

4

MINUTES
REGULAR SESSION
COUNCIL HEARS PLANNING & ZONING MATTERS (COMBINED)
MAYOR AND COUNCIL
COUNCIL CHAMBERS
WEDNESDAY, November 18, 2009
6:30 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 6:30 p.m.

2. **Roll Call**

Mayor Burnside, Vice Mayor Kovacovich, Councilors Whatley, Garrison, Roulette and German were present; Baker was absent due to family emergency.

Also Present: Town Manager Michael Scannell, Marshal Dave Smith, Public Works Director Ron Long, Library Director Gerry Laurito, Recreation Supervisor Lynda Moore, Town Clerk Virginia Jones, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**

The Pledge was led by Whatley.

4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.

a) **Approval of the Minutes:**

- 1) Regular Session – November 4, 2009
- 2) Council Hears P&Z Matters – October 28, 2009

b) **Set Next Meeting, Date and Time:**

- 1) November 25, 2009 at 6:30 p.m. – Council Hears Planning & Zoning Matters – **CANCELLED**
- 2) December 2, 2009 at 6:30 p.m. – Regular Session
- 3) December 16, 2009 at 6:30 p.m. – **COMBINED** Regular Session & Council Hears Planning & Zoning Matters
- 4) December 23, 2009 at 6:30 p.m. – Council Hears Planning & Zoning Matters – **CANCELLED**

On a motion by German, seconded by Kovacovich, the Consent Agenda was unanimously approved as presented; with the exception that Garrison declined to vote on approval of the Minutes since she had been absent during those two meetings.

5. **Council Informational Reports.** These reports are relative to the committee meetings that Council members attend. The Committees are Camp Verde Schools Education Foundation; Chamber of Commerce, Intergovernmental Association, NACOG Regional Council, Verde Valley Transportation Planning Organization, and Yavapai County Water Advisory Committee. In addition, individual members may provide brief summaries of current events. The Council will have no discussion or take action on any of these items, except that they may request that the item be placed on a future agenda.

Whatley, personally and on behalf of the Council, expressed sympathy and offer of support to Jackie Baker following the loss of her husband. Whatley said she had attended the Court of Honor for Daniel Kleinman's achievement of the rank of Eagle Scout.

Garrison reported on her attendance at a 3-day NACOG conference in Page, and becoming aware of the new buzzword arising from computer communication sources, "Social Media." More information on that is available at www.azot.gov. Garrison said that information from the conference projects a dismal 2010 economic picture. Also, ADOT has announced an emergency lay-off of 115 employees. Garrison reminded everyone that Council members have no control over the smoke invading the community or the price of gas in Camp Verde compared with Cottonwood.

Roulette gave an update from his attendance at the Sanitary District last week; they are awaiting ADEQ's final approval before switching over to the new system and hooking up new services. When that approval is received, everyone will have one year within which to get onto the system.

German said she will be attending the Chamber meeting tomorrow and will report at the next Council meeting.

Burnside commented on the upcoming Grand Opening of the new Superior Court which could possibly stimulate some development activity for Camp Verde. Burnside also reported on the award of the rank of Eagle Scout to Daniel Kleinman, and listed the many outstanding accomplishments and leadership qualities of the young man. Mayor Burnside, in connection with his intent to give an update on the Settlement Agreement among the Town of Camp Verde, California Hotwood, Inc., and business

entities and affiliates related to the Zellner family, gave a recap of the steps taken since October 2008 trying to resolve the ongoing litigation among all the parties. The Court has now issued a ruling that Attorney Sims believes is subject to interpretation; the other parties have sought additional clarification and are seeking attorney fees. The Council has determined that it is necessary to go into Executive Session before the end of this meeting in order to consult with the Town Attorney on the status of the litigation, following which a public announcement will be made on how the Town wishes to proceed further in this litigation.

6. **Call to the Public for Items not on the Agenda**

(Comments from the following individuals are summarized.)

Brenda Hauser issued a request from the Senior Center for 4 or 5 volunteers to help with the Meals On Wheels program. Ms. Hauser also suggested that it would be helpful to return to cultivating grass and trees in the courtyard.

Clinton Gray said that the new Council members would benefit from the packets of information he had prepared on the history of the Woodyard dispute; he described the ongoing deterioration of the situation and the increasing fire hazard, noise, truck traffic and dust being generated, and no enforcement activities on the part of the Town. He referred to the area as a "horizontal forest."

Danny Parker protested that the International Fire Code is not being enforced in connection with the conditions at the Woodyard; there have been three spontaneous fires out there in the last six months. The Council members should go out there and see the fire hazard that exists there.

There was no further public input.

~~7. Discussion, consideration, and possible approval of the Final Draft Development Guidance System Diagnostic Report prepared by consulting firm Dava and Associates. Staff Resource: Matt~~

~~Mayor Burnside explained that Items 7, 8, 9 and 10 have been pulled from the Agenda for further research and possible revisions; they will all be returned for consideration at a subsequent meeting.~~

~~8. Discussion, consideration, and possible approval of Resolution 2009-781, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona declaring Ordinance 2009-A373, amending Section 124, Design Review, of the Planning & Zoning Ordinance, dated November 18, 2009, and Amending Section 124, Design Review, of the Planning & Zoning Ordinance to transfer the duties of the "Design Review Board" to the "Community Development Director" to be a public record. Staff Resource: Matt Morris
(Addressed at Item 7)~~

~~9. Discussion, consideration, and possible approval of Ordinance 2009-A373, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona adopting by reference revisions to the duties of the "Design Review Board", as previously established by Section 124, Design Review, of the Planning & Zoning Ordinance (§7-A23), and transfer authority and responsibility to the "Community Development Director" while the Town undertakes a broader revision to the Planning and Zoning Ordinance, such suspension to automatically terminate and the Design Review Board automatically reinstated if the Town Council does not amend the Planning & Zoning Ordinance on or before December 31, 2010. Staff Resource: Matt Morris
(Addressed at Item 7.)~~

10. Discussion, consideration, and possible award of bid for the purchase of a 9-wheel compactor to C & E Paving and Grading in the amount of \$25,000. This is a budgeted item in the CIP. Staff Resource: Ron Long
This item was pulled; addressed at Item 7.

11. Discussion, consideration, and possible direction to staff relative to the future of the Teens-A-Chillin' Youth Center. Direction may included, but not be limited to 1) continue pursuit of a non-profit; 2) staff the Center with Town staff; and 3) continue to keep the Center closed. Staff Resource: Ron Long
A motion by Garrison to continue to keep the Center closed based on this economic time failed for lack of a second.

On a motion by German, seconded by Garrison, the Council voted unanimously to continue to keep the Teen Center closed, but leaving the possibility open for a qualified group to come in within 90 days that would meet the qualifications outlined by the document received on how a Teen Center should be organized and operated, allowing Staff to be passively involved.

Public Works Director Ron Long reviewed the chronology of events in connection with the Teen Center project since September,

2009 following direction by the Council to enter into an MOU with Youth Count. In early October, he found that Youth Count would not go along with entering into an MOU; their Board voted against such a move because they were not in the business of running a Teen Center, although they had been of great help in getting it started. Staff has continued to look into finding a non-profit entity willing to take over the operation. Long said that one local person has been found who has a non-profit status and would be interested in taking on the Teen Center, but a coalition of volunteers in the community to help that individual has not been found.. Long said that at this point the only options open are to keep searching for a non-profit qualified to take over the operation of the Center; staff the Center with a Town employee who would need to be certified and trained to manage the operation; or continue to keep the Center closed. Following the presentation by Long, the public was invited to speak.

PUBLIC INPUT

(Comments from the following individual are summarized.)

Brenda Hauser said that the Teen Center was from the beginning a Camp Verde Town project, there were no other entities involved; the Vista employee is still on hand and there still is funding on hand for about four months. Ms. Hauser pointed out the benefits of the Center for the youth and the help that has been received from other groups; she added that the community has to be concerned about welfare of the children in this Town, that some day they will be sitting in the Council seats and the members hoping they don't close the Senior Center.

There was no further public input.

The members discussed the options presented and the history and the major difficulties encountered following the lack of anticipated support from the Boys & Girls Club, and Youth Count declining to participate in running the Center. Lynda Moore confirmed that there is sufficient grant funding available keep the Center open for the next four months; however, there are complex problems that continue to exist, including the fact that the economy is not expected to improve this coming year, and there still is no one available with the required certification and training to operate the Center. There was discussion among the Council and staff regarding the recent research and efforts by staff to follow through with resolving the complicated issues. It was noted that a document has been received from Ms. Lori Deutsch detailing all that needs to be done in order to successfully organize and operate the Teen Center. After further discussion it was generally agreed that the better decision at this time would be to continue to keep the Center closed while a search is made for a qualified non-profit group to step in and take over the operation of the Center, with staff passively involved, for a 90-day period.

A recess was called at 7:55 p.m.; the meeting was called back to order at 8:10 p.m.

- 12. Update and discussion of the Library Strategic Plan 2004-2009.** *Staff Resource: Gerry Laurito*
There was no action taken.

Library Director Laurito said that copies of the subject Strategic Plan were included in the Agenda packets. That 2004-2009 plan was financed by the State Library process called Planning for Results. A committee was formed consisting of members of the community, staff, Council and the Library Commission. Laurito described the three areas of service that were identified as Cultural Awareness, Community Referral, and Commons. During the following brief discussion, the involvement and hard work by Amber Polo and other volunteers were acknowledged with appreciation.

- 13. Discussion, consideration, and possible authorization for the Town Manager to secure an office for Human Resources outside the law enforcement facility.** *Staff Resource: David R. Smith*

On a motion by Garrison, seconded by Kovacovich, the Council unanimously authorized The Town Manager to secure an office on the Town premises for Human Resources and grant him the permission to make necessary cosmetic changes to provide a warm, confidential, and personal atmosphere, not to exceed \$1,000.

Human Resources Director Smith explained that in the areas of discussing benefits and/or counseling, employees need to have a safe and confidential place to go to, and that to some employees the law enforcement facility does not offer such a place. Smith recommended that the vacant office located east of the main entrance of the gym be provided and staffed for one day a week by Darby Martin; she or Smith would also be available at other times by appointment. The Council discussed with Scannell the possible cost for retrofitting the suggested office space, which Scannell estimated as no more than \$1,000.

Councilor Garrison requested item #14:

- 14. Discussion, consideration, and possible direction to staff regarding the operation of the Town's Weight Room.**

On a motion by Roulette, seconded by Kovacovich, the Council unanimously approved as follows: (1) Limit the hours of operation of the Weight Room to coincide with the operating hours of the Town, generally Parks & Recreation Department; (2) change the lock to the door of the Weight Room and not issue keys to members but change the policy to a key check-out basis

with a log in the Parks & Recreation Department on a sign-out-and-return basis; (3) direct staff to make the communications wiring non-accessible, safe and protected; (4) be prepared to possibly refund, on a pro-rated basis, members' prepaid fees due to the change in hours and operation; (5) direct staff to come back in three months with a progress report on how the Weight Room is being used and operated; and (6) the Town Manager to submit a Risk Management analysis within one week.

Long said that the main issue at hand is that the Weight Room is unattended, which raises security and safety concerns. In the past the operation has been on a trust basis with keys given to volunteers. Staff has indicated that there apparently have been keys duplicated, people use the facility that are not authorized to be there. The cleaning staff have reported finding trash that was brought in and left, bottles of urine, and other types of vandalism; control has been lost. There are exposed communications equipment wiring and holes in the walls, both of which present additional safety and security concerns.

PUBLIC INPUT

(Comments from the following individual are summarized.)

John Wischmeyer said that the Weight Room has been open for quite awhile as an amenity to the community, with little or no cost to the Town; he would hope the Council supports physical fitness in the community; the use should be continued.

There was no further public input.

The Council discussed the information provided by Long, and expressed concern over their desire to continue to provide the amenity for volunteers and employees as in the past, countered with the concern over the safety and security issues and a consensus that the existing situation is untenable. The point was raised that maintaining the gym appears to be in competition with like businesses in Town. The Council also discussed leasing the facility to a private group as one solution. The members discussed several suggestions, including changing the lock and keys, installing a camera, limiting the hours to be open, and restricting the facility to only volunteers and employees, as well as honoring the remaining memberships. There was some question on the legality of imposing such restrictions, as well as the Town's liability for injury using the equipment, and a suggestion that staff look into that and report back to Council. After further discussion, Scannell said he believes that, since the membership will not be restricted as to who can attend, there may not be a need for a legal analysis; furthermore, the safety issue would be more of a Risk Management question, and he will speak to the Risk Pool about that. The members agreed with his assessment.

15. Call to the Public for Items not on the Agenda.

There was no public input.

16. Advanced Approvals of Town Expenditures when there are no advanced approvals.

a. There are no advanced approvals.

There were no advanced approvals.

17. Manager/Staff Report

There was no Manager/Staff report.

On a motion by Kovacovich, seconded by Garrison, the Council voted to go into Executive Session for consultation with the Town Attorney regarding possible development of Settlement Agreement among the Town of Camp Verde, California Hotwood, Inc., and business entities and affiliates related to the Zellner family.

A recess was called to go into Executive Session at 9:23 p.m.

The Regular Session was called back to order at 10:33 p.m.

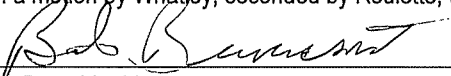
At the request of Mayor Burnside, Town Manager Scannell issued the following statement based on the advice of the Town Attorney and the direction that the Town is taking concerning the Woodyard litigation: "In the Executive Session the Town Council members conversed with their Town Attorney, Bill Sims, and they discussed the motions filed by California Hotwood and representatives from the Zellner family with respect to the litigation that was heard in Judge Bluff's court. Judge Bluff's opinion was not entirely clear, and one of the motions filed by the opposing parties was for clarification on what the Judge's intent was on a number of points. The Town wants to defend its Codes, and with respect to issuance of business licenses the Town is prepared to issue business licenses on all parcels in play here, including Parcels 67 and 68, which are both the subject of the clarification that is being sought. If the Judge rules that Parcels 67 and 68 are permitted non-conforming uses, the business licenses will continue to be operative; if the Judge rules that they are not properly permitted non-conforming uses, the license which we contemplate issuing will be rescinded on Parcels 67 and 68. With respect to attorney fees, which is another major

element of the motions that were filed in the Court, the Town Council instructed their Attorney to respond to those motions with opposition to the other parties being awarded attorney fees.”

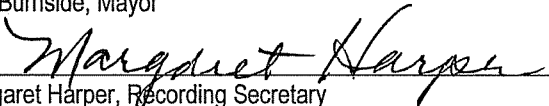
There was no further discussion.

18. Adjournment

On a motion by Whatley, seconded by Roulette, the meeting was adjourned at 10:36 p.m.



Bob Burnside, Mayor

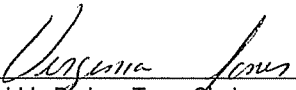


Margaret Harper, Recording Secretary

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 Regular Session of the Town Council of Camp Verde, Arizona, held on the 18th day of November 2009. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 3rd day of December, _____.



Debbie Barber, Town Clerk

VIRGINIA JONES, Deputy Clerk