

(Corrected)
MINUTES
COUNCIL HEARS PLANNING & ZONING
MAYOR and COMMON COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, MARCH 22, 2006
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 Baker, Councilors Hauser, Smith, Kovacovich, and Parrish were present; Councilor Parry was absent.

Also Present: Community Development Director Will Wright, Sr. Planner Nancy Buckel, Grants Administrator Mike Casebier, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**

The Pledge was led by Gioia.

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) There are no minutes for approval.

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

1) Executive Session (Personnel Matters) – March 30, 2006 AT 6:30 p.m.

2) Regular Session – April 5, 2006 at 6:30 p.m.

3) Joint Work Session – April 12, 2006 at 6:30 p.m.

4) Regular Session – April 19, 2006 at 6:30 p.m.

5) Council Hears P&Z – April 26, 2006 at 6:30 p.m.

c) **Possible approval of a change order in the amount of \$269.00 to add a 24"X42" plastic laminate screen in the Men's room at the new Marshal's Office Facility.** This is an unbudgeted item from the CIP fund.

d) **POSSIBLE APPROVAL OF PAYMENT AUTHORIZATION IN THE AMOUNT OF \$5,000 FOR A FULL RELEASE OF ALL CLAIMS BY PLAINTIFF REGARDING EBERHARDT ET.AL V CAMP VERDE AND TRIBE. CV 04-2761-PCT-NVW (DISTRICT COURT)**

On a motion by Gioia, seconded by Baker, the Council unanimously approved the Consent Agenda, excepting Item 4c) and adding an Executive Session for March 27, 2006 at 6:30 p.m.

Mayor Gioia requested that Item 4.c) be pulled for discussion. In order to review evaluations for the Manager set for March 30, Vice Mayor Baker requested scheduling an Executive Session for March 27, 2006 at 6:30 p.m.

c) **Possible approval of a change order in the amount of \$269.00 to add a 24"X42" plastic laminate screen in the Men's room at the new Marshal's Office Facility.**

On a motion by Smith, seconded by Baker, Item 4.c) was approved as requested; with a 'no' vote by Gioia.

The Council addressed the request for the additional screen, including a suggestion that the existing screen be substituted into the proposed position of the additional one to eliminate the need for the added cost. After a thorough discussion, however, the additional cost was approved.

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

There was no public input.

6. **Update on CDBG funding cuts and discussion, consideration, and possible authorization to competitively procure engineering services for design, study, and project management for the Townsite Improvement Projects.**

On a motion by Smith, seconded by Gioia, the Council unanimously authorized competitive procurement of engineering services for design, study and project management for the Townsite Improvement Projects; the engineering costs are not to exceed \$60,000.

Grants Administrator Mike Casebier outlined the nationwide cuts that have been made in CDBG funding, affecting the State by 11.8%, causing a \$51,258 reduction in Yavapai County funding. Casebier said that the Finance Director has confirmed that the amount requested for engineering services would be available from the HURF contingency fund. After discussion, the Council agreed that the proposed projects have been planned and should be completed, and that the nationwide cuts made in funding in order to provide relief to the Katrina Hurricane victims was for a good cause.

There was no public input.

7. **Discussion, consideration, and possible clarification of Resolution 2006-677, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting Final Plat 2006-06 for Millwood Estates Subdivision located on 50.36 acres consisting of parcels 404-04-021 & 404-05-085. This project is located off Quarterhorse Lane.**

On a motion by Baker, seconded by Smith, the Council approved Resolution 2006-677, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting Final Plat 2006-06 for Millwood Estates Subdivision located on 50.36 acres consisting of parcels 404-04-021 & 404-05-085; this project is located off of Quarterhorse Lane; containing five stipulations, noting that No. 3 states, "Applicant will execute four lot tie affidavits in favor of the Town for a total number of lots not to exceed 26 residences;" and upon determination of the number of Ditch and water rights needed on the subdivided property the developer shall execute a transfer of all excess water rights to the Town of Camp Verde; with a 'no' vote by Hauser.

Community Development Director Wright indicated that copies of the new Resolution 2006-677 had been distributed to the members, revised to meet the intent of the Council by its action at its last meeting, based on input from the Town Attorney on the issue of the developer's plan to combine some of the lots, but to allow more flexibility in marketing than was discussed. The total number of residences will remain at 26 only.

Dugan McDonald said he had worked on the plat with Jeremy Bach who worked with his attorneys and the Town Attorney to come up with the clarification of the stipulation that was included at the last meeting.

During the discussion with McDonald, it was brought to his attention that the issue of water rights had also been overlooked; McDonald confirmed that the developer would agree to a stipulation that excess water rights would be allocated to the Town of Camp Verde.

PUBLIC INPUT

Jane Everts expressed concern regarding her understanding of recording the final plat and how the stipulation for no more than 26 residences will be preserved and honored.

The Council outlined the process of the plat that was submitted as 30 lots to the Arizona Department of Real Estate, together with the CC&R's; the developer has agreed to restrict the development to 26 residences, and the recorded public record will state that only the 26 residences can be built. In the event of a future sale of the development that requirement will be carried forward.

There was no further public input.

There was further discussion with McDonald confirming agreement to an additional stipulation regarding transfer of water rights.

Councilor Smith recused himself from the following agenda item; his wife is involved in listing and selling real estate and represents the buyer on the subject parcel.

8. **Discussion, consideration, and possible authorization for staff to invited bids to sell a portion (no more than 5,000) square feet) of parcel 404-20-024C located next to Basham Circle for a fair market price that is to be determined.**

On a motion by Baker, seconded by Gioia, the Council unanimously authorized staff to invite the bids to sell that portion of Town property, approximately up to 5,000 square feet, of Parcel 404-20-024C located off Montezuma Castle Highway on Basham Circle.

Staff was directed to review with the Town Attorney the floodplain issue and the Town's liability.

Director Wright explained that the subject parcel had been acquired from FEMA in the mid-90's and at the time Mrs. Smart purchased her home, she believed that the structures were on her property; however, survey work in connection with a prospective sale of her home has revealed that a portion of the garage was built on the parcel that the Town had acquired. In order for her to be able bring her garage into compliance with Town setback standards and allow her to sell her property, she is requesting that the Town sell the portion of the lot that is affected by her driveway and house. The prospective buyer wants to be able to run a straight fence down the property line. Offering to sell up to 5,000 square feet of the Town-owned parcel would meet both parties' needs in the prospective sale. After a minimum value is placed on the lot, the matter will again be brought to the Council for a final decision.

Aileen Smart confirmed that the entire area is in the floodplain, and that her home did not suffer damage in the Beaver Creek flooding in 1993 and again last year. She added that when she purchased the property the seller represented that there was a 25-foot easement down the side of the property. Ms. Smart now wants to correct the problem and have no discrepancy in the future.

The Council discussed the floodplain issue and that the parcel had been given to the Town by FEMA at no cost; and agreed that the problem Ms. Smart has encountered should be resolved. There was further discussion regarding the possible liability of the Town in selling property subject to flooding that has a structure on it; staff will research that possibility prior to bringing the matter back to Council.

There was no public input.

9. **Discussion, consideration, and possible approval of SPR 2006-01, an application filed by Harve Stanly, agent for Renewable Resources, Intl. owner of parcel 403-15-001H, requesting an approval of site plan 2006-01 for a cement block plant located off of Old Highway 279. This parcel is zoned M1 and contains 5 acres.**

On a motion by Gioia, seconded by Baker, the Council unanimously approved the site plan for 2006-01, for a cement block plant located off of Old Highway 279; this parcel is zoned M1 and contains 5 acres.

Harve Stanley, representing the partners who are requesting approval of the site plan, said that the property has already been approved for a concrete block plant, and is zoned M1. A heavily-landscaped fence is planned in order to screen the project from the private road in front of it. Mr. Stanley described the product the owners will be manufacturing, the anticipated initial number of employees, and displayed a rendering of the future office building to be constructed to replace a temporary one needed in order to begin the operation. The Council discussed with Mr. Stanley the proposed truck traffic, the noise of the operation, the materials used in constructing the blocks, and the provisions to accommodate the truck deliveries.

There was no public input.

10. **Discussion, consideration, and possible approval of Resolution 2006-679, a resolution of the Town Council of the Town of Camp Verde, Arizona, approving General Plan Amendment 2006-01 that amends the Land Use Map of the General Plan for parcels 404-18-161G & J from rural residential to low density residential. This amendment is to accommodate a minor land division into 2 parcels.**

On a motion by Gioia, seconded by Hauser, the Council by a 4-2 vote **did not** approve General Plan Amendment 2006-01 that amends the Land Use Map of the General Plan for parcels 404-18-161G & J; with Baker and Parrish opposed.

Staff was directed to make sure that Minutes from the P&Z hearings on land issues are included in the Council agenda packets.

STAFF'S PRESENTATION

Director Wright explained that the request for the minor amendment to the General Plan is in regard to two parcels consisting of approximately 3.5 acres. The amendment would allow a split of each lot into two parcels, or a total of four lots, although the owners have indicated they only intend to create three lots of a little over one acre each. The P&Z Commission heard the request at their March 2nd meeting and has recommended that the Council deny the request because of concern over changing the character of the neighborhood. Wright pointed out that there are other developments in the area that are higher density; there have also been two other similar rezoning requests granted recently. Sr. Planner Buckel said that the Commission found that the application had some unique issues that were not apparent with those others that had been granted, including the location, the anticipated size of the lots, the opposition of the neighbors, and the question of the access points, as well as the topographic issues.

PUBLIC HEARING OPEN

Applicant's Statement

Norman Vandiver assured the Council of his and his wife's intent to remain a part of the community, and submitted pictures of their property, with other information, to the members for their review. **Jeanette Vandiver** said that along with the pictures there was a neighborhood poll indicating no objection, representing 16 people, and written opinions from realtors that there would be no devaluation of the property, and a listing of lots for sale that Ms. Vandiver suggested shows a need for lots in Camp Verde. She also discussed with the Council and pointed out the planned access points. Ms. Vandiver commented on the General Plan being inherited from the County and property taxes being received by the Town.

COMMENT FROM OTHER PERSONS

Mike Costello said that he was representing about six people, and read a letter from a neighbor that expressed concern for the proposed split based on safety and density; Mr. Costello said that increased density was also his concern.

Chuck Saab, who lives on Esther Parkway two lots down, said he was in favor of the rezoning.

Bob Johnson, said he was against the other changes in lot size in the area, and he is against this one. They should keep the size that was designated to begin with.

There was no further public input.

APPLICANT'S REBUTTAL

Mr. Vandiver requested a close look at the opinion poll that he had submitted, adding that it was strictly on a volunteer basis and most of those people signing are on Esther Parkway, Que Pasa and Arena del Loma. He reasserted his belief in the need for lots in Camp Verde.

PUBLIC HEARING CLOSED

Council Discussion

The Council discussed the problem of those who are aware of the zoning with they buy property and then seek to change that zoning, and the dangerous traffic conditions in the area. There was also clarification that the General Plan was current, having been adopted by the community in 2005, and property taxes go to the County, not the Town.

During the discussion staff was again requested to make sure that Minutes from the P&Z hearings on land issues are included in the Council agenda packets.

The Council again reviewed with staff the lot sizes that would result from the splits and the potential homes that could be built. There were opinions expressed that it would be difficult to support the request because of the several issues raised, including the attempts to adhere to the General Plan, the opposition of the neighborhood, and subdivisions increasing water concerns, countered with opinions expressing support based on the existing mixture of homes in the area, those neighbors who did not object, and consideration for the rights of property owners.

A recess was called at 8:33 p.m.; the meeting was called back to order at 8:41 p.m.

11. **Discussion, consideration, and possible approval of Ordinance 2006-A322, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, adopting an amendment to the Zoning Map of the Planning & Zoning Ordinance for parcels 404-18-161G & J consisting of approximately 3.5 acres from RCU-2A to R1L-35. This rezoning is to allow for a minor land division into 2 lots; the site is located off Arena Del Loma east of Esther Parkway on the south side of the roadway adjacent to Arena Del Loma Estates.**

On a motion by Gioia, seconded by Smith, the Council voted 5-1 to deny Ordinance 2006-A322; with Baker opposed.

Director Wright said that because the General Plan Amendment did not pass, it will not be necessary to move forward with this item.

12. **Discussion, consideration, and possible approval of Resolution 2006-678, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting Final Plat 2005-08 for Equestrian Estates Phase 1 Subdivision located on 29.37 acres consisting of a portion of parcels 403-20-002 & 403-20-147. This project is located at the end of Newton Lane.**

On a motion by Baker, seconded by Kovacovich, the Council unanimously approved Resolution 2006-678, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting Final Plat 2005-08 for Equestrian Estates Phase 1 Subdivision located on 29.37 acres consisting of a portion of parcels 403-20-002 & 403-20-147; this project is located at the end of Newton Lane; with the stipulations so noted regarding a 6-foot block wall along the houses that front LeGrande; removal of the reference to the community well, removal of roofing requirements in the CC&R's so that metal roofs can be used, and the start of transfer of water rights, the 30-acre feet, to show proof with DWR application before signing of the plat.

Staff was directed to follow up with Dugan McDonald on the easement discussed on the extension to Mondale.

STAFF'S PRESENTATION

Director Wright said that the Final Plat request is for Phase 1 of the development that was approved March of 2005. Phase I will be comprised of approximately 30 acres that will allow for 25 lots. There were 11 stipulations as a condition of approval for the Preliminary Plat; those stipulations as detailed on the Staff Report were briefly reviewed by Wright, as well as the comments by the various agencies. The applicant has worked to meet the concerns regarding the issue of traffic circulation that is difficult to resolve because of the area topography.

PUBLIC HEARING OPEN

Applicant's Statement

Tom Pender, agent for the property owner, said that significant changes have been made to the plat based on those stipulations, and pointed out on an overhead projection of the plat the changes made to try to arrive at the looped system that the developer had been tasked with. Pender indicated the change to accomplish the continuation of Newton Lane, and the addition of another roadway for access to the east side. He detailed the steps being taken by the developer to meet the stipulations.

COMMENT FROM OTHER PERSONS

Norma Garrison said that some residents on LeGrande had questioned whether there would be a block fence to separate the development from their homes; they had asked about that at a prior meeting but have not heard back on that issue.

There was no further public input.

APPLICANT'S REBUTTAL

Mr. Pender said that Mr. Weiland, the owner, has indicated that he would like to construct the wall. There will need to be some drainage issues addressed, but the intent is to build one, and Pender agreed that there could be a stipulation for a block wall on LeGrande to that effect.

PUBLIC HEARING CLOSED

Council Discussion

The Council discussed the proposed block wall and the drainage issues, with staff input, and the height of 6 feet was confirmed if the wall will be allowed. The septic issue was discussed with the applicant as well as the reference to a community well in the CC&R's that was confirmed to be in error. There was detailed discussion on the issue of trying to connect the Horseshoe Bend side and Newton Lane, and the difficulty encountered by the developer because of trying to obtain easements from private property owners who object to having a full access way through. Indicating areas on the map that was projected on a screen, the Council discussed access and emergency access points with Pender. In connection with working on Phase 2 of the development Pender will document contacts made with property owners regarding attempts to obtain easements. There was also a brief reference to the possibility of resorting to condemnation in order to obtain easements. The Council also reviewed and confirmed with Pender the paving to be done, removing the roofing requirements in the CC&R's regarding tile roofs, the plans for connecting to the water system, and the transfer of the 30-acre feet of water rights.

Director Wright said that staff was aware of the need for access, and that Dugan McDonald was working on obtaining an easement with an individual who has since sold his property. Wright described another attempt for access, also that Dugan McDonald had been talking with some Mondale people regarding an extension; Wright will plan to follow up with Dugan on that Mondale issue.

13. **Discussion, consideration, and possible determination to over-grout or dry-stack the limestone at the new Marshal's Facility. Additional costs are unbudgeted and will come from the CIP Fund.**
On a motion by Hauser, seconded by Smith, the Council voted unanimously to continue the item.

14. **Discussion and consideration, and possible Council motion to end Council meetings no later than 10:00 p.m.**
There was no action taken.

Councilor Hauser said that she believes it is not fair to staff or good for anyone, after already putting in a full day's work and taking only a short break, to have to work another five or six hours until midnight, plus the audience does not like to stay up that late. The members thoroughly discussed the issue raised, and made several suggestions that they felt might help: Put more budgeted, funded items on the Consent Agenda, without Council trying to micro-manage department heads; that employee presentations be among the first agenda items; that lengthy discussions and presentations be done in a Work Session, limiting presentations to 15 minutes where possible; limit individual public input to 5 minutes; instead of hearing the same opinion repeated, ask for a show of hands and simply note the number for or against the issue; make sure Council and staff are prepared in order for the Council to make a decision, to eliminate backlogging or continuing items. Another suggestion discussed was to streamline the agendas, eliminating those items that do not need to be brought to the Council. As for any last-minute item, Council and staff were reminded that the Code mandates that such an item may be added only "if it is an emergency beyond that person's control." Director Wright cautioned that without changing the procedure regarding hearing P&Z items, there still might be a problem because of the anticipated number of items coming up in April alone.

After further discussion including the Council's responsibilities to the public, the members agreed to make an effort to try to follow those suggestions for shortening meeting times wherever possible.

15. **Call to the Public for Items not on the Agenda.**
There was no public input.

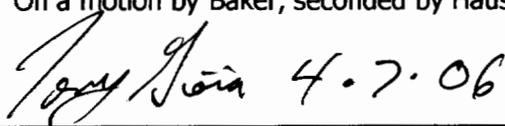
16. **Advanced Approvals of Town Expenditures**
There were no advanced approvals of Town expenditures.

17. **Manager/Staff Report**
Director Wright advised the Council that the height limit issue is now going through the public notice, and will go before the Commission next month.

18. **Council Informational Reports**
Councilor Kovacovich commented on the Park appraisal coming in at \$30,000 per acre, or \$6.7 million.

Councilor Parrish showed a sample of the envelopes that will be on sale next week in connection with the Mail Trail, carried from Camp Verde to Payson on horseback.

19. **Adjournment**
On a motion by Baker, seconded by Hauser, the meeting was adjourned at 9:59 p.m.



Tony Gioia, Mayor

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 meeting of the Town Council of Camp Verde, Arizona, held on the 22nd day of March, 2006. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 12 day of April, 2006.

Debbie Barber
Debbie Barber, Town Clerk