

MINUTES (Corrected)
COUNCIL HEARS PLANNING & ZONING
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, OCTOBER 22, 2008
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 Gioia, Vice Mayor Hauser, Councilors Smith, Kovacovich, Elmer and German were present; Councilor Garrison was absent.

Also Present: Town Manager Michael Scannell, Community Development Director Nancy Buckel, Town Magistrate Rodger Overholser, P&Z Chairperson Dave Freeman, Library Director Gerry Laurito, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**
The Pledge was led by Smith.

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) Executive Session – October 15, 2008 (taped)
 - 2) Special Session – October 15, 2008
 - 3) Work Session – October 8, 2008
 - b) **Set Next Meeting, Date and Time:**
 - 1) October 29, 2008 at 4:00 p.m. – Joint Tribal & Council Session with RBF
 - 2) November 5, 2008 at 6:30 p.m. – Regular Session
 - 3) November 12, 2008 at 6:30 p.m. – Special Session with RBF to consider Master Plan
 - 4) November 19, 2008 at 6:30 p.m. – Regular/Council Hears P&Z COMBINED
 - 5) November 26, 2008 at 6:30 p.m. – Council Hears Planning & Zoning – **CANCELLED**
 - c) **Possible approval of an agreement between the Town of Camp Verde and the Camp Verde Library Endowment (CVLE) transferring the operation of the library's book sale from the Town to CVLE.** (Staff Resource: Gerry Laurito)
 - d) **Possible approval of a letter to the Camp Verde Fire District requesting written documentation relative to the priorities and deadlines set for the Woodyard on Murdock Road and modifications to the Fire Code with direction for the Mayor to sign.** (Staff Resource: Nancy Buckel)
 - e) **Possible approval for out-of-state travel for Judge Overholser to attend the National Judicial College in Reno, Nevada, with expenses to be reimbursed through a scholarship program.** (Staff Resource: Judge Overholser)

On a motion by Hauser, seconded by Kovacovich, the Consent Agenda was unanimously approved as presented; with Elmer abstaining on approval of the Minutes of October 15th, since he had been absent; and with the correction noted to the Minutes of October 8, 2008.

Kovacovich noted an oversight in the Minutes of October 8th, Page 2, under the Trails & Pathways portion; the sentence beginning "Mr. Haddon advised..." was incomplete.

Note: At 8:18 p.m. Item 4(d) of the Consent Calendar was requested to be reconsidered in response to concern expressed by the public, whereupon action was taken accordingly.

On a motion by Hauser, seconded by Kovacovich, the Council voted unanimously to reopen Item 4(d) of Consent Calendar, for reconsideration.

- 4(d) **Possible approval of a letter to the Camp Verde Fire District requesting written documentation relative to the priorities and deadlines set for the Woodyard on Murdock Road and modifications to the Fire Code with direction for the Mayor to sign.**
On a motion by Elmer, seconded by Gioia, the Council voted unanimously to approve a letter to the Camp

Verde Fire District, with revisions pursuant to direction to the Town Manager to meet with Fire Inspector Barbara Rice tomorrow, Thursday, with two residents, to find answers to the questions discussed.

Scannell explained that because of a misunderstanding, the residents who live within close proximity to the Wood Yard had come to the meeting but had been unable to speak to Council on Item 4.d) as they had planned to do. Out of respect to the individuals and in order to get the fullest public participation, the Council agreed to reconsider that item.

For the benefit of the public, Mayor Gioia read aloud the language in the proposed letter that requested information and written documentation from the Fire District outlining the modifications to the Fire Code that the Fire District has agreed upon, in order to respond to citizen concerns. Scannell wanted to clarify that the Fire District is a separate special district that is not part of the governance structure of the Town of Camp Verde; it is an independent, autonomous decision-making body with its own tax base, assets and liabilities. Barbara Rice, Fire Inspector, was invited to speak to the issue.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Barbara Rice, Fire Inspector for the Camp Verde Fire District, explained that they have no problem providing whatever information the Town requests, just as they have already responded to requests from staff, the Town Attorney and the Town Manager. Ms. Rice requested that the proposed letter be revamped in order to provide specific needs and clarify what the "conditions" refer to. She requested listing any Fire Code violations or fire hazards that have come to the Town's attention, adding that they may have already been addressed, and suggested specific examples, such as wanting to know the processes that the District follows in carrying out provisions in the Fire Code. She said that modifications are allowed on a case-by-case basis, and they could provide the sections in the Code permitting modifications. Ms. Rice said they have a responsibility to the entire District, and requested an extension of the proposed time deadline to around three weeks. The District wants to give the Town quality time for the response.

Scannell explained that the spirit of the letter was to try to share information with the community; the lack of water infrastructure at the Wood Yard is of great concern to the community. Scannell suggested that attendance of a representative from the Fire District at public hearings would have been helpful in arriving at a better understanding for all, and added that perhaps he, Ms. Rice and some of the residents could come to some understanding in a short meeting, and offered to arrange such a meeting. Ms. Rice said she understood the concerns of the residents, commented on the unique situation and how the Fire Code is limited. Also, the current demands on the District are overwhelming. Ms. Rice agreed that she would find time to meet with the Town Manager and two residents tomorrow in order to discuss the information being requested; Scannell said he would call Ms. Rice to arrange such a meeting.

FURTHER PUBLIC INPUT

(Comments from the following individuals are summarized.)

Clint Gray referred to the 2003 Fire Code limiting cold decks, and the ones now existing in the Wood Yard are totally out of compliance; resulting in a "horizontal forest." A fire would be disastrous; the Code needs to be enforced.

John Gray commented on the fire out at the local dump; the wood that caught on fire out there is about one-fiftieth of the wood volume that is stacked along Murdock Road, and they could not even try to put it out, just tried to contain it.

Danny Parker asked why the Town does not stick to the International Fire Code; why is it necessary to make modifications.

There was no further public input.

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

There was no public input.

6. **Council Informational Reports**

Elmer said he would report on the Chamber of Commerce at the next session.

Hauser reported that the project, WET, event will take place tomorrow at 8:30 at Dead Horse Ranch Park; it is the water education day for the 4th Graders and a good turnout is expected. Hauser displayed a newspaper from 1975 and described some articles from it that memorialized activities similar to those of today.

Gioia said he had attended the third open house planning session for the Park Master Plan last night; a meeting with

the Yavapai-Apache Nation Council is scheduled for next Wednesday, and a final presentation will be made to Council and the public is always invited to attend. Gioia also reported on the ribbon-cutting event held by the Senior Center to celebrate the renovations made with CDBG funds. The Wii game system that Hauser has been on a quest for will be donated by WalMart, and at the third Wednesday meeting of next month it will be presented to the Senior Center Board.

7. **Public Hearing, discussion, and possible approval of Ordinance 2008-A354, 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 exception for projecting signs into the right-of-way for businesses along Main Street under Prohibited Signs, and define the criteria under which projecting signs may be used under Business/Commercial/Industrial signs.** (Staff Resource: Michael Jenkins)

On a motion by Smith, seconded by Elmer, the Council voted unanimously to approve the amendment to Item 12 under Section IV.A. to read: "A-Frame signs located anywhere within the Town limits. EXCEPTIONS: (a) A-Frame Signs are permissible along Main Street between Arnold and General Crook during business hours. (b) Temporary use to advertise Town sponsored events, or approved Community-wide events." And Section IX.A.5., amended to add as shown in bold print, underlined, ".....twelve (12) square feet **per side** does not project out....."

On a motion by Kovacovich, seconded by Elmer, the Council unanimously **approved** Ordinance 2008-A354, 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 exception for projecting signs into the right-of-way for businesses along Main Street under Prohibited Signs, and define the criteria under which projecting signs may be used under Business/Commercial/Industrial signs; **with the changes made to Section IV.A.12, and under IX.A.5.**

STAFF PRESENTATION

Community Development Director Buckel explained that the proposed amendment is the result of several public hearings, as well as one Council meeting at which time the proposed ordinance amendment was sent back to Planning & Zoning for further consideration, and revisions to resolve the concerns of the Town Engineer. Buckel said the serious concerns of the businesses along Main Street were recognized, and it was hoped that using projected signs would resolve many of those issues. The merchants have expressed their fear that taking away the A-frame signs would present a great hardship at this time. Although the Town Code has never actually allowed the signs, removal of the signs has never been enforced. Buckel reviewed in detail the revised portions of the Ordinance amendment that has been presented to the Council for review that includes adding the option of using the projected signs.

The members discussed the draft amendment with Buckel, including suggesting additional language to confirm that the allowed size of the projected sign would be calculated as "per side", recognizing that the sign would need to be visible from either approach. Another option recommended by Buckel and briefly discussed was to provide banners on corners to indicate businesses off of Main Street. After a brief discussion regarding lighting requirements, sign designs, and the administrative procedure, the citizens were invited to present their views.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Jerry Tobish, of Ancient Bear Gallery, stressed that the businesses need day-to-day help from the Town, especially in light of the current economy; the A-frame signs have proven their benefit, and removing them would absolutely kill the businesses. Mr. Tobish asked the Council to wait for at least one more year before taking any action against the A-frame signs.

Ginger Mason commented that one year would not be enough, five years would be reasonable. Ms. Mason described how she uses the A-Frame signs and how critical to her business they are; furthermore, they do not cost the Town as the suggested banners would.

Charlotte Floyd said her daughter had opened a new business only a few weeks ago; they have been able to pay their rent and bills and have high hopes for the future, and becoming an asset to the community. The economy is very bad, the A-Frame signs are very important and have been proven to be the best source of advertising.

Perry Haddon, the bookstore owner, said that what the Town is trying to do is anti-business; most merchants have good signs.

Barbie Bridge: from the Adobe Café, asked if the Town can advertise events, why can't the merchants; she asked the Council to not "kick us while we're down."

Ramona Aldridge, owner of the health food store, said that the projecting sign will not be visible above her awning. She needs interchangeability in her signs; the landscaping by ADOT in front of her store poses more liability than an A-Frame sign. Ms. Aldridge said she would give up her A-Frame signs if the Town had signs at the entrances to indicate that a town even exists.

Joyce Gray said she collects money for the Colonel's Daughter contributions, and many of those attending tonight have given contributions year after year; she is in favor of the A-Frame signs.

Donna Stilwell said her business is behind Ace Hardware and would be really hard to find if they did not have a sandwich sign; that is the only signage that the business has right now and that is all they can afford.

George Young described his experience as a business owner in Phoenix and how the A-Frame signs were regulated in that city; the signs increase business and that increases sales tax revenue.

Jolene Moya said her store fronts Main Street and she has an overhanging sign; she would like an A-Frame sign because that would be more visible to the public.

Dave Freeman, Planning & Zoning, said he has been working with the sign ordinance longer than the Council; A-Frame signs are a great advertising medium. The Town needs to step up and improve letting people know who we are and what kind of services we sell and bring them in.

Paul Aldridge, part owner of the health food store, agrees totally with most of the points brought up here tonight; he would be willing to pay a small fee in getting A-Frame signs approved. He knows of no one who has been injured by the signs; he urges the Council to not pass the ordinance.

There was no further public input.

The members discussed the issue further, expressing opinions generally favoring keeping the A-Frame signs for now, or at least wait another year before further action, acknowledging the current serious downturn in the economy and that the government needs to be fluid with the people who live here. Also discussed was trying to help pull traffic off of Hwy 260. Buckel was asked to check again with ADOT about signage to direct people to the business district, and Gioia said that he will talk with the Yavapai-Apache Nation about signage. The issues of safety and liability were also of serious concern. As for incorporating a sunset clause into the amendment to establish a specific period of time, Buckel cautioned the Council that the Town Attorney had advised against doing so; it would be very difficult to take a right away once it is granted. Councilor Smith proposed adding language into the amendment that would make an exception to allow the A-Frame signs along Main Street between Arnold and General Crook, and action was taken to incorporate that revised language. Buckel added that she will try to clarify the language regarding the indemnity clause, and if necessary will bring it back to Council for reconsideration.

A recess was called at 8:12 p.m.; the meeting was called back to order at 8:18 p.m.

8. **Public Hearing, discussion, consideration, and possible approval of Ordinance 2008-A356, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, amending Section 108 F.2 Accessory Buildings: Of the Zoning Ordinance to allow the use of shipping containers as accessory storage as noted under exceptions. (Staff Resource: Michael Jenkins)**

On a motion by Hauser, seconded by Smith, the Council **voted 5-1 to deny** Ordinance 2008-A356, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, that would have amended Section 108 F.2., Accessory Buildings; with a 'no' vote by German.

STAFF PRESENTATION

Buckel said that there had been some interest expressed, and the Planning & Zoning Commission has worked on an amendment to allow shipping containers; the result is a proposed exception to the Town Code basically allowing something was not built to be used as an accessory structure on a piece of property. The containers have become very popular for use as storage facilities. Buckel briefly outlined how use of the containers would be regulated by the proposed amendment, and allowed on what types and sizes of properties; the language has been reviewed by the Town Attorney. The Commission has not recommended approval of the amendment.

The Council discussed the subject proposal, and the benefit of being able to own such a long-lasting, secure portable

storage unit, with the majority expressing lack of support for allowing the containers.

PUBLIC INPUT

(Comments from the following individuals are summarized in the Minutes.)

John Stephen, a resident in the Cliffs development, said that other towns do not allow the containers, and he does not know why they are even being considered.

Howard Parrish said he brought the idea up about a year ago; a lot of the tin sheds end up all over town in bad weather. Mr. Parrish described the many benefits of having one of the containers, saying that they are a safety factor.

Dave Freeman said that P&Z had been considering the containers for quite some time. He said they are very good storage devices and are very safe and a value to a rural community, but need to be out of sight on properties.

There was no further public input.

In response to a question regarding the containers already on properties and how the amendment, if approved, would affect them, Buckel said that they would not be grandfathered in. In any event, staff will still not take any action unless complaints are received.

- 9. **Public Hearing, discussion, consideration, and possible approval of Ordinance 2008-A357. an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Section 124 Design Review of the Zoning Ordinance to define "Vertical Structures", "Mobile Unit", and "Development Activities"; to redefine I. Administration and Procedures; and to define the length of Approval and the Administration and Procedures; and to define the length of Approval and the ability to apply for an extension.**

(Staff Resource: Michael Jenkins)

On a motion by Hauser, seconded by German, the Council unanimously approved Ordinance 2008-A357. an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Section 124 Design Review of the Zoning Ordinance to define "Vertical Structures", "Mobile Unit", and "Development Activities"; to redefine I. Administration and Procedures; and to define the length of Approval and the Administration and Procedures; and to define the length of Approval and the ability to apply for an extension.

STAFF PRESENTATION

Buckel said that the issue has been an ongoing amendment to the Design Review Ordinance. What had been found was that after procedures were put in place it was determined that some of the language needed to be tightened up. There was some concern expressed that the Board seemed to be trying for more authority, but that was not the intent. The intent was simply to clarify the language for developers, and Buckel described how the design review procedure had been established for the benefit of all. Buckel outlined the proposed changes, and said she will plan to give a Power Point presentation in the future on the picture collection suggesting Western elements. There was only a brief Council discussion held.

There was no public input.

- 10. **Call to the Public for Items not on the Agenda.**

There was no public input.

- 11. **Advanced Approvals of Town Expenditures**

a) **There are no advanced approvals.**

There were no advanced approvals.

- 12. **Manager/Staff Report**

Buckel reported that she is moving forward with the non-conforming certification on the Wood Yard and is setting up the meeting; she will inform everyone when that is scheduled. Buckel outlined the problems with deciding on where and when to hold the hearing, either afternoon or evening, for maximum public input, and finding a facility to accommodate the public. Several options were suggested, including renting adequate audio equipment to use in the Town meeting rooms 206-207, and to ask about the multi-use facility at the high school and the facilities at the School District.

- 13. **Adjournment**

On a motion by Hauser, seconded by Smith, the meeting was adjourned at 9:38 p.m.

Margaret Harper
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 22nd day of October 2008. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 6 day of November, 2008.

Debbie Barber
Debbie Barber, Town Clerk