



**SPECIAL MEETING MINUTES
HUACHUCA CITY TOWN COUNCIL
MEETS FOR A SPECIAL MEETING
THURSDAY, APRIL 12, 2018 AT 6:30PM
HUACHUCA CITY TOWN HALL-500 N. GONZALES BLVD. HUACHUCA CITY,
AZ 85616**

AGENDA

A. Call to Order

Mayor

- Roll Call and Ascertain Quorum
- Pledge of Allegiance

Meeting was called to Order at 6:30PM.

All members were present and a quorum was established. Also present were Mr. Nerhan and his attorney, Mr. Richard Swartz. Also in attendance were Mr. Williams, Town Manager, Ms. Fuller, Town Clerk and Mr. Thomas Benavidez, Town Attorney.

B. Business before the Council

Mayor

B.1

Discussion and Action [Manager Williams]: Appeal Hearing - Business License Denial: George Nerhan is appealing the Town's refusal to renew business licenses for business conducted at his properties at 109 Huachuca Blvd. and Patton Street [Patton Street properties on or about 109, 111, 701 and parcel no. 106-56-114]. The Council might vote to go into executive [closed] session for legal advice and consultation with the Town Attorney, pursuant to A.R.S. 38-431.03 (A) (3) & (4), concerning this matter.

Mr. Williams opened by giving the Council the history on the parcels in question and the reasons for the license application denial. The floor was yielded to Mr. Nerhan. Mr. Swartz spoke on behalf of Mr. Nerhan, presenting a memorandum to the Town Council in support of issuing Mr. Nerhan business licenses for the parcels. Mayor Pro Tem questioned why Alejandro's, a business located at 103 Huachuca Blvd is allowed to have a license when the building should be condemned. Dr. Johnson explained that Alejandro's has been consistently open for business, Mr. Nerhan's properties have not. Mayor Taylor offered that Town Code prohibits more than one property per license. Mayor Taylor also offered that, although former staff had not adhered to the Town Code, current staff is enforcing current law. Mayor Pro Tem Johnson suggested the parcels be brought up to code and then Mr. Nerhan can reapply. Mayor Taylor commented that it is difficult to determine over multiple properties without all the facts. Mayor Taylor also commented that just because something has been done for years, that doesn't mean it can continue to be done. Dr. Johnson advised that the term "grandfathering" is no longer used. The term is now "nonconforming use". Dr. Johnson explained that, in order for a nonconforming use to be valid, it needs to have been legal before a code change. Dr. Johnson gave the example of the small trailer court that was located behind 109 Huachuca Blvd. This was a legal nonconforming use because the zoning

had changed. However, after the fire that occurred at that location, Mr. Nerhan only had a year to restore the property to maintain the nonconforming use. Mr. Nerhan advised the property is not zoned R-1; Mayor Taylor informed him that it is.

Mayor Taylor suggested each lot be considered separately. Attorney Benavidez offered that Mr. Nerhan was entitled to a decision now and can reapply later, if he so desires.

Councilor Wallace asked Dr. Johnson if Mr. Nerhan was aware of the things required to bring the parcels up to code, to which Dr. Johnson advised Mr. Nerhan is aware. Dr. Johnson advised the Town is willing to work with Mr. Nerhan; Mr. Nerhan advised he cannot work with Dr. Johnson.

Mayor Taylor made a motion to deny Mr. Nerhan his business licenses at this time. The motion was seconded by Councilor Wallace. Mayor Taylor called for the vote.

7-0 Motion Carried

B. Adjournment

Motion to adjourn by Mayor Taylor, seconded by Councilor Wallace.

7-0 Motion Carried

Meeting adjourned at 7:07PM

Approved by Mayor Taylor on April 26, 2018



Kenneth Taylor, Mayor

Attest: 

Jennifer A. Fuller, Town Clerk



I hereby certify that the foregoing is a true and correct copy of the Minutes of the Meeting for the Town of Huachuca City held on April 12, 2018. I further certify that the meeting was duly called and a quorum was present.



Jennifer A. Fuller

