

**MINUTES (Corrected)
REGULAR SESSION
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, NOVEMBER 19, 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, Garrison, Kovacovich, Elmer and German were present.

Also Present: Town Manager Mike Scannell, Community Development Director Nancy Buckel, Parks & Recreation Director Lynda Moore, Library Director Gerry Laurito, Town Clerk Debbie Barber, and Recording Secretary Margaret Harper.

A recess was taken at 6:31 p.m.; the meeting was called back to order at 6:33 p.m.

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) Regular Session – November 5, 2008
- 2) Special Session – November 5, 2008
- 3) Executive Session – November 5, 2008 (Taped)

b) Set Next Meeting, Date and Time:

- 1) November 26, 2008 at 6:30 p.m. – Council Hears Planning & Zoning – **CANCELLED**
- 2) December 3, 2008 at 6:30 p.m. – Regular Session
- 3) December 10, 2008 at 6:30 p.m. – Work Session – Water Education
- 4) December 17, 2008 at 6:30 p.m. – Regular/Council Hears P&Z COMBINED
- 5) December 24, 2008 at 6:30 p.m. – Council Hears Planning & Zoning - **CANCELLED**

c) Possible approval of Ordinance 2008-A358, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Section 2-3-7.1C of the Town Code (Staff Resource: Debbie Barber)

d) Possible acceptance of the resignation letter from Therese Tobish, Parks & Recreation Commission and possible approval of the Certificate of Appreciation for her service. (Staff Resource: Lynda Moore)

On a motion by Kovacovich, seconded by German, the Consent Agenda was unanimously approved as presented, with the exception of **b)3**).

Garrison requested that Item 4.b)3) be pulled for consideration as a separate item.

b)3) December 10, 2008 at 6:30 p.m. – Work Session – Water Education

On a motion by Smith, seconded by Kovacovich, the Council voted unanimously to move Item **4.b)3)** to Item 11 for discussion.

Garrison suggested having a full discussion on the cost of Work Sessions for the Council and the Commissions before approving this item.

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

(Comments from the following individuals are summarized.)

Barbara Rice brought members of Cub Scout Pack 7193 to make a presentation of a memento to Mayor Gioia in appreciation of his time spent with the boys to help teach them about citizenship and government as part of earning their merit badges. *Mayor Gioia accepted the notes and plaque, expressing his pleasure and gratitude.*

Jackie Baker reminded the community in connection with using municipal property for some event, about a special insurance program called Tenant User Liability Insurance Program (TULIP), offered by the Town's municipal risk insurance provider, and available through the Town offices. Ms. Baker also requested that the Council consider installing a light by the Ramada for the safety of pedestrians after dark, citing an example of the need for one.

Gerry Laurito, Library Director, said that the Library Network is in the process of restructuring its formula for which member libraries pay for the network; an information session is scheduled for December 3, 2008 at Yavapai College.

Robin Whatley thanked everyone who participated in the Veterans Day Parade last Sunday; over 30 entries had participated. Also, the ceremony at Clear Creek Cemetery was very successful.

Marion Savage, President of the Senior Center, thanked the Council on behalf of all the members for all the help given to the Center in obtaining grants for the remodeling of the building; their next project is to have the parking lot improved and the kitchen updated.

There was no further public input.

6. **Council Informational Reports**

Garrison reported that most of the Committee meetings she had attended centered on the economic issues that the State of Arizona is currently facing; the predictions are that the economy will be on the upswing in three years instead of the two years previously forecast.

Elmer said he had attended the Cocopai meeting held in Camp Verde that included an excellent slide presentation on "green" houses; Flagstaff has a website that shows examples of their "green" housing efforts.

Hauser reminded Council about the Christmas Family project; those members who are interested in participating should let her know. Hauser also reported on the Verde Watershed meeting today that included a presentation on climate change in Arizona, past, present and future.

Gioia reported on his participation in the Senior Center ribbon-cutting event, with over 100 people in attendance. The Veterans Day Parade was a great success. Gioia described being a part of the huge event organized by the Veterans of Post 93, along with others, featuring the placement of a flagpole at the McGuireville Exit. Gioia also reported on the Veterans Day event at Clear Creek and the opening of the Pediatric Floor in the Verde Valley Medical Center where he gave Governor Napolitano information regarding the Town's denial of expansion of water regulations for the Prescott side. Gioia met with the Chamber of Commerce on signage and hopes to bring back information to Council on that issue.

Mayor Gioia requested item #7:

7. **Presentation of the Wii Virtual Reality Gaming System donated by Walmart to the Camp Verde Senior Citizen's Center.**

There was no action taken.

Mayor Gioia described the effort spearheaded by Vice Mayor Hauser to obtain a Wii Gaming System for the Senior Center that culminated in a donation of the system by Walmart; the Youth Commission will assist in setting up the machine at the Center; Mayor Hauser outlined some of the ways the system is used for exercise and enjoyment. Gioia and Hauser then presented the packaged Wii system to representatives from the Center and the Youth Commission.

There was no public input.

8. **Presentation and discussion, consideration, and possible direction to staff concerning the following:**

a. **Policy of allowing encroachment of structures into the Town's Rights-of-Way.**

b. **Allowing Mr. Allen's construction project to proceed while the necessary documents are prepared. (Staff Resource: Nancy Buckel)**

Staff was directed to allow Mr. Allen's construction project to proceed as discussed, as long as the Town is provided with liability insurance, and to start working with the Commission to establish an Overlay Zone that addresses commercial activity in the main part of Town, with the cooperation of the Town Engineer.

Community Development Director Buckel referred to the subject as an ever-recurring issue that comes up in connection with the Downtown area along Main Street. As an example, the project that Mr. Allen is working on involves

trying to preserve the historical flavor of the building he is restoring, and that has caused unforeseen problems, many of which have been resolved. However, the porch that is one feature of the restoration project will encroach into the right-of-way, and Buckel said she is requesting the Council to set a general policy on how the Town needs to treat further activity along Main Street. Buckel projected some slides to illustrate further examples of how the problem was created by ADOT during the recent street reconstruction project with right-of-ways ending up flush to historic buildings, and in one instance a street light had been removed. Buckel also pointed out several instances of temporary encroachments of furniture and signs into the right-of-ways. Buckel said that she had consulted with the Town Attorney, and an option would be to establish an Overlay District for the Downtown area that would have special considerations that would include signage, temporary structures such as furniture. Permanent structures would require permanent encroachment easements that will have to be recorded, indicating liability placed on the person building the structure with the Town being carried on the policy. Buckel added that, based on some research, the Town Engineer would have to issue a right-of-way permit for items that are temporary in nature such as furniture, trash cans, or signage. Permanent structures such as stationary awnings, porches, or other protruding structures would have to be built under an encroachment easement; documents are being collected and organized on those. Special consideration is also being requested to allow Mr. Allen to continue with his activity as the documents are prepared; he will agree to whatever conditions are necessary in order to do that. The Council briefly discussed the issues presented by Buckel, expressing understanding of the problems caused by moving the right-of-ways, and general approval of the suggestions presented. There was also some discussion regarding establishing an Overlay Zone in connection with more than just the Downtown Main Street area in anticipation of future commercial growth.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Jackie Baker suggested that the extra street light mentioned during the staff presentation be placed by the Ramada.

Howard Parrish shared his recollection of how the historical porches and posts were situated.

There was no further public input.

Note: As a courtesy to interested parties in attendance, Gioia requested that Council address Item 14 prior to Item 9.

9. **Discussion, consideration, and possible direction to staff relative to the enforcement of Town Code, Chapter 9, Business Regulations.** (Staff Resource: Debbie Barber)

Staff was directed as follows: The Clerk's Office will notify businesses to renew expiring business licenses within 30 days or such licenses will be revoked; the Community Development Department will be notified, and the Code Enforcement Officer will then post the citations at the end of the 30 days; the violations to also be published in the Police Dockets in the local newspapers.

Town Clerk Barber stated that the new business license requirements that went into effect in October have been pretty well received, and every effort has been made to inform the public of the process. There appear to be some businesses who have not yet complied with the new regulation, and Barber requested direction from Council on how to proceed with enforcement, which has been a continuing problem because there is only one person who does Code enforcement, and the Marshal's Office is short of staff as well. Director Buckel said that in the past the Code Enforcement Officer only enforced the Zoning regulations; it was never quite clear whether the Marshal's Office or the Code Enforcement Officer would handle the Town Code violations. Buckel described the inspections necessary in order to receive a Business License; since September there have been 29 new businesses requiring inspections, which puts even more burden on her staff to follow up on compliance. Buckel said that between her department and the Clerk's Office a procedure needs to be clearly established to follow in connection with the new business license regulations. The Council discussed the issues of required training and authority, as well as the level of Code enforcement sought, and after considering various suggestions on steps that the Clerk and the Community Development Director could share in enforcing compliance, agreed on establishing the procedure to follow and directed staff accordingly.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Carlle Androus suggested publishing the violators in the newspapers.

Jackie Baker commented on possibly incorporating both the renewal and the warning notice in one certified letter, and agreed with the suggestion to publish in the newspapers.

There was no further public input.

10. **Update and discussion of the 2009 Primary/General election for Mayor and four (4) Council members.** (Staff Resource: Debbie Barber)
There was no action taken.

In keeping with wanting to keep everything out in the open, Barber explained that for the election coming up in 2009k there will be four Council seats up for election; three of them will be to fill members' four-year terms that are expiring, and the fourth will be to fill the remaining two years of Greg Elmer's term. And then the Mayor's term is for two years. Candidate packets are available in the Clerk's office; Barber outlined the requirements to meet, including obtaining signatures, in order to return the packets and run for election, together with positive input from Smith regarding serving on the Council. Barber added that even if someone is elected to replace Elmer, it will still be June before that person is seated.

PUBLIC INPUT

(Comments from the following individual are summarized.)

Robin Whatley announced that the day after she had filed her election paperwork to run for Council, Greg Elmer had submitted his resignation. The Clerk's Office informed her that all the petitions going out for election had to indicate whether the candidate was running for the two-year term or four-year term; Whatley's petition did not indicate a specific term. Whatley was advised that if she intended to run for a four-year term, she should submit a letter to that effect, which she did, stating that she has every intention of running for a four-year term. Whatley said she was announcing that intention at a Council meeting, and furthermore, is requesting either written or verbal public confirmation that the Town Attorney has gone on record that the letter is sufficient to meet the election requirement.

There was no further public input.

Barber explained in detail her subsequent contact with the Town Attorney and the basis on which the determination is made as to which candidate is running for a specific position. With her letter and public notification Ms. Whatley has satisfied election requirements. Barber apologized for any confusion that had come up caused by the unusual timing of Elmer's resignation, and assured all applicants that help is always available in the Clerk's Office. Barber will also ask the Town Attorney to provide Ms. Whatley with the written confirmation she has requested.

A recess was taken at 8:09 p.m.; the meeting was called back to order at 8:15 p.m.

11. **Report of the Town's financial condition, followed by discussion, consideration, and possible authorization to implement the Manager's recommendations relative to adjusting expenditures in order to bring them in line with current revenue projections. Adjustments may include, but not be limited to reorganization of staff and/or Town resources, reducing and/or eliminating expenditures in various line items, etc.** (Staff Resource: Michael Scannell)

On a motion by Garrison, seconded by Smith, the Council voted 6-1 that Commissions, excluding Planning & Zoning, Board of Adjustment and Design Review Board, meet every other month until further notified; with a 'no' vote by Hauser.

On a motion by Hauser, seconded by Garrison, the Council unanimously authorized the implementation of the Manager's recommendations relative to adjusting expenditures as outlined.

On a motion by Smith, seconded by Garrison, the Council unanimously authorized having two Council meetings per month until further notice.

Town Manager Scannell gave a comprehensive update on the negative effect of the declining statewide economic activity on the current financial condition of the Town, and his proposed cost-saving measures to compensate for the projected general fund shortfall. Scannell outlined in detail the recommendations as set forth in his written report. The first recommendation, in essence, was to shut down the Housing Department, reassign the Director and the Administrative Assistant to other departments and responsibilities, and eliminate the Housing Commission as a result of closure of that department. In that regard, Scannell suggested that Director Morris could be authorized to allocate perhaps 10 percent of his time, over time, to forward the housing issues on a regional basis. Other cost-saving measures were to cease publication of the Town Page in the print media and to reclassify and reassign certain

personnel to other departments. Scannell included with his written report a spreadsheet to outline the total estimated expenditure savings.

The members acknowledged the worsening economical situation in the State and Town, and suggested several other possible cost-cutting measures, including limiting the yearly number of Commission meetings, making the meetings shorter, reassessing the need for Work Sessions, and considering doing away with televising meetings. The possible cost-savings to the Town through limiting the frequency and length of Commission meetings was also discussed. There was some support for rescheduling Commission meetings for every other month, and a suggestion that Council adopt a resolution to go to two meetings per month and to have Executive Sessions and Special Sessions either right before or after those meetings.

During the discussion Gioia recommended that those Commission members present tonight put on their next Commission or Committee meeting an agenda item to discuss the necessity or possibility of less frequent meetings, have that go through the Manager's Leadership Group, with a recommendation back to Council. Gioia said he would also like to see hard figures on possible cost savings in that regard. There was disagreement with that request by Councilors Garrison, Kovacovich, Smith, and Elmer, all noting that this was a Council decision. There was further discussion on the issue of having the Commissions meet only every other month, with the exception of Planning & Zoning and the Design Review Board.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Linda Buchanan spoke at length in support of the need for the Housing Commission, adding that she also believes in pursuing working with a Regional Housing Authority, and supports the Manager's recommendation to work with Morris to continue the good work performed by the Housing Department. Ms. Buchanan suggested retaining the Housing Commission on a reduced schedule of meetings.

Tony Varela, as a neophyte member of the Commission, expressed dismay over being cut off; he appreciated the report from the Manager, and suggested looking at the income as well.

Jeremy Bach said he agreed with all that Ms. Buchanan said, and added that until they are asked to leave they are not leaving. Mr. Bach said he is looking forward to working with Mr. Scannell further on some other issues

There was no further public input.

12. **Discussion, consideration and possible authorization for Councilmember German, Sanitary District liaison, and the Manager to negotiate options to the May 12, 2007 Recorded IGA, Section 2.1.9 'ground lease' that would be reasonably acceptable to the Camp Verde Sanitary District with respect to:**

- a. **The Town leasing 15 acres of ground at the Sanitary District site.**
- b. **Establishing the lease period as 50 years rather than 25 years as referenced in the IGA.**
- c. **The Town assuming responsibility for the cost of surveying the 15-acre parcel for purposes of a legal description should the District agree to proceed with the lease.**
- d. **Staff submitting to the District and regulatory agencies any plans we may have for constructing capital facilities at the site.** *(Staff Resource: Michael Scannell)*

On a motion by Gioia, seconded by Hauser, the Council unanimously approved the subject recommendations of the Manager and the Sanitary District Liaison Charlie German, as set forth in Items a, b, c, and d.

Scannell explained that Councilor German, as Liaison to the Sanitary District, has advanced the concept of leasing out 15 acres of land at the Sanitary District site; Scannell said he believes it makes good sense to take advantage of that provision in the IGA, and to extend the lease period to 50 years instead of the 25-year period provided in the IGA. The Town would commit to funding any improvements on the land, with capital assets or any activities to be passed on to the Sanitary District and to submit plans to the District and to all regulatory agencies overseeing the improvements. Scannell requested that authorization be given to formally activate the conversations with the District. Councilor German said that the Manager has covered the issue, and the negotiations are at the stage where a document can be drafted for review and approval by the respective attorneys.

There was no public input.

13. **Discussion, consideration, and possible approval of the revised Intergovernmental Agreement (IGA) with Camp Verde Unified School District (District) for the operation of the Camp Verde Heritage Pool. The IGA**

proposed by the District makes substantive changes to the maintenance and operations costs of the pool, placing bulk of the financial responsibility solely on the Town's budget. Discussion may include direction for further negotiation of the terms of the IGA. (Staff Resource: Lynda Moore)

Council directed staff to draft a letter to the President of the School Board outlining our suggestions for modifications to their proposed IGA.

Parks & Recreation Director Moore referred to the copies of the past IGA as well as the proposed new IGA that were provided in the agenda packets. Moore outlined the agreement with the school to assist in funding operation of the pool for the children, including providing water and electric. Under the new IGA, the School District proposes eliminating such assistance. Moore said that Dr. Van Handel is in support of Moore recommending that the Council send a letter to the President of the School Board requesting a modification to include those three items. The Council addressed the need to keep the pool in operation to comply with the Heritage grant, the expense of maintaining the pool including the electric power and propane, and the research done in connection with converting to solar power. The costs paid by the School District and the Town were discussed and compared. It was pointed out that the hours that the pool is open for the students might have to be eliminated without the funding from the school; it was agreed that the School District should be advised in writing of that possibility. Throughout the discussion, the need to continue the IGA for the benefit of the community was stressed.

During the discussion, Gioia suggested scheduling a future agenda item for discussion of the possibility of using solar power.

There was no public input.

14. **Discussion, consideration, and possible authorization to go to public auction for that piece of property identified as a vacant .36-acre parcel of residential land located east of McCracken Lane in the 1200 Block South, a portion of parcel 404-02-171. (Staff Resource: Lynda Moore)**

On a motion by Smith, seconded by Kovacovich, the Council voted 5-1 to **not go to public auction** for that piece of property identified as a vacant .36-acre parcel of residential land located east of McCracken Lane in the 1200 Block South, a portion of parcel 404-02-171; with a 'no' vote by Hauser; German abstained and reiterated his previous declaration that he had recused himself from hearing this item due to a conflict of interest.

Garrison announced that the Council has been given some new information and a few issues had to be reconsidered based on the additional facts.

PUBLIC INPUT

(Comments from the following individual are summarized.)

Robert Brown said he would like to know just what the new issues were that were disclosed regarding a possible auction. *Mayor Gioia explained that all issues that are discussed in Executive Session are privileged information and cannot be made public prior to any decision being made, staff has been directed to contact the neighbors to the subject property.*

There was no further public input.

Following up a comment by the public, Councilor Smith explained the legal process whereby parcels of land may be subdivided, and into how many lots.

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

There was no public input.

16. **Advanced Approvals of Town Expenditures**

a) There are no advanced approvals.

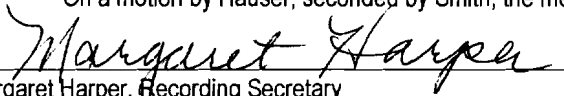
There were no advanced approvals.

17. **Manager/Staff Report**

Scannell stated that an internal meeting was held on the Heritage Grant issue; staff will be coming to Council on December 3rd with a comprehensive report on the process; the rules have changed to some degree. An agenda item on the issue will be scheduled.

18. **Adjournment**

On a motion by Hauser, seconded by Smith, the meeting was adjourned at 10:13 p.m.




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 19th day of November 2008. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 5 day of December, 2008.



Debbie Barber, Town Clerk