

MEETING INFORMATION

LOCATION

Livestream at: http://cityofno.granicus.co m/ViewPublisher.php?view id=2

TIME

10:00 a.m.

BOARD MEMBERS

Candice M. Forest – Chair Todd C. James – Vice Chair José Alvarez Jaime Ramiro Diaz Alfonso Gonzalez II Deborah Harkins Mary Harper Malone

The general public cannot speak with the members personally.

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Board of Zoning Adjustments

Final Agenda

August 10, 2020

Under the authority granted in Act 302 of the 2020 Regular Legislative Session, the Board of Zoning Adjustments certifies that it will convene a meeting on August 10, 2020 via teleconference/Zoom to hear matters that are critical to the continuation of the business of the Board of Zoning Adjustments and that are not able to be postponed to a later meeting due to a legal requirement or deadline in the Comprehensive Zoning Ordinance and State Law that cannot be changed.

The Board of Zoning Adjustments consists of seven citizen members appointed by the Mayor and approved by the City Council. The City Charter grants the Board the power to permit exceptions to or variations from the City's zoning regulations and to hear decision appeals from the Director of the Department of Safety and Permits in accordance with the principles, conditions, and procedures set forth in Article 4 of the City's Comprehensive Zoning Ordinance. The decision made by the Board will be provided in the form of a resolution. The resolution should be produced by **August 20, 2020.**

GENERAL RULES OF ORDER

Robert's Rules of Order govern the conduct of the meeting. Any member of the public may provide written comment on any matter before the Board. If you wish to appear before the Board, please fill out a digital speaker card at the following link:

https://forms.gle/zXvAPVJBx6dedYQk9

A moderator will read into the record all comments pertaining to that item that have been submitted in accordance with these rules. Comments will be read aloud in a normal speaking voice. The moderator will discontinue reading a comment once it exceeds two (2) minutes.

APPEALS

Any person or persons, or any officer, department, commission, board, bureau, or any other agency of the City of New Orleans jointly or singularly aggrieved by any decision of the Board of Zoning Adjustments may present to the Civil District Court of the Parish of Orleans, within thirty (30) days after filing of the decision in the office of the Board, a writ of certiorari asking for such relief and under such rules and regulations as are provided for such matters in appropriate legislation of the State of Louisiana.

A. Call to Order, Roll Call, Adoption of Minutes, Communications, and Reading of Hearing Rules

Special Public Hearing Rules for Board of Zoning Adjustments Hearings held via Video Conference

- A. **Order of Business.** The order of business at the hearing shall be as follows:
 - a. Call to order and roll call, with recording of members present.
 - b. Approval of Minutes
 - c. Reading and Adoption of the Hearing Rules
 - d. Presentation of Dockets.
 - i. Staff Presentation
 - ii. Applicant Presentation
 - iii. Questions from Members
 - e. Recess for 30 minutes
 - f. Consideration of Dockets
 - i. Public Comment
 - ii. Rebuttal by Applicant
 - iii. Questions from Members
 - iv. Voting
 - g. Election of Officers
 - h. Adjournment
- B. Presentation of Dockets. The order of business for each docket shall be as follows:
 - a. Presentation by the City Planning Commission staff or the Department of Safety and Permits staff;
 - b. Presentation by the Applicant or their representative; The appellant or applicant may appear on their behalf or be represented by a duly authorized agent. Only <u>one</u> representative may speak on behalf of a request and must pre-register with the staff of the City Planning Commission. Other representatives or speakers may sign up to provide comments during the public comment portion of the meeting. The applicant shall be allowed a maximum of five (5) minutes.
 - c. **Questions from Members.** The members have an opportunity to ask questions of the staff or applicant.
- C. Recess. The Board shall take a 30-minute recess to allow members of the public to submit comments.
- D. Public Comment.
 - a. **Rules**. Only written public comment will be allowed. Live public comment will not be allowed. No member of the public may submit more than one written comment per agenda item.
 - b. **Time allowed for public comment.** The public comment form will be made available at the start of the meeting and will close at the end of the 30-minute recess.
 - c. **Form**. Public comments must be submitted electronically on the form provided by the City Planning Commission. Any comment missing this information will not be read aloud. Each submission must contain:
 - i. The commenter's first and last name,
 - ii. The commenter's address,
 - iii. Whether the commenter is being paid in connection with his or her comments,
 - iv. The agenda item
 - d. **Reading of Public Comments.** A moderator will read into the record all comments pertaining to that item that have been submitted in accordance with these rules. Comments will be read aloud in a normal speaking voice. The moderator will discontinue reading a comment once it exceeds two (2) minutes.

- E. **Rebuttal by Applicant.** Following the public comment period, if there is opposition the authorized representative of the application is allowed a rebuttal not to exceed five (5) minutes.
- F. **Questions from Members.** Following the public comment and rebuttal, the members have an opportunity to ask questions of the staff or applicant.

G. Voting.

- a. **Making a motion.** The member making a motion shall clearly state their name when making a motion. For example, "I, (insert name), move to approve/deny/ the request."
- b. **Seconding a motion.** The member seconding a motion shall clearly state their name when seconding the motion. For example, "I, (insert name), second the motion made by (other member)."
- c. **Statement by Chair.** The chair will restate the motion, confirming who made and seconded the motion.
- d. **Voting.** The chair will request a verbal vote from each member by roll call. Each member will indicate "Yea" to vote in support of the motion, or "Nay" to vote in opposition.

B. Variances – Unfinished Business

Item 1 – Docket Number: 035-20 WITHDRAWN

Applicant or Agent: Keith A. Scott

Property Location: 1345 St. Bernard Avenue **Zip:** 70116 **Bounding Streets:** St. Bernard Ave., Urguhart St., Marais St., Annette St.

Zoning District:HMC-2 Historic Marigny/Tremé/Bywater Commercial DistrictOverlay District:AC-1 Arts and Culture DiversityPlanning District: 4Existing Use:Personal Service EstablishmentSquare Number: 500

Proposed Use: Personal Service Establishment Lot Number: X

Project Planner: Amos Jasper Wright (ajwright@nola.gov)

Request: This request is for variances from the provisions of Article 24, Section 24.13.G.3.b to permit two (2) wall signs with excessive area.

Requested Waivers:

Article 24, Section 24.13.G.3.B (iii) – Zoning Districts Group 1

Required: 8ft² Proposed: 11 ft² Waiver: 4 ft²

Article 24, Section 24.13.G.3.B (iii) – Zoning Districts Group 1

Required: 5.625 ft² Proposed: 11 ft² Waiver: 5.375 ft²



Item 2 – Docket Number: 037-20

Applicant or Agent: Outer Space and Back Realty LLC, Brian Gille Architects **Property Location:** 1174 City Park Avenue Zip: 70119

Bounding Streets: City Park Ave., N. Carrollton Ave., Flowerdale Ct., Sherwood Forest Dr.

Zoning District: HU-RD1 Historic Urban Two-Family Residential District

Existing Use:Single-Family ResidencePlanning District: 5Proposed Use:Single-Family ResidenceSquare Number: 547Project Planner:Amos Jasper Wright (ajwright@nola.gov)Lot Number: W

Request: This is a request for variances from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A), Article 11, Section 11.3.A.3 (a), Article 21, Section 21.6.EE.1, and Article 22, Section 22.11.B.2 to permit the construction a single-family residence with insufficient corner side yard setback, insufficient rear side yard setback, insufficient swimming pool setback, and excessive curb cut width.

Requested Waivers:

Article 11, Section 11.3.A.1 (Table 11-2A) – Corner Yard Setback (Attached Garage)

Required: 6 ft,7.5 in Proposed: 10.5 in Waiver: 5 ft, 9 in

Article 11, Section 11.3.A.1 (Table 11-2A) – Rear Yard Setback

Required: 15 ft Proposed: 3 ft Waiver: 12 ft

Article 11, Section 11.3.A.3 (a) – Corner Side Yard Setback (Principal Structure)

Required: 6 ft, 7.5 in Proposed: 2 ft, 10 in Waiver: 3 ft, 9.5 in

Article 21, Section 21.6.EE.1 – Swimming Pool Location

Required: 6'-7.5" Proposed: 3 ft, 1in Waiver: 3 ft, 6.5 in

Article 22, Section 22.11.B.2 (Curb Cut)

Required: 12 ft Provided: 24 ft Waiver: 12 ft



C. Variances – New Business

Item 3 – Docket Number: 046-20

Applicant or Agent: Touchstone Community Church

Property Location: 3031 First Street, 2336 S. Derbigny Street **Zip:** 70125

Bounding Streets: First St., S Derbigny St., Jackson Ave., S. Claiborne Ave.

Zoning District:HU-MU Historic Urban Neighborhood Mixed-Use District HUC Historic UrbanHistoric District:N/APlanning District:2Existing Use:Vacant LotSquare Number:412

Proposed Use: Mixed-Use (Place of Worship/Single-Family Residence) Lot Number: G

Project Planner: Aspen Nero (<u>asnero@nola.gov</u>)

Request: This is a request for variances from the provisions of Article 22, Section 22.4.A (Table 22-1) of the Comprehensive Zoning Ordinance to permit the construction of a mixed-use development (place of worship/single-family residence) with insufficient off-street parking.

Requested Waiver:

Article 22, Section 22.4.A (Table 22-1) – Off-Street Vehicle and Bicycle Parking Requirements

Required: 15 spaces

Proposed: 9 spaces

Waiver: 6 spaces

Item 4 - Docket Number: 047-20

Applicant or Agent: Wells One Investments LLC

Property Location:2228 Bienville AvenueZip: 70119Bounding Streets:Bienville Ave., N. Galvez St., Iberville St., N. Miro St.Zoning District:HU-RD2 Historic Urban Two-Family Residential District

Historic District:Mid-CityPlanning District:4Existing Use:Vacant LotSquare Number:277Proposed Use:Two-Family ResidenceLot Number:C-1

Project Planner: Kelly Butler (kgbutler@nola.gov)

Request: This is a request for variances from the provisions of Article 11, Section 11.3.A.1 of the Comprehensive Zoning Ordinance, in conjunction with Subdivision Docket 012-20, to permit the creation of a lot with insufficient lot width and insufficient lot area.

Requested Waivers:

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Width

Required: 30 ft Proposed: 28 ft Waiver: 2 ft

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Area

Required: 3,600 sq.ft. (1,800sf/du) Proposed: 2,071 sq.ft (1,036 sf/du) Waiver: 1,529 sq.ft (765 sf/du)



Item 5 – Docket Number: 048-20

Applicant or Agent: Wells One Investments LLC

Property Location:2230 Bienville AvenueZip: 70119Bounding Streets:Bienville Ave., N. Galvez St., Iberville St., N. Miro St.Zoning District:HU-RD2 Historic Urban Two-Family Residential District

Historic District:Mid-CityPlanning District:4Existing Use:Vacant LotSquare Number:277Proposed Use:Two-Family ResidenceLot Number:C-2

Project Planner: Kelly Butler (<u>kgbutler@nola.gov</u>)

Request: This is a request for variances from the provisions of Article 11, Section 11.3.A.1 of the Comprehensive Zoning Ordinance, in conjunction with Subdivision Docket 012-20, to permit the creation of a lot with insufficient lot width and insufficient lot area.

Requested Waivers:

Article 11, Section 11.3.A.1 (Table 11-2A) - Minimum Lot Width

Required: 30 ft Proposed: 28 ft Waiver: 2 ft

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Area

Required: 3,600 sq.ft (1,800 sf/du) Proposed: 2,088 sq.ft (1,044 sf/du) Waiver: 1,512 sq.ft (756 sf/du) Item 6 - Docket Number: 049-20

Applicant or Agent: Devin J. Regan

Property Location: 614 N. Pierce Street **Zip:** 70119 **Bounding Streets:** N. Pierce St., Orleans Ave., Scott St., Toulouse St.

Zoning District:HU-MU Historic Urban Neighborhood Mixed-Use DistrictHistoric District:ParkviewPlanning District:4Existing Use:Two-Family ResidenceSquare Number:525

Proposed Use: Multi-Family Residence Lot Number: Y

Project Planner: Robin Jones (<u>rcjones@nola.gov</u>)

Request: This is a request for a variance from the provisions of Article 22, Section 22.4.A (Table 22-1) of the Comprehensive Zoning Ordinance to permit the conversion of a two-family residence to a multi-family residence with insufficient off-street parking.

Requested Waiver:

Article 22, Section 22.4.A (Table 22-1) – Off-Street Vehicle and Bicycle Parking Requirements

Required: 1 space Proposed: 0 space Waiver: 1 space



Item 7 – Docket Number: 050-20

Applicant or Agent:Brian Gille Architects, Ltd., George W. Clay, Patricia ClayProperty Location:2130 Palmer AvenueZip: 70118Bounding Streets:Palmer Ave., S. Robertson St., Calhoun St., & Freret St.Zoning District:HU-RD1 Historic Urban Two-Family Residential District

Historic District:UptownPlanning District:3Existing Use:Single-Family ResidenceSquare Number:105

Proposed Use: Single-Family Residence Lot Number: A

Project Planner: Amos Jasper Wright (ajwright@nola.gov)

Request: This is a request for variances from the provisions of Article 21, Section 21.6.A.8 of the Comprehensive Zoning Ordinance to permit the construction of a carport with insufficient rear yard setback, and that is located in front of the abutting structure's front building line.

Requested Waivers:

Article 21, Section 21.6.A.8 – Accessory Structures and Uses (Corner Lots)

Required: 3 ft from rear lot line Proposed: 0 ft Waiver: 3 ft

Article 21, Section 21.6.A.8 – Accessory Structures and Uses (Corner Lots)

Required: May not be located in front of the abutting structure's front building line

Proposed: Located in front of the abutting structure's front building line

Waiver: May not be located in front of the abutting structure's front building line

Item 8 – Docket Number: 051-20

Applicant or Agent: Orleans Parish School Board, McDonogh #35

Property Location: 1331 Kerlerec Street **Zip:** 70116 **Bounding Streets:** Kerlerec St., N. Villere St., Columbus St., Marais St.

Zoning District: HMR-3 Historic Marigny/Tremé/Bywater Residential District
Historic District: Tremé Planning District: 4
Existing Use: Educational Facility, Secondary Square Number: 502
Proposed Use: Educational Facility, Secondary Lot Number: N/A

Project Planner: Valerie Goines (valerie.goines@nola.gov)

Request: This is a request for variances from the provisions of Article 22, Section 22.8.B.2 of the Comprehensive Zoning Ordinance to permit a secondary educational facility use with front yard parking, front yard loading areas, excessive driveway width, and excessive curb cut width.

Requested Waivers:

Article 22, Section 22.8.B.2 – Permitted Vehicle Parking Locations (Front Yard)

Required: No Front Yard Parking Provided: Front Yard Parking Waiver: Front Yard Parking

Article 22, Section 22.10.A - Permitted Loading Space Locations (Marais Street Front Yard)

Required: No Front Yard Loading Provided: Front Yard Loading Waiver: Front Yard Loading

Article 22, Section 22.10.A - Permitted Loading Space Locations (Columbus Street Front Yard)

Required: No Front Yard Loading Provided: Front Yard Loading Waiver: Front Yard Loading

Article 22, Section 22.11.A.2 - Non-Residential Driveways (Kerlerec)

Required: 12 ft Provided: 24 ft Waiver: 12 ft

Article 22, Section 22.11.A.2 - Non-Residential Driveways (Columbus)

Required: 12 ft Provided: 24 ft Waiver: 12 ft

Article 22, Section 22.11.B – Curb Cuts (N. Villere Street side)

Required: 12 ft Provided: 24 ft Waiver: 12 ft

Article 22, Section 22.11.B Curb Cuts (Marais Street side)

Required: 12 ft Provided: 33 ft Waiver: 21 ft



Item 9 – Docket Number: 052-20

Applicant or Agent: T & N Salem LLC

Property Location: 7001 Read Lane **Zip:** 70127

Bounding Streets: Read Ln., Farrar Rd., I-10 Service Rd., & I-10 **Zoning District:** C-2 Auto-Oriented Commercial District

Historic District: N/A Planning District: 9
Existing Use: Vacant Lot Square Number: 8
Proposed Use: Retail Goods Establishment Lot Number: D1
Project Planner: Wheeler Manouchehri (wheeler.manouchehri@nola.gov)

Request: This is a request for variances from the requirements of Article 15, Section 15.3.A.1 (Table 15-2) and Article 18, Section 18.16.B to permit a retail goods establishment with excessive front yard setback, insufficient rear yard setback, and parking as the dominant visual element.

Requested Waivers:

Article 15, Section 15.3.A.1 (Table 15-2) – Front Yard Setback

Required: 20 ft maximum Proposed: 61.93 ft Waiver: 41.93 ft

Article 15, Section 15.3.A.1 (Table 15-2) – Rear Yard Setback

Required: 25 ft Proposed: 5 ft Waiver: 20 ft

Article 18, Section 18.16.B Additional Design Review Approval Standards

Required: Parking not the dominant visual element Proposed: Parking as the dominant visual element Waiver: Parking not the dominant visual element



Item 10 - Docket Number: 053-20

Applicant or Agent: Cosima Clements, Allen Villarrubia

Property Location: 3333 Napoleon Avenue **Zip:** 70125

Bounding Streets: Napoleon Ave., S. Johnson St., General Pershing St., S. Prieur St.

Zoning District: HU-RD2 Historic Urban Two-Family Residential District

Historic District: N/A Planning District: 3

Existing Use: Single-Family Residence Square Number: 732

Proposed Use: Two-Family Residence Lot Number: R & S (Proposed R1)

Project Planner: Joanna Farley (jbfarley@nola.gov)

Request: This is a request for a variance from the provisions of Article 21, Section 21.4.A.2, in conjunction with Subdivision Docket 025-20 to permit more than one principal building on a lot.

Requested Waiver:

Article 21, Section 21.4.A.2 – Number of Principal Buildings on a Lot

Permitted: One Principal Building Proposed: Two Principal Buildings Requested: Two Principal Buildings Item 11 – Docket Number: 054-20

Applicant or Agent: Michael Daley, M2 Studio LLC

Property Location:6326-6328 Peoples AvenueZip: 70122Bounding Streets:Peoples Ave., Mexico St., Baccich St., New York St.Zoning District:S-RD Suburban Two-Family Residential District

Historic District:N/APlanning District:6Existing Use:Vacant LotSquare Number:5098Proposed Use:Two-Family ResidenceLot Number:H-13

Project Planner: Travis Martin (trlmartin@nola.gov)

Request: This is a request for variances from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) and Article 22, Section 22.4.A (Table 22-1) to permit the construction of a two-family residence with insufficient minimum lot width and insufficient off-street parking.

Requested Waivers:

Article 13, Section 13.3.A.1 (Table 13-2) - Minimum Lot Width

Required: 50 ft Proposed: 46 ft Waiver: 4 ft

Article 22, Section 22.4.A (Table 22-1) – Off-Street Vehicle and Bicycle Parking Requirements

Required: 2 spaces Proposed: 1 space Waiver: 1 space



Item 12 – Docket Number: 055-20

Applicant or Agent: Michael Daley, M2 Studio LLC

Property Location:6332-6334 Peoples AvenueZip: 70122Bounding Streets:Peoples Ave., Mexico St., Baccich St., New York St.Zoning District:S-RD Suburban Two-Family Residential District

Historic District:N/APlanning District:6Existing Use:Vacant LotSquare Number:5098Proposed Use:Two-Family ResidenceLot Number:H-14

Project Planner: Joseph Colón (jacolon@nola.gov)

Request: This is a request for variances from the provisions of Article 13, Section 13.3.A.1 (Table 13-2) and Article 22, Section 22.4.A (Table 22-1) to permit the construction of a two-family residence with insufficient minimum lot width and insufficient off-street parking.

Requested Waivers:

Article 13, Section 13.3.A.1 (Table 13-2) – Minimum Lot Width

Required: 50 ft Proposed: 46 ft Waiver: 4 ft

Article 22, Section 22.4.A (Table 22-1) – Off-Street Vehicle and Bicycle Parking Requirements

Required: 2 spaces Provided: 1 space Waiver: 1 space

D. Minor Map Adjustments – New Business

Item 13 - Docket Number: 056-20

Applicant or Agent: 4516 Camp St LLC, Peter Thriffiley Jr

Property Location: 4517 Magazine Street, 4516 Camp Street **Zip:** 70115

Bounding Streets: Camp St., Jana St., Magazine St., Cadiz St.

Zoning District: HU-RD2 Historic Urban Two-Family Residential District

HU-B1 Historic Urban Neighborhood Business Planning District: 3

Historic District: Uptown

Existing Use: Commercial/Restaurant, Single-Family Residence Square Number: 233

Proposed Use: Commercial/Restaurant, Single-Family Residence Lot Number: 19, 6

Project Planner: Rachael Berg (rberg@nola.gov)

Request: This is a request for a minor map adjustment pursuant to Article 4, Section 4.7 of the Comprehensive Zoning Ordinance to the Official Zoning Map to change the zoning for an area measuring approximately 30 feet in width, 20 feet in depth, 600 sq. ft. in area of Lot 19 (Proposed Lot 19A) from HU-RD2 Historic Urban Two-Family Residential District to HU-B1 Historic Urban Neighborhood Business District, in conjunction with Subdivision Docket 039-20.



E. Director of Safety and Permits Decisions Appeals – New Business

Item 14 – Docket Number: 057-20

Applicant or Agent: Justin Schmidt, Arthur M. Mears

Property Location: 2431 State Street **Zip:** 70115

Bounding Streets: State St., Willow St., Nashville Ave., Clara St.

Zoning District: HU-RD1 Historic Urban Two-Family Residential District

Historic District:UptownPlanning District:3Existing Use:Multi-Family ResidenceSquare Number:89Proposed Use:Multi-Family ResidenceLot Number:A

Request: This is an appeal of a decision of the Director of the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance that the appeal filed relative to 2431 State Street was not timely as per Article 4, Section 4.8.C.



Item 15 – Docket Number: 058-20

Applicant or Agent: Grady Fitzpatrick

Property Location:1409 Broadway StreetZip: 70118Bounding Streets:Broadway St., Jeanette St., Audubon St., Willow St.Zoning District:HU-RD1 Historic Urban Two-Family Residential District

Historic District:UptownPlanning District:3Existing Use:Multi-Family ResidenceSquare Number:19Proposed Use:Subject of AppealLot Number:E

Request: This is an appeal of a decision of the Director of the Department of Safety and Permits as per Article 4, Section 4.8 of the Comprehensive Zoning Ordinance regarding the issuance of building permit #20-04351-RNVS.

F. Reasonable Accommodation Appeals – New Business

Item 16 - Docket Number: RA001-20

Applicant or Agent:Jeffrey and Alissa Schmidtke, Webre ConsultingProperty Location:1925-1931 Fourth StreetZip: 70113

Bounding Streets: Fourth St., Danneel St., Third St., Dryades St.

Zoning District: HU-RM1 Historic Urban Multi-Family Residential District

Historic District:N/APlanning District:2Existing Use:Vacant LotSquare Number:274Proposed Use:Multi-Family ResidenceLot Number:19A

Request: This is an appeal of a decision of the Executive Director of the City Planning Commission as per Article 27, Section 27.7 of the Comprehensive Zoning Ordinance regarding the denial of a reasonable accommodation from the provisions of Article 11, Section 11.3.A.1 (Table 11-2A) to permit the construction of multi-family dwelling (9 units) with insufficient lot area per dwelling unit.

Requested Accommodation:

Article 11, Section 11.3.A.1 (Table 11-2A) – Minimum Lot Area Requirement

Required: 1,250 sf/du Proposed: 846 sf/du Accommodation: 404 sf/du

G. Request for Extension – New Business

Item 17 – Docket Number: 026-16

Applicant or Agent: 1148 South Peters LLC, Edward T. Suffern, Jr.

Property Location: 1148 S. Peters Street **Zip:** 70130

Bounding Streets: Convention Center Blvd., Calliope St., S Peters St., Gaiennie St.

Zoning District: CBD-6 Urban Core Neighborhood Mixed-Use District

Historic District:Warehouse DistrictPlanning District:1aExisting Use:WarehouseSquare Number:27Proposed Use:Hotel/MotelLot Number:B-1

Request: This request is for an extension of time for a previously granted variance, pursuant to Article 4, Section 4.6.G.2 of the Comprehensive Zoning Ordinance, to allow an additional two year extension.

- H. Consideration Election of Officers
- I. Adjournment