

**DRAFT MINUTES
REGULAR SESSION
COUNCIL HEARS PLANNING & ZONING MATTERS
MAYOR AND COUNCIL
COUNCIL CHAMBERS
WEDNESDAY, MARCH 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 Garrison, Baker, Roulette and German were present; Councilor Whatley was absent.

Also Present: Town Manager Russ Martin, Public Works Director Ron Long, Acting Community Development Director Mike Jenkins, Asst. Planner Jenna Owens, Administrative Assistant Valerie House, and Recording Secretary Margaret Harper; Town Clerk Debbie Barber arrived at 7:18 p.m.

3. **Pledge of Allegiance**

The Pledge was led by German.

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 – March 2, 2011
- 2) Work Session – February 23, 2011

b) Set Next Meeting, Date and Time:

- 1) March 23, 2011 at 6:30 p.m. – Council Hears Planning & Zoning Matters – **Cancelled**
- 2) March 23, 2011 at 5:00 p.m. – Joint Work Session with the Camp Verde Chamber of Commerce
- 3) March 30, 2011 at 5:00 p.m. – Off-site Retreat for FY 11/12 Budget Strategy
- 4) April 6, 2011 at 6:30 p.m. – Regular Session – **Cancelled**
- 5) April 20, 2011 at 6:30 p.m. – Regular Session
- 6) April 27, 2011 at 6:30 p.m. – Council Hears Planning & Zoning Matters
- 7) Friday, April 29, 2011 at 1:00 p.m. – Budget Work Session

c) Possible authorization to reappropriate funds in the amount of \$1,060.00 from the Heritage Pool Fund to the Maintenance Fund in order to correct expenditure that were inaccurately coded to the Heritage Pool. Staff Resource: Ron Long

d) Possible award of contract to Carrier Commercial Services, Carrier Corporation in the amount of \$28,510 for the retrofit of three energy efficient HVAC units at the Camp Verde Library, and authorization to execute the contract. Carrier was the sole bidder on Project #11-087. This is a budgeted item with \$12,316 from Grant Funds, \$12,000 from APS Energy Rebate funds, and \$4,194 from the CIP Fund, Removal of the CVMO Trailer budget. Staff Resource: Ron Long

e) Possible approval of Resolution 2011-839, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona declaring and adopting the results of the Primary Election held on March 8, 2011. Staff Resource: Debbie Barber

f) Possible approval for out-of-state travel for Risk Manager Carol Brown to attend the National Public Risk (Insurance) Manager's Association (PRIMA) educational conference in Portland, Oregon, with \$1,750 of expenses to be reimbursed through a stipend/scholarship program. Staff Resource: Russ Martin

g) POSSIBLE APPROVAL OF RESOLUTION 2011-842 AMENDING RESOLUTION 2011-837, A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI, COUNTY, ARIZONA, AMENDING RESOLUTION 2011-837, BY AMENDING THE

AUTHORIZATION OF THE EXPENDITURE OF BUDGETED FUNDS IN THE AMOUNT OF \$26,250 BY REDUCING IT TO \$10,000 TO CONTINUE SUPPORT OF THE OPERATIONS AT FORT VERDE STATE HISTORIC PARK FROM MARCH 29, 2011 THROUGH JUNE 30, 2011.

On a motion by Kovacovich, seconded by Baker, the Consent Agenda was unanimously approved as presented, with the correction to the Minutes of 3-2-11 as noted.

Kovacovich requested that the Minutes of March 2, 2011 be corrected to properly reflect on Page 3 that public input was from **Jim Meredith**.

5. **Special Announcements & Presentations – Welcome to New Businesses for the month of February**
- ❖ **AZ Sign & Graphics, Inc. – Lakeside, AZ**
 - ❖ **Hoskin Ryan Consultants – Phoenix, AZ**
 - ❖ **J&S Painting, 1931 Royal Way, Camp Verde**

Mayor Burnside announced the new businesses for February, and welcomed them to Camp Verde.

Proclamations

- ❖ Possible approval of a proclamation declaring April as “Substance Abuse Awareness Month”
- ❖ Possible approval of a proclamation declaring April as “Fair Housing Month”

Burnside brought everyone’s attention to the foregoing proclamations, noting that copies of those official documents had been made available in the agenda packets.

Burnside announced that Councilor Roulette had requested that Item 11 be addressed prior to Item 10, in the event that it would be necessary to go into Executive Session on Item 11; the Council members indicated their agreement with that request.

6. **Council Informational Reports.**

Kovacovich commented on the recent welcome change in the Mayor’s appearance.

There were no other informational reports

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

(Comments from the following individual are summarized.)

Steve Goetting thanked everyone for his opportunity to participate in the last election; he may not have won, but he gained a lot from the experience. He commended all those who voted, either for or against him, and is confident that the future of Camp Verde is bright.

There was no further public input.

Mayor Burnside said that, before moving on to Item 8, he wanted to express his pleasure at the addition to the Town staff, and took the opportunity to introduce the new Finance Director, Melissa Preston.

8. **Discussion, consideration, and possible approval of Liquor License Application for Barbara Ackerman Goetting, The Horn located at 348 S. Main Street, Ste. #17, Camp Verde.** Staff Resource: Deborah Barber

On a motion by Baker, seconded by German, the Council unanimously approved the Liquor License Application for Barbara Ackerman Goetting; The Horn located at 348 S. Main Street, Ste. 17, in Camp Verde

There was no public input.

9. **Discussion, consideration, and possible approval of Resolution 2011-836, a resolution of the Common Council of the Town of Camp Verde approving Use Permit 2011-01 on parcel 404-18-171H, 4.96 acres for the operation of a private party event site that includes the operation of a commercial kitchen and retail sales. Use permit in perpetuity. The location of the site is at 115 W. Camp Lincoln**

Road. Staff Resource: Jenna Owens

On a motion by German, seconded by Baker, the Council unanimously approved Resolution 2011-836 for Use Permit 2011-01, an application submitted by John & Margaret McReynolds for Use Permit 2011-01 on Parcel 404-18-171H, property also known as "Campo de Ensueno", a private party event site that includes the operation of a commercial kitchen for catering of private parties; this request comes with the understanding that any future additional, or change in uses, must come before the Planning & Zoning Commission and Town Council for approval; property is located at 115 W. Camp Lincoln Rd.; and adding the words, "and off-site" regarding catering.

STAFF PRESENTATION

Asst. Planner Jenna Owens outlined the uses allowed by the current Use Permit which the applicants are requesting to renew, with additional stipulations, including granting the Use Permit in perpetuity. The required neighborhood meeting was held on February 17, 2011, with six neighbors in attendance. No comments were received; one letter in favor of the application has been received. Owens reviewed the Agency responses, including a recommendation from Yavapai County Environmental Services requiring port-o-johns or comfort stations being provided for functions anticipating 60 or more guests to prevent overloading of the existing septic systems. The Camp Verde School District Board voted 5-0 in favor of the application; the Planning & Zoning Commission unanimously recommended Council approval.

PUBLIC HEARING OPEN**Applicant's Statement**

John McReynolds requested one change to the draft Resolution, Paragraph D, explaining that he had intended the catering of private affairs to be off-site as well as on-site. He added that the neighbors had been advised of the additions he had requested in order to keep them aware of exactly what is being done, and that he has always kept the interests of the neighbors foremost.

COMMENT FROM OTHER PERSONS

There were no comments from other persons.

APPLICANT'S REBUTTAL

No rebuttal was required.

PUBLIC HEARING CLOSED**Council Discussion**

The Council briefly discussed with Mr. McReynolds the request for only four late night events. He explained that he had received a request for a special event to end at midnight which led to the decision for early renewal of the Use Permit, and four late night events are all that he would be comfortable with out of respect for the neighborhood, as well as personally. The Council requested clarification of the retail sales operation, which he explained would be similar to a trading post operation, not a store open to the public as such; however, in that event, there are two other entrances to the property that would accommodate any traffic. Mr. McReynolds displayed a diagram of the property, indicating the area where trees and plants would be cultivated. The Council complimented Mr. McReynolds on how he has conducted his operations on the property in the past. Following the action taken by Council, Mr. McReynolds advised the Council that he had the highest praise for the Planning & Zoning Department employees who worked with him on the application for the Use Permit.

10. **Discussion, consideration, and possible direction to staff to proceed with the preparation of a purchase agreement for 16.76 acres on Industrial Drive for the price of \$1,390,800 and to provide Council with potential financing options for the purchase of this property.** Note: Council may vote to go into Executive Session pursuant to ARS §38-431.03(A)(7) for discussions or consultations with designated representatives of the Council in order to consider its position and instruct its representatives

regarding negotiations for the purchase, sale, or lease of real property. *Staff Resource: Ron Long*
 On a motion by German, seconded by Baker, the Council **voted 5-1** to direct staff to prepare possible financing options in addition to a Sales Agreement, based on the written negotiations attached as Exhibits 1, 2 and 3, between the Town and Beta Ventures L.L.C. in order to proceed with the purchase of 16.76 acres on Industrial Drive for the sale price of One Million Three Hundred Ninety Thousand Eight Hundred Dollars (\$1,390,800); **with Burnside opposed.**

Following the motion made, Garrison said that she had a request from Whatley that the record reflect that she was in favor of the proposed purchase going forward and that it is in the best interest of the Town and its future.

Public Works Director Ron Long explained that pursuant to previous Council direction, a price for the property has been negotiated, and it is below what was set as the upper limit. If that is acceptable, the next step will be to draft an agreement for Council approval that will include all the negotiated issues as presented in the agenda packets, and then to start working on financing options.

PUBLIC INPUT

(Comments from the following individual are summarized.)

Linda Harkness said that, based on discussions with others, she wanted some assurance whether other opportunities or locations had been considered and whether this purchase is truly the best option for such an expenditure.

There was no further public input.

:Long reviewed the Town's past use of the property that it has been leasing, including operating the Street yard and getting free asphalt millings from the State of Arizona that the Town uses for patching and even paving roads. The Town needs the property to store the materials that are needed for maintenance operations and has been using it for well over 10 years. There is no comparable properties in Town; it comes with three existing buildings, and is the best option. During discussion with Council, Long pointed out that a previous appraisal in 2004 would have worked out to \$2.7 million for the same number of acres. As part of the negotiation process, Long said that the owner has agreed to donate an additional 7.6 acres, so the Town will be also acquiring that parcel at no additional cost for purchase of the 16.76 acres. Long said that staff believes the proposed purchase represents the best result for the Town. He confirmed that there was no major expense for the Town in connection with cleaning up the wash that is on the property. Long was asked about the water rights; he said he believes there are some rights associated with the Verde Ditch, there is a well that produces adequate water for the operation, and the Camp Verde Water system is right there as well. He said he believes he has a document that goes into water rights, and will send everyone a copy of it. Long confirmed that the Town would own the property into the center of the Gaddis Wash, and a drainage easement comes with that, so that it is protected from any possible development in the future. There was a suggestion that the Council should begin to consider selling off some of the property it owns to help offset the purchase price of the subject acreage. Burnside objected to spending more funds for the property when the options for the Sanitary District land have not been used or brought to a vote of the community, as contemplated in the agreement with the Sanitary District; also, purchasing a property in the middle of Town loses the benefit of taxes, and there will be a problem with vehicle access in the long range.

NOTE: The following Item 11 was addressed prior to Item 10, pursuant to Council agreement.

Councilor Roulette requested the following item:

11. **Discussion, consideration, and possible direction to staff to amend Town Code Section 1-1-6, Parks – Alcohol Use as determined by Council. The Code currently allows alcohol at Ft. Verde Days, the**

Pecan & Wine Festival, and the Crawdad Festival. However, the Crawdad Festival has been cancelled.

Staff was directed to draft an amendment to Town Code Section 11-1-6, to increase the number of events allowing alcohol use; the amendment will be brought back to Council as part of the entire Code revision package for review and approval.

Councilor Roulette referred to the information provided in the agenda packets, and commented on his concern over the difficulties experienced in the past on these issues, and the current Code restrictions creating obstacles for those wanting to put on events. With the cancellation of the Crawdad Festival this year, Roulette understands that there is a move to transfer the alcohol use over to the Corn Fest instead, and extend that event for two days. Roulette suggested that perhaps staff could come up with better language in the Code to identify events that are allowable, instead of identifying them by specific names. Roulette believes the drafting of the Event Handbook, with liability insurance restrictions established, has been a step forward. Based on public and past event promoters' opinions, the availability of beer and wine at an event appears to increase attendance as well as a profit on the event. Camp Verde is growing, and this may be the time to consider revising the Code to adjust to the changes that are happening.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Charlie Androus, of Camp Verde Promotions, said she hopes the Council will approve the use of liquor at the Corn Fest, and commented that the hands of those promoters who want to put on events are being tied by limiting the number of events to only three. The Council has created a very strict regulation of alcohol on Town and private property, so what difference does the number of and frequency of events make.

Steve Goetting explained the request to extend the Corn Fest event; all the effort and advertising costs that go into a half-day event do not increase significantly with the addition of one more day. Vendors would be more interested in participating, with the longer span of time available. The promoters want to make the Corn Fest a celebration of agriculture and community, a Farmer's Market, 4-H, a type of County Fair on the Camp Verde Town level; making it a two-day event is key to success, and the sale of alcohol creates a valuable profit margin.

John McReynolds said that in 1986-87, one of the first issues that came before the interim Council was alcohol in what was then Butler Park, built by volunteers. He acknowledged that alcohol must be monitored and kept in check, properly permitted and controlled. Times have changed, and there are now better regulations in place, so there should be no problem at all.

There was no further public input.

Regarding the issue of past problems, Garrison commented that if rules are in place and adhered to those issues may not have arisen; however, she expressed continuing concern over the Town being vulnerable from the liability standpoint. The ensuing discussion addressed the development of the guidelines in the Event Handbook that are intended to regulate the use of alcohol at events and the steps taken to try to protect the Town and its citizens as much as possible. It was also suggested that the Council should function as a team with those who are working hard to promote events and bring visitors to Camp Verde. The Council discussed at length the three events currently specified in the existing Code. Burnside suggested a possible revision to the Code to permit the Corn Fest as requested, by adding language "and/or " as to the Crawdad Festival or Corn Fest, but staying with the number of three at this time. Burnside reminded the Council that a Risk Management policy is not yet approved or in place; the Town Code and Policies are not completed and accepted yet; the Event Handbook is incomplete; and allowing alcohol on Town properties will create public concern over insurance costs. Burnside would prefer to wait until the proposed Code and Policies revisions have been approved and adopted, and he questioned how effective

the rules and regulations have been, and the apparent lack of accountability.

Town Manager Martin said that staff is looking for direction to place this issue in the entire package of revisions being worked through, including fireworks, the nuisance ordinance, Planning & Zoning ordinances, all of which are coming together for adoption as one package. The question of the timing to prepare for the Corn Fest to be held on July 16-17 was discussed at length, including when the entire Code revision is anticipated to come back to Council. Martin said that the Code is just about ready for review, except for finalizing some inconsistencies. By Council making a decision at this time regarding increasing the number of events, that would preclude continued conversations about that issue. Martin added that staff understands at least the general intent of Council at this time, but needs direction to bring back language to Council that can be either approved or changed upon review. The Council further discussed the timing of adoption of only a Code revision tonight for the Corn Fest event, or the upcoming entire Code package that would include that revision, and how the Corn Fest might be affected by any delay. Martin suggested that Council could just direct staff to include any change tonight in the entire Code, and outlined the timing for approval of the whole package. Martin said he felt sure that the timing would allow the Corn Fest promoters to have the liquor license in time for the event; if not, staff would advise Council in sufficient time to make an adjustment. Martin said that the point of the conversation tonight is to determine whether the majority is in agreement so that the promoters can start their process of planning and moving forward, knowing they will have the ability to go after a liquor license for the Corn Fest; that's what they need to know when they walk out the door. When the entire Code revision is addressed, anticipating April 20, May 5th, or whatever date, if time is running out, this issue can be addressed separately, if necessary. Martin agreed that he will be **on the record** that, regardless of the whole package possibly not being adopted because of a problem with the language discussed tonight being included, the promoters will be allowed to serve liquor for the two days of the Corn Fest only at this point. He added that at least that is his understanding from Council direction tonight. After further discussion, the majority of the members appeared to be in favor of increasing the number of events.

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.

14. **Manager/Staff Report**

Martin reminded the members of the meeting scheduled for March 23rd with the Chamber, in this room; the subsequent meeting will be discussion on the budget, and all department heads are being requested to attend the meeting and make presentations.

15. **Adjournment**

On a motion by German, seconded by Baker, the meeting was adjourned at 8:05 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 March 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