

**DRAFT MINUTES
REGULAR SESSION
MAYOR AND COUNCIL
COUNCIL CHAMBERS
WEDNESDAY, FEBRUARY 16, 2011
6:30 P.M.**

DRAFT

**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 Burnside, Vice Mayor Kovacovich, Councilors Whatley, Garrison, Baker, Roulette and German were present.

Also Present: Town Manager Russ Martin, Acting Community Development Director Mike Jenkins, Code Enforcement Official Robert Foreman, Asst. Planner Jenna Owens, Administrative Assistant Carol Brown, Town Clerk Debbie Barber, and Recording Secretary Margaret Harper.

3. Pledge of Allegiance

The Pledge was led by Whatley.

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 – February 2, 2011
- 2) Council Hears P&Z Matters – January 26, 2011

b) Set Next Meeting, Date and Time:

- 1) February 23, 2011 at 6:30 p.m. – Council Hears Planning & Zoning Matters - **CANCELLED**
- 2) February 25, 2011 at 7:00 a.m. – Work Session
- 3) March 2, 2011 at 6:30 p.m. – Regular Session
- 4) March 16, 2011 at 6:30 p.m. – Regular Session/Special Council Hears Planning & Zoning Matters
- 5) March 23, 2011 at 6:30 p.m. – Council Hears Planning & Zoning Matters
- 6) March 30, 2011 at 6:30 p.m. – Work Session

On a motion by Kovacovich, seconded by Garrison, the Consent Agenda was unanimously approved as presented, with the change in meeting dates as discussed.

After a brief discussion, there was unanimous agreement to cancel the February 25, 2011 Work Session scheduled for 7:00 a.m., and instead set the Work Session for February 23, 2011, at 6:00 p.m.

5. Special Announcements & Presentations

Welcome to the new businesses:

- Lansink Family Properties, 301 S. Woods Street, Camp Verde
- Kings Authentic Gifts & Souvenirs, 1550 W. Highway 260, Camp Verde
- Alarm Electronics, Prescott, Az
- Baier's Carpet & Upholstery Cleaning, Camp Verde
- Valley View Restaurant, 102 W. Arnold, Camp Verde
- Jerry Rosenberg, 866 N. Garner Lane, Camp Verde
- Doc's Small Engine Repair/Welding, 227 S. Woods, Camp Verde
- Highlands Floor Covering, Flagstaff, AZ
- Tyler Technologies, Inc., Sugarland, TX

Mayor Burnside, expressing his pleasure at being able to make the announcement, read into the record the list of new businesses.

6. Council Informational Reports.

German reported that she had attended the soft opening of the new restaurant, and volunteered at the Pecan & Wine Festival

last weekend, which seemed to be aw very successful event.

Roulette said he also enjoyed himself at the Pecan & Wine Festival; it was well done.

Baker reported on attending the Pecan & Wine Festival; comments from the public indicated it was a great show this year; she also volunteered at the Fort, and public comments there indicate they were quite impressed; Baker reminded them to spread the word to friends and family.

Kovacovich thanked the maintenance staff for the new flagpole in front of Town Hall; other members joined in the thanks.

Whatley shared her experience in unsuccessfully trying to go to the new Valley View Restaurant; the parking lot was filled to capacity. Whatley also volunteered at the Pecan & Wine Festival two days, but spent one day just attending what she described as a great and very successful event.

Garrison shared her exceptionally busy week, including information on the three-year branding project accomplished by the Navajo and Apache Counties, called the Real AZ Corridor, with the website www.realazcorridor.com. Garrison attended the Yavapai County Supervisors Redistricting in Cottonwood; there will be a meeting in Cottonwood on March 1, 2011 at 4:00 p.m.; it is important for everyone to get involved and complete the survey form; all comments will be submitted to Washington with the application for redistricting. Garrison commented on the 2011 Tourist Roundup scheduled for /April 6, from 10:00 to 5:00 p.m. in Williams, Arizona; there will be no charge this year. She praised the job done by all participants on the new flagpole, and the dedication ceremony. She also enjoyed the opening of the Valley View Restaurant, and reminded everyone of the Yavapai-Apache Nation Exodus and Return event on February 26, 2011 that will involve a temporary road closure on the Reservation. The new UPS store will be celebrating their Grand Opening February 19th.

Burnside welcomed the new Public Works Project Manager, Steve Burroughs. Burnside reported on attending the Honor of the Chaplains at the VFW. Hhe described the proposed route of a Pink Fire Truck throughout the state; donations will be sought at each city or town and will be used to aid each town's cancer victims. Burnside commented on the Valentine's evening event at the Mingus Cafeteria; he participated in a brainstorming session on promoting agriculture and canning to benefit the Verde Valley. He reported on the Prescott National Forest presentation on the proposed Trails Map. The Town Manager has been requested to submit a copy of the transportation map that is in the General Plan to be included on the proposed map. Burnside commented on the cleanup efforts in front of the Library, and reminded everyone of the voting ahead for a new Mayor and three Council members.

7. **Call to the Public for items not on the agenda.**

Steve Goetting gave an update on the Pecan & Wine Festival, extending special thanks to all the volunteers, vendors, restaurants, wineries, and others who participated, as well as the Town staff in connection with insurance and yard work. Attendance appeared to be up about 10% over last year, and he will be meeting with Town staff at the end of the month with a final total.

There was no further public input.

8. **Presentation by Carol Brown relative to an overview of Risk Management followed by possible discussion. Staff**

Resource: Carol Brown

There was no action taken.

Carol Brown, Administrative Asst. to the Town Manager, presented a brief overview and definition of Risk Management, and its importance, background and objectives. The presentation included a list of tools to identify risks, some assets that increase the Town's exposure, direct and indirect risk-related costs, insurance options, and the benefit of written guidance provided by a Risk Management Policies and Procedures and Safety Program. Baker commended Brown for the work she had done in her research, and the result should make the Board of Trustees quite happy. Brown alerted the Council to some minor changes that she has made in the draft Policies and Procedures that the Council will be reviewing. Brown added her thanks to all the individuals and agencies that had assisted her in the research.

9. **Public Hearing, discussion, and possible approval of Resolution 2011-833, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolution 2006-699 and vacating the approval of the Final Plat for the River's View subdivision at Simonton Ranch.** Staff Resource: Mike Jenkins

On a motion by Baker, seconded by German, the Council unanimously approved Resolution 2011-833, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolution 2006-699 and vacating the approval of the Final Plat for the River's View subdivision at Simonton Ranch.

On a motion by Baker, seconded by Kovacovich, the Council unanimously approved an amendment to the original motion, to delete from Resolution 2011-833, in the last WHEREAS paragraph, the entire last sentence beginning as follows: "Should the developer/subdivider of such property intend on developing the subject property"

STAFF PRESENTATION

Acting Community Development Director Jenkins first explained that he has been made aware of questions about other subdivision plats in process that have been approved and have also had the time limits expire on their plats; once the Council has made a decision on the Simonton Ranch subdivision, the other subdivisions will then be addressed.

Jenkins reviewed the background information on the Final Plat for the subject River's View Subdivision that had been approved by Town Council on October 25, 2006. Jenkins cited the language in Article IV of the Town's Subdivision Regulations that authorizes the Council to vacate that approval since the conditions of the approval of the Final Plat have not been satisfied within the time required and it is not acceptable for recording. The owners of the property have been notified by Certified Mail as well as by telephone. Jenkins said that when documents pertaining to the Homestead and River's View subdivisions in the Simonton Ranch development were referred to other agencies, Yavapai County Flood Control noted that there were several other subdivisions and a comprehensive master drainage plan for the entire area would be required. That led to a further review of the entire project and identification of a problem with the streets because of lack of interconnection with other subdivisions in development, among other issues. The Planning & Zoning Ordinances do not require a recommendation from the Commission prior to Council action. Based on the issues noted, staff believes it would be of benefit to the Town to reconsider and vacate this Final Plat. The developer would then be required to resubmit it through the Community Development Department, in accordance with the new Codes and standards, including the requirements of Yavapai County, and the road alignments and how they connect could also be reviewed

PUBLIC HEARING OPEN

Applicant's Statement

Al Dupuy, Developer, said that because of the economy it does not make economic sense to proceed further; he was grateful for the patience of the Town to this point, but he accepts what has to be done.

COMMENT FROM OTHER PERSONS

There were no comments from other persons.

APPLICANT'S REBUTTAL

No rebuttal was necessary.

PUBLIC HEARING CLOSED

Council Discussion

With no further discussion, Baker made a motion to approve the subject Resolution, seconded by German. A brief discussion, with input from the Town Manager, then followed based on Burnside's objection to the language in the proposed Resolution that refers to land development standards "to be adopted" by the Town. Baker then moved to amend the original motion to delete the language discussed, and action was taken accordingly.

10. **Public Hearing, discussion, and possible approval Resolution 2011-834, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolution 2006-693 and vacating the approval of the Final Plat for the Homestead subdivision at Simonton Ranch.** Staff Resource: Mike Jenkins

On a motion by Kovacovich, seconded by Baker, the Council unanimously approved Resolution 2011-834, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolution 2006-693 and vacating the approval of the Final Plat for the Homestead subdivision at Simonton Ranch, and deleting the entire last sentence in the last WHEREAS paragraph.

STAFF PRESENTATION

Jenkins pointed out that Council is considering the identical situation that was just addressed in the preceding item, also adopted on October 25, 2006, with all the same conditions applicable.

PUBLIC HEARING OPEN

Applicant's Statement

There was no applicant's statement. Jenkins confirmed that the applicant has been advised by Certified mail and in telephone conversations on an ongoing basis, as well as regarding another subdivision he has in Camp Verde; he is therefore well aware of the action being taken and is fairly comfortable with it since he has indicated he may want to reconsider how to develop the property because of the current economic conditions.

COMMENT FROM OTHER PERSONS

There were no comments from other persons.

APPLICANT'S REBUTTAL

No rebuttal was necessary.

PUBLIC HEARING CLOSED

Council Discussion

Staff confirmed that deleting the sentence as approved in the previous item would create no problem in the future for someone going forward with a development project, since that would be subject to the Town's newly adopted Codes and it would be the same as starting all over.

Asst. Planner Owens advised the Council that by not taking action tonight and moving this item to a new agenda, it could not be heard any sooner than 15 days due to advertising requirements.

11. **Public Hearing, discussion, and possible approval of Resolution 2011-832 of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolution 2006-685 and approval to record the abandonment and reversion to acreage plat for the Silverado subdivision at Simonton Ranch and said plat also including the abandonment of all roadways, easements, and common areas of the subdivision as evaluated by the Planning & Zoning Commission on January 27, 2011.** Staff Resource: Mike Jenkins

On a motion by Roulette, seconded by Whatley, the Council unanimously approved Resolution 2011-832 of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, superseding Resolution 2006-685 and approving to record the abandonment and reversion to acreage plat for the Silverado subdivision at Simonton Ranch and said plat, also including the abandonment of all roadways, easements, and common areas of the subdivision as evaluated by the Planning & Zoning Commission on January 27, 2011, with the following amendments to the verbiage: In the first WHEREAS, remove the word "has" following the date of November 17, 2010, continuing with, "...directed town staff to process an Abandonment..."; in the third WHEREAS, revise to state, "there have been no improvements made and lots sold for the Silverado Subdivision, and"; and in the sixth WHEREAS, change the date of November 17, 2010, to correctly reflect January 27, 2011.

STAFF PRESENTATION

Jenkins said that the two plats previously addressed by the Council had not been recorded; this Final Plat for the Silverado subdivision was recorded on July 6, 2006, and is the only recorded plat within any of the subdivisions in Simonton Ranch. Jenkins explained that the Town's Subdivision Regulations, based on municipal authority granted by Arizona Revised Statutes, provide that the Final Plat may be revoked if no lots have been sold and improvements made within three years from the date of the recording. There have been no improvements to and lots sold for the Silverado Subdivision. The current owners have been made aware through a meeting and subsequent discussions, as well as by Certified mail, of the intent to

return the subdivision to the Commission and the Council for action to abandon and revert the property to acreage, with the hearing for approval or denial set for February 16, 2011. Once an item has been recorded it cannot be unrecorded, which protects the public record. The action to abandon and revert to acreage would have the effect of superseding that record and would be recorded as a Plat to notice the public of the current land status of un-subdivided land, and that the previous approval of a subdivision plat by the Council would now be void. On January 27, 2011, the Planning & Zoning Commission recommended approval of the Abandonment and Reversion to Acreage Plat of the Silverado Subdivision to be recorded, which also includes the abandonment of all roadways, easements and common areas of the subdivision.

PUBLIC HEARING OPEN

Applicant's Statement

There was no applicant's statement.

COMMENT FROM OTHER PERSONS

There were no comments from other persons.

APPLICANT'S REBUTTAL

No rebuttal was necessary.

PUBLIC HEARING CLOSED

Council Discussion

In response to Garrison, Town Manager Martin explained his previous comment regarding concern about this item. He said that there are some typos in the proposed Resolution as well as an incorrect date, both of which would not preclude adoption of the Resolution, noting the corrections; however, there is some substantive language that needs to be resolved for consistency, which Martin pointed out for Council to be aware of and to consider.

Pursuant to the comments from Martin, the Council discussion commenced with the suggestion to simply make the corrections noted; that is, to correct the date in the last WHEREAS paragraph to reflect January 27, 2011, instead of November 17, 2010, and revise the third WHEREAS paragraph to state: "WHEREAS, there have been no improvements made and lots sold for the Silverado Subdivision, and". A question of grammar in the first paragraph was also discussed, and it was agreed to delete the word "has" from the sentence. Following a brief further discussion, action was taken accordingly.

12. **Discussion, consideration, and possible direction to staff relative to developing a comprehensive zoning enforcement process utilizing established protocol to include the Planning & Zoning Commission and the Town Attorney.** Staff Resource: Mike Jenkins

On a motion by German, seconded by Garrison, the Council unanimously directed staff to develop a comprehensive zoning enforcement process through the Planning & Zoning Commission and the Town Attorney utilizing the criminal citation process as prescribed in Section 102 of the current Planning & Zoning Ordinances and to place the enforcement procedures in the proposed new Planning and Zoning Ordinances/Town Code as a single guidance source.

Jenkins referred to the two flow charts provided for Council review; one showing the current enforcement procedure and the other the proposed code enforcement procedure. Jenkins outlined the background of Council actions regarding zoning enforcement that has led to conflicts between the Planning & Zoning Ordinance and Town Code, and allowing a choice between civil and criminal citation processes for enforcement of violations. Jenkins reviewed in detail the benefits and desirability of using the simpler and less costly Criminal Citation process. Jenkins also requested that in addition to approving the implementation of the Criminal Citation process, the Council consider allowing utilization of all available Community Development staff as Zoning Code Enforcement personnel, and to involve the Town Manager as part of the standard practices, using the Town Attorney sparingly and only where legal advice is necessary.

The Council discussed the challenges to staff created by the current Code enforcement regulations, expressing general agreement with the desire to enforce compliance in an equal and fair manner, guided by consistent rules and procedures resulting in what is best for the entire community. It was acknowledged that staff is extremely limited, and that there is a need for regulations that can be enforced. Martin confirmed that the action requested from Council would be to direct staff to start

the process to include the Criminal Citation process in one place, preferably the Town Code, since every violation is not necessarily a zoning enforcement issue, and reference it in the other.

There was no public input.

13. **Discussion, consideration, and possible approval of Resolution 2011-835, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, deeming the granting of a franchise to Arizona Public Service Co. beneficial to the Town and calling a Regular Election set for May 17, 2011 to submit the question to the qualified electors as to whether or not the franchise shall be granted.** Staff Resource: Debbie Barber
On a motion by Whatley, seconded by Baker, the Council unanimously approved Resolution 2011-835, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, deeming the granting of a franchise to Arizona Public Service Co. beneficial to the Town and calling a Regular Election set for May 17, 2011 to submit the question to the qualified electors as to whether or not the franchise shall be granted.

Town Clerk Barber advised the Council that the current Franchise Agreement expires in 2012, and by renewing it this year the election could be held in conjunction with our regular election cycle this year, and will save election expenses for both the Town and APS. The Manager has negotiated terms of the agreement, as directed by Council on January 5, 2011; the document has been reviewed by the Town Attorney. Because of the general election timeline, the Resolution must be approved no later than February 16, 2011.

Kendra Cea, representing APS, explained that the Franchise is a 25-year agreement, regulated by Arizona Statutes, allowing electric utilities, under City or Town Codes, to construct and maintain electric facilities in highway right-of-ways in order to deliver power to customers. Ms. Cea reviewed highlights of the benefits and function of the Franchise in general.

During the ensuing Council discussion, Ms. Cea confirmed that the election is required by the Arizona Constitution; and in her years of experience there has been no time when the voters did not approve the Franchise agreement. APS makes every effort to inform the public in advance of the election, and the percentage of approval is usually between and 85 and 95.

There was no public input.

14. **Discussion, consideration, and possible direction to staff relative to the method in which Council wishes to review the final revisions to the Town Code and the Policies and Operations Guide. Direction may include setting a work session.** Staff Resource: Debbie Barber
Town Clerk Barber was directed to bring back to Council the proposed final revisions to the Town Code and Policies and Operations Guide, as discussed at the January 7, 2011 Work Session, for final review and approval at a Work Session scheduled for March 9, 2011, at 6:00 p.m.; also included for review will be the financial policy issues previously discussed. The pages setting forth the proposed final revisions will be inserted into their copies of the original document.

Barber said that following up the all-day retreat on January 7th during which 600 pages of documents were reviewed, she is requesting that Council schedule a meeting at which she will bring back all the suggested changes for a final review. After estimating the time needed for the final review, since all of the members had not been in attendance at the initial meeting and may have questions, and financial issues may also be considered, it was agreed to set a Work Session for March 9, 2011, at 6:00 p.m. Barber discussed with the members the plan to provide the pages for review reflecting the changes made.

15. **Call to the Public for items not on the agenda.**
There was no public input.

16. **Advanced Approvals of Town Expenditures.**
There were no advanced approvals.

17. **Manager/Staff Report** Individual members of the Staff may provide brief summaries of current events and activities. These summaries are strictly for informing the Council and public of such events and activities. The Council will have no discussion or take action on any of these items, except that they

may request that the item be placed on a future agenda.

- **Update relative to Council's request to check into the handicapped parking requirements.** Staff Resource: Russ Martin

Town Manager Martin reported that pursuant to his contact with the Court Magistrate , the Town cannot be any less strict in the matter since the handicapped parking requirements are regulated by State Statute; the Town is required to cite any violation and there is only zero tolerance for not having the card in place as mandated. The only recourse is to appeal to the legislators to change the law in place. Martin added that interviews are in the process to hire the new Finance Director.

18. **Adjournment**

On a motion by Garrison, seconded by Baker, the meeting was adjourned at 8:18 p.m.

Bob Burnside, 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 16th day of February 2011. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this _____ day of _____, 2011.

Debbie Barber, Town Clerk