cash collections from property taxes for 2010 are good, as collections to date are \$1,780,000 higher than the same period last year.

Interest earnings from cash and investments for 2009 finished the year at \$451,811.22. Fourth quarter earnings were disappointing at \$53,036.68. Interest earnings will be closely monitored throughout the year, as it seems highly unlikely that the Library will earn this year's \$700,000 budgeted amount.

Mr. Farrar noted that statistical reports for gate counts and database usage remain high.

Mr. Farrar then gave a brief summary of the activities involving the various library projects. He said that on March 4th a meeting of the Main Library Project Team was held in the Library Board Room. The Library Design Collaborative and Chenevert Architects' Commissioning Agent are exchanging information regarding LEED components. Once design development is completed and the construction documents phase begins, a quality control review will occur. In regard to the Rouzan development, he said that on February 16th, Mr. Reed and he met with Mr. Spinosa and his attorney and with two attorneys from the Parish Attorney's Office. They revised the Cooperative Endeavor Agreement to include several items that will protect the library now and in the future. Mr. Farrar concluded his remarks with an update on the Fairwood Branch Library project. He said that his staff met with the architect, Mr. Richard Brown on March 9th. They discussed adjacencies, workflow, and the general function of the building.

Mr. Farrar then asked Ms. Stein to summarize the activities of *The Big Read: One Book/One Community* program. This year's book selection is *The Great Gatsby* by F. Scott Fitzgerald. Ms. Stein said that Ms. Debra Conner, the actor who will portray F. Scott Fitzgerald's wife, Zelda, arrived today. Ms. Conner is a Chautauqua-style performer who researches a character to learn about the details of the character's life. Ms. Conner speaks to the audience in character and answers questions the audience has about Zelda. Ms. Conner spoke to four classes at St. Joseph Academy today and will speak at another school tomorrow. This evening at the Old Governor's Mansion, Ms. Conner as Zelda Fitzgerald will host a party discussing her life as the wife of the famous author. Tomorrow night at 7:00 p.m., the Bluebonnet Regional Branch Library will be the site for its own Speakeasy where patrons will drink mocktails, dance the Charleston and have the opportunity to again visit with Zelda Fitzgerald.

Mr. Farrar asked Ms. Husband to give an update on maintenance issues at the branches. The following is a summary by branch:

1. Baker Branch Library – French drains have been installed around the building to aid in directing water away from the building.
2. Bluebonnet Regional Branch Library – New floors have been installed in the meeting rooms.
3. Eden Park Branch Library – Work is continuing on the chiller and on air conditioning maintenance.
4. Jones Creek Regional Branch Library – New floors will be installed in the meeting rooms starting on April 11th.
5. Pride-Chaneyville Branch Library – New cabinets have been installed in the children's work area in order to increase storage capacity.
6. Scotlandville Branch Library - Trench drains have been installed in the courtyards. Specifications for a new entrance door which will slide has been requested. This new door will make entrance into the facility easier for all patrons.
7. Zachary Branch Library – The staff is investigating the backflow preventer to ensure that it is up to code. Ms. Husband asked Mr. Tim Bankston, Library

Facilities Manager, to address this topic. Mr. Bankston said that the Zachary Branch Library was in compliance at the time of the construction of the building.

8. Recycled Reads – A new roof is being installed this week. Ceiling tiles will then be replaced, the building will be reinsulated and the HVAC system will be updated.

Mr. Farrar then asked Ms. Husband about the plans for the closure of the Jones Creek Regional Branch Library for maintenance work. Ms. Husband replied that the building will be closed for two weeks later in the year when the new air conditioning system and the new carpeting are installed.

Old Business

A. Report on Design Work for New Main Library – Mr. Norman Chenevert – Chenevert Architects, LLC

Mr. Norman Chenevert, architect with Chenevert Architects gave an update on the consulting work of his firm. He noted that his firm is not involved in the design work, but rather in the review of the work done by The Library Design Collaborative members in order to evaluate the proposed Leadership in Engineering and Environmental Design (LEED) components for the new Main Library construction.

Mr. Chenevert noted that his firm met with the energy modeler whose work should be completed in 7 to 14 days. Mr. Chenevert said that he recommended to Mr. Jim Frey, Special Projects Architect with the City-Parish Department of Public Works, that The Library Design Collaborative architects should proceed with the completion of the design drawings. He added that Mr. Frey agreed that the architects could proceed with the design work. Mr. Steve Jackson, architect with The Library Design Collaborative said that the budget for the design work has not been approved. Mr. Chenevert responded that Mr. Frey told him that the budget approval is forthcoming. Mr. Jackson added that Mr. John Thompson, of Luke Thompson & Associates, mechanical and electrical engineers who are working for Chenevert Architects, said there is not a clear direction on what to do. Mr. Farrar then said that all of the parties involved should meet with Mr. Frey.

Ms. Freeman then asked for a general time frame for the completion of the design work. Mr. Browning also said he'd like a timeline in order to answer questions he receives from the public. Mr. Bardwell said he would like a clarification of the names of the staff working on the LEED certification. Mr. Chenevert replied that Mr. Dyke Nelson is an architect who is working on the LEED certification and is employed by Chenevert Architects. Mr. Thompson is a consultant for Chenevert Architects. Mr. Farrar said that he would ask Mr. Frey for a timeline. Mr. Reed replied that the scenario just described occurs with all of the construction projects.

C. Report on Fairwood Branch Library – Mr. Richard Brown – Bani, Carville & Brown Architects, Inc.

Ms. Tomlinson asked if Mr. Richard Brown, architect with Bani, Carville & Brown Architects, Inc. could speak next as his presentation would be brief. The Board members agreed. Mr. Brown said he is working on the schematic design phase of the project. He said he consulted with Ms. Stein and Ms. Husband regarding the requirements of patrons and staff for this branch library. He showed a drawing of the building on a site surrounded by two subdivisions and a pond with a fountain in the middle. He pointed out that the main entrance will have a porte-cochere. The main entrance will look out onto the pond. Staff areas are on the right side of the building. Mr. Brown pointed out the teen and children's areas of the building along with the group study areas and the story room. He added that the total square footage is currently 15,780 although the program calls for 15,660 square feet. He also said that he is considering a porch which would look out over the pond. The parking lot contains 63 spaces with handicap accessible parking near the front door. Both Mr. Farrar and Mr. Reed agreed that the lines of sight within the building are very good which enhances security.

Mr. Brown then said that he is looking at lighting and ground elevations. Ms. Tomlinson asked what the elevation difference is from the parking lot grade to the finished floor. Mr. Brown explained that when the subdivisions were built the contractors dumped fill dirt on the library site. The edge of the parking lot is in the 100-year flood plain. Mr. Farrar then asked Mr. Brown when the soil borings on the property would be taken to which Mr. Brown said the work has been put out for bid.

Mr. Berry, a member of the community, then said that some Board members like Ms. Tomlinson, were against the Burbank Drive site for a branch library because of mitigation issues. Now they are proceeding with plans for a branch in a flood plain. Mr. Brown explained that the mitigation issues for the Fairwood site would involve a floodplain; whereas the issues at the Burbank Drive site involve wetlands.

B. Report on Rouzan Development-JTS Realty Services, LLC

Mr. Reed asked for a report by JTS Realty Services on the Rouzan development. Mr. Tommy Spinosa said that they have worked diligently to meet the requirements of the Library Board. He said that he and the Library staff along with the Parish Attorney's Office have revised the Cooperative Endeavor Agreement to include several items that will protect the library now and in the future. Mr. Spinosa noted that the Board members have been given a copy of the revised agreement, and that he would ask the Library Board to approve the revised Cooperative Endeavor Agreement today. He also said that the documents outlining the infrastructure for the development have been submitted to the City-Parish Department of Public Works for their approval. Mr. Reed asked how long it would take to obtain the infrastructure approval to which Mr. Sam Bacot, attorney for JTS Realty Services replied about three weeks.

Mr. Bardwell said he has questions about the Cooperative Endeavor Agreement. Mr. Reed said he is not ready to vote on the agreement today. Ms. Freeman then made a motion that the Board

table the approval of the Cooperative Endeavor Agreement until next month. Ms. Tomlinson seconded the motion which passed unanimously.

Mr. Berry read from an article in *The Advocate* on March 5th about tenant issues regarding chilled water at Mr. Spinosa's Perkins Rowe development. He also quoted from the Library Board minutes of March 19, 2009 in which Mr. Reed expressed concern about the amount of the maintenance fee that the Library would pay in the Rouzan development. Mr. Berry added that Mr. Spinosa may have other financial problems which could cause difficulties for the Library.

Mr. Reed replied that the Library Board has done the best that it can. Mr. Bardwell agreed that these concerns have been covered in the past in the governance documents of the association. Mr. Bardwell said that the issues that Mr. Berry referred to will not concern the Library because the Library will have full access to its building and have sovereignty over its domain.

D. Report on Downtown Library Advisory Committee

Mr. Farrar said that he established an informal committee to discuss the three options as outlined in the feasibility study of the River Center Branch Library conducted by Mr. Trey Trahan of Trahan Architects and to also look at a different location for a downtown library. He added that the committee will not have any voting authority, but would review topics such as gate count and naming rights. The committee will report their findings to the Library Board for its consideration.

Mr. Bardwell then said that it is the Board's decision on what to do about a downtown branch library. The Board had postponed a decision on the downtown branch as discussed at the February Board meeting. However, he said it is now time to study this issue. Mr. Bardwell asked Mr. Farrar if the Library system did not have a downtown branch, would he recommend building a branch where the River Center Branch is now located to which Mr. Farrar replied no.

Mr. Bardwell then made a motion to direct the Library staff to research available sites for a community branch downtown and to make suggestions for uses of the present River Center Branch Library. Mr. Browning seconded the motion.

Mr. Browning then said he wanted to speak about not embarrassing the people for whom one works. He said he received a phone call about a Board meeting scheduled for Monday, March 15th. He said he had told Mr. Farrar he was willing to serve on this advisory committee and that the Board's fingerprints are all over this committee. Mr. Browning then read from the sunshine law regarding open meetings. Mr. Browning said he was told the meeting was a staff meeting, but others beside staff were actually present. Mr. Browning asked Mr. Farrar if anyone could attend these committee meetings to which Mr. Farrar replied yes and that he would tell Mr. Browning when the next meeting would be held.

Mr. Reed noted that this committee is not a Board appointed committee because only he as President of the Library Board can appoint such a committee. Mr. Reed stated that Mr. Farrar's meetings were informal and were intended to gather information. Mr. Farrar then added that he

does not want this to become a political football. Mr. Bardwell added that in the motion he just made he is not saying that Mr. Farrar should stop the work of his advisory committee. Ms. Freeman agreed that the advisory committee was never a Board appointed committee. Mr. Farrar stated that this group could not make decisions. They could only gather information for him. This information would assist him in compiling a report on the various aspects of the downtown project.

Mr. DuBos, a member of the community, said he agrees with Mr. Bardwell's motion. He added that he personally, and also as a member of the Federation of Greater Baton Rouge Civic Associations, has no opposition to a downtown library. But he said he is concerned about a new downtown building. He said the River Center Branch needs to be renovated and that it is oversized and under-utilized. He added that the advisory committee is heavy with those who support downtown. If this committee makes recommendations to the Library Board those recommendations will be slanted toward downtown. Mr. DuBos said he hoped everyone would be welcome to come to the committee meetings. As such, notice would need to be given of the meeting date, time and location. He added that this whole issue has an odor about it and that the public does not have the full picture.

Mr. Berry then said that at the January Library Board meeting, Mr. Farrar announced that the meetings of the committee would be public meetings. Mr. Berry then said at the February Board meeting the members of the committee were not disclosed. Mr. Berry said he would like a list of the committee members whom he believes are downtown advocates. He asked why weren't the members of the committee appointed by the Library Board since the committee is to give advice on the use of public funds. He concluded his remarks by noting that the second meeting was cancelled and that the closed door approach is shameful and has broken the trust of the public.

Mr. Farrar stated that the meetings of this committee do not fall under the sunshine laws because they are not public meetings, but are internal meetings called by him as the Library Director. Therefore, it is not required that an agenda be posted. He further stated that the advisory group could not spend money and could not make decisions. He also reiterated that this group is not a Board appointed committee.

The Board then returned to Mr. Bardwell's motion for a vote. The motion passed unanimously.

Ms. Tomlinson reminded those present that the Library staff created an e-mail address last fall where for two months the public could express their opinions about the downtown branch library. She said this advisory committee is going to study these comments. Ms. Freeman added that public opinion is not closed yet and that those with other opinions will have opportunities to express them. She said the Library Board is not one-sided.

Mr. Reed then spoke, admitting that there are issues about the downtown library. He said sometimes discussions have to be done in private and are not part of a Library Board action. A stakeholder meeting implies that it is a stacked committee which is biased and this can be useful.

Mr. Todd Teepell, a member of the community, spoke to the Library Board members and reminded them that they are appointed to the Board by the Metropolitan Council which is elected

by the citizens of the parish. Mr. Teepell added that if one is going to study the feasibility of a library branch, one asks for input from those living in that area. He said that Mr. Bardwell and Mr. Browning would not come downtown because of parking concerns, but that maybe the citizens of that area are not concerned about parking.

Mr. Browning replied that all of the citizens pay taxes and therefore, all of the citizens should be represented. He suggested getting opinions from people in District 9 where he lives.

Mr. Andy Kopplin cited the YMCA located downtown. He said the State asked that a YMCA be built downtown. Many people did not think the facility would be used, but it is actually very busy and highly utilized.

New Business

A. Library Tax Paid to City-Parish Government

Mr. Browning asked that a discussion of the Library tax paid to the City-Parish government be placed on this agenda. About a year ago, Mr. Bardwell discovered that some of the property tax dollars collected to fund the Library actually go toward the Retirement Fund of the Sheriff's Department. Mr. Browning asked if this practice is illegal, why can't the Library Board take some action? Mr. Reed replied that the Library Board cannot file a lawsuit; only the Mayor can do that. Ms. Nikki Essix, of the Parish Attorney's Office was asked for the results of her department's research into this matter. Ms. Essix said they had several meetings and gave the information they gathered to the Mayor's Office. She said no action was taken.

Mr. Bardwell noted that in 2008 the Louisiana Supreme Court gave an opinion that said if a special tax for Library use is voted upon, that it cannot be used for anything else. However, the State Legislature passed a statute to allow part of the dedicated tax to be used for the Sheriff's Retirement Fund. Mr. Bardwell said this use of library funds is occurring all over the State of Louisiana. He added that the City of New Orleans challenged this statute several years ago, and the Louisiana Supreme Court ruled that the statute does not say the money is taken from a dedicated tax.

Mr. Bardwell also said that the Tax Collector in this parish calculates what amount is placed in the retirement fund before the City receives the tax dollars. Mr. Bardwell added that when the Library Board approved the Library budget for 2010, they did not approve the portion to be placed in the Sheriff's Retirement Fund. However, the City's Administration placed it back in the budget. Mr. Bardwell added that he spoke to the attorney representing the Sheriff's Department and was told that the Sheriff's Department is following the law. Mr. Bardwell then said that the Louisiana Attorney General could ask that the Sheriff's Department verify that the money for their retirement fund is not coming from the dedicated Library tax.

Ms. Freeman responded that the Library Board has done all that is possible to do to which Mr. Reed agreed. Mr. Browning noted that a new Legislative Auditor will be named soon and that he and Mr. Bardwell can speak with this official. Mr. Bardwell said that could be done, but it

would be complicated. Mr. Farrar asked Ms. Essix if Library Board members could do anything about this. She replied not as Board members; only as individuals.

Comments by the Library Board of Control

Mr. DuBos commented that the downtown discussions and issues are slowing down the construction of the new Main Library.

There being no further business, the meeting was adjourned on a motion by Ms. Freeman, seconded by Ms. Tomlinson at 5:35 p.m.

Dan Reed, President

David Farrar, Library Director