

MINUTES OF A REGULAR MEETING OF THE BOARD OF ADJUSTMENT OF THE TOWN OF CLARKDALE HELD ON WEDNESDAY, OCTOBER 26, 2016, AT 6:00 P.M. IN THE MEN’S LOUNGE OF THE CLARK MEMORIAL CLUBHOUSE, 19 N. NINTH STREET, CLARKDALE, AZ.

A **Regular Meeting** of the Board of Adjustment of the Town of Clarkdale was held on Wednesday, October 26, 2016, at 6:00 p.m. in the Men’s Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, AZ.

BOARD MEMBERS:

Chairperson	Charles Christensen	Present
Vice Chairperson	Peter deBlanc	Present
Board Members	Howard Beck	Present
	Winnie Bohall	Present
	Robert Ingulli	Present

STAFF:

Building Official	Paul Grasso
Community Development Technician	Stephanie Vocca

Others in Attendance:

None

1. **AGENDA ITEM: CALL TO ORDER:** The Building Official called the meeting to order at 5:56 p.m.
2. **AGENDA ITEM: ROLL CALL:** The Building Official called roll.
3. **AGENDA ITEM: PUBLIC COMMENT:** The public is invited to provide comments at this time on items that are not on this agenda. Action taken as a result of public comment will be limited to directing staff to study the matter, or scheduling the matter for further consideration and decision on a later agenda, as required by the Arizona Open Meeting Law. Each speaker is asked to limit comments to **FIVE minutes.**

No public comment.

4. **AGENDA ITEM: MINUTES:** Consideration of the **Regular Meeting Minutes of July 22, 2015.** Board Member deBlanc motioned to approve the Regular Meeting Minutes of July 22, 2015. Board Member Bohall seconded the motion. The motion passed unanimously.

5. **AGENDA ITEM: REPORTS:**

Chairperson and Member Report: None

Staff Report Updates: None

6. **NEW BUSINESS:**

- a. **WELCOME NEW BOARD MEMBERS:** The Building Official welcomed the new board members and each board member gave an introduction.
- b. **DISCUSSION/ACTION:** Discussion/action regarding the election of the Chair and Vice Chair.

BOARD ACTION: Board Member Bohall made a motion for Board Member Christensen to be Chair. Board Member Beck seconded the motion. The motion passed unanimously. Chair Christensen motioned for Board Member deBlanc to be Vice Chair. Board Member Ingulli seconded the motion. The motion passed unanimously.

- c. **DISCUSSION/POSSIBLE ACTION:** Discussion/possible action regarding Board roles and regulations.

Discussion:

Board Member Beck asked if the Council has the capability to disapprove an item approved by the Board of Adjustment. Building Official Grasso stated Council does not have that capability and the only way an item can be disapproved is if the item is taken to Yavapai County Superior Court. He gave an example of a case where an item was not approved by the Board and it was taken to court but it was the wrong court and too much time had lapsed when that was discovered. Board Member Ingulli asked if the Board or Staff can be subpoenaed and Building Official Grasso stated himself or the person taking minutes can be subpoenaed. Chair Christensen asked if the Board interacts with the Town Council and Building Official Grasso stated they do not. He stated the Town Council will be updated on items that are approved, disapproved, or tabled by the Board.

Building Official Grasso stated there must be a quorum for a meeting to take place and stressed the importance of Board Members informing Staff if they cannot attend a scheduled meeting. He explained the vote would need a majority and in the case of a tie, the item would be considered denied. However, prior to a vote, the board has the option for the item to be tabled.

Chair Christensen stated the PowerPoint nailed all the pertinent information regarding board membership. He also mentioned the Open Meeting Law and stated it was very well covered. He advised the other Board members to read up on the law. He stated he has been down to the state to testify regarding the Open Meeting Law and it was not pleasant. He commended Building Official Grasso and Community Development Technician Vocca on the PowerPoint. Building Official Grasso clarified that Town Clerk, Kathy Bainbridge created the PowerPoint. He gave an example of the Open Meeting Law discussing the Town's volunteer appreciation event.

Board Member Bohall asked how e-mail falls into the Open Meeting Law and Community Development Technician Vocca explained you must not email the Board as a group. She stated if a Board Member has questions when the packet is emailed out, they can email her then she can relay information or clarifications to the Board.

Board Member Ingulli asked when an item would be discussed, whether it was before or after a motion was made. Building Official Grasso explained an item would be discussed, usually at length, then a motion

would be made on the item. Board Member Ingulli asked if it was okay to go to Building Official Grasso for more information before a meeting and Building Official Grasso stated yes.

Building Official Grasso brought up conflict of interest and explained how it could affect the Board if their property is an agenda item or if their neighbor or someone they know is an applicant.

Board Member deBlanc stated if Board Members want a visual, they can visit the site of the agenda item. Building Official Grasso confirmed it is best for the Board to go to the site because it helps them understand the project better seeing it in person. He stated the property will be posted so Board Members know exactly where to go. He also stated they need to ensure they do not converse with other Board Members at the site as part of the Open Meeting Law.

The Board and Building Official Grasso discussed public comments and how those are made and addressed by the Board.

Building Official Grasso stressed it will be important for the Board to understand each applicant/item must stand on its own merit and just because one applicant was approved and got a variance does not mean their neighbor will receive the same outcome.

BOARD ACTION: There was no board action on this agenda item.

7. **FUTURE AGENDA ITEMS:** Building Official Grasso explained this agenda item is for future items being brought to the Board of Adjustment or items that have been tabled. Chair Christensen asked if the Board runs into an item they feel needs legal advice, would they be able to table the item. Building Official Grasso stated that would be best but the Board would need to agree to table an item. Each Board Member's term was discussed. Vice Chair deBlanc addressed the issue with the meeting minutes from over a year ago being approved by new Board Members that were not in attendance at the prior meeting. He then suggested the Board meet every three or four months or before a Board Member's term is up so the minutes can be approved by the Board who attended the meeting. Building Official Grasso agreed.
8. **ADJOURNMENT:** Board Member Bohall motioned to adjourn the meeting. Vice Chair deBlanc seconded the motion. The motion passed unanimously. The meeting adjourned at 6:58 p.m.

APPROVED BY:

SUBMITTED BY:

Chairperson
Charles Christensen

Building Official
Paul Grasso