

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF NOVEMBER 7, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

Chairman stated the number of members present constitutes a quorum and the regular meeting of the Board of Zoning Adjustment called to order at 6:00 p.m. Let us have roll call.

Members Present:

Larry Cooke
Frank Lamb
Philip Durant
Willie Robison, Chairman
William Scully

Members Absent:

Billy Mayhand
Thomas Warner

Staff Present:

Adrienne D. Jones, Director of Community Development
Tony Hoffman, BZA Attorney
Pat Johnson, Recording Secretary

Chairman called for the **Approval of Minutes** of the June 6th, 2013 meeting. There were no corrections, additions or deletions.

A **Motion** was made by **Mr. Lamb** and **Seconded** by **Mr. Cooke** to **approve the minutes.**

The Motion carried unanimously.

Chairman called for **Old Business**, the Board of Zoning Adjustment By-Laws.

Ms. Jones displayed a Power Point Presentation regarding the changes to the by-laws, and she reminded the Board of their discussion in June to amend the by-laws with some minor changes which she has incorporated.

Chairman opened the floor for discussion. The Board questioned why some sections had been completely stricken. Staff responded the sections were already addressed in the Land Use Ordinance. The Board concurred in advising Ms. Jones to look into changing that a member of the Board cannot serve on the Planning Commission due to it possibly being a conflict of interest, and changing the wording for the annual election month, which has been done.

**CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF NOVEMBER 7, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL**

It was decided that the Board would go ahead with a vote on the By-Laws, but if at a later date some changes or tweaks needed to be made it would be fine. The Chairman closed the floor for discussion and entertained a motion.

A Motion was made by Mr. Durant and Seconded by Mr. Lamb to adopt the By-Laws.

The Motion carried unanimously.

Chairman called the next item on the agenda, **Rescinding Action on Appeal #2013-01 Sportsman's Marine, LLC**, a variance request to allow the north rear setback to be twenty-feet, in lieu of the required twenty five-feet, and the west side setback to be five-feet, in lieu of the required twenty five-feet. The property is Lot 2 of Sportsman Marine Subdivision, which is zoned B-2, General Business, then he entertained a motion.

A Motion was made by Mr. Cooke and Seconded by Mr. Durant that in accordance with the notice given in the call of this meeting be it moved that we rescind the action taken at the May 2, 2013 meeting concerning Appeal #2013-01.

Chairman opened the floor for discussion. Mr. Lamb took the floor and made several points regarding State Laws that govern the operations of the BZA, as well as, appeals to Circuit Court when an application is denied by the Board and regarding the use of Roberts Rules of Order in conducting meetings. He summarized that an action to rescind a prior vote using Roberts Rules of Order would set a bad precedent and encourages future petitioners to similarly attempt to circumvent State Law. Chairman asked the Attorney was the Board violating any state codes.

Mr. Hoffman stated based upon the Attorney Client relationship, I believe that an Executive Session is mandated to discuss legal matters with my clients.

There was also further discussion as to whether a different request on the same parcel of land is a new request or not, and the Attorney was asked if that was the case.

Mr. Hoffman stated based upon the Attorney Client relationship, I believe that an Executive Session is mandated to discuss legal matters with my clients.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF NOVEMBER 7, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

The Chair entertained a motion to go off the record into Executive Session for discussion with Mr. Hoffman.

A Motion was made by Mr. Durant and Seconded by Mr. Cooke to go into Executive Session to discuss impending litigation for five minutes.

Upon roll call vote, **the motion carried unanimously.**

Mr. Cooke	Aye
Mr. Lamb	Aye
Mr. Durant	Aye
Mr. Robison	Aye
Mr. Scully	Aye

The Executive Session was called at 6:23 p.m. and the regular meeting reconvened at 6:50 p.m.

Chairman clarified this is not a public participation hearing and the floor is not open for public input and he closed the floor for discussion and called for the vote.

Upon roll call vote, **the motion was denied.**

Mr. Cooke	Nay
Mr. Lamb	Nay
Mr. Durant	Aye
Mr. Robison	Nay
Mr. Scully	Aye

Chairman stated that the vote is three to two, and the Motion to Rescind Appeal #2013-01 is denied.

Chairman called for the **Election of Officers** and entertained a motion for Chairman.

Mr. Cooke nominated Mr. Robison for Chairman.

Mr. Scully seconded.

Chairman called for any other nominations, and hearing none, closed nominations.

A Motion was made by Mr. Cooke and Seconded by Mr. Scully for Mr. Willie Robison as Chairman.

CITY OF DAPHNE
BOARD OF ZONING ADJUSTMENT MINUTES
REGULAR MEETING OF NOVEMBER 7, 2013 - 6:00 P.M.
COUNCIL CHAMBERS, CITY HALL

The Motion carried unanimously.

Chairman entertained a motion for Vice Chairman.

Mr. Lamb nominated Mr. Cooke.

Mr. Durant seconded.

Chairman called for any other nominations, and hearing none, closed nominations.

A Motion was made by **Mr. Lamb** and **Seconded** by **Mr. Durant** for **Mr. Larry Cooke as Vice Chairman.**

The Motion carried unanimously.

Chairman called for a **Motion to Adjourn.**

A Motion was made by **Mr. Robison** and **Seconded** by **Mr. Lamb** to **adjourn.**

The motion carried unanimously.

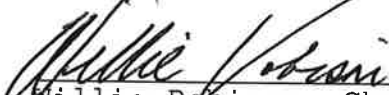
The meeting was adjourned at 7:02 p.m.

Respectfully submitted by:



Pat Johnson, Recording Secretary

APPROVED: December 5, 2013



Willie Robison, Chairman