DRAFT MINUTES
BOARD OF ADJUSTMENTS AND APPEALS
Regular Session
TOWN OF CAMP VERDE
473 S. MAIN STREET, CAMP VERDE, AZ 86322
TUESDAY, MAY 10, 2016
3:00 P.M.
COUNCIL CHAMBERS

1. **Call to Order**
Vice Chairman Davis called the meeting to order at 3:00 p.m.

2. **Roll Call**
Present: Vice Chairman BJ Davis, Board Members Greg Blue, Buck Buchanan, and Murray Lichty.
Absent: Chairman Jim Binick and Board Members Ben Bassous, and Doug Stevens.

Also Present: Community Development Director Michael Jenkins, Assistant Planner Kendall Welch, and Recording Secretary Janet E. Turner.

3. **Pledge of Allegiance**
The pledge was not recited.

4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as Consent Agenda Items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of the Board so requests.
   a. **Approval of Minutes**
      February 9, 2016 – Regular Session
   b. **Set Next Meeting, Date and Time**
      As Needed

Assistant Planner Kendall Welch commented that the Board typically meets once a quarter unless there is an issue at hand.

On motion by Board Member Blue, seconded by Board Member Lichty, the Board unanimously voted to approve the Consent Agenda as presented.

5. **Call to the Public for Items not on the Agenda**
Residents are encouraged to comment about any matter not included on the agenda. State law prevents the Board from taking any action on items not on the agenda, except to set them for consideration at a future date.

There were no comments from the public.

6. **Presentation and Discussion on Reed vs. Town of Gilbert and potential impacts to Section 404 – Signs, of the current Planning and Zoning Ordinance.** Staff Resource: Community Development Director Michael Jenkins.

Community Development Director Michael Jenkins gave a brief overview of the decision handed down by the Supreme Court in June of 2015 regarding the Reed vs. Town of Gilbert case. Mr. Reed was a minister of a church and the case involved signage for a church, the Town's sign codes, and freedom of speech. The Supreme Court set up tests and determined that freedom of speech was being violated by the Town of Gilbert.

Fighting the case cost the Town of Gilbert a lot of money. The Town of Gilbert had strict sign codes which required very careful reading to ascertain what the sign code really meant and the contents of each sign had to be read to determine which category it belonged in, and the governing code was dependent on what the sign was for. The Town of Gilbert only permitted the church—which did not have a building of its own but met in different locations and would put up signage to provide the public with church services information and directions—to place their signage only 12 hours prior to a service/event and the church had to remove them within one hour after the event ended. The Supreme Court interpreted the Town of Gilbert's codes as a violation of freedom of speech.

Mr. Jenkins pointed out that this ruling impacts all municipalities nationwide. He indicated he has attended several seminars to hear what other planners have to say about the issue, and mentioned that the Arizona League of Cities and Towns is currently drafting a sign code model for communities. Typically within the law when a number of communities adopt a draft model, if a case is subsequently brought to court the court will rely on that, i.e., it is not one incident but many.

Mr. Jenkins stated that Flagstaff had just finished the revisions of their sign codes and that he had forwarded it to the Town of Camp Verde's attorney for guidance on how to proceed in rewriting the sign code for the Town of Camp Verde. He stated he was advising the Board of that today and explained that if anyone is aggrieved with how the Community Development Director interprets the codes, there has to be a first-step remedy provided within the Town's codes, that way it does not immediately go to the Superior Court as a lawsuit. If aggrieved, the individual(s) can go to the Board of Adjustments and Appeals and there will be three choices: (1) Hold with the Community Development Director's interpretation; (2) deem partial parts of it as correct; or (3) make their own interpretation. The Planning and Zoning Commission will be first to review the draft sign ordinance and hopefully with good guidance from the attorney and other's model of codes, the Town of Camp Verde will have plenty of guidance going forward.

Ms. Welch pointed out that in the Reed vs. Town of Gilbert case, not only were the church's signs regulated on content but also on size which limited their impact. Mr. Jenkins added that everyone is equal meaning that everyone should be treated the same. Vice Chairman Davis commented, "One size fits all – retail, professional businesses, schools, churches, all get the same deal." Board Member Blue inquired about banners, would those also be addressed? And he vaguely remembered hadn't the Town charged a fee? Mr. Jenkins replied, "Right. Sandwich board signs, too." Board Member Blue noted they are all over now, but back then it was just in one area and that the rewrite should have certain definitions.

There was a brief discussion regarding the requirement for a commercially licensed person to raise signage and how several signs had fallen down such as McDonald's, Circle K, and Dairy Queen. Mr. Jenkins clarified that that was a safety issue and was excluded from the Reed vs. Town of Gilbert ruling, but the requirements comes out of the Arizona Registrar Of Contractors and they provide a clear-cut list of who and who cannot raise signs. Board Member Blue also remembered permits being required and a sticker being placed on signs but had observed the Town of Camp Verde had been quite lax in enforcing that. Mr. Jenkins explained that in order to preserve the Town's funds the Town's attorney had advised to take a lax approach citing the Reed vs. Town of Gilbert case.

Board Member Blue then inquired about the increasing popularity of digital signs; wasn't there something in the code regarding movement in signs? Ms. Welch clarified that the current sign code prohibits signs with blinking and flashing, and that the Planning and Zoning Division has seen an increase in requests for them. She stated a general updating is needed in the sign

code and that there are also concerns about light output so "we don't light up everything." She also mentioned she had come across some verbiage regarding the sign twirlers that also needed to be incorporated into the new code.

7. **Current Events.** (Individual members of the Board may provide brief summaries of current events and activities. These summaries are strictly for the purpose of informing the public of such events and activities. The Board will have no discussion, consideration, or take any action on any such item, except that an individual Board member may request an item be placed on a future agenda.)

Board members had nothing to report.

8. **Adjournment.**
On motion by Board Member Blue, seconded by Board Member Lichty, the Board unanimously voted to adjourn the meeting. Vice Chairman Davis adjourned the meeting at 3:18 p.m.

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BJ Davis – Board of Adjustments and Appeals Vice Chairman Date

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Michael Jenkins – Community Development Director Date

CERTIFICATION: I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Board of Adjustments and Appeals of the Town of Camp Verde during the Regular Session of the Board of Adjustments and Appeals of the Town of Camp Verde, Arizona, held on the 10th day of May, 2016. I further certify that the meeting was duly called and that a quorum was present.

Dated this _____ day of _____, 2016.

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Janet E. Turner, Recording Secretary

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