

**BOARD OF ADJUSTMENT OF
THE TOWN OF DEWEY-HUMBOLDT
REGULAR MEETING NOTICE
Monday, May 21, 2012, 2:00 P.M.**

**BOA REGULAR MEETING
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA**

AGENDA

The issues that come before the Board of Adjustment are often challenging and potentially divisive. In order to make sure we benefit from the diverse views to be presented, the Board believes that the meeting be a safe place for people to speak. With this in mind, the Board asks that everyone refrain from clapping, heckling and any other expressions of approval or disapproval. Please turn off all cell phones. The Board meeting may be broadcast via live streaming video on the internet in both audio and visual formats. A majority/quorum of the Dewey-Humboldt Town Council may be in attendance at this meeting, but no Council deliberation will occur. During recess of a BOA Hearing, a BOA Member shall not communicate with any BOA Member or applicant, witness or the Planning Administrator. **NOTICE TO PARENTS:** Parents and legal guardians have the right to consent before the Town of Dewey-Humboldt makes a video or voice recording of a minor child. A.R.S. § 1-602.A.9. Dewey-Humboldt Council Meetings are recorded and may be viewed on the Dewey-Humboldt website. If you permit your child to participate in the Council Meeting, a recording will be made. You may exercise your right not to consent by not permitting your child to participate or by submitting your request to the Town Clerk that your child not be recorded.

1. **Call To Order.**
2. **Pledge of Allegiance.**
3. **Roll Call.** Board Members Judy Davidson, and Frank Davidson; Vice Chair Jack Hamilton; and Chair Lydia Chapman.
4. **Consent Agenda.**
 - 4.1. **Approval of Minutes from the April 23, 2012 BOA meeting.**
5. **Discussion Agenda – Unfinished Business.** Discussion and Possible Action on matters previously presented to the Board. None.
6. **Discussion Agenda-New Business-** Discussion and Possible Action on matters not previously presented to the Board. None.
 - 6.1 **Pro’s and con’s of submitting notes to note-taker.**
 - 6.2 **Specifics for handling “points of order”, “out of order”, and general interruptions.**
 - 6.3 **Discussion and appointment of duties during meetings and hearings (note-taker, peace-maker or “Sergeant at Arms” to correct usage or misapplication of “Robert’s Rules”.**
 - 6.4 **Possible amendments to BOA’s procedural documentation.**
7. **Planner’s Report** – Update on current Events.

THIS CONCLUDES THE LEGAL ACTION PORTION OF THE AGENDA.

8. **Comments from Public.**
9. **Comments from Board and Future Agenda Requests - No discussion.**
10. **Adjourn.**

For Your Information:

Next Town Council Meeting: Tuesday, June 5, 2012 at 6:30 p.m.

Next Town Council Work Session: Tuesday, June 12, 2012 at 2:00 p.m.

Next Planning & Zoning Commission Meeting: Thursday, June 7, 2012 at 6:00 p.m.

If you would like to receive Town Council agendas via email, please sign up at AgendaList@dhaz.gov and type Subscribe in the subject line, or call 928-632-7362 and speak with Judy Morgan, Town Clerk.

Certification of Posting

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following locations: Dewey-Humboldt Town Hall, 2735 South Highway 69, Humboldt, Arizona, Chevron Station, 2735 South Highway 69, Humboldt, Arizona, Blue Ridge Market, Highway 69 and Kachina Drive, Dewey, Arizona, on the ____ day of _____, 2012, at ____ p.m. in accordance with the statement filed by the Town of Dewey-Humboldt with the Town Clerk, Town of Dewey-Humboldt.

By: _____, Town Clerk's Office.

TOWN OF DEWEY-HUMBOLDT
BOARD OF ADJUSTMENT
MEETING MINUTES
APRIL 23, 2012, 1:30 P.M.

A REGULAR MEETING OF THE DEWEY-HUMBOLDT BOARD OF ADJUSTMENT WAS HELD ON MONDAY, APRIL 23, 2012, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIR LYDIA CHAPMAN PRESIDED.

1. Call To Order. The meeting was called to order at 1:31 p.m. Chair Chapman presided.
2. Pledge of Allegiance. Made.
3. Roll Call. Board Members Judy Davidson, and Frank Davidson; Vice Chair Jack Hamilton; and Chair Lydia Chapman were present.
4. Consent Agenda.
 - 4.1. Approval of Minutes from the April 16, 2012 BOA Public Hearing meeting.

Approved as amended:

- Page 3 of 10 in packet – no corrections.
- Page 4 of 10 in packet – paragraph 2, add “it” before *is the designation* (per Chair Chapman).
- Page 5 of 10 in packet – Evidence needs a colon added after it, to maintain consistency as a heading (per Chair Chapman).
- Page 6 of 10 in packet – 4th to last paragraph, add “if” before “it”; last paragraph, hyphenate ex-parte (per Chair Chapman).
- Page 7 of 10 in packet – Direct quotes for yes’s and no’s add quotation marks around them (per Chair Chapman).
- Page 8 of 10 in packet – First paragraph, add quotation marks around “No” a comma; Second paragraph, clarified she said Community Plan but meant General Plan. Added (correction: general plan) within sentence; Chair Chapman asked Board Member Hamilton if he wanted to change his wording of “dual” for clarity. Mr. Hamilton indicated he did not wish to change it. Board Members Frank and Judy Davidson agreed with Mr. Hamilton. “Dual” remained unchanged; Chair Chapman asked to change wording “cement or walls” paragraph to read: “since cement or walls would not be visible”.
- Page 9 of 10 in packet – Board Member Hamilton spoke on the third paragraph regarding the reading of the variance request, indicating how they originally read the motion was correct and should not have been done differently; Chair Chapman requested all yes votes be changed with quotation marks placed around them and capitalized; Board Member Hamilton asked if they should include their reasoning/notes behind their votes to be included for the minutes. This will be saved for a future meeting to discuss.

Board Member Judy Davidson made a motion to approve the minutes as amended, seconded by Board Member Hamilton. They were approved by a unanimous vote.

5. Discussion Agenda – Unfinished Business. Discussion and Possible Action on matters previously presented to the Board.
None.

6. Discussion Agenda-New Business- Discussion and Possible Action on matters not previously presented to the Board.

None.

7. Planner's Report

None.

8. Comments from Public.

None.

9. Comments from Board. No discussion.

Chair Chapman asked the members if they had anything they wished to add for a future meeting. She recommended designating a board member to respond to calls of out of order or point of order, stating the public may not do so, only a board member. She stated there should be no public comment agenda item on a hearing meeting. She suggested staff develop a checklist to indicate which materials will be included with the minutes to reduce redundancy and paperwork in each packet. Chair Chapman asked for the earlier recommendations of a future agenda item: notes on decisions/votes to be handed in to minute taker or read them for the minutes, to include the points/criteria for voting for the permanent record. These three recommendations will be on a future agenda.

9. Adjourn.

The meeting was adjourned at 1:56 p.m.

Lydia Chapman, Chair

ATTEST:

Judy Morgan, Town Clerk

Town of Dewey/Humboldt
Board of Adjustment and Appeals

RULES OF PROCEDURE

PURPOSE: To convey and promote the public health, safety, and general welfare, by guiding and coordinating land-use patterns of equitable parity which will maintain the integrity of the Zoning Regulations of the Town of Dewey/Humboldt.

ARTICLE I. MEETING

1. The Board of Adjustment (Board) will meet on the third (3rd) Friday of each month.
2. Special meetings may be held at the call of the Chairman or Vice-Chairman and at such times as any three members of the board may determine.
3. "Roberts Rules of Order" will be used at all proceedings.
4. The Agenda will be prepared by the Chairman or the Vice-Chairman with the assistance of the Town Planner.

ARTICLE II. OFFICERS

1. The Chairman shall preside at all meetings. In the event of the absence of the Chairman and the Vice-Chairman, a quorum shall designate an Acting Chairman. Once in each year, at the first meeting in July, the Board shall elect one of its members as Chairman, and one of its members as Vice-Chairman. The Board shall have the Administrative Assistant to be responsible for the keeping of minutes and of records of all of its meetings.

ARTICLE III. BOARD OF ADJUSTMENT MEMBERS

1. The Council will appoint five (5) Board of Adjustment Members to four (4) year terms.
2. Board Members must be physically present at Hearings. Electronic attendance will be considered not acceptable.
3. A Board Member with a conflict of interest will recuse himself from the hearing and decision-making.
4. Absences are excused with notification to the Administrative Assistant.

ARTICLE IV. AGENDA ITEMS-MINUTES-RECORDS

1. PLANNER'S REPORT will keep the Board informed by presenting information, such as:
 - a. On-going updates on current legislation or case-law precedents as they relate to planning, zoning, Boards of Adjustment or any other related legality.
 - b. Waivered-Town-Attorney opinions on any matter, procedure relevant to the business of the Board, or to public rights.
 - c. Current and specific requests from citizens made to the Planner regarding non-conforming uses; requests for relief on land-use and the disposition suggested and agreed upon, between the planner and customer, and also potential issues that may arise.
2. Written minutes will contain the following: all identifying data of property, applicant, witnesses; relief sought; evidence; findings; decisions; stipulations; votes and reasons for votes.
3. Agendas will allow public comment not related to a hearing or agenda item.
4. Any person may refer an agenda item, or a matter for a public hearing.
5. Records and minutes will be kept in a secure location and will be available upon request.

ARTICLE V. DISPOSITION OF CASES

1. No application will be considered by the Board unless the applicant or his representative shall appear in person at the hearing.
2. No application, dismissed or denied, can be considered again except on an approved motion to grant a rehearing. No request to grant a rehearing can be entertained unless new evidence is submitted which could not be presented at the previous hearing.
3. The Chairman of the Board at any public meeting shall have to the right to define the issues to be considered at any such hearing of the Board, and to limit the testimony produced by, or offered by any party appearing before the Board, by requiring the testimony to be within the issues so defined. Any questions asked, or any answer given which is not within the issues so defined may be stricken and disregarded by the Board on the Board's own motion.
4. All principals and witnesses shall be sworn before testimony is given by such, or in any other circumstance upon the decision of the Chairman.
5. No person, (principal, attorney or Board member) shall be permitted to examine or cross examine any person appearing as a witness in any such hearing. Principals, Representatives and the Board are permitted to ask questions within the limits of Article V, Item 3. At the conclusion

of the testimony, speeches or arguments will be permitted, but may be limited at the discretion of the Chairman.

6. In any closing argument before the Board, the proponent shall have the right to reply. Each party will be limited in the time allotted for such arguments and the time allotted shall be fixed by the Chairman whose determination as to such allotments shall be final.
7. In the event of a need for information or evidence that has been omitted, or in the event that the Board has doubts as how to proceed, the Board will table the matters of the hearing until such time as information or a legal opinion are respectively presented.
8. Public demonstrations of any kind, (cheering, booing, hand-clapping or the interruption of the hearing by voluntary remarks) from the audience, principals or witnesses shall be forbidden. Any person/s who shall continue to participate in such conduct will be subject to being removed from the hearing room on order of the Chairman. Such conduct will also constitute a disturbing of the peace.

ARTICLE VI. ACCOUNTABILITY AND TRAINING

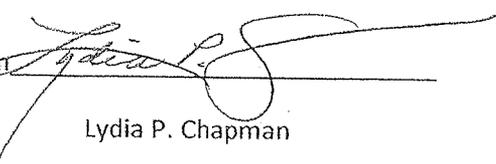
1. Every six months, the Board chairman will present a summary of its business to the Council. Updates or other information will be given upon request.
2. The Board will have work studies and in-house trainings upon the Board consensus.

ARTICLE VII. ADOPTION OF RULES

Amendments to these Rules of Procedure may be made at a special meeting of the Board of Adjustment at which a quorum of three (3) members must be present.

As adopted by the Dewey Humboldt Board of Adjustment

Chairman



Lydia P. Chapman

Date: October 21, 2011