

**MINUTES  
SPECIAL SESSION  
MAYOR and COMMON COUNCIL  
Of the  
TOWN OF CAMP VERDE  
COUNCIL CHAMBERS  
473 S. Main Street #106  
WEDNESDAY, MARCH 4, 2009  
5:00 p.m.**

**Minutes are a summary of the actions taken. They are not verbatim.  
Public input is placed after Council motions to facilitate future research.  
Public input, where appropriate, is heard prior to the motion**

**1. Call to Order**

Mayor Gioia called the meeting to order at 5:02 p.m.

**2. Roll Call**

Mayor Gioia, Vice Mayor Hauser, and Councilors Kovacovich, Garrison, and Smith were present.

**Also Present**

Town Manager Michael Scannell, Town Attorney Bill Sims, Community Development Director Nancy Buckel, and Town Clerk Deborah Barber

**3. Review and consultation with the Town Attorney relative to Ordinance 2008-A354A (amending Ordinance 2008-A354 approved on October 22, 2008, but not processed based on attorney advice) an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Section 118 of the Zoning Ordinance to define A-frame signs, add exceptions for projecting signs and A-Frame signs into the right-of-way for businesses and Main Street under Prohibited Signs, and define the criteria under which projecting signs may be used under Business/Commercial/Industrial signs.**

Mayor Gioia read the agenda item aloud. Attorney Sims reviewed Buckel's timeline. He advised that he needed to go into executive session at some point to give Council legal advice.

Gioia explained that it was Council's intent to allow the A-frame signs to help businesses and that they had attempted to place a moratorium. Council received advice after approving it that a moratorium was not permitted. He stressed that it was Council's intent to assist the merchants and the mistakes needed to be corrected as soon as possible.

Sims advised that since Council needs a short period of time to find facts and resolutions to the current ordinance, it would be permissible to hold enforcement in abeyance provided that they adhere to the same provisions that are currently required of the Main Street businesses, along with an appropriate indemnity agreement. He also advised that this would apply town-wide.

Sims explained that giving a right and then taking it away could trigger Prop 207. He said that the Town Engineer had valid concerns about allowing impediments into the Town's right-of-way and the potential liability. He explained that Council had three options and they were 1) allow A-frame signs and projecting signs in a finite area; 2) create an overlay district to allow encroachments into the right-of-way without liability; and 3) create an overlay district with variances that would allow Main Street businesses to use their signs.

There was a lengthy discussion about how the ordinance came into being, Conditional Use Permits, and sunset clauses.

Sims stressed that sunset clauses would in effect take away rights and that could result in legal issues. He agreed that it was a good idea to get citizen input from those most affected, for example, businesses whose doors did not front Main Street were not allowed to have signs and the ordinance allowed a small, finite number of businesses to participate to the detriment of other businesses. He agreed that a fact-find mission based on what the Town has learned in the past few days is a good solution.

**A motion by Hauser, seconded by Smith**, the Council voted to go into executive session, pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and ARS §38-431.03(A)(4) for discussion or consultation with the attorney in order to consider Council's position regarding contracts that are the subject of

negotiation, in pending or contemplated litigation, or in settlement discussions in order to avoid or resolve litigation, passed with **Garrison voting no**.

The Special Session was recessed at 5:32 p.m. and reconvened at 6:02 p.m.

The Mayor announced that Council had directed staff in executive session to assemble a group of those involved in the A-frame sign issue and to come back to Council with recommendations within 30 days.

Sims interjected that this applied to A-frame signs only and explained that enforcement of the ordinance would be suspended town-wide to allow a fact-finding mission to possibly correct the ordinance, provided that the businesses adhere to the same provisions that apply to those businesses along Main Street, including an indemnity agreement.

**Public Input**

**Bob Burnside** asked if this item had to go back to P&Z. Mayor Gioia said that it would.

Attorney Sims advised that this matter was agendaized for an open call to the public, but there would be discussion during the regular session immediately following this meeting.

**Bill Carter** asked how long the enforcement would be suspended. Gioia explained that it would be 30 days to form a committee to find facts and establish recommendations, which would then be considered by Council who could then forward them to P&Z Commission to go through the public hearing process.

Attorney Sims advised again that this item would be discussed in the following meeting.

There was no other public input.

**4. Adjournment**

On a motion by Hauser, seconded by Garrison, the meeting was adjourned at 6:14 p.m.



Deborah Barber, MMC, Town Clerk

**CERTIFICATION**

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Special Session of the Town Council of Camp Verde, Arizona, held on the 4<sup>th</sup> day of March 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 30 day of April <sup>10</sup>March, 2009.



Deborah Barber, MMC, Town Clerk