**MINUTES (Corrected)**
**REGULAR SESSION**
**MAYOR AND COUNCIL**
**COUNCIL CHAMBERS**
**WEDNESDAY, APRIL 20, 2011**
**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 Burnside, Vice Mayor Kovacovich, Councilors Whatley, Garrison, Baker and Roulette were present; Councilor German was absent due to illness..

**Also Present:** Town Manager Russ Martin, Public Works Director Ron Long, Community Development Director Mike Jenkins, Councilors-Elect Alan Buchanan and Bruce George, Administrative Assistant Valerie House, Town Clerk Debbie Barber, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**
The Pledge was led by Garrison.

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) Staff Retreat/Special Session – March 30, 2011
   2) Work Session – March 23, 2011
   3) Regular Session – March 16, 2011
   4) Work Session – March 9, 2011

**b) Set Next Meeting, Date and Time:**
   1) April 27, 2011 at 6:30 p.m. – Public Hearing/P&Z Code Rewrite
   2) May 4, 2011 at 6:30 p.m. – Regular Session
   3) May 6, 2011 at 9:00 a.m. – Budget Work Session
   4) May 11, 2011 at 6:30 p.m. – Public Hearing/P&Z Code Rewrite
   5) May 18, 2011 at 6:30 p.m. – Regular Session
   6) May 25, 2011 at 6:30 p.m. – Public Hearing/P&Z Code Rewrite

**c) Possible approval of Resolution 2011-840, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, pertaining to the submission of projects for consideration in Arizona's 2012 Fiscal Year Highway Safety Plan.** Staff Resource Dave Smith

**d) Possible approval of Resolution 2011-841, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, pertaining to certain Exemptions for Motor Vehicles used by the Marshal's Office.** Staff Resource Dave Smith

**e) Possible approval of a 2-year agreement with Carrie A. Kelly, PLLC, Attorney-at-Law for prosecutorial services in an amount of $71,000 per year. This is a budgeted item.** Staff Resource: Russ Martin

**f) Possible authorization to proceed with the carpet replacement in the Town Hall building located at 473 S. Main St., as proposed by Continental Flooring Co., State Contract EPS 060077-1, for $22,677.59. This is a budgeted item.** Staff Resource: Ron Long

On a motion by Baker, seconded by Kovacovich, the Consent Agenda was unanimously approved as presented, with Item 6 of the Minutes of March 16, 2011 clarified to reflect that the comment by Kovacovich was in reference to the Mayor having shaved off his beard.

Kovacovich requested a clarification to the Minutes of March 16, 2011, Item 6; he was concerned about how

the report of a "welcome change in the Mayor's appearance" would be perceived in the future; his comment was in reference to Mayor Burnside shaving off his beard.

5. **Special Announcements & Presentations – Welcome to New Businesses for the month of March**

- **Continental Flooring Company – Scottsdale**
- **Best By Farr Plumbing Inc. – Cottonwood**
- **Shammy's Crazed Out Hair – Camp Verde**
- **Verde Valley Archaeology Center, Inc. – Camp Verde**
- **Meridian Rehabilitation Inc. – Camp Verde**
- **Ucon Construction – Tempe**
- **Hold the Fort – Camp Verde**
- **Sedona Recycles - Sedona**

Proclamations:

- Possible approval of Proclamation declaring May 1, 2011 through May 7, 2011 as Municipal Clerks Week.

**Presentation of Certificates of Election to:**

- **Council Member-elect Alan Buchanan**
- **Council Member-elect Bruce George**
- **Council Member-elect Carol German**
- **Mayor-elect Bob Burnside**

**Presentation of Certificates of Appreciation to the following recipients: Jim Ashton, Ron Brattain, Ray Floyd, Gary Kenfield, Chris Rynearson, Dick Rynearson, Teresa Goodwin, Debbie Hughes, Darby Martin, Lynda Moore, The Town Clerk's Office staff, American Legion, Veterans of Foreign Wars, Keith Tucker, and Parker Construction – Clay Parker.**

There was no action taken.

Mayor Burnside welcomed to Camp Verde the new businesses listed above, officially proclaimed May 1, 2011 through May 7, 2011 as Municipal Clerks Week, and presented the Certificates of Election as listed; Council Member German was not in attendance because of illness. Burnside then presented a Certificate of Appreciation individually to each of the named recipients who were in attendance at the meeting, describing their valuable services to the community through donating their time, efforts, materials and equiipment.

6. **Council Informational Reports.**

**Whatley** commented on helping with the Dunk Tank at the Safety Fair; it was a fun family affair.

**Kovacovich** reported on attending the Tourism Roundup in Williams; it was nice to see the transformation of Williams from a little logging town to a developed tourist town now.

**Garrison** said that the Tourism Committee that she sits on worked for a year to put on that Tourism Forum, an all-day event. The tour of Bearizona was very enjoyable; all the animals were very active and it was really hard keeping Bob K. in line; it was a long day and a good one.

**Baker** also reported on the fun event at Basha's that was attended by many families and children; she expressed appreciation for Tire Pro and how they give back to the community with a lot of time and effort; dunking the Mayor was lots of fun. In connection with the History of the Soldier, Baker said there were over 100 Fourth Graders on the opening day. Volunteers are always needed at the Fort; Baker related how two little girls from Germany were sworn in as Junior Rangers, speaking in German. Later in the day, Baker attended the Afternoon Tea, dressed in period fashion.

Burnside said he also enjoyed the Bigfoot Event; the beauty of it was that with all the kids and family, there

was not one beer sold or asked for. He enjoyed the History of the Soldier; for the first time, the Boy Scouts held the flag as it was being raised. The Verde Valley Ag Council will have a meeting April 25th; the Yavapai County Tax Assessor Pearsall will be present at a subcommittee in Cottonwood on Thursday, April 28 at 5:30 p.m. in the County Administrative Building to answer questions or concerns that anyone might have about property tax reform. For the record, Burnside thanked those who had sent him letters; anyone who might have a problem or questions, send a letter, or call, and those concerns will be forwarded to the appropriate departments; if no answer is forthcoming, call the Mayor and he will follow up on it. Burnside thanked Maintenance for the improvement to the rain gutter at the Visitors Center that he had requested.

7. **Call to the Public for items not on the agenda.**
(Comments from the following individuals are summarized.)
**Sandi Ashton** said that her property backs up to Forest Service property, there is nothing there; and she asked if the Town could do anything about changing the 50-foot property line requirement so that she could build a barn instead of having to settle for a shed to house her horse. She is trying to get a permit to build a barn, but is requesting that the Town address the situation to see if something could be done.

**Fran Arries,** speaking in connection with the contract coming up with APS, described at length the problems she has had with power surges that have destroyed her appliances, with no help or any resolution from APS.

There was no further public input.

8. **Discussion, consideration, and possible recommendation to the Arizona Department of Liquor Licenses & Control to approve the following liquor license applications:**
   A. **Jason Barclay Morris, Arizona CVS Stores, LLC located at 522 Finnie Flat Road, Camp Verde.** Staff Resource: Deborah Barber
   B. **Bruce Wayne Holbrook, Express Stop 4507 located at 1897 W Pueblo Ridge Suite A, Camp Verde.** Staff Resource Deborah Barber

On a motion by Baker, seconded by Garrison, the Council unanimously recommended approval of the liquor license application for Jason Barclay Morris, Arizona CVS Stores, LLC located at 522 Finnie Flat Road, Camp Verde.

On a motion by Baker, seconded by Garrison, the Council unanimously recommended approval of the liquor license application for Bruce Wayne Holbrook, Express Stop 4507 located at 1897 W. Pueblo Ridge, Suite A, Camp Verde.

Town Clerk Barber said that the notices for the two applications had been posted for the required 20-day period, and no comments have been received; the owners have been invited to attend the meeting. The representative from the Arizona CVS Stores spoke briefly to explain that the application for the Camp Verde CVS Store is in essence a formality in connection with the anticipated addition of another CVS store in Yavapai County. There was no representative available from the second applicant, Express Stop 4507.

9. **Presentation by Bob Rothrock, President Verde Valley Land Preservation Institute, Inc. relative to the result of the regional open space study.**
There was no action taken.

**Bob Rothrock** introduced **Steve Estes**, the Community Outreach Director for the Institute; the two speakers presented the results of the study that was recently completed on open space in the Verde Valley. Mr. Rothrock said he will be contacting the Planning Director to submit a copy of the overlay model illustrating the results, which he demonstrated through use of the overhead screen projection during his presentation. Mr. Rothrock, together with Mr. Estes, outlined some of the achievements as well as the goals of the Land Preservation Institute in its efforts to preserve open space, restore riverside habitat, and plan for

the future. Mr. Rothrock also said that he hoped that the Verde Valley Land Preservation Institute would become a line item on the Town's budget as the economy improves.

10. **Quarterly reports/presentations to include possible discussion of the reports from the following:** Staff Resource
    - **Board of Adjustments**
    - **Planning and Zoning Commission**
    - **Camp Verde Chamber of Commerce**
    - **Fort Verde State Park**

There was no action taken.

The report from the Board of Adjustments was presented by Community Development Director Jenkins. Planning & Zoning Commission Chairman Joe Butner reviewed that Commission's report, and in particular the meeting held on March 3, 2011 to hear an application from John McReynolds for a Use Permit on his property, in perpetuity. Butner explained that through miscommunication with the Planning Department staff, the Commission's understanding was that the Use Permit, although extended in perpetuity, would not be transferable upon a future sale of the property. However, the Commission found that it was mistaken and the Use Permit would be transferable and does run with the land. Reassurances have been received from the Planning Director that the property will be closely watched to make sure it is kept as it has been; Butner said he also is asking Council to also keep a close eye on that sensitive piece of property, especially in the event of a change in ownership.

Tracie Schimikowsky, Executive Director, Chamber of Commerce, gave a detailed presentation on the statistics and results of the Camp Verde Visitor Center activities or the 3rd Quarter for FY2011. The Quarterly Report for the Fort Verde State Park was then presented, together with expressions of appreciation for the hard work on the part of staff and volunteers, and a reminder of the continuing need for volunteers.

11. **Discussion, consideration, and possible direction to staff to proceed with making an application to the AZ Department of Commerce for the Arizona Biofuels Conversion (ABC) Grant Program to install storage and dispensing equipment at the Public Works Yard on Industrial Drive. If approved, this item will be budgeted in the FY 11/12 CIP.** Staff Resource: Ron Long
Burnside announced that this Item 11 has been canceled.

12. **Discussion, consideration, and possible direction to staff relative to adding the Verde Valley Regional Economic Development Organization (VVREO) to the Council Committee Assignments or appointing a staff member to attend the meetings.** Staff Resource: Russ Martin
Staff was directed to contact other municipalities to collect information on the issue of requiring confidentiality, together with other legal opinions, if any, in order to have a brief discussion after the new members have been seated as to whether or not to appoint a member to attend the meetings.

Martin reviewed the request from the Verde Valley Regional Economic Organization to establish a formal association with them by selecting a representative, similar to the liaison the Town has for the Chamber of Commerce, to attend the meetings of the VVREO. Martin suggested that the appointment be included on the list of assignments to be evenly distributed among the members once the new Council has been seated. Martin said he has been attending the meetings on a fairly regular basis, and would plan to continue to do so, but believes it would be appropriate to have an elected official serve in that capacity, as other communities will be doing.

The members discussed at length the issue of the liaison being required to sign a confidentiality statement in order to attend the meetings, and the past understanding on the part of some of them that Council

members would not be allowed to do that. Martin commented that since Town Attorney Sims had given that instruction before, it would still apply; however, a Council member has the authority to do what he or she thinks is right within that. The attorney gives advice, and the member acts accordingly. After some debate on the issue, Martin asked if the Councilors wanted him to solicit a formal opinion from the Town Attorney; the majority were not in favor of incurring that expense. It was suggested that the matter be brought to the new Council for further consideration; in the interim, staff will check with other communities to research how they are handling it as well as the legal input they have obtained, if any.

13. **Discussion, consideration, and possible direction to staff relative to submitting comments to the Coconino and Tonto National Forest Service about the proposed Fossil Creek Wild & Scenic Comprehensive River Management Plan.** Staff Resource: Mayor Burnside
Staff was directed to come back on May 4th, after talking with some of the members, with some bullet items to help facilitate some discussion, with perhaps a draft letter to consider.

Burnside said that he and Martin had seen some maps in connection with the plan, and it is an interesting concept. A public meeting has been scheduled for April 27th, 4:30 to 7:30 p.m., at the Ranger Station. Burnside said that in addition to the material provided in the agenda packet, much more information will be available at that meeting; very little time would be required to stop by and review the maps and related material. Burnside believes that the Forest Service is requesting input from the Council, representing the Town, as well as from individual citizens. After discussion, with input from Martin, it was suggested that it would be helpful to have more information in order to provide feedback and/or support for the proposed Forest Service application for the grant funding for the feasibility study. Staff will come back on May 4th with bullet points to consider, including a draft of a possible letter.

14. **Discussion, consideration, and possible approval of Resolution 2011-844, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, adopting and establishing the "Town of Camp Verde Operations and Procedures Guide" and superseding all resolutions or parts of resolutions adopted by the Town of Camp Verde in conflict with the provisions of this resolution or any part of this resolution are hereby repealed, effective as of the day this resolution is effective.** Staff Resource: Debbie Barber
On a motion by Baker, seconded by Roulette, the Council unanimously approved Resolution 2011-844, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting and establishing the "Town of Camp Verde Operations and Procedures Guide" and superseding all resolutions or parts of resolutions adopted by the Town of Camp Verde in conflict with the provisions of this resolution or any part of this resolution are hereby repealed, effective as of the day this resolution is effective.

Barber said that the document before the Council for approval tonight has incorporated the changes from the last meeting. Garrison raised a question regarding the residence requirement for the Town Manager having been stricken from the document; Barber explained that it is in the Town Code. The issue of changes regarding the position of Finance Director was discussed; Martin said that at a later time that section will be brought back to Council for further consideration if the new Finance Director wishes to do so. There was discussion about the documents before the Council, including the new Town Code, with concern expressed by Burnside for some apparently incorrect information in the accompanying memo submitted to the Council regarding the documents. During further discussion, Barber and Martin assured the Council that the document before the Council tonight for approval is the whole document with the most recent changes that have been made. For the benefit of the public, Garrison, in summary, stated that the Council will be voting on the subject document knowing that it is not perfect, but it will be a document that all will work through. In addition to Garrison's comments, Burnside stated, for the record, that if errors are found in any of the new Codes, Policies and Procedures, including Town and Zoning, they will be changed or brought back to

readdress. Martin confirmed that they will be brought to the attention of the Council for instructions on what action to take.

15. **Discussion, consideration, and possible approval of Ordinance 2011-A375, an ordinance of the Town of Camp Verde, Yavapai County, Arizona amending Town Code Section 11-1-6 Parks – Alcohol Use.** Staff Resource: Debbie Barber

On a motion by Roulette, seconded by Baker, the Council **voted 5-1** to approve Ordinance 2011-A375, an ordinance of the Town of Camp Verde, Yavapai County, Arizona, amending Town Code Section 11-1-6 Parks-Alcohol Use, with one change to "NO MORE THAN THREE (3) ALCOHOL PERMITS ON TOWN PROPERTY IN A FISCAL YEAR," changing the six to three; **with Garrison opposed.**

On a motion by Baker, seconded by Whatley, the Council **voted 5-1** to amend the original Motion to specify that the Council may approve no more than three (3) alcohol permits on Town property in a fiscal year, noted as follows: Fort Verde Days, Pecan & Wine Festival, and the Corn Fest; **with Garrison opposed.**

Barber explained that because of the time element in connection with upcoming events, and the elimination of the Crawdad Festival, this Ordinance has been prepared separately to amend the Code with regard to alcohol use on Town-owned property, and is now before the Council for consideration. The Council discussion commenced with a question regarding responsibility for making sure that the policies and procedures in place for special events. Martin said that the responsibility ultimately is his, assigned to the Marshal and his staff, and outlined the process that the Marshal's office follows.. Kovacovich pointed out that the proposed increase from three events to six would result in doubling the cost of subsidizing the pay for the deputies on duty. In response to comments about event sponsors and the funds they realize from the events, Roulette strongly objected to an apparent misconception that those who put on the events for the Town are pocketing money, which is untrue; the ultimate benefit is the publicity for the Town. The members renewed the debate on the need to serve alcohol at the events on Town-owned property, and the issue of accountability for enforcing the rules and procedures regulating the sale and use of alcohol.

**PUBLIC INPUT**

(Comments from the following individuals are summarized in the Minutes.)

**Alan Buchanan, Councilor-Elect,** agreed that the events are needed and believes that there should not be a limit set on the number ; he commented that with Garrison, everything is wrong, the sky is falling. Prohibition was ended a long time ago. There should not be a limited number of events; the promoters could help pay for the expense of the Marshal's office. If the vote is against the events, then he will make sure the issue comes back after he is seated on Council, if he can get the votes. (*Garrison responded to Buchanan's comment about her, reminding him that he had not been at previous meetings where she had been assured that no more than three events would be considered; she had agreed to be a team player, and now that number is being doubled. Garrison said she is not talking about "the sky is falling," she is talking about people absolutely have the right to sue, and when a tragic accident happens the Town will suffer.)*

**Bruce George, Councilor-Elect,** said he volunteered at the Pecan & Wine Festival and experienced firsthand that security was well handled; everyone had a good time. The rules and regulations have been well thought out and work.

**Lisa Calzadilla** described her personal experience with the strict security at the Wine Festival, based on an honest mistake on her part; she added that the opinions of one must be sacrificed for the good of the many.

**Henry Tarin** reminded the Town that we are a democracy, and what the Council has to do is decide and vote on what is supposed to be done.

There was no further public input.

The Council proceeded to address the request for approval of the Ordinance, first moving to change the number of events to three, and then amending the original motion to specify which three events; votes were taken and the motions passed accordingly.

16. **Call to the Public for Items not on the Agenda.**
There was no public input.

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

18. **Manager/Staff Report**
Martin reminded the members to register for the April 29th event. The members will be receiving the budget document the first part of next week; it will be simplified and direct. The May 6 Work Session will be a great opportunity for the public to understand how the Town's money is spent. As changes are made they will be posted on the internet.

19. **Adjournment**
On a motion by Baker, seconded by Garrison, the meeting was adjourned at 9:10 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 20th day of April 2011. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 9 day of May, 2011.

Debbie Barber, Town Clerk