

Mr. Gibbs: Next item on the agenda is PZO-2014-15 requested by Paul J. Hogan, PE, Councilman, District IV for an ordinance to amend the Code of Ordinances Appendix A, St. Charles Parish Zoning Ordinance of 1981, Section VI. Zoning district criteria and regulations., B. Residential districts, [II.] R-1A(M), Single Family Residential Detached Conventional Homes, Manufactured Homes, and Mobile Homes-Medium density 3. Special Provisions, by amending c and adding e. and f. for mobile home inspection and installation requirements for release of power and issuance of occupancy.

Mr. Hogan: Good evening Commissioners. The proposed ordinance before you tonight relates to permitting of trailers in the parish. Current code requires that all items such as sewer, water, anchors, skirting, driveways and everything else required for a trailer all be in place prior to the power being released. In some instances beyond the owners control skirting which is only a cosmetic item is the only outstanding item needed to be installed in order for the power to be released. In these situations the code has no provisions to allow the owner to get power and to move in while the issue of skirting is resolved. This ordinance before you tonight provides a mechanism for the power to be released in order to help these owners in these situations. It provides a twelve month period following the release of power for the owner to have skirting installed. Prior versions of this ordinance provide for only 6 months, the version in front of you tonight provides the 12. Councilman Perrier felt that 6 months could be inadequate in some cases and requested that it be increased to 12 months. Some questions were also raised by the public of power being pulled if the skirting is not installed in the time provided for. That was a provision that was in an old version of the ordinance, but that has been removed a long time ago. This ordinance has no provision for removing power once released. The owner will not be faced with that as a consequence. The ordinance as written today states the entire underfloor of the home shall be completely enclosed except for required openings which in itself means always enclosed. As such, it provides no exceptions as in catastrophic situations such as when a storm blows out all of the skirting. This ordinance provides for a one year period for the homeowner to reinstall the skirting in these catastrophic cases. This is to help out these homeowners who would most likely be dealing with other issues causing financial burdens to them after such storm events. This provides them with some relief which the current codes do not provide for. In addition, the department in the past has interpreted the code that a trailer can be permitted without having a driveway for off street parking. This in turn created other issues related to parking on the street which in turns puts stress or pressure from the parish on the homeowner down the road. This ordinance has been written to clearly state that a driveway is a requirement of the permitting process. Your support and a positive recommendation to help these homeowners will be greatly appreciated by those that it will assist. If you have any questions, please let me know and I will address them.

Mr. Gibbs: Thank you Mr. Hogan. This is a public hearing for PZO-2014-15 anyone in the audience care to speak in favor of or against?

Mr. Foster: Basically all we're doing here Mr. Hogan is giving them a year to make the skirting available, whereas now if they don't have it they don't get the power at all right?

Mr. Hogan: The way the ordinance is written today you don't get the power until the skirting and this provides an avenue for them to get power and move in. Sometimes they may have a contractor to put the skirting in but the contractor is not available at the time, he's putting up other skirting, when he gets to that trailer he'll put it up. What the department has been doing is they provide them with a contract showing that they have a contractor for that skirting they'll issue the power. So this provides a legal way for that mechanism to occur.

Mr. Foster: But you have a year from the time they move into that trailer?

Mr. Hogan: Correct.

Mr. Foster: And what happens after the year?

Mr. Hogan: After the year if they don't have it the department would go through the normal process of having that addressed.

Mr. Foster: Thank you.

Mr. Gibbs: Mr. Hogan who's going to enforce this if this gets through? I know this was a big discussion Monday night, it wasn't answered, it went through legal, it went through police, nobody could define who's going to enforce it.

Mr. Hogan: It's the same people who are enforcing it right now. There's one on JB Green Road going through the legal process. The department will be the best ones to answer that question. They are right here.

Mr. Gibbs: We've got thousands of ordinances Mr. Hogan, thousands that can't be enforced right now, they just can't be for obvious reasons. This has been in front of us, this is probably the 5th, 6th, maybe 7th time and I try to be as respectful as I can to you and will continue to be but I got to question your priorities. You made a statement that you're going to do this for the remainder of your 2 years which means if this doesn't pass you're going to do it 28 times more, 56 more times in front of the Council. There are pressing issues in this parish much more than a skirting around a mobile home and I'm not going to filibuster up here but do you understand what our sales tax is here in this parish? You have the ability to change the sales tax, you have the ability to change the property tax, you have the ability to bring business into this parish, doing these ordinances does nothing for the constituents and does nothing to push us forward. I don't understand where your priorities are with these ordinances. If you could give me a compelling reason why you are going after these I might be able to get behind it, but I just can't.

Mr. Hogan: Explain what you mean by going after these.

Mr. Gibbs: These priorities, you're changing ordinances, attempting to change ordinances that are already in place.

Mr. Hogan: To help the citizens.

Mr. Gibbs: You continue to say to help, this doesn't help anybody, because you're making somebody do something to their property or they don't get electricity.

Mr. Hogan: I'm not doing that.

Mr. Gibbs: You're not making them put a skirt.

Mr. Hogan: Absolutely no.

Mr. Gibbs: If they don't have a skirt what happens?

Mr. Hogan: They're not supposed to get power, but that's per current code. This is giving them the opportunity to get power.

Mr. Gibbs: You're bringing it to the light of people that can't afford probably a skirt, you're bringing this all to the forefront to make it difficult for people that are trying to make a decent living to have to put a skirt on if they don't have one right now. If they want to move into the place they have to have a skirt. My whole point to this is it's not going to be a life or death situation and it's not going to push our parish forward. If you asked your constituents in district IV if they would rather have their sales taxes reduced or a skirt around a mobile home I am so compelled to tell you that they are going to ask for a reduction in their sales tax. I just don't understand this. It's a waste of time, energy and a lot of resources.

Mr. Hogan: That's your opinion.

Mr. Gibbs: You've always asked for our opinion and I'm giving it to you and I'll do it in writing if it needs to be.

Mr. Hogan: Sure. When people next door are affected by a trailer next door that doesn't have skirting and it brings down their neighborhood, they want their skirting. What you're promoting is people don't put up your skirting if it impacts your neighbor tough luck, like no one is going to come and enforce it, I think that's what you're saying.

Mr. Gibbs: What I'm saying is if they can provide a skirting I'm reasonably sure they'll do it, if they can't afford it, I don't want to put a burden on them that they're going to lose their electricity or they can't move in.

Mr. Hogan: I understand that. The thing is right now the way the codes are written they have no choice, they cannot move into their trailer until the skirting is put in. What this does is provide them a year after they move into their trailer to raise the funds, to come up with the money to be able to put that skirting in a year down the road. If you think a year is not long enough, I'll go for 2 years. If you think that 2 years is not long enough I'll go for 5 years, if you tell me 5 years is not long enough I'll go for 10 years and 10 years from now I'm going to be going to that trailer to check if the skirting is up. So if you think that much time is needed for skirting I'm willing to amend this and satisfy you and alleviate any concerns you have. You're tell me what the time frame, I'll make that motion at the Council to increase it, but right now the people have no choice they have to put up the skirting.

Mr. Gibbs: That's correct.

Mr. Hogan: This here gives them a break. I understand why you wouldn't want to help these people.

Mr. Gibbs: Don't tell me I'm not trying to help the people. I think anybody can understand what I'm telling you.

Mr. Hogan: by not approving this it's exactly what you're doing. Right now they have to put the skirting in, this here provides them a way of not having to put

Mr. Gibbs: If the ordinance is abided by, if there's

Mr. Hogan: What you're promoting is non enforcement of our code.

Mr. Gibbs: This is an ordinance.

Mr. Hogan: From what I understand you saying is you want people to get power right now without putting up their skirting which is a violation of our code and that's what you're promoting.

Mr. Gibbs: That's correct.

Mr. Hogan: That is not your job to do that. That is these people's job

Mr. Gibbs: I didn't say it was my job, I'm having a dialogue with you because

Mr. Hogan: What your job is to promote the code and enforce the code and support

Mr. Gibbs: I knew we were going to get here where you start defining what our jobs are, I knew that was coming, because it comes every time. I think you understand what I'm trying to convey to you, I think you do. I'm not trying to make new laws, new ordinances, I think that we can use our energy, you as an elected official can change your priorities and do something more for the parish than changing these ordinances. Our property taxes are crazy, you have the power, our sales taxes, you can put money back in the pockets of your constituents. Couldn't you do that if you went after these crazy taxes?

Mr. Hogan: Absolutely, but that's off the subject. The subject here is the ordinance in front of you tonight. I'll be glad to have you talk to me regarding taxes and what you think I should do in reducing millages at another time, but tonight it's about this ordinance.

Mr. Gibbs: I know it is. It's the 6th or 7th time we've had discussion.

Mr. Hogan: If you don't want to help people recommend denial, if you want to help people recommend support, it's that's simple

Mr. Gibbs: That's your interpretation, but I understand.

Mr. Hogan: It's clear cut, if you read the ordinance.

Mr. Gibbs: It's clear cut what I'm telling you too, but you're trying to switch all around.

Mr. Hogan: But you're trying to not require enforcement of our codes, that is wrong. We put codes in place to protect people and adjacent properties and you're sitting up here promoting not enforcing the codes. That is your job, that is my job and for you to sit up here and ask for them or try to imply for us not do our job and the department not to do their job, that is wrong.

Mr. Gibbs: And nobody has said anything about you not doing your job or me doing my job or asking somebody else not to do a job, that's way off the mark too. We're not talking about jobs, we're just talking about a simple ordinance a very simple ordinance that is probably complied with a vast majority of the time. You might have some spot issues that can be overlooked until the person can possibly do it. I understand you said we can't, but I'm giving what my opinion is of this and it's not going to change.

Mr. Hogan: Earl, was there any provisions to be able to provide power to a trailer without having skirting in place?

Mr. Matherne: there are no provisions

Mr. Hogan: Will this here help citizens in providing them an avenue to get into their trailer and provide power without having to put in skirting?

Mr. Matherne: This proposed ordinance does indeed allow for the power to be released without skirting assuming there is a contract for that skirting.

Mr. Hogan: If that were to pass do you think this would help those people in situations where they may not be able to get the skirting in prior to the power or does this hurt the people?

Mr. Matherne: Theoretically it helps if they can't afford it, although I don't know how they're going to get a contract for it if they can't afford it.

Mr. Hogan: That's not the question.

Mr. Matherne: I'm just answering

Mr. Hogan: Sure. The ordinance is there to help the people. As stated from the department, they read it, they see what it does and it in no way hurts the people, it only helps the people and I'm asking for your support.

Mr. Frangella: Right now can people get temporary power when they do that?

Mr. Hogan: No.

Mr. Matherne: No under strict letter of the law they cannot. It is one of the requirements that has to be full power.

Mr. Frangella: I was just reading this what was highlighted, it looks like it's additional and it's written in there as additional, I was just wondering.

Mr. Foster: There is no provision for getting temporary power anyway. Either you get it or you don't get it.

Mr. Matherne: The only provision for temporary power is for construction power during a traditional stick built home.

Mr. Foster: I have an opinion on this and I'd like to state it, we always take a lot of time arguing back and forth about these ordinances and this is actually a good ordinance, I don't even know why we're debating it. We need to just do our jobs and approve it.

Mr. Gibbs: Thank you Mr. Foster. This is a public hearing for PZO-2014-15 is there anyone else in the audience care to speak in favor or against? Seeing none. Commission members cast your vote please.

YEAS: Loupe, Foster

NAYS: Pierre, Gibbs, Booth, Frangella, Galliano

ABSENT: None

Mr. Gibbs: That fails with Mr. Loupe and Mr. Foster voting yes.
