



TOWN OF JEROME, ARIZONA
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Founded 1876

Incorporated 1899

MINUTES
MEETING OF THE TOWN OF JEROME
BOARD OF ADJUSTMENT

DATE: Wednesday, December 22, 2010 TIME: 6:00 P.M.
PLACE: JEROME CIVIC CENTER, 600 CLARK STREET

ITEM 1: CALL TO ORDER/ROLL CALL. Meeting shall be chaired by past chairperson until new chair is elected.

Gary Shapiro called the meeting to order at 6:05 p.m. Because Deputy Clerk Rosemarie Shemaitis, a Notary Public, was in attendance and available for just a brief period of time, Mr. Shapiro requested that Item 3, "Oaths of Office," be handled at this time. (See details under Item 3 below.)

Following the signing of the oaths, Mr. Shapiro welcomed new member Ron Richie to the Board. Board members present at the meeting were Gary Shapiro, Joan Kennedy, Ron Richie, Carol Yacht and Chris Babbage. Also present were Ms. Shemaitis (who left following her notary duties), Zoning Administrator Bill Jensen, Town Manager/Clerk Candace Gallagher, and members of the public.

ITEM 2: MINUTES OF PREVIOUS MEETING. Minutes of previous meeting will be presented for approval, along with minutes of this meeting, at the next meeting to be held on January 20, 2010.

There was no action on this item.

ITEM 3: "OATHS" OF OFFICE. The Town Council has required members of all boards to acknowledge, in writing, that they will read the Jerome Zoning Ordinance and personally be in compliance with its provisions. Noncompliance may result in resignation or removal from the board. Additionally, State law requires members of public boards to swear to support the Constitution and laws of the U.S.A., Arizona, and the Town of Jerome. Members will each subscribe and swear to the documents before a Notary Public.
Discussion and Signing/No Action Required

Written Oaths of Office and acknowledgements regarding reading and compliance with the Jerome Zoning Ordinance were distributed to the Board members, each of whom signed them in the presence of Ms. Shemaitis. Ms. Shemaitis notarized the signatures and the oaths were collected by Zoning Administrator Bill Jensen for delivery to the Town Clerk.

ITEM 4: SELECTION OF BOARD OF ADJUSTMENT CHAIRPERSON

The Board of Adjustment shall appoint a chairperson from among its members due to recent term expirations and reappointments. **Discussion and Possible Action**

Ms. Kennedy nominated Gary Shapiro as Chairperson. Her motion was seconded by Ms. Yacht and unanimously approved. Mr. Shapiro noted that a Vice Chair should also be selected at this time. Ms. Kennedy nominated Chris Babbage as Vice Chair. Her motion was seconded by Ms. Yacht and unanimously approved.

ITEM 5: CONSIDERATION OF REQUEST FOR ATTORNEY REPRESENTATION

No specific matter or property shall be discussed. The Board shall discuss a request to the Town Manager or Council to have an attorney retained with land use law expertise for possible advice and representation of the Board of Adjustment at any future hearings. Because of the possibility that the Board may rule contrary to a decision/interpretation of the Planning & Zoning Administrator, who is represented by the Town Attorney, having available representation by a separate attorney will be considered.

Discussion / Possible Action

The Board reviewed the resume of William P. Ring, P.C., an attorney from Flagstaff who has been recommended by Mr. Jensen to represent the Board of Adjustment when necessary at future hearings, and discussed his qualifications. Ms. Gallagher noted that Mr. Ring has also been recommended by Town Attorney Kathleen Williamson. The listed fee for his services, as reflected on his resume, is \$305/hour, with lower rates for work by any associates, attorneys-of-counsel or the firm's urban planner. Mr. Richie asked if the Town's budget would support this. Ms. Gallagher stated that the Town has budgeted funds for litigation, but it is difficult to predict how costly it will be. It was noted that a matter will be coming before the Board on Thursday, January 13, 2011, and an attorney for the Board should be present at that time.


After brief further discussion, it was moved by Mr. Babbage and seconded by Ms. Kennedy that Mr. Ring be retained to represent the Board of Adjustment on an "as needed" basis. The motion was unanimously approved.

ITEM 6: ADJOURNMENT

Upon motion by Ms. Kennedy, seconded by Ms. Yacht and unanimously approved, the meeting was adjourned at approximately 6:35 p.m.

APPROVE:

ATTEST:



Gary Shapiro, Chair

Bill Jensen, Zoning Administrator

Date: Jan 13, 2011