

**MINUTES
COUNCIL HEARS PLANNING & ZONING
MAYOR and COMMON COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, OCTOBER 25, 2006
at 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 Baker, Smith, Kovacovich, Parrish and Parry were present.

Also Present: Community Development Director Nancy Buckel, and Recording Secretary Margaret Harper. **Note:** Town Attorney Brad Woodford was present by speaker telephone during the meeting.

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:**

There are no minutes for approval.

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

- 1) Regular Session – November 1, 2006 at 6:30 p.m.
- 2) Work Session – November 8, 2006 at 6:30 p.m.
- 3) Regular Session – November 15, 2006 at 6:30 p.m.
- 4) Council Hears P&Z – November 22, 2006 – **Cancelled**
- 5) Council Hears P&Z – November 29, 2006 at 6:30 p.m.

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

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

Robert Johnson again spoke about the vehicles coming down the mountain in the Verde Lakes area, and a homemade sign about trucks and their loud-sounding brakes; it would be better to have a real sign in place. *Buckel said that she understands that ADOT would deny putting such signs on any State highway because of the safety factor for trucks; she will refer the question to the Town Manager to research the ADOT policy.*

Rob Witt, in connection with the water Physical Ability Determinations, commented on the Town policy requiring going out to bid; Witt said he had been asked to let the Council know that the developers would much rather the Town do the PAD than the Water Company. Witt said that once the determination is made the developers, who are actually doing the funding, would have a significant say on who receives the contract, that it is not based on price alone. *Gioia advised Witt that the issue will be on the Agenda next week.*

There was no further public input.

6. **Discussion, consideration, and possible approval of Ordinance 2006-A336, an Ordinance of the Town of Camp Verde, Yavapai County, Arizona, adopting an amendment to the Town Code, Article 7-7 relating to enforcement procedures for**

violations of Town Codes, changing the heading thereof and adding Section 7-7-1 relating to inspection warrants.

On a motion by Gioia, seconded by Smith, the Council unanimously approved Ordinance 2006-A336, an Ordinance of the Town of Camp Verde, Yavapai County, Arizona, adopting an amendment to the Town Code, Article 7-7 relating to enforcement procedures for violations of Town Codes, changing the heading thereof and adding Section 7-7-1 relating to inspection warrants.

Mayor Gioia said that based on information received from members of the Housing Commission regarding lack of ability to fully enforce regulations, he had requested Town Attorney Woodford to draft an amendment to resolve that issue. Attorney Woodford explained the problem encountered by attempts to enforce some of the building and zoning codes; the proposed amendment would provide a standard legal procedure whereby an inspection warrant can be obtained through the court for violation of any Town Code. Woodford recommended adoption of the Ordinance.

There was no public input.

7. Discussion, consideration, and possible approval of Resolution 2006-693, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting final plat 2006-03 for Homestead @ Simonton Ranch located on parcel 403-23-102 consisting of 36.2 acres. This project is located off Finnie Flat Road and is within the Master Planned Community of Simonton Ranch.

On a motion by Gioia, seconded by Hauser, the Council unanimously approved Resolution 2006-693, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting final plat 2006-03 for Homestead @ Simonton Ranch located on parcel 403-23-102 consisting of 36.2 acres; **with additional stipulations, No. 5, Subject to approval of ADWR adequate water supply; and No. 6, Subject to approval of provision of sewer service or temporary sanitary systems until such time as sewer service stretches through that area.**

STAFF PRESENTATION

Director Buckel said that the subject final plat had been heard in August and approval had been denied based on the type of assurance that was offered. The owner, Robert Fuller, had not been present to discuss any alternative; he is now present and willing to discuss the final plat, and is offering a letter of assurance, an improved type with no risk, that has been used successfully before by the Town. Nothing else has been changed on the final plat from what Council reviewed two months ago. Buckel described how the project is a key element of the Simonton Ranch development and outlined connecting roadways. The Town Attorney requested that a stipulation be added to the proposed Resolution concerning the trail maintenance agreement, that it be signed prior to recordation of the plat. Other stipulations are those that have been applied to the Silverado development including dealing with water rights; the type of assurance now offered was added to the stipulations.

PUBLIC HEARING OPEN

Applicant's Statement

Robert Fuller said he believes that, working with staff, all the issues have been resolved and that he is available to answer any questions.

COMMENT FROM OTHER PERSONS

Robert Johnson requested clarification of which way was north on the projected map. *Buckel pointed out north in relation to the location of the project.*

There were no other comments from other persons.

APPLICANT'S REBUTTAL

No rebuttal was necessary.

PUBLIC HEARING CLOSED

Council Discussion

In response to some concern, Buckel said that she had confirmed with the attorney that it is a requirement prior to recordation to have the letter of water adequacy, and explained the administrative process whereby the final plat can be approved but no construction will be allowed until that letter is received. It was suggested that the issue of water adequacy could be added as a stipulation as well as the requirement for sewer service. There was some discussion regarding historical objects that were found in the past on the site as well as the history of the area. The water adequacy issue was discussed with the applicant, and his intent to participate in the effort of the developers to get an umbrella letter of water adequacy was confirmed. After further discussion it was suggested that Item 5 be added to the stipulations, "Subject to approval of ADWR adequate water supply," and Item 6, "Subject to provision of sewer service."

The members also addressed the issues of sewer service, temporary septic service, if necessary, street widths and construction, type of curbs, walkways, as well as **a request that staff research including the cross section of the road on the final plat in the future.**

8. **Discussion, consideration, and possible approval of Resolution 2006-699, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting Final Plat 2006-05 for River's View @ Simonton Ranch located on parcel 403-23-102F consisting of 16.9 acres. This project is located off of Finnie Flat Road and is within the master planned community of Simonton Ranch.**

On a motion by Baker, seconded by Kovacovich, the Council unanimously approved Resolution 2006-699, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting Final Plat 2006-05 for River's View @ Simonton Ranch located on parcel 403-23-102F consisting of 16.9 acres; this project is located off of Finnie Flat Road and is within the master planned community of Simonton Ranch; **with additional stipulations, No. 5, Subject to approval of ADWR adequate water supply; and No. 6, Subject to approval of provision of sewer service or temporary sanitary systems until such time as sewer service stretches through that area.**

STAFF PRESENTATION

Buckel reviewed the project which is another development within the Simonton Ranch and is accessed off of Finnie Flat Road through the development just approved in the prior Item 7. The large 35,000 square-foot lots are to be rural in character and trailways in connection with the washes will be dedicated to the Town to be used by the public. Setbacks and roadway cross sections were previously approved; an acceptable form of assurance has been provided, and water and sewer, or septic, have been addressed.

PUBLIC HEARING OPEN

Applicant's Statement

Albert Dupuy said that there was not much more he could say after the presentation by staff; he was available for questions.

COMMENT FROM OTHER PERSONS

There were no comments from other persons.

APPLICANT'S REBUTTAL

No rebuttal was necessary.

PUBLIC HEARING CLOSED

Council Discussion

There was a brief discussion regarding the dedication of trails as well as the maintenance agreement that the Town Attorney was working on. Buckel said the agreement will be coming to Council shortly for review and approval; all of the developers will be requested to sign that document that has also had input from the developers in creating it. Prior to recording each plat, the agreement will need to be signed. It was suggested that a motion for approval include the requirement in the prior Item 7 regarding water adequacy and sewer or temporary septic service.

Mr. Dupuy confirmed his understanding that if the assured water supply is not received, the project can still be continued and the plat recorded; the Public Report to be filed with the Arizona Department of Real Estate will have to indicate that there is inadequate water supply, even though the development is being serviced by Camp Verde Water System. Also, he understands that he will need to come back to Council in that event, at which time the entire project can be disapproved. A question regarding two street names that appeared to involve one street was also discussed, and clarified with input from Buckel.

9. **Discussion, consideration, and possible approval of Resolution 2006-711, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, declaring the Design Review Section 124 of the Planning and Zoning Ordinance, Dated October 25, 2006, to be public record and establishing Section 124 Design Review of the Planning and Zoning Ordinance.**

On a motion by Smith, seconded by Parry, the Council unanimously approved Resolution 2006-711, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, declaring the Design Review Section 124 of the Planning and Zoning Ordinance, Dated October 25, 2006, to be public record and establishing Section 124 Design Review of the Planning and Zoning Ordinance; **as revised by the Planning & Zoning Commission October 17, 2006.**

STAFF PRESENTATION

Buckel said that this item involves a project that Casa Verde Consulting has been working with Council and staff for approximately the last year during five Work Sessions with the P&Z Commission and Council. Buckel explained that Matt Morris, formerly of Casa Verde Consulting, and Mike Gardner, the principal of the consulting firm, are here to present the final document for inclusion into the P&Z Ordinance as Section 124. Two versions of the document have been included in the agenda packet; the first one was reviewed, and originally recommended by the Town Attorney with some suggested changes. The second is the one that the P&Z Commission reviewed, edited, and requested to be forwarded to the Council for approval. The major difference is the P&Z Commission version would give the Design Review Board (DRB) administrative power, or the ability to make decisions, and the first would give the Council legislative power, with the DRB only making recommendations to Council. The Council making the decision would open it up to the possibility of a referendum that would shut down a development for a long time.

PUBLIC HEARING OPEN

Consultant's Statement

Mike Gardner spoke first, cautioning the Council to seriously consider the aggravation of being vulnerable to referendums by making the decisions. Input from Attorney Woodford included his recommendation that the Council approve the P&Z Commission administrative version, but with one change to the Appeal section providing that where a decision of the DRB is appealed to the Council, the Council shall hear the appeal de novo, or anew. Woodford explained that the legal minds changed their original recommendation because of practical considerations and the referendums that Camp Verde seems to experience. Gardner said that the important decisions to be made by the Council are who will serve on the DRB, and to maintain a type of watchdog supervision. Matt Morris suggested that the members keep in mind that there are no laws regarding design review; it is only a tool for the Town to use for communication between the Town and the developers coming into Town. Morris said that it benefits both: The developers

have upfront knowledge of the vision and goals of the Town that are a general guide for that development.

COMMENT FROM OTHER PERSONS

There was no comment from other persons.

CONSULTANT'S REBUTTAL

No rebuttal was necessary.

PUBLIC HEARING CLOSED

Council Discussion

The Council discussion commenced with an expression of appreciation to Casa Verde Consulting, staff, and all those who participated in developing the Design Review Ordinance. Gardner and Morris both pointed out that there should be no hesitation to change anything in the document that is not working. The members discussed at length the historical perspective section, publication of the ordinance to hand out to developers, concern regarding appearance and protection of the vistas on the 260 commercial corridor, a suggestion to create a Landscaping Ordinance, the basis for selection of DRB members and advice from the Attorney to not include a Council member, although individual Council members could attend as a matter of interest.

The suggestion to develop a Landscaping Ordinance was referred to Buckel with the request to have the first steps go through the P&Z Commission with a subsequent report to Council.

10. **Discussion, consideration, and possible approval of Ordinance 2006-A331 an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona adopting by reference the establishment of Section 124, entitled Design Review, to the Planning and Zoning Ordinance (87-A23), and proscribing penalties for violations thereof.**

On a motion by Smith, seconded by Parry, the Council unanimously approved Ordinance 2006-A331 an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona adopting by reference the establishment of Section 124, entitled Design Review, as revised by the Planning & Zoning Commission October 17, 2006, to the Planning and Zoning Ordinance (87-A23), and proscribing penalties for violations thereof, with two stipulations: (1) under Section N, Appeal, Paragraph 1, add as underlined, ".....Board's decision, and Council shall hear the appeal de novo. The decision of the....." ; and (2) substitute Section 5 of the Ordinance into Section O of the actual Design Review Ordinance in place of No. 3 which now reads, "Additional penalties shall be provided." In addition, it was confirmed that this Commission will be an administrative Commission, not a legislative one.

For the record, Councilor Smith, in essence, thanked the Planning & Zoning Commission for their work on diligently reviewing and working out the final details of the Design Review Ordinance.

STAFF PRESENTATION

There was no staff presentation.

PUBLIC HEARING OPEN

Consultant's Statement

There was no consultant's statement.

COMMENT FROM OTHER PERSONS

There were no comments from other persons.

CONSULTANT'S REBUTTAL

No rebuttal was necessary.

PUBLIC HEARING CLOSED

Council Discussion

There was no further Council discussion; however, Attorney Woodford recommended that the Penalty clause, Section 5 of the Ordinance, should be added to and made a part of the Design Review Ordinance.

Note: Following action on Item 10, Attorney Woodford was excused from further telephone conference.

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

Mike Gardner, of Casa Verde Consulting, expressed his regret at losing Matt Morris as part of his staff, adding that his loss is the Town's gain and to treat Matt well.

There was no further public input.

12. **Advanced Approvals of Town Expenditures**

There were no advanced approvals of Town expenditures.

13. **Manager/Staff Report**

Director Buckel gave a detailed outline on the progress and problems the department is experiencing in connection with continuing to try to improve service to the public, including the major issue of needing space for files and staff time for updating and/or destroying files, and researching new software for networking, although no estimated cost is available at this time. Shirts with logos have been received for Commissioner members; members have been signed up for the Conference for new Commissioners. Buckel also gave an update on the Verde Cliffs lights and the drainage in the Cliffs. Buckel was requested to look into the changeover of Arizona Engineering to the Town Engineer and related costs.

14. **Council Informational Reports**

Parrish commented on an accident at the 'Y' and the possible hazard of glass in the street.

Hauser displayed bumper stickers from MATForce that are available to all. Hauser deplored the fact that Camp Verde has nothing to offer the public in the way of Halfway Houses, or a Sanctuary for domestic violence victims; Cottonwood and Prescott have the only facilities of that type. MATForce members will be conducting comprehensive Meth educational visits to all the various public groups and schools.

Kovacovich said he had heard complaints from truckers about the new "covered load" requirement, and suggested some dialog between the Marshal's Office and trucking company representatives.

Smith reported on enjoying the Chamber Mixer held last night.

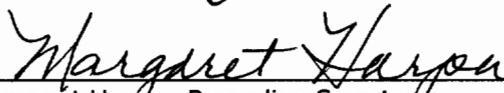
Gioia invited all member to look at the Court's renovated offices; they are very nice looking and extremely functional; staff is happy and very busy. Gioia also said that there will be a SWAG report from ADWR at 4:00 in the Public Services building in Cottonwood in connection with changes to ADWR's regulations and to legislation. Gioia also reported on Mike Dumas having been in the hospital, and the members expressed "Get Well" wishes. Gioia also confirmed that he had NOT bought a bar, a rumor that had been created by other members during the recent trip to Pine.

15. **Adjournment**

On a motion by Baker, seconded by Hauser, the meeting was adjourned at 8:35 p.m.



Tony Gioia, 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 25th day of October 2006. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 21 day of November, 2006.



Debbie Barber, Town Clerk