

**MINUTES
COUNCIL HEARS PLANNING & ZONING
MAYOR and COMMON COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, SEPTEMBER 27, 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 Hauser, Councilors Baker, Smith, Kovacovich, Parrish and Parry were present.

Also Present: Town Manager Bill Lee, Town Attorney Bill Sims, Finance Director Dane Bullard, Community Development Director Nancy Buckel, Deputy Clerk Virginia Jones, Receptionist Sharon McCormick, 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:**

There are no minutes for approval.

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

- 1) Regular Session – October 4, 2006 at 6:30 p.m.
- 2) Regular Session – October 18, 2006 at 6:30 p.m.
- 3) Council Hears P&Z – October 25, 2006

c) **Possible approval of Proclamation declaring the week of October 8-14, 2006 as "Drive against Meth" week.**

On a motion by Baker, seconded by Kovacovich, the Consent Agenda was unanimously approved as presented, with Item 4.c) pulled for separate consideration.

c) **Possible approval of Proclamation declaring the week of October 8-14, 2006 as "Drive against Meth" week.**

On a motion by Gioia, seconded by Hauser, the Council unanimously declared the week of October 8-14, 2006 as "Drive Against Meth" week.

Vice Mayor Hauser, prior to reading the "Drive Against Meth" Proclamation, announced that it will also be passed by next Tuesday by every city and town in the Verde Valley.

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

Suzy Burnside, on behalf of the Camp Verde Sanitary District, announced that the District has received the Aquifer Protection Permit from ADEQ this afternoon. Burnside thanked the Mayor and Council Members for their support throughout the effort to obtain the permit, a 38-page document that will be published on the ADEQ website along with a public notice that the permit has been granted. A public hearing will run for 30 days during which comments or concerns may be addressed by ADEQ. There will be no moratorium. Burnside outlined the remaining required legal steps to be taken; the permit is for .65 million gallons, and for future expansion to 1.3 million.

Robin Whatley, a resident on Black Bridge Loop Road, strongly protested the construction work being done on that road for access to the Black Bridge Park and the lack of notification to the

residents in that area. Ms. Whatley described in detail her frustration over efforts to find out more information; she suggested Mosher Lane as an alternate access straight to the river.

Bobbie White May reiterated the same concerns expressed by Ms. Whatley, adding that the neighbors are opposed to a lot of traffic on what she understands is a small private road. Ms. White May questioned whether that former designation as a private road has been changed recently; she also distributed copies of the plot plan of the park and questioned the source of the funds for the work on Black Bridge Loop Road. *For her additional questions, Mayor Gioia invited her to visit with him at Town hall for further discussion.*

Rob Witt, in summary, spoke at length urging that the Council members try to work together, eliminate the in-fighting, and work toward creating positive and productive results for the benefit of the Town and its citizens.

Mitch Dickinson, in summary, congratulated the Town Council and staff for opening up the access on Black Bridge Loop Road, adding that the subject first came up about four years ago so the current construction should not have been a surprise; it has always been a public road. The Council has known about the improvement as recently as last July. Dickinson complimented the Council and staff for a job well done.

Paul Clawson, also a resident on Black Bridge, said that when a significant change is going to happen on property that has been a quiet area for years, the residents should be notified what the changes will be. Mr. Clawson said that the residents are not against the park, but want to have some role in its development and are concerned about a significant increase in traffic and trash; the residents want some voice in decisions and respect from the Council.

Henry Shill commented on Dan Engler's editorial about the proposed impact fees, and his suggestion not to sign the petition regarding a referendum.

Scott Simonton said he appreciated hearing the news from Ms. Burnside regarding the ADEQ permitting. Mr. Simonton reviewed his contacts with ADWR and other entities on the adequate water supply issues in Camp Verde and outlined possible solutions suggested for the Town as well as efforts being made by developers in the community.

Bob Womack came to the meeting with hatchet in hand, said he is willing to bury the hatchet, and hopes the Council is willing to do the same.

There was no further public input.

5.a Discussion with the Town Manager concerning his performance review.

On a motion by Smith, seconded by Hauser, the Council voted unanimously to go into Executive Session for legal advice.

On a motion by Smith, seconded by Baker, the Council voted 4-3 to continue Agenda Item 5.a until proper Town procedure is followed; with 'no' votes by Gioia, Hauser and Parry.

The Council members discussed the issue of the last-minute addition to the agenda and what constituted a beyond-control circumstance that would permit the addition. Attorney Sims reviewed the background and legal authority for the decision, although he said he could not address the issue of circumstances beyond control. There was acknowledgment in the discussion that 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. With input from Sims, the discussion continued on the question of what created or justified the need for the last-minute addition of Item 5a to the agenda. There was also strong objection that the item was not only added at the last minute, but added to the agenda for a Council/Planning & Zoning meeting where typically an attorney is not present to go into Executive Session; Sims

reviewed the background leading to his attendance. When asked for his preference, Town Manager Lee said he was unable to request either an open or closed meeting since he was unsure of what the intent of the agenda item was, and the Town was not following the process for evaluation. Gioia reminded Lee that he had told him that the discussion under the agenda item could involve either that format of review or talk about some issues, and the Council could decide by a majority vote whether Lee remained in the Town's employ or not, and that could now be discussed either in private or public at Lee's discretion. Lee recommended that a Council member make a motion to delay the item and go through the regular process as set by Council and by Code. Attorney Sims then requested a 15-minute recess in order to brief the Council on legal issues.

The meeting was adjourned at 7:28 p.m. to go into Executive Session and was called back to order at 7:46 p.m.

Sims reported that he had advised the Council on various legal alternatives, and that the Town Manager has the right to either request an Executive Session or he may request that the meeting remain open. Lee again recommended that a motion be made to continue the item and to follow the Town Code as outlined.

5.b Discussion, consideration, and possible assignment, appointment, promotion, demotion, dismissal, salaries, disciplining, or resignation of the Town Manager.

On a motion by Gioia, seconded by Hauser, the Council voted unanimously to table Item 5b.

6. Discussion, consideration, and possible appointment to the following commissions:

- a. **Planning & Zoning Commission** (1 position)
- b. **Library Advisory Commission** (2 positions)

On a motion by Parry, seconded by Gioia, the Council voted 2-5 to appoint Bob Johnson to the Planning & Zoning Commission; with 'no' votes by Smith, Baker, Kovacovich, Hauser and Parrish.

On a motion by Baker, seconded by Smith, the Council voted unanimously to appoint Joe Butner to the Planning & Zoning Commission.

On a motion by Baker, seconded by Gioia, the Council voted unanimously to appoint Lisa Mina to the Library Commission.

Bob Johnson outlined his experience, education and participation on the Town's Board of Appeals, and his passion for the Town of Camp Verde.

Lisa Mina, a current member of the Library Commission, expressed her desire to continue to serve and reviewed her qualifications as a teacher and her education in library science.

There was no further public input.

7. Discussion, consideration, and possible approval of Resolution 2006-708, a resolution of the Common Council of the Town of Camp Verde, Arizona approving the Preliminary Plat 2006-05 for the purpose of developing River's Edge subdivision within Simonton Ranch Master Planned Community on a portion of parcel 403-23-102Q consisting of approximately 14.3 acres and 10 lots with the minimum lot size being 35,000 square feet.

On a motion by Baker, seconded by Kovacovich, the Council voted 6-1 to approve Resolution 2006-708, a resolution of the Common Council of the Town of Camp Verde, Arizona approving the Preliminary Plat 2006-05 for the purpose of developing River's Edge subdivision within Simonton Ranch Master Planned Community on a portion of parcel 403-23-102Q consisting of approximately 14.3 acres and 10 lots with the minimum lot size being 35,000 square feet; noting the exceptions that are listed in the Resolution, and including the stipulation regarding the trails maintenance agreement with the Homeowners Association; with a 'no' vote by Hauser.

STAFF PRESENTATION

Community Development Director Buckel reviewed the subject development, which is another project within the Simonton Ranch and will be called River's Edge. An overall map of the Simonton Ranch was provided in order to show the relationship between the different subdivisions that have been going through the approval process. Buckel outlined the exceptions to the Town standards that the applicant is requesting and which are listed in the proposed Resolution. Buckel also reviewed the agencies' responses and comments; no written responses to the notification letters have been received. The P&Z Commission has recommended approval of the preliminary plat. Buckel said that during the Commission discussion the maintenance issue with the trails was brought up with Mr. Simonton; he will address that issue with the Council tonight.

PUBLIC HEARING OPEN

Applicant's Statement

Scott Simonton first advised the Council that the name of the development will be changed on the Final Plat to "Water's Edge," and in a Power Point presentation outlined the location of the subdivision, the access roads, relationship to other developments, open space, and the number and sizes of lots. Simonton also reviewed the reasons for the exceptions being requested. Simonton also advised the Council of his negotiations regarding ADWR approvals and resolving their issues. Simonton added that the subdivision promises to be a quality project for the Town.

COMMENT FROM OTHER PERSONS

There was no comment from other persons.

APPLICANT'S REBUTTAL

There was no rebuttal necessary.

PUBLIC HEARING CLOSED

Council Discussion

The members discussed with Mr. Simonton the proposed exceptions and comments from the Town Engineer, the access roads, the plans for temporary septic systems and anticipation of the expansion of the sewer system. The issue of the development and maintenance of trails was discussed at length, with input from the Attorney Sims. Mr. Simonton referred to his past discussions with the Council members and the very real concern about developing the trails and the responsibility for maintenance and the liability issues that would arise. He said the developers were willing to make them the Town trails, but would propose as a compromise to enter into an agreement with the Town whereby the Town would own the trails for the use of the community. The HOA's would commit to keep the trails maintained as far as litter and weeds, but would not wish to accept responsibility beyond that. The HOA's would also request being added to the Town's insurance as an added insured. The members discussed in detail the proposal outlined by Mr. Simonton in regard to the trails maintenance. It was generally agreed that once the trails are dedicated to the Town, the Town should accept responsibility for them since they are being required in compliance with the General Plan. Attorney Sims confirmed that the compromise being proposed by Mr. Simonton was a reasonable solution, addresses some of the safety issues, and is similar to what is being done in the Phoenix area. In the agreement the Town could also retain the ability to make sure the HOA's would perform the baseline functions.

During the discussion Scott Simonton requested that the record reflect that as he sells off a parcel the purchaser is given all the documentation and stipulations that come from the Town on zoning; the preliminary and final plats are not submitted back to him for his approval. Mr. Simonton added that he then has no control over determining where the trails are and what they are, the safety issues and maintenance. Attorney Sims said that a solution would be for the Town to include a stipulation in the plat; the HOA must enter into an agreement to provide the spraying

and weed control, and in return the Town would make the HOA an additional insured, as discussed.

Gioia said that the Community Development Director will involve possibly every other subdivision in the trails issue and that the solution discussed may be the expectation of the Council. Gioia also requested that the proposed agreement be included on a subsequent Council Hears P&Z meeting, after first presenting it to the Trails Committee and P&Z Commission for review.

8. Discussion, consideration, and possible approval of Resolution 2006-709, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, removing the stipulation requiring the application for transfer of water rights before recordation of the Final Plat for Equestrian Estates Phase 1.

On a motion by Gioia, seconded by Parry, the Council voted unanimously to approve Resolution 2006-709, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, removing the stipulation requiring the application for transfer of water rights before recordation of the Final Plat for Equestrian Estates Phase 1; and contained in that resolution the statement that it will move to the 2nd Phase.

Buckel explained that the approval of the 1st Phase of Equestrian Estates included a stipulation requiring transfer of water rights. Mr. Weiland has met with SRP and was given the wrong paperwork for processing the application. Because of the delay caused by the error, and input required from many sources, the applicant requests that the 1st Phase be allowed to move forward in order to sell some lots and recoup money from construction of the infrastructure; he is willing to place that requirement on the 2nd Phase. The proposed Resolution includes that language.

Mark Weiland confirmed that he is working on the transfer of water rights; the Council agreed that the process is time-consuming and that because of the complexity for the Town as well it would not be fair to delay the applicant and that it would be acceptable to move the requirement to the 2nd Phase.

Public Input

Jim Bullard advised the Council that the Water Company still has \$50,000 with which to purchase water rights.

There was no further public input.

9. Discussion, consideration, and possible approval of Ordinance 2006-A331, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, changing the zoning for parcel 403-18-003B consisting of approximately .62 acres from RCU2A to R1L-12. This rezoning is to allow for development of two lots.

On a motion by Gioia, seconded by Hauser, the Council voted 2-5 to deny approval of Ordinance 2006-A331, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, changing the zoning for parcel 403-18-003B consisting of approximately .62 acres from RCU2A to R1L-12; this rezoning is to allow for development of two lots; with 'no' votes by Smith, Kovacovich, Baker, Parrish and Parry. *The motion failed.*

On a motion by Baker, seconded by Kovacovich, the Council voted 5-2 to approve Ordinance 2006-A331, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, changing the zoning for parcel 403-18-003B consisting of approximately .62 acres from RCU2A to R1L-12; this rezoning is to allow for development of two lots; with 'no' votes by Gioia and Hauser. *The motion failed.*

STAFF PRESENTATION

Buckel apologized for a mix-up on staff's part, explaining that a subsequent discussion with the attorney following the meeting confirmed that there are stipulations on a very stringent vote

when there is neighborhood opposition. Staff had just applied that requirement to the wrong part of the hearing. It is to be applied to the zoning map change request. Therefore, tonight a 6-1 vote will be required to approve the zoning map change. The General Plan Amendment was approved by a 5-2 vote. The applicant was informed that if the opposition still exists as had been noted, the change may not be approved. Buckel reviewed the change in zoning to the parcel that would allow for development of 2 lots with R1L zoning for residential use and the construction of two site-built homes.

PUBLIC HEARING OPEN

Applicant's Statement

Troy Krauter cited what he calculated was the average lot size on both sides of Shady Lane based on research that he had done; he believes the lot sizes that would result from the parcel split requested would compare favorably. Mr. Krauter believes that the fear of congestion suggested by the neighbors was unfounded; also, the proposed homes would be moderately priced.

COMMENT FROM OTHER PERSONS

Marlin Cassa restated the opposition of the neighbors as listed in the previously signed letter and petitions, and confirmed that as far as he knew there had been no change of minds; they do not want the change. Mr. Cassa stressed that the greatest concern of the neighbors is the added traffic congestion seven days a week.

APPLICANT'S REBUTTAL

Troy Krauter answered questions from the members as to the anticipated approximate price of the homes and the possible positive effect on the real estate prices in the area. Mr. Krauter said he hoped to make the neighbors proud of what he planned to build.

PUBLIC HEARING CLOSED

Council Discussion

In response to a question, Attorney Sims said the change that was made in the land use at a previous meeting did create a conflict. However, it is legal for the zoning to be inconsistent with the planned land use; Sims explained that in order to satisfy the requirements of the Legislature when there is opposition in the neighborhood, the vote to approve the rezoning must be a majority of six. Mr. Krauter added another basis for opposition in that the existing neighborhood consists of retired and working class residents. He believes the planned project is strictly a financial investment and will result in two rental properties. During the Council discussion Mr. Krauter was assured that the decision facing the Council was a difficult one. There was comment that the desires of the neighbors should be honored, countered with the opinion that the planned homes would be a good addition to the neighborhood.

A recess was called at 9:13 p.m.; the meeting was called back to order at 9:20 p.m.

10. **Discussion, consideration, and possible approval of SPR 2006-03: a request made by Pete Schultz, agent for H.H. Ranch LLC owner, for approval of a site plan for a commercial complex to be located on parcel 404-23-028A zoned C2-4.**

On a motion by Baker, seconded by Kovacovich, the Council voted unanimously to approve SPR 2006-03, a request made by Pete Schultz, agent for H.H. Ranch LLC owner, for approval of a site plan for a commercial complex to be located on parcel 404-23-028A zoned C2-4.

STAFF PRESENTATION

Buckel advised the Council that the subject request is for approval of a site plan for a commercial complex that will be placed on the former site of the VFW Thrift Store. The owner found that the existing building was beyond being upgraded to the current building code. That building has been removed and the owner planned the design of the new construction to address the historic nature of the Downtown area. Buckel outlined the dimensions of the planned building that includes a second story, as well as the parking provisions. The P&Z Commission voted

unanimously to recommend approval of the site plan. The Commission expressed some concerns about a possible fire hazard, drainage and parking availability.

PUBLIC HEARING OPEN

Applicant's Statement

Pete Schultz said that the owner is looking for approval of the request, described the building that will occupy the footprint of the former building, although the actual use space is 52 feet smaller, and listed the types of businesses and office spaces that are planned.

COMMENT FROM OTHER PERSONS

There was no comment from other persons.

APPLICANT'S REBUTTAL

No rebuttal was necessary.

PUBLIC HEARING CLOSED

Council Discussion

The members discussed with Mr. Krauter the types of construction materials and lighting, the planned height and parking accommodations, and the small shops that the owner planned for, commenting that the design appeared to be very innovative.

There was no public input.

11. **Discussion, consideration, and possible approval of Resolution 2006-706, a resolution of the Mayor and Town Council of the Town of Camp Verde, Arizona supporting the Verde Valley Regional Land Use Plan.**

On a motion by Baker, seconded by Smith, the Council voted 4-3 to accept the changes made to the proposed Verde Valley Regional Land Use Plan by the Planning & Zoning Commission; with 'no' votes by Gioia, Hauser and Parrish.

Buckel said that the proposed Regional Land Use Plan was put together by consultants hired by the County; the Town supported the idea and contributed to their hiring. It is the end result of many public hearings and meetings and was presented to each of the communities for their input and is also based on information in the various General Plans and Focus Future. The Plan will ultimately be adopted by the Board of Supervisors. The P&Z Commission reviewed the document on September 14, 2006, and their comments are excerpted from the Minutes of that meeting. The Commission's suggested changes are based in part on concern that there is language in the document that might be later construed as allowing other communities to dictate activity within the Camp Verde community.

The Council briefly discussed continuing the item for a thorough review; there was also a suggestion to hold a joint Work Session with the Commission. After further discussion, with some minor changes suggested to staff, a motion was made to accept the changes made to the Land Use Plan by the Commission.

Public Input

Rob Witt said that in addition to the P&Z changes made, he felt it was important to also address the issue of access to Camp Verde.

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**

There were no advanced approvals of Town expenditures.

- 14. **Manager/Staff Report**
There was no Manager/Staff report.

- 15. **Council Informational Reports**
Parrish reported on his television appearance in Prescott regarding the Colonel's Daughter competition set for Sunday at the Fort at 2:00 p.m., and Fort Verde Days.

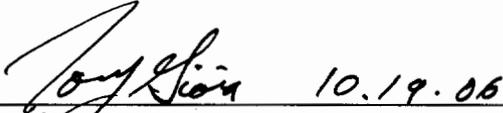
Hauser reported on the meth meetings she is attending; the steering committee is trying to make every community in the Verde Valley not receptive to meth use; a public meeting is scheduled for tomorrow at noon at the County complex. Also, Verde River Days will be on Saturday, 9:00 a.m. to 3:00 p.m. at Dead Horse Ranch State Park.

Gioia added to the information supplied by Suzy Burnside, reviewing his contact with ADEQ; he also met with the Y-A Nation's Chairman, regarding setting up a joint Council-Tribal Council meeting. Also discussed was possibly working with the Nation on the Black Bridge park archaeological issue. Gioia also invited Fullmer to ride with him in the Fort Verde Days Parade. Fullmer cannot make it, but he will suggest that to the Vice Chairman.

Baker said she wanted to confirm that staff will provide the members with the form for the performance review. *Gioia said that the Attorney was requested to contact the Personnel Director to start the process immediately. Smith said he had the time lines available to refer to.*

Smith commented that if the Town is going to mitigate the Black Bridge site and there are no human remains, and if there are artifacts, he would like to have it archived in the Town's historic system, not the Tribe's.

- 16. **Adjournment**
On a motion by Baker, seconded by Hauser, the meeting was adjourned at 10:00 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 27th day of September 2006. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 26 day of October, 2006.



Debbie Barber, Town Clerk