



BOARD OF ADJUSTMENT / APPEALS REGULAR MEETING

July 22, 2021 // 7:00 p.m. // Town Board Chambers
301 Walnut Street, Windsor, CO 80550

MINUTES

A. CALL TO ORDER

Chairman Horner called the meeting to order at 7:00 p.m.

1. Roll Call

The following members were present:

Chairman Danny Horner
Stacey Shea
Jeffrey Gelvin
James Penfold
Don Threewitt

Alternate

Absent

Shawn Wherry
Patrick Miller

Senior Planner

Planning Director

Deputy Town Clerk

David Eisenbraun

Scott Ballstadt

Trisha Conway

2. Review of Agenda by the Board and Addition of items of New Business to the Agenda for Consideration by the Board of Adjustment / Appeals

There were no changes to the agenda.

3. Reading of the statement of the documents to be entered into the record:

I enter into the record the Town's Comprehensive Plan, the Town's Zoning Ordinance, the staff report regarding the action items of this hearing, and all of the testimony received at this hearing.

B. CONSENT CALENDAR

1. Approval of the minutes from June 24, 2021

Mr. Threewitt moved to approve the consent calendar as presented; Ms. Shea seconded the motion. Roll call on the vote resulted as follows; Yeas – Horner, Shea, Gelvin, Penfold, Threewitt; Nays – None; Motion carried.

C. BOARD ACTION

1. Elect Board Members (Board of Adjustment Amended Bylaws 2008: Board officers shall serve for a term of one (1) year and shall be elected annually at the January* meeting of the Board.)

Chairman Horner reported the Board shall elect a chairman, vice chair, and secretary. The chairman shall preside at all regular and special meetings of the

Board and shall decide all points of procedure. The vice chairman shall assume the duties and responsibilities of the chairman in the chairman's absence. In the absence of the chairman and vice chairman, the election of an acting chair shall be in accordance with the procedures outlines in Section G of Article II of these Amended Bylaws. The secretary shall keep, or cause to be kept, all records of the Board, and shall transmit all appropriate records to the Town Clerk to become part of the Official Town Record.

Board officers shall serve for a term of one (1) year and shall be elected annually at the January meeting of the Board.

- a. Chairman Elected – Danny Horner
- b. Vice Chair Elected – Stacey Shea
- c. Secretary Elected – James Penfold

Board Member Penfold asked the Ms. Conway about recording the minutes. Ms. Conway reported BOA Bylaw Subsection III.K it states the Secretary shall keep, or cause to be kept, minutes and keep the same recorded to date, showing all important facts pertaining to each meeting and hearing, the vote of each regular member upon each matter, or those absent or failing to vote, and such other details as the Board or its chairman shall direct. The minutes of each meeting shall be approved by the Board at its next meeting.

Mr. Ballstadt reported all minutes for the Board of Adjustments are completed by the Town Clerks office.

Mr. Threewill moved to nominate the Board officers Chairman Horner, Vice-Chair Shea, and Secretary Penfold to serve for a term elected annually at the January meeting of the Board; Mr. Gelvin seconded the motion. Roll call on the vote resulted as follows: Yeas – Horner, Shea, Gelvin, Penfold, Threewitt; Nays – None; Motion carried.

2. Amend Bylaws to Allow Remote Attendance in Meetings Subsection III.M of the Amended Bylaws for the Town of Windsor;

Electronic Participation Voluntary. The Board hereby authorizes the conduct of remote meetings and participation therein as set forth in this sub-section below:

- a. If a Board member reasonably determines that his or her in-person attendance at a regular or special meeting of the Board would not be prudent, such Board Member may participate by telephone, video conferencing, or other electronic means in any regular or special meeting ("Electronic Participation"). Any Board Member participating electronically shall be deemed present for purposes of determining a quorum and taking official action. Any Board Member may through Electronic Participation participate in discussion, make inquiry, refer questions to the Chair, and monitor the proceedings. A Board Member participating electronically under this Section may vote in any matter, but any such vote shall not be officially counted unless affirmed in writing within 24 hours of the vote

under such verification requirements and upon such forms as are established by the Town Clerk. Electronic Participation is also available to Board Members during any duly-convened executive session. The Chair may direct discontinuance of Electronic Participation by one or more members during a meeting where the Electronic Participation results in delays or interference in the meeting process; e.g., where the telephone connection or connection by other electronic means is repeatedly lost or interrupted, the quality of the connection is unduly noisy or otherwise prevents the orderly conduct of the meeting, or the listening member is unable to hear speakers using a normal speaking voice amplified to a level suitable for the meeting audience in attendance. Whenever a Board Member participates electronically in a Board meeting by telephone or other electronic means pursuant to this sub-section, the following additional requirements shall be observed:

- All Board participants in Board meetings must be able to hear one another or otherwise communicate with all other Board Members, and be able to hear all discussion and testimony in a manner providing maximum transparency and participation.
- Members of the public present for in-person public meetings or observing remotely must be given an opportunity to hear all discussion, testimony, and votes.
- All votes held at the meeting shall be conducted by roll call.
- To the extent possible, full and timely notice shall be given to the public advising that one or more members of the Board may participate in the meeting electronically.
- Electronic Participation in any regular or special Board meeting in accordance with this Section shall not be considered to be an absence or failure to attend for determining whether a Board vacancy in has occurred.

Board Member Shea asked Mr. Eisenbraun for a redline reviewing the Bylaws. Mr. Eisenbraun reported this is fairly standard language as to what's been adopted during the COVID pandemic. Allowing for remote participation for other Boards & Commissions. This is just an addition to the Bylaws, not a redline version.

Board Member Threewitt asked Mr. Eisenbraun about disruption to Zoom video or audio that the Board Member needs to abstain from the Vote.

Mr. Eisenbraun reported all of those decisions are inherently imbedded into the Bylaws.

Board Member Threewitt asked Mr. Eisenbraun about Board of Adjustments being a Quasi-judicial Board and allowing public testimony via Zoom.

Mr. Eisenbraun reported public participants need to registered prior to the meeting, and given the meeting ID prior to the meeting. All the meetings are recorded verbally, and through the Zoom platform. All of those options are inherently imbedded into the Bylaws.

Ms. Shea moved to approve the Amended Bylaws to allow remote attendance in meetings subsection III.M; Mr. Threwitt seconded the motion. Roll call on the vote resulted as follows: Yeas – Horner, Shea, Gelvin, Penfold, Threwitt; Nays – None; Motion carried.

D. COMMUNICATIONS

1. Communications from the Board Members

- Chairman Horner asked Mr. Eisenbraun about Board Action items for the next public hearing.
Mr. Eisenbraun reported; yes the next meeting is scheduled for August 26th, @ 7:00p.m. Town Board Chambers.
- Board Member Shea asked Mr. Eisenbraun about getting the IT issue resolved by the next meeting.
Mr. Eisenbraun reported the IT issue should be corrected by the next meeting, and watch for test emails over the next week.

2. Communications from staff

- Mr. Eisenbraun reported he will be absent at the August 26th meeting, but the project planner Carlin Malone will be presenting at the meeting.

E. ADJOURN

Upon a motion duly made, the meeting was adjourned at 7:17 p.m.



Trisha Conway, Deputy Town Clerk