

**MINUTES  
COUNCIL HEARS PLANNING & ZONING  
MAYOR AND COUNCIL  
TOWN OF CAMP VERDE  
COUNCIL CHAMBERS  
WEDNESDAY, OCTOBER 24, 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, Garrison, Kovacovich, Elmer and Parry were present.

**Also Present:** Town Manager Mike Scannell, Town Attorney Brad Woodford, *by telephone conference*, Community Development Director Nancy Buckel, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**

The Pledge was led by Councilor Elmer.

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) October 10, 2007 – Work Session
- 2) October 3, 2007 – Executive Session
- 3) October 3, 2007 – Regular Session
- 4) October 3, 2007 – Work Session
- 5) September 26, 2007 – Council Hears P&Z

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

- 1) Regular Session – November 7, 2007 at 6:30 p.m.
- 2) Regular Session – November 14, 2007 at 6:30 p.m.
- 3) Regular Session – November 21, 2007 at 6:30 p.m. – **CANCELLED**
- 4) Council Hears Planning & Zoning – November 28, 2007 at 6:30 p.m.

On a motion by Hauser, seconded by Kovacovich, the Consent Agenda was unanimously approved as presented.

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

(Comments from the following individuals are summarized.)

**Bea Richmond** expressed appreciation for the Town Clerk's presentation at the Trails Commission meeting on the Open Meeting Law; she also requested that consideration be given to maintaining the public building thermostats at a higher temperature in the summer and lower in the winter. *Gioia advised Ms. Richmond that the Town Manager is looking into that issue.*

**Robert Johnson** said he believes that because of what he understands is the water shortage, developers should have to drill their own wells to provide water to their developments.

**Jim Bullard** stated that the Camp Verde Water system has four times the amount of water needed by the existing population; also, the Water Company is in the process of getting the 100-year water supply.

6. **Council Informational Reports**

Mayor Gioia explained that this item has now been moved up from the end of each meeting as a courtesy to the community in order to share with them the information on the Council members'

activities and projects.

**Elmer** reported on his research regarding incorporating the Rural/Western look for buildings; the main problem is adapting the new building materials to accomplish that.

**Hauser** said that Camp Verde has lost a good friend and wonderful citizen with the passing of Jesse Reeves, highlighting his many contributions to the community. Hauser shared the appreciation of her granddaughter for the parade honoring her, and reminded everyone about the upcoming Halloween Main Street event, and invited their help.

**Garrison** reported on her work on the policy for Council donations; the Town Manager will now finish the project. Garrison also commented on a very productive meeting at the Education Foundation Board.

**Smith** said that Jesse Reeves will be greatly missed; his Memorial Service will be held Saturday at 11:00 a.m. at the soccer field. Smith described the Albuquerque Balloon Festival that he had attended, saying it was the best, most professionally run event he has ever enjoyed.

**Gioia** also commented on the Albuquerque Balloon Fiesta events in which he had participated in the past, and the clockwork precision of the launching of the balloons. ***Gioia requested that the Council Donations Policy be included on the next agenda; a request will be forthcoming from the Veterans' group regarding funds for the van.*** Gioia welcomed Lance Corporal Hollamon home for her brief visit. In addition, the League of Women Voters has scheduled a workshop for creating a community landscape vision for the Verde Valley, set for November 8, 2007, from 6:00 p.m. to 8:30 p.m. at the Cottonwood Public Safety Building. *Gioia then requested a moment of silence in honor of Jesse Reeves.*

7. **Discussion, consideration, and possible appointment of a staff member to the Conflict Resolution Team that was established by the Yavapai County Board of Supervisors on the recommendation of the Regional Planning Group as an implementation element of the Verde Valley Regional Land Use Plan.**

On a motion by Parry, seconded by Hauser, the Council voted unanimously to appoint Nancy Buckel as a staff member to the Conflict Resolution Team that was established by the Yavapai County Board of Supervisors on the recommendation of the Regional Planning Group as an implementation element of the Verde Valley Regional Land Use Plan.

Community Development Director Buckel explained that the proposed Conflict Resolution Team is part of the implementation strategy in connection with the Verde Valley Regional Land Use Plan. The group would deal with conflicts among communities arising from developments in one area that may possibly affect other areas; the Highway 260 issue is one prime example. After a brief discussion, Buckel volunteered to participate as the staff member from Camp Verde, confirming that she would look for direction from the Council on how she would try to negotiate or recommend any concessions.

There was no public input.

8. **Discussion, consideration, and possible approval of a request by American Heritage Academy to refund their building permit fees in the amount of \$5,287.85.**

On a motion by Gioia, seconded by Hauser, the Council voted unanimously to deny the request for refund of building permit fees in the amount of \$5,287.85, regrettably, to American Heritage Academy.

Buckel said that upon the request from American Heritage Academy to refund building permit fees, staff conducted a research on the permits that have been issued over the years to different public or charter schools. Only two waivers were granted between 1989 and 1995 for the Camp Verde School District, and during that time no building inspections were being conducted. Staff

believes there should be consistency in applying building permit fees and that the subject request for refund should not be approved, and is asking for direction from the Council. The members agreed on the desire to be supportive of educational facilities, but also pointed out the costs involved in conducting building inspections as well as the need to be consistent and fair to all businesses or entities in imposing those fees.

The Council reminded Mr. Anderson that the requirement for engineering certification was for the protection of his facility itself, not for the Town, and does not affect the building permit fees one way or another. Mr. Anderson discussed with the members the curriculum of the Academy that stressed development of leadership qualities, and the Council noted that the decision it had to make was a very difficult one.

#### **PUBLIC INPUT**

(Comment from the following individual is summarized.)

**Steve Anderson**, the Director and Founder of American Heritage Academy, outlined the successful 13-year background of the Academy, said he understood the issue of fiscally responsibility, and explained that his non-profit charter school receives no public funds for construction of buildings and never is on property tax rolls. Mr. Anderson said that the Council is actually being asked to consider that all schools of any kind in the future be considered for a permanent waiver of fees because education is one of the greatest things that can be done for the children. In the particular case of the Academy, they would like to be able to use all of their funds for building a facility of which the Town can be proud. Mr. Anderson also suggested that since they are already doing most of the engineering work as required now, the Town is perhaps overcharging for its building permit fees.

There was no further public input.

9. **Discussion, consideration, and possible determination to either grant or deny an appeal to the Mayor and Council regarding the imposition of Development Fees in the amount of \$2,378.00 for Building Permit #2007206M for a manufactured home to be placed on parcel 404-15-004 as submitted by Gary and Patty Maiers, owners.**

On a motion by Parry, seconded by Hauser, the Council voted unanimously to **deny** the appeal to the Mayor and Council regarding the imposition of Development Fees in the amount of \$2,378.00 for Building Permit #2007206M for a manufactured home to be placed on Parcel 404-15-004 as submitted by Gary and Patty Maiers, owners.

Buckel said that the building permit was issued in June, 2007 which was clearly after the adoption of the impact fees. The applicants have submitted pictures to illustrate that they improved the property after removal of the older mobile in January 2004. However, staff notes that at the time of the application for a permit in 2007 there was no residence in place on the parcel and therefore placement of the manufactured home at this time would not qualify as replacement of an existing dwelling which would have exempted the impact fees.

There was no public input.

**(NOTE: Prior to the hearing on the following Item 10, Council Garrison announced that she had a conflict of interest, and left the Council Chambers.)**

10. **Public Hearing, discussion, consideration, and possible approval of Ordinance 2007-A344, an ordinance of the Town of Camp Verde, Yavapai County, Arizona changing the zoning for parcels 404-28-014U, 014V, 014W, and 014Z consisting of approximately 3.75 acres from R1L-35 to R1L-12. This rezoning is conditional on the development of a 10-lot subdivision. Construction permits must be issued within two years of the zoning change approval or this zoning will revert to prior zoning of R1L-35 through a hearing process. This property is located on west side of 7<sup>th</sup> Street across from intersection of 7<sup>th</sup> & Head Streets in Camp Verde.**

On a motion by Parry, seconded by Hauser, the Council voted 5-1 to **disapprove** Ordinance 2007-A344, an ordinance of the Town of Camp Verde, Yavapai County, Arizona changing the zoning for parcels 404-28-014U, 014V, 014W, and 014Z consisting of approximately 3.75 acres from R1L-35 to R1L-12; **with a 'no' vote by Smith.**

#### **STAFF PRESENTATION**

Buckel said that the subject area has both water and sewer availability and the rezoning request meets the General Plan Land Use designation of high density, and it is within walking distance of most of the downtown areas. The Ordinance has been drafted to provide for conditional approval because of special circumstances in connection with the area including historical drainage issues. The P&Z Commission voted to deny the rezoning request, and staff then researched the ability to add conditions to the rezoning. Those conditions would require an approved drainage plan to be in place prior to the proposed 10-home project going to the Preliminary Plat stage. The owner has the existing right to develop four homes on four lots. Because of the number of neighbors objecting to the development, approval will require a three-fourths majority vote by the Council.

#### **PUBLIC HEARING OPEN**

##### **Applicant's Statement**

Memi Perkins, representing the Conlin Family Trust, distributed a packet of information and maps to support her presentation requesting approval of the rezoning request to allow development of a 10-home project. Ms. Perkins pointed out that the development would benefit the community through creating infill, employment and responsible growth, and would resolve the drainage issues for the entire area. If the owners chose to sell off the four lots, four homes could be built without concern for the existing drainage problems or access issues. Ms. Perkins offered arguments to counter several complaints of the neighbors including loss of privacy, traffic, drainage and property values. In summary, she said that approval of the rezoning would create the opportunity for the Town to exercise control over any development of the property and to solve the drainage issues.

#### **COMMENT FROM OTHER PERSONS**

(Comments from the following individuals are summarized.)

**Marilyn Ewing**, a resident of the Cliffs development for 12 years, presented detail maps and literature in opposition to the rezoning, and outlined in detail the drainage problem on her property, the steep slope of the subject property that would only create more of a problem, the damage to native plants, resulting erosion of the soil, and the increased density.

**Bruce George** referred to the existing flooding problems with the Cliffs as well as loss of privacy and changing the view with building ten homes; he would rather stay with just the four.

**Diane Bowlus** said that she thinks that adding ten homes would be a disaster; there are already problems that just would be made worse, including soil erosion; property values would be impacted; and she noted the problem of the steep slope of the property.

**Linda German** raised the question of emergency vehicle access and developments on steep slopes in California.

#### **APPLICANT'S REBUTTAL**

Ms. Perkins said that the maps she had provided show how homes can be built on slopes, and the neighboring subdivisions are examples of that. She reiterated that the owners expect to have to correct some of the drainage problems that are not on their property; the Council would have control because of the conditions imposed in the rezoning; and the property does meet the requirements for a rezoning.

#### **PUBLIC HEARING CLOSED**

##### **Council Discussion**

Ms. Perkins was asked whether the engineer was confident that the drainage problem could be solved; she believes he does and that he will be accepting liability when he stamps the plans. There was also acknowledgment during the Council discussion that the trade-off between just selling off the four lots and approving the development was the guarantee of resolving the existing drainage problems through the development. The issues of density, plans for connection to the sewer, and traffic were also discussed. Mayor Gioia commented on his meetings with the Town Engineer and other staff on drainage issues in the whole area, as well as working with past developments during the past three years, to no avail, since the anticipated problems arose and have continued to exist. Gioia said he would feel irresponsible as an elected official if he were to further the existing problems, and stated for the record that he has other issues with the site and the possibility of development, but that drainage leads the issues and he cannot support the change of zoning that the applicant requests. Gioia commended all those who had worked on trying to resolve this difficult issue, including the efforts of the applicants, staff and P&Z Commission.

11. **Discussion with designated representatives in order to consider Council’s position and possible instruction to representatives regarding negotiations for the purchase of Forest Service land as a Town park site.**

On a motion by Parry, seconded by Hauser, the Council voted unanimously to go into Executive Session for discussion.

**PUBLIC INPUT**

(Comments from the following individuals are summarized.)

**Lynn Reddell** said that whatever park site is within the Town’s budget we need to start to do something; it has been going on for a number of years now and the community would like the Council to consider getting the land if it is within budget; the children need a park.

**Jim Bullard** commented that we need to have something here for the young people; we need to get it going.

**Diane Bowlus** spoke from her experience as a therapist for special needs children on the importance of providing activities for children and the need for a park with playgrounds. *Gioia suggested that she consider submitting an application for the P&R Commission; the Town could use her help..*

(**Note:** One individual, who did not identify himself, complained that information has not been shared with the public regarding a park site.)

There was no further public input.

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

There was no public input.

13. **Advanced Approvals of Town Expenditures**

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

There were no advanced approvals.

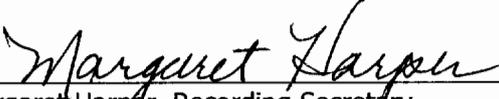
14. **Manager/Staff Report**

There was no Manager/Staff report.

**The meeting was adjourned at 8:46 to go into Executive Session after addressing Items 12 through 14; the meeting was called back to order at 10:03 p.m.**

15. **Adjournment**

On a motion by Elmer, seconded by Kovacovich, the meeting was adjourned at 10:03 p.m.

  
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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 24th day of October 2007. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 8 day of November, 2007.

  
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Debbie Barber, Town Clerk