

**TOWN OF DEWEY-HUMBOLDT
PLANNING & ZONING ADVISORY COMMISSION
REGULAR MEETING MINUTES
JANUARY 9, 2014, 6:00PM**

A REGULAR MEETING OF THE DEWEY-HUMBOLDT PLANNING AND ZONING COMMISSION WAS HELD ON THURSDAY, JANUARY 9, 2014, AT TOWN HALL AT 2735 S. HIGHWAY 69, DEWEY-HUMBOLDT, ARIZONA. CHAIR CLARK PRESIDED.

1. **Call To Order.** The meeting was called to order at 6:00PM.
2. **Opening Ceremonies.**
 - 2.1. **Pledge of Allegiance.** Made.
3. **Roll Call.** Commissioners Tammy DeWitt, Dee Parker, Jeff Siereveld, Barry Smylie and Chair Claire Clark were present.
4. **Disclosure of Ex Parte Contacts.** None.
5. **Informational Reports.**
 - 5.1. **Open Meeting Law Refresher.**

Town Clerk, Judy Morgan, reviewed some highlights of the Open Meeting Law with the Commission. Open Meeting Law (OML) is not a suggestion or a guideline, it is mandated by state law, which states, "All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations of the proceedings." Agenda items are specific enough so the public knows what will be addressed but there is enough broadness to cover everything that the Commission needs to discuss at the meeting. She spoke on going off-topic; if agendized for sign code, suddenly discussion leads to home based businesses and their signage, then gets more specific about traffic in neighborhoods with home based businesses, now the discussion is no longer on topic. If anybody notices that, they should call point of order stating it is not agendized, then get back to agenda topic. She gave an example, a point of order is called, the chair acknowledges it, the Commission stops discussion and gets back on topic; example 2 the Commission ignores point of order, continues their off-topic discussion. In original scenario, the Commission has violated OML by going off topic, but scenario 2 is worse because they know they are violating it. Ms. Morgan stated, if in doubt, err on the side of caution. She also spoke on another challenging issue regarding public comment and calls to the public. When deliberating on an agendized item, the Chair can invite the public to comment on that subject; it is OK for the public body to comment and discuss with the public at that time, if they want to. If during the specific **public comment** agenda item (usually near the end of P&Z's agenda), a member of the public speaks on something that is not agendized, the Commission cannot respond or have dialog with that person, (with one exception: if a Commissioner is criticized, then that person can respond if they choose). The Commission can ask staff to place the item on a future agenda, but they may not dialog with the presenter. If an agenda item has already been discussed and the Commission has moved on to the next item, it is considered closed. Ms. Morgan recommended if the Commission needs to get into dialog again about a closed agenda item, it should go to a future meeting. If there is a driving need to revisit an agenda item that the Commission has already moved away from, it needs to be revisited by a motion, second and majority vote. Ms. Morgan spoke on adjournment, noting that once the meeting is adjourned, the Commissioners are to stop discussion, especially if there is a quorum; the same goes for the beginning of the meeting. If members of the public come to the dais before or

after the meeting to talk to the Commissioners, let them know you can speak with them individually so as to avoid entering into discussion with a quorum of the body. Avoid any decision-making that happens in secret. Ms. Morgan spoke on Attorney General investigations. Once the Attorney General receives a written complaint, there is an in-depth and lengthy investigation. If determined a violation has happened, for each violation there could be further training, monitoring of future meetings and/or the court may impose a penalty of \$500 against any person who violates this article. Every public officer is responsible for following OML; if notified of OML concern, Commissioners are highly encouraged to err on the side of caution.

Barry Clark asked if anyone, including an audience member, can call point of order. Ms. Morgan said yes.

Chair Clark asked if there was interest amongst the Commission to attend a full OML training? Commissioner Smylie stated he was interested. Ms. Morgan will look into training opportunities in this region as well as in the Phoenix area, and suggested Commissioner Smylie view the OML trainings online as well.

Commissioner DeWitt asked if there are still Board & Commission trainings. Chair Clark said it was possibly through AZ League of Cities and Towns. There was discussion. Ms. Morgan will look into the possibility of training and mentioned this is something that would go through Council for approval.

Ms. Morgan mentioned there are parliamentary cheat sheets that are kept at the dais for everyone to use.

Commissioner Siereveld spoke in favor of allowing the public to speak on each agenda item as it comes up instead of holding public comment strictly to the end of the agenda. Ms. Morgan recommended opening each agenda item for public comment at the time it is being discussed by the Commission.

Barry Clark stated the Commission can vote to reconsider a motion that has previously been voted on and put it on a future agenda for reconsideration.

Warren Colvin, Community Development Coordinator, noted that the Dewey-Humboldt Historical Society applied for a Use Permit Renewal; because it was a renewal it went directly to Town Council for consideration, not through Planning & Zoning. Council approved the Use Permit for five (5) years until 2019.

6. Consent Agenda.

6.1. Minutes. Minutes from the November 7, 2013 Planning & Zoning Regular Meeting.

Commissioner Parker made a motion to approve the minutes from November 7, 2013 Planning & Zoning meeting, seconded by Commissioner DeWitt. The motion passed unanimously.

7. Discussion Agenda – Unfinished Business. Discussion and Possible Action on any issue which was not concluded, was postponed, or was tabled during a prior meeting.

7.1 Transient Merchant/Peddler Information. Discussion and Possible Action.

Mr. Colvin spoke on this item not necessarily relating to Planning & Zoning business as it comes from Title 11, but the Town Attorney wrote a sample ordinance for review and the Commission can give their opinion on it. He mentioned that some of the comments that the public made last month were surrounding UPS deliveries, propane delivery, etc. and whether they would need a license to conduct business in Town limits. He stated when it is a private residence who has ordered a delivery (packages, propane, newspaper, etc.), it is exempted

from this section. Commissioner Smylie asked about criteria for special events at the last meeting. Mr. Colvin stated there is a provision for special events and it is consistent with surrounding jurisdictions; a vendor at a special event would have to get a license through the Town, with the exception of producers exempted by state law (the person who actually grows the vegetable and sells it themselves, they are exempted under state law; the vendor who buys the vegetable from the farmer and then turns around and sells it at a special event would be considered a transient merchant and need to obtain a license). Mr. Colvin explained there would be an application process; the vendor would have to provide a description of their vehicle, license plate number, vehicle insurance, proof of U.S. citizenship, etc., and there are provisions for denying an application. There was discussion about prohibited locations and fees for such a license.

Chair Clark suggested the Commission make a recommendation to send this ordinance and information to the Town Council to review and have public comment.

Commissioner Smylie spoke in favor of making the application user-friendly and possible electronic filing eventually.

Commissioner DeWitt spoke in favor of sending it to Council for their consideration.

Commissioner Parker asked if license fees are in place now and if it would be enforced. Mr. Colvin stated this would be a brand new section to the Code if approved and there would have to be consideration for law enforcement and/or code enforcement.

Commissioner Siereveld made a motion to refer this back to Town Council for review and public opinion, seconded by Commissioner DeWitt. The motion passed unanimously.

8. Discussion Agenda – New Business. Discussion and Possible Action on matters not previously presented to the Commission.

8.1 Appoint Chairperson and Vice Chairperson of Commission for 1-year term. Discussion and Possible Action.

Chair Clark opened the floor for nominations for a new Chairperson.

Commissioner Smylie nominated Tammy DeWitt for Chairperson.

Commissioner Siereveld nominated Claire Clark for Chairperson. Claire Clark declined the nomination.

The Commissioners voted 4-1 in favor of DeWitt for Chairperson (Siereveld against).

Chair Clark opened the floor for nominated for a Vice Chair.

Commissioner Siereveld nominated Claire Clark for Vice Chair. Claire Clark declined the nomination.

Commissioner Parker nominated Barry Smylie for Vice Chair.

The Commissioners voted unanimously in favor of Smylie for Vice Chair.

9. Public Hearing Agenda.

None.

10. Comments from the Public.

None.

11. Adjourn. The meeting was adjourned at 6:59PM.

Tammy DeWitt, Chairperson

ATTEST:

Mandi Garfield, Administrative Assistant