MINUTES
REGULAR SESSION
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, MAY 2, 2007
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, Baker, Kovacovich, Parrish and Parry were present.

Also Present: Town Attorney Brad Woodford, Finance Director Dane Bullard, Councilor-elect Greg Elmer, Town Engineer Ron Long, Community Development Director Nancy Buckel, Housing Director Matt Morris, Trails & Pathways Commission Chairperson Perry Haddon, Deputy Town Clerk Virginia Jones, and Recording Secretary Margaret Harper.

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

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) April 24, 2007 – Budget Work Session
      2) April 18, 2007 – Regular Session
      3) April 18, 2007 – Executive Session
   b) **Set Next Meeting, Date and Time:**
      1) Budget Work Session – May 9, 2007 at 4:00 p.m.
      2) Regular Session – May 16, 2007 at 6:30 p.m.
      3) Council Hears Planning & Zoning – May 23, 2007 at 6:30 p.m.
   c) **Possible acceptance of the Housing Commission and Library Advisory Commission's Quarterly Report.**
   d) **Possible award of bid for Project #07-037 Supply and Delivery of Liquid Asphalt Products and authorization to execute the contract documents.** There is a budgeted item in the amount of $40,000.
   e) **Possible award of bid for Project #07-038 Supply or Supply and Delivery of Aggregate Base Course, 1 ½" Borrow, Washed Sand, and 3/8" Chips and authorization to execute the contract documents.** This is a budgeted item in the amount of $30,000.
   f) **Possible approval of a letter of support for the Camp Verde Fire District's 2007 AFG Grant.**

On a motion by Smith, seconded by Kovacovich, the Consent Agenda was approved as presented, with the addition of a Work Session on May 3, 2007 at 4:00 p.m.

5. **Call to the Public for Items not on the Agenda.**
(Comments from the following individuals are summarized.)
Jim Ellington spoke about a recent visit to Wickenburg to attend a wedding where he said he had been very embarrassed by comments from some persons ridiculing Camp Verde's "politics" and mud slinging among the Council members; the Council needs to "do something." (*In response, Mayor Gioia said he, too, has suffered with embarrassment and feels the same; however, a lot of folks other than Council members share in what causes the problem.)*

Darwin Savage expressed his concern about the Senior Center repairs that are not being taken care of despite his understanding that the grant money has been approved and is immediately available; he was informed by Lee that other projects have been holding up the planned repairs and that it may take another six months to get started. Mr. Savage described the serious problems with the building; attendance is falling off, and he cannot understand why no one cares.

Jerry Tobish referred to the meeting as "the best show in the Verde Valley," and also described his recent experience attending the dinner show at the Blazin' M Ranch where Camp Verde was the butt of the jokes; people from all over the world have now heard of Camp Verde.

Nancy Boyd outlined recent Council agenda items regarding scheduling performance reviews on the Finance Director and Town Manager, citing examples. She said she would like to see copies of documents on the procedures in place regarding the interviewing, hiring and qualifications of a Town Manager, including the current one.

Harold Ridenour said that he believes everybody attending owes the entire Council a debt for the job the Council is doing, the most under-paid overworked job that anyone could be doing; everyone should give the Council a hand in appreciation for what it has done.

There was no further public input.

A recess was called at 6:51 to move the meeting to Room 206-207 to accommodate the large number attending; the meeting was called back to order at 7:00 p.m.

6. **Discussion, consideration, and possible assignment, appointment, promotion, demotion, dismissal, salaries, disciplining, or resignation of the Town Manager. This agenda item shall be conducted with or without all Council members present provided a quorum of Council is present.**
On a motion by Parry, seconded by Smith, the Council voted unanimously to accept the resignation of the Town Manager, effective May 2, 2007, at 5:30 p.m., as outlined.

Mayor Gioia announced that a resignation letter had been received from the Town Manager, effective as of May 2, 2007 at 5:30 p.m., and he read the text of the letter into the record; the original copy of the letter is attached hereto and incorporated herein as Exhibit 1.

With no further discussion, Mayor Gioia thanked Bill Lee for his service to the Town, and action was taken to accept his resignation as stated.

There was no public input.

A recess was called at 7:05 to return to Council Chambers; the meeting was called back to order at 7:17 p.m.

Continuing to address Item 6, Mayor Gioia thanked Parry and Smith for their important roles in coming to the results that were just heard. Gioia then made a motion, with Hauser seconding, that Marshal Dave Smith be appointed as Acting Town Manager, and direct the Personnel Manager to advertise for the position immediately at a range starting at the present Manager's salary. Councilor Smith suggested that the motion include Council using the League of Cities and Towns to help in the coming selection process for a Town Manager, with Dave Smith serving in the interim. Town Attorney Woodford advised the Council that the discussion and the proposed motion should have been properly agendized and advertised; Gioia withdrew his motion and Hauser withdrew her second.

Woodford said that staff will carry out the paperwork that needs to be done for this item.

7. **Presentation by the Victory Ranch for Children regarding their activities. This item may include discussion by Council.**
The item was tabled; no representative from Victory Ranch was present.

8. **Discussion, consideration, and possible determination to either grant or deny an appeal to the Mayor and Council regarding the imposition of Impact Fees for Building Permit #2007101FP for a single family residence to be constructed on parcel 404-12-394 submitted by Destry Finch, agent for BG & GD LLC, owners.**
On a motion by Smith, seconded by Baker, to grant an appeal to the Mayor and Council regarding the imposition of Impact Fees for Building Permit #2007101FP for a single family residence to be constructed on Parcel 404-12-394 submitted by Destry Finch, **failed by a 2-4 vote,** with 'yes' votes by Smith and Baker, and 'no' votes by Kovacovich, Gioia, Hauser and Parrish; Parry abstained.

STAFF'S PRESENTATION
Community Development Director Buckel explained that this item involves a new process that was put in place at the time the impact fees established. Staff received directions that anyone wanting to appeal any impact fees that were applied to their building permit could appeal that to the Town Council. Buckel referred to the documents provided by the applicant and letter requesting reconsideration, together with Buckel's report on the staff procedures and decision that the impact fees would apply. Buckel reviewed the instructions given to the applicant at the time of the application for a building permit on February 16th, 2007, including notice that the impact fees would be charged at the time of the building permit issuance as well as the deadline for that issuance. A problem arose for the applicant in connection with obtaining the necessary septic permit from Yavapai County that in essence caused him to submit the complete paperwork required for issuance of the building permit well after the deadline. Buckel stressed that staff had worked diligently to try to accommodate and assist the applicant and complete the Town's part of the review in a timely manner.

Destry Finch, representative for the corporation, confirmed that he had been well aware of the documents required prior to issuance of building permits, but the complications that arose because Yavapai County had lost some of the paperwork and the applicant had to reapply for a new septic permit. By the time he obtained that, the deadline had passed and the new impact fees were applied. He believed that all of the necessary paperwork had been completed prior to the error on the part of the County, and imposition of the impact fees creates an extreme financial hardship for his development efforts out in Verde Lakes, an area he is trying to help begin to grow and develop, and the extra expense puts him over budget.

The Council discussed and confirmed with Mr. Finch his understanding of the procedures involved in applying for the building permit and the cooperation of the Building Department in trying to resolve the delay caused by Yavapai County. Buckel said that the fact remains that the deadline had been passed, that staff had nothing to do with the delay and that Yavapai County staff had worked very closely with staff as well, and therefore staff has recommended denial of the appeal. There was acknowledgement that the applicant's situation was unfortunate, but it appeared that staff and the County had done everything possible to resolve the problem; there was also concern expressed regarding the possibility of setting a precedent by granting an exception.

There was no public input.

9. **Discussion, consideration, and possible award of contract to Carter & Burgess for Project #07-035, Request for Proposal and Statement of Qualifications to conduct Professional Consultant Services for the Small Area Transportation Study.**

On a motion by Parry, seconded by Baker, the Council voted unanimously to award the contract to Carter & Burgess for Project #07-035, Request for Proposal and Statement of Qualifications to conduct Professional Consultant Services for the Small Area Transportation Study.

Ron Long, Public Works Director and Town Engineer, said that an existing IGA with ADOT was approved by Council in March to perform the subject study. Bids were solicited from multiple traffic engineering firms and three RFQ's have been received which were then reviewed by staff and ADOT. Staff and ADOT each selected Carter & Burgess independently, and Council is requested to award the contract as indicated, $124,295, of which $100,000 will be funded by ADOT. The Council briefly discussed with Long and confirmed what the study will cover; Long added it will be an excellent study for requesting funds in the future. Long also commented that with ADOT making a review of IGA's every five years, the subject agreement has the possibility of becoming a "living" document.

There was no public input.

10. Discussion, consideration, and possible award of contract to Carter & Burgess for Project #07-034, Request for Proposal and Statement of Qualifications to provide professional consultant services for the State Route 260 Access Management Plan, and discussion of possible alternatives.

Staff was directed to follow through with working with the Engineer from ADOT to bring this further along, as discussed, and to have proposals come before Council as soon as possible.

Ron Long said he previously had been asked to return to Council with a revised scope and a new cost proposal following a presentation to Council by the subject engineering firm. The new cost proposal was increased significantly, and Long said he is requesting that Council not approve the subject contract, but give him direction to work further with ADOT before making any engineering recommendation. Long met with Dallas Hammit of ADOT who confirmed that the proposed study would probably be of no effect. Long said he would be willing to take on the added responsibility, work with ADOT and property owners along 260 to try to determine access points, and work on a Master Plan for that corridor. The Council discussed with Long his commitment to work one-on-one with the ADOT engineer and to define backage roads and points of access that are agreeable with the State Transportation Board and ADOT. It was agreed that the first step would be the engineering study, after which it will be the task of the Town to sell it to the particular funding source to make it a reality. Long said that ADOT's proposal has not yet come before the State Transportation Board, and there is still time for Camp Verde to weigh in and make comments on the proposal. From his contacts, Long feels there is room for compromise and consensus.

PUBLIC INPUT

Tom Nielsen said he served on a committee three years ago regarding ADOT's proposal at that time to build a 5-lane highway similar to that going to Prescott; he cannot understand why that has now been changed.

There was no further public input.

11. Staff update and Council discussion pertaining to the recent April 11th ADOT meeting on Statewide Access Management Plan.

There was no action taken.

Matt Morris, Housing Director, said he has been working with Planning as part of a team, and had attended the subject meeting, and gave an update and Power Point presentation on what had been outlined, basically developing criteria for determining how access management should be handled on a Statewide basis. Morris said he had brought the information back to the Council for review and comment, and that the comments then would be forwarded to ADOT. Gioia

commented that Council would like to see the portion from I-17 to the Camp Verde northwest border changed to urban principle.

There was no public input.

12. Discussion, consideration, and possible approval of a collection agreement between the USDA, Forest Service, Coconino National Forest, and Camp Verde's Trails and Pathways Commission.

On a motion by Smith, seconded by Parrish, the Council voted unanimously to approve a collection agreement between the USDA, Forest Service, Coconino National Forest, and Camp Verde Trails and Pathways Commission.

Community Development Director Buckel explained that staff and the Trails Commission have been working with the Forest Service in connection with the funding that the Commission had budgeted for yearly expenses for trails and pathways.

Perry Haddon, Chairperson, Trails & Pathways Commission, reviewed the decision of the Commission to work with the Forest Service to use the funds that the Council has made available to the Commission and outlined the March 5th meeting with Bill Stafford of the Forest Service and their grant writer. Mr. Haddon pointed out that it is basically a five-year plan, a commitment from the Town and would facilitate cooperation for the next five years. Mr. Stafford confirmed that with the financial backing of the Town the Forest Service would be able to begin work on the connection to the General Crook Trail, approximately five miles, which Mr. Stafford described. The collection agreement would provide for initial costs including NEPA studies, and archaeological and biological surveys. The Council discussed the proposed general route and potential future plans with Mr. Stafford, the importance of the connection to the General Crook Trail, and the major step now being taken toward development of a trails system. A correction to the Agreement was made to provide that any refunds or redirection of funds to new projects would be authorized by the Council instead of the Commission.

There was no public input.

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

Shirley Brinkman commented on the need for some kind of a program for Camp Verde Youth, that a young man had been killed in her neighborhood and described how he had fallen into using meth in his early teens, with a younger brother headed down the same road. She said it is heartbreaking to see and there has to be an answer on how to reach the good that is there in our youth. *(Hauser explained that Harvey Grady is working with Youth Count and the program involves the after school activities, which is a start toward preventing later problems.)*

There was no further public input.

14. Advanced Approvals of Town Expenditures

1. There are no advanced approvals.

There were no advanced approvals.

15. Manager/Staff Report

There was no Manager/Staff report.

16. Council Informational Reports

Smith reported on the Yavapai-Apache Nation Chairman Fullmer's desire for the two Councils to meet in June when the new Town Council is seated.

Baker said that she had received calls expressing appreciation for the direction signs being placed in Town and a request that signs be included to direct visitors and residents to the Marshal's

Office. ***Gioia directed that the request be conveyed to the appropriate staff in Streets Department.***

Kovacovich commented on the improvements made to the pool, adding that staff has done a great job putting some shades out there.

Hauser announced that the high school baseball team goes to State on Saturday. In contrast to earlier public comments regarding being ashamed of Camp Verde, Hauser stated that she loves to tell people she is from Camp Verde and proud to live here; nothing anyone, or the Council, can do could change how she feels about Camp Verde.

Parrish reported that a sign in front of the building that indicates "No Parking" is covered up by a banner hanging in front of it.

Gioia thanked everyone for attending.

17. Adjournment

On a motion by Baker, seconded by Hauser, the meeting was adjourned at 9:02 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 2nd day of May 2007. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 17 day of May, 2007.

Deborah Barber

Debbie Barber, Town Clerk

5/2/07

To Camp Verde Town Mayor and Council,

I wish to resign my position of Town Manager of Camp Verde effective today, May 2, 2007 at 5:30pm.

In exchange for my resignation, council will agree to an eleven-month salary severance package at my current salary.

Letters of recommendation from those council members who wish to do so will be allowable and written on Town letter-head.

A mutual agreement will be drawn up, by the Town's attorney, that indicates that neither side will bring litigation against the Town, Town personnel, Council members individually or myself or family.

It has been my pleasure to serve the Town of Camp Verde and to work with an outstanding staff whom I am extremely proud of.

Sincerely Bill Lee

Questions for Bill Sims regarding Town of Camp Verde's documented procedures for performance reviews of the Finance Director and Town Manager.

1. What are the documented procedures for conducting the Performance Reviews of the Finance Director and Town Manager?

2. What documented procedures are in place regarding the hiring of a Town Manager regarding business experience, education experience, scheduled performance reviews, etc.?

3. Is it proper to place the Performance Reviews of either the Finance Director and/or the Town Manager on the **Council Planning and Zoning meeting agendas** and not on the Regular or Special Session Meetings of the Town Council? It does not seem appropriate to address performance reviews at Planning and Zoning meetings. Most of the public does not expect this to be discussed at Planning and Zoning, but at Regular or Special Sessions of the Town of Camp Verde Town Council Meetings.

4. I see all the focus on the performance review of the Town Manager, what is the status on the performance review of the Finance Director?

5. Is it proper/legal for the Town of Camp Verde Town Council to keep changing "the rules of the game" from one meeting to the next? Is the Town Manager supposed to get a Performance Review or not? .

Examples of inconsistencies:

- **Minutes of September 27, 2006 Town of Camp Verde Planning & Zoning Meeting**. Here are a couple of excerpts from the minutes:
  - **Item 5.a. Discussion with the Town Manager concerning his performance review**: ".....On a motion by Smith, seconded by Baker, the Council voted 4-3 to continue the Agenda Item 5.a until proper Town procedure is followed; with 'no' votes by Gioia, Hauser and Parry.
  - Item 5.a. **Discussion with the Town Manager concerning his performance review**: ".....There was acknowledgment in the discussion the Finance Director and Town Manager are both due for a review, but a point of order was made that there is a set procedure that should be followed and that has not been done." (see attached file of the full minutes)

- **Minutes of Regular Session Town of Camp Verde Council Wednesday, October 18, 2006.** Here are a couple of excerpts from the minutes:
  - **Item 15 Update regarding legal advice regarding the possible assignment, appointment, promotion, demotion, dismissal, salaries, disciplining, or resignation of the Town Manager. This discussion will not include any evaluation of the Town Manager.**
  - Please note that this item was moved to Executive Session and the public is not privy to the discussion. However, it should also be noted that the performance evaluation was NOT to be included in the discussion.

- **Minutes Special Session Mayor and Common Council Town of Camp Verde, Wednesday, April 4, 2007"**
  - **Item 3 Discussion with the Town Manager concerning his performance review**. "On a motion by Parry, seconded by Smith, the Council voted unanimously to table this item to next week's 6:30pm regular Session when all Council members are present."

- **Item 4 Discussion, consideration, and possible assignment, appointment, promotion, demotion, dismissal, salaries, disciplining, or resignation of the Town Manager**
- This was the meeting that was attended by Howard Parish by phone.

- Agenda for Wednesday, May 2, 2007 Regular Session of Town of Camp Verde Town Council:
  - **Item 6 Discussion, consideration, and possible assignment, appointment, promotion, demotion, dismissal, salaries, disciplining, or resignation of the Town Manager. This agenda item shall be conducted with or without all Council members present provided a quorum of Council is present.**

The agenda items bounce back and forth – between "performance reviews" and "Discussion, consideration, and possible assignment, appointment, promotion, demotion, dismissal, salaries, disciplining, or resignation of the Town Manager – seems logical that there must be a performance review to provide grounds for dismissal or promotion". Also, at the **Special Session Mayor and Common Council Town of Camp Verde, Wednesday, April 4, 2007** Council voted unanimously to table the item when **all** Council members are present; now at the meeting tonight (May 2, 2007) they don't care if all Council members are present; just a quorum.

I don't know what kind of distress this is causing Mr. Lee, but it is certainly causing the public a great deal of distress and frustration. I will be at the meeting tonight (May 2, 2007) and hope that you can answer the questions I have posed to you in this document.

Thank you,

Nancy Floyd