



**Board of Zoning Appeals Meeting
September 13, 2007
6:00 pm**

Minutes

Members Present: Lon Abrams, Ryan Fries, Tonnie Jackson, Ted Mauro

Staff Present: Aliza Tourkow

1. Opening, Establishment of a Quorum

Aliza Tourkow called the meeting to order at 6:02 pm. Four members were present as determined by Roll Call; a fifth member has not been appointed since Jim Vogel resigned. A quorum was present.

2. Approve Minutes from April 10, 2007

Ms. Tourkow stated that she did not take the minutes for the last meeting, nor did she attend the last meeting, because she was not yet employed by the Appalachian Council of Governments. Jennifer Vissage, the Planner before her, had attended the meeting and taken the minutes. Ms. Tourkow requested that any changes requested to the minutes be discussed, otherwise a motion to approve the minutes can be called.

Mr. Mauro stated that his name had been misspelled numerous times and that would need to be changed, along with a few typos. Ms. Jackson requested that the prefix of her name on page 2 be changed to "Ms."

Mr. Mauro made a motion to approve the minutes with the changes noted, Ms. Jackson seconded the motion. The vote was 4-0, the motion passed.

See Section 3 below for an additional amendment.

2. Unfinished Business

Ms. Tourkow asked if there was any unfinished business to discuss. Hearing none, she closed the Unfinished Business section of the meeting.

3. Election of Chair

Ms. Tourkow opened the floor for the nomination of a new Chair for the Board of Zoning Appeals. Mr. Fries nominated Ted Mauro for Chair. Hearing no other nominations, Ms. Tourkow called for the nominations to be closed and called for

a vote. Mr. Fries made the motion to elect Mr. Mauro as Chair, Ms. Jackson seconded the motion. With a vote of 2-0 aye, 2 abstaining, the motion failed.

Ms. Jackson asked if they could re-nominate the same person. Ms. Tourkow stated yes, they can. Mr. Mauro stated that they could also have discussion on nominations. Mr. Abrams stated that he had been elected Vice Chairperson at the last meeting and "it should have been on record" for the April 10, 2007 meeting. Ms. Tourkow stated that the section concerning last meeting's elections has been left out of the last minutes, but certainly should have been included. She stated that she will either have Ms. Vissage amend last meeting's minutes to reflect this, or she will do this herself.

It was determined that the approval of last month's minutes shall be contingent upon the section concerning the election outcome being inserted into the minutes. The April 10, 2007, election voted Mr. Vogel as Chair (who has since resigned from the Board of Zoning Appeals) and voted Mr. Abrams as Vice Chair.

Mr. Fries re-nominated Ted Mauro as Chair. Hearing no other nominations, Ms. Tourkow called for the nominations to be closed and called for a vote. Mr. Fries made the motion to elect Mr. Mauro as Chair, Ms. Jackson seconded the motion. With a vote of 4-0, the motion passed electing Ted Mauro as Chair.

Mr. Mauro stated that it would be wise to vote for the Vice Chair to be sure that all elections are properly recorded. Ms. Jackson made a motion to nominate Lon Abrams for Vice Chair. Mr. Fries seconded the motion. The vote was:

Aye: Ryan Fries, Tonnie Jackson, Ted Mauro

Nay: None.

Abstain: Lon Abrams

With a vote of 3-0, with 1 abstention, the motion passed electing Lon Abrams as Vice Chair.

4. Adoption of Revised By Laws

Mr. Mauro asked the Board to review the By-Laws, and asked for discussion on them. Seeing no other call for discussion, Mr. Mauro stated that he had some changes to discuss. In Article 1, Section 2, Members, it speaks of each member have a number 1-5, with expirations in odd or even years. He suggested that the order of when a Board member was appointed should determine the numeric order per this section. Ms. Tourkow stated that Amber Barnes, the Municipal Clerk, would have that information on file, along with the commencement and expiration date of each member's terms. She may have the 1-5 member place order. Ms. Tourkow stated that she will ask Amber for this information in the form a list with each member's name, when they started in office, and when each term expires. That way it will be easy to create the 1-5 member place order, along with determining whose term expires in an even year and whose term expires in

an odd year. Mr. Fries agreed that that this would be helpful. Ms. Tourkow will get this list from Amber to present at the next meeting.

Mr. Mauro requested that Article 1, Section 3, Part a, have the clause added, “as prescribed in Article 3, Section 7.” There was no disagreement with this suggestion.

Mr. Mauro suggested that Article 1, Section 3, Part b, read as follows: “has been guilty of malfeasance or misconduct, including a felony, in office, and based upon such findings has removed the member from office.” Mr. Mauro stated that felons should not sit on the Board, and if a felony occurred after a person was appointed, the person should be removed from the Board. After much discussion, Ms. Tourkow suggested that the clause could read as follows to keep the intent without stating one specific type of misconduct: “has been guilty of malfeasance or misconduct while in office, and based upon such findings has removed the member from office.” Mr. Mauro withdrew his suggested change for Ms. Tourkow’s suggested change.

Ms. Tourkow asked that the board look at Article 2, Section 3, Secretary, to see her changes pertaining to the Town Clerk handing all monetary issues, not the Board Secretary.

Ms. Tourkow then requested that the Board look at Article 3, Section 1, Meetings, which is the main reason this meeting was called. She has provided 2 choices for meeting schedules, either quarterly or each month (but only monthly if there are agenda items). The Board determined that they would prefer to meet quarterly per choice number 1, on the second Thursday of January, April, July, and October, at 6:00 pm.

Ms. Tourkow stated that Article 3, Section 4, Order of Business, does not include a section on public comment. That is proper because public comment is held at Town Council meetings. Additionally, public hearings are required to be held at BOZA meetings in conjunction with variances and appeals. This is where the public is formally invited per newspaper advertisement to speak on a specific application item. Per a question by Mr. Mauro, Ms. Tourkow stated that the Board may suspend their rules to let the public speak at any meeting, as long as the Board votes to do so, then votes to close public comment.

Mr. Mauro called for a motion to approve the changes in the By-Laws, as noted in the hand-out and as amended per discussion (noted above). The motion was made by Mr. Fries and seconded by Ms. Jackson. With a vote of 4-0, the motion passed.

8. Adjourn

Mr. Mauro called for a motion to adjourn. Ms. Jackson made the motion, Mr. Fries seconded the motion. With a vote of 4-0, the motion passed. The meeting adjourned at 7:48 pm.