

**MINUTES
SPECIAL SESSION
MAYOR and COMMON COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, APRIL 1, 2009
6:00 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

The meeting was called to order at 6:00 p.m.

2. Roll Call

Mayor Gioia, Vice Mayor Hauser, Councilors Smith, Garrison, and Kovacovich were present; there are two seats vacant.

Also Present: Town Manager Mike Scannell, Town Attorney Sims (by telephone conference), Parks & Recreation Director Lynda Moore and Recording Secretary Virginia Jones.

3. Discussion, consideration, and possible direction to staff and/or discussion or consultation with the Town Attorney for legal advice concerning the Town of Camp Verde Weight Room and the potential for litigation.

Note: Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(3) for discussion or consultation with the attorney for legal advice and §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. (Staff Resource: Lynda Moore)

Lynda Moore asked Council for direction and Attorney Sims for clarification regarding leaving the weight room unattended and indicated her concerns about the potential for liability and lawsuits. Moore explained that the weight room is open during the day, several citizens have keys to access the room after hours, and there have been reports of keys that have been duplicated, along with members inviting friends to attend.

Sims advised Council that as long as the town attempts to have controlled access it could not be considered an attractive nuisance, noting that in the Phoenix-Metro area there are gyms located in several malls, most of them have some type of key pad for access.

Council questioned if the equipment in the weight room was safe and Moore indicated she does have volunteers that carry tools to keep the equipment working properly.

Council discussed options for access into the weight room. Suggesting non-duplicating keys, key pads and card readers or possibly charging members for the key. Additional precautions could be taken by limiting the hours of the weight room to regular business hours, with special privileges for a select group, such as law enforcement and fire-fighters. Sims noted the exceptions for the select few would have to pass equal protection standards.

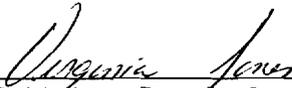
Public Input:

Bob Burnside: Questioned if the Town would be liable, even if they had everything in place, cameras, and memberships; and questioned the liability of the Town if an individual, who is not a member, gets injured. Burnside questioned if the equipment is defective, could the Town be sued by a non-member?

Council directed staff to research different options for securing the weight room along with cost estimates for installing a key pad and card reader, the possibility of members paying for keys that are unlawful to be duplicated, and bring information back to the Council for review.

4. Adjournment

On a motion by Hauser, seconded by Garrison, the meeting was adjourned at 6:26 p.m.



Virginia Jones, Recording Secretary

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 1st day of April 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 16th day of April, 2009.



Virginia Jones, Deputy Town Clerk