



AGENDA
BOARD OF ADJUSTMENTS & APPEALS
REGULAR SESSION
TOWN OF CAMP VERDE 473 S. MAIN STREET,
CAMP VERDE, AZ 86322
TUESDAY, FEBRUARY 11, 2020 3:00 PM
COUNCIL CHAMBERS STE. 106

Posted: 2/4/2020
Town Hall: *MF*
Website: *MF*

1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of the Board so requests.
 - a. **Approval of Minutes**
February 12, 2019
 - b. **Set Next Meeting, Date and Time**
As Needed
5. **Call to the Public for items not on the Agenda**
Residents are encouraged to comment about any matter not included on the agenda. State law prevents the Board from taking any action on items not on the agenda, except to set them for Consideration at a future date.
6. **Election of Officer: Chair**
7. **Election of Officer: Vice Chair**
8. **Board Informational Reports:** (Individual members of the Board may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the public of such events and activities. The Board will have no discussion, consideration or take any action on any such item, except that an individual Board member may request an item be placed on a future agenda.)
9. **Staff Comments**
10. **Adjournment**

Please note: Staff makes every attempt to provide a complete agenda packet for public review. However, it is not always possible to include all information in the packet. You are encouraged to check with Staff prior to a meeting for copies of supporting documentation that may have been unavailable at the time agenda packets were prepared.

Note: Pursuant to A.R.S. §38-431.03A.2 and A.3, the Planning & Zoning Commission may vote to go into Executive Session for purposes of consultation for legal advice with the Town Attorney on any matter listed on the Agenda, or discussion of records exempt by law from public inspection associated with an agenda item.

The Town of Camp Verde Council Chambers is accessible to the Handicapped. Those with special accessibility or accommodation needs, such as large typeface print, may request these at the Office of the Town Clerk.



BOARD OF ADJUSTMENTS & APPEALS
Regular Session
Town of Camp Verde, 473 S. Main Street
Camp Verde, AZ 86322
TUESDAY, FEBRUARY 12, 2019 @3:00 PM
Council Chambers, Suite 106

1. Call to Order

Chairman Binick called the meeting to order at approximately 3:05 p.m.

2. Roll Call

Chairman Jim Binick, Vice Chairman B.J. Davis, Board Members Greg Blue and Bruce George were present; Board Member Doug Stevens was absent; and Board Member Ben Bassous arrived at approximately 3:25 p.m. There are two positions open on the Board; Board Member Bassous is continuing in his role until filled.

3. Pledge of Allegiance

4. Consent Agenda:

Motion was made by Board Member George to approve the Consent Agenda; Board Member Blue seconded. **Motion carried unanimously** with Chairman Binick, Vice Chairman Davis, and Board Members Blue and George approving.

5. Recognition of Mr. John McReynolds' Service to the Community

Chairman Binick acknowledged the recent passing of Mr. McReynolds and offered recognition and appreciation for the many contributions he made to the Camp Verde community.

6. Call to the Public for items not on the Agenda

7. Election of Officer: Chair

Motion was made by Board Member Blue for Bruce George to be Chairman; Vice Chairman Davis seconded. **Motion carried unanimously** with Chairman Binick, Vice Chairman Davis, and Board Members Blue and George approving.

8. Election of Officer: Vice Chair

Motion was made by Board Member Blue for Doug Stevens to be Vice Chairman; Vice Chairman Davis seconded. **Motion carried unanimously** with Chairman Binick, Vice Chairman Davis, and Board Members Blue and George approving.

9. Discussion of APA Workshop for Boards & Commissions

Chairman Binick gave an overview of the workshop that was attended in Phoenix in December by himself, Community Development Director Carmen Howard, and Planner Melinda Lee. Ms. Howard agreed that it was an informative workshop. It provided more insight on how the function of the Board of Appeals is more of a judicial process. Chairman Binick explained how the format of the meeting for appeals is different, including the need to have individuals giving testimony to be sworn in under oath. This forum places any testimony in a position of possible perjury. Board members are placed in a position of greater liability as individuals and a group.

Other items that came up were the responsibility to make sure they function as outlined in the Town ordinances and the potential need for the Board to use legal counsel. The staff received opinion of the Town Attorney that the Board may use the same firm that is hired by the Town; however, they would need to use a different attorney. There was further discussion about the use of an attorney in the same

firm that may be representing the Town in an appeal. It was asked if the Board was allowed to obtain legal counsel from another firm. This may require separate appropriations from Town Council to accomplish. Further direction was given to staff to clarify this.

Further discussion covered the distinction between actions by the Board of Adjustments, which review issues relating to decisions made by the Zoning Administrator, and the Board of Appeals, which review issues relating to decisions made by the Building Official. Any appeals of the Board's decisions are taken before the Superior Court. Due to the judicial nature of the Board of Appeals, it was pointed out that Members should not be discussing the items with others or visiting the subject property prior to the hearing. The decisions should be made based on the documentation and testimonies provided at the hearings. It was agreed that, due to the limited amount of action items reviewed by the Board in recent years, a workshop similar to the one attended in Phoenix would be beneficial for the members. Other agencies in the Verde Valley could be invited to attend.

Staff was directed to schedule a workshop and possible future action item for the education and possible adoption of protocol for the Board of Appeals. The workshop could be scheduled first on the agenda, prior to any action items.

10. Board Informational Reports

None.

11. Staff Comments

Ms. Lee explained that the Town has had a difficult time recruiting members for this Board, it was suggested that they consider reducing the membership to five. Chairman Binick agreed there were be a benefit to the reduction, as long as the qualifications for appointments remained. It was pointed out that this Board does have criteria that the applicants have experience with implementing building codes.

Board Member George asked why the meetings were held at 3:00 p.m. It was agreed that afternoon meetings can be difficult to attend, especially for those involved in the development community. A change in time may benefit the recruitment process.

Staff was directed to include discussion of possible reduction of Board membership and possible change in meeting time in the workshop agenda.

12. Adjournment

Motion was made by Board Member Blue to adjourn; Vice Chairman Davis seconded. **Motion carried unanimously** with Chairman Binick, Vice Chairman Davis, and Board Members Blue, George, and Bassous approving. Meeting was adjourned at 3:41 p.m.

Bruce George, Chairman, Board of Adjustments & Appeals

Date

Robert Foreman, Interim Community Development Director

Date

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Board of Adjustments and Appeals of the Town of Camp Verde during the Regular Session of the Board of Adjustments and Appeals of the Town of Camp Verde, Arizona, held on the 12th day of February 2019. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2019.

Melinda Lee, Planner, Community Development
Recording Secretary

DRAFT