MINUTES
REGULAR SESSION COMBINED WITH
COUNCIL HEARS PLANNING & ZONING MATTERS
MAYOR AND COUNCIL
COUNCIL CHAMBERS · 473 S. Main Street, Room #106
WEDNESDAY, NOVEMBER 20, 2013 at 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**
Mayor German called the meeting to order at 6:30 p.m.

2. **Roll Call**
Mayor German, Vice Mayor Baker, and Councilors George, German, Gordon, Jones, and Whatley were present.

Also Present:
Community Development Director Mike Jenkins, Building Inspector Robert Foreman, Town Manager Russ Martin, Town Clerk Deborah Barber, and Recording Secretary Barbara Bridge

3. **Pledge of Allegiance**
Mayor German led the pledge.

4. **Consent Agenda –** All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.
   a) **Approval of the Minutes:**
      1) Regular Session – November 6, 2013
      2) Work Session – October 30, 2013
   b) **Set Next Meeting, Date and Time:**
      1) **Thursday,** November 21, 2013 at **4:30** p.m. – Special Session-Manager Review
      2) November 27, 2013 at 6:30 p.m. – **CANCELLED**
      3) December 4, 2013 at 6:30 p.m. – Regular
      4) December 11, 2013 at 5:30 p.m. – Work Session
      5) December 18, 2013 at 6:30 p.m. – Regular Combined with Council Hears P&Z Matters
      6) December 25, 2013 at 6:30 p.m. - **CANCELLED**
   c) **Possible approval of appointment for J.D. Howe and Susan Oliver Worth-Howe, as Assistant Magistrates for Camp Verde Municipal Court for a two (2) year term, effective November 21, 2013, and setting an hourly pay rate of $38.00 per hour on an as-need basis with a three hour minimum.** Staff Resource: Judge Harry E. Cipriano
   d) **Possible approval of Intergovernmental Agreement between the Town of Camp Verde and the Camp Verde Unified School District #28, an Arizona School District, for one sworn, certified police officer to serve as the school resource officer at Camp Verde Middle School.** Staff Resource: Nancy Gardner
   e) **Possible acceptance of Grant funding from the 100 Club in the amount of $3,600.00 for the purchase of 4 X26E TASERS. The funds were awarded to the Camp Verde Marshal's Office for the purpose of replacing four of 8 non-functional TASERS issued to Deputies.**

On a motion by Vice Mayor Baker, seconded by Councilor Jones, the Council voted unanimously to approve the Consent Agenda as presented.

5. **Special Announcements and presentations.**
   - **Possible approval of Proclamation Declaring November as "American Diabetes Month".**

Mayor German declared November as "American Diabetes Month".

6. **Call to the Public for Items not on the Agenda.**
Wendy Davis spoke of her support for people who are mentally ill due to depression and how it causes hoarding

and other emotional behaviors. She encouraged Council to consider the people who are losing their homes.

Michael Wayne Dunigan asked for an internal investigation on Deputy Russell Grover, He advised that he spoke with Marshal Gardner and Russ Martin with no response to an incident in which he has an audio of Officer Grover coming to his home while he was off duty.

Irene Peoble let everyone know that there is a blood drive on December 9 from noon to 4 p.m. at the Verde Ranger Station on McCracken Lane and that it is Turkey Tuesday at Bashas' on November 26 from 7 am to 7 pm. You can buy a turkey to drop off for the food drive.

Mike Dunigan Sr. spoke in support of the issue his son had with Deputy Grover, stating that that Deputy Grover was raided several times by special crimes, noting that his roommate was taken in for selling drugs. Mr. Dunigan also stated that Deputy Grover has had a restraining order against him for stalking and harassing and nothing has ever been done about this behavior.

Debra Moody stated that she and many people in the audience were here in support of the Dunigan family.

Vice Mayor Baker ask that item 11 be moved up for discussion after item 6 as a consideration to the public.

7. **Public Hearing, followed by discussion, consideration, and possible approval of Resolution 2013-901, a Resolution for abandonment of roadway easement of approximately 685 feet just west of Arena Del Loma and Montezuma Castle Highway with authorization for the Mayor to sign the Abandonment and Dedication Plats.** Staff Resource: Russ Martin
On a motion by Baker, seconded by Gordon, the Council voted unanimously to approve Resolution 2013-901, a Resolution for abandonment of roadway easement of approximately 685 feet just west of Arena Del Loma and Montezuma Castle Highway with authorization for the Mayor to sign the Abandonment and Dedication Plats.

Manager Martin stated that this was an opportunity to do some right of way road clean up and that it was at the property owner's request. He advised that it will not affect the road, but will straighten out the documents to show that the right of way is not on private property.

8. **Discussion, consideration and possible approval of Resolution 2013-902, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Arizona, approving and authorizing the abatement of dangerous structures located at 3155 Verde Lakes Drive (Parcel 404-13-254), and approving and authorizing the Town Manager to allocate any additional funds required and directing the building official to issue a start work order to demolish and remove the above referenced structures.** Staff Resource: Mike Jenkins and Robert Foreman.
On a motion by George, seconded by Baker, the Council voted unanimously to approve Resolution 2013-902, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Arizona, approving and authorizing the abatement of dangerous structures located at 3155 Verde Lakes Drive (Parcel 404-13-254), and approving and authorizing the Town Manager to allocate any additional funds required and directing the building official to issue a start work order to demolish and remove the above referenced structures.

Building Official Robert Forman advised that he inspected the home and found several code violations on the property, noting that it was vacant at that time.

Baker asked if the owner was going to help with the cost of the demolition and Foreman stated they would try to make payments and that the Town would be putting a lien on the property for the cost. Baker expressed concerns about families being put out on the street and suggested that staff needed to work regionally get a group to refer these displaced people so that they are not homeless. She would said that she like to see Camp Verde take the lead in creating this effort.

Community Development Director Mike Jenkins stated that Code Enforcement Official Lisa Diacik had been asked to find ways to help these individuals.

Public Input
Candy Feltrop who used to live in that house said it was a financial hardship that caused the property to be in such poor condition. She asked that the Town be patient with them and give them time to remove personal items.

Wendy Davis said many people with hoarding or mental problems create their own fires and problems and we need to work with the guidance clinics and hotels to help them.

Debra Moody stated it is overwhelming to get a letter that you have 90 days vacate when you are mentally ill. She said that the very wording is horrifying and you have no clue what to do.

9. **Discussion, consideration, and possible approval of Resolution 2013-900, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Arizona, approving and authorizing the abatement of dangerous structures located at 475 Groseta Drive (Parcel 403-23-086B), and approving and authorizing the Town Manager to allocate any additional funds required and directing the Building Official to issue a start work order to demolish and remove the above-referenced structures.** Staff Resource: Mike Jenkins and Robert Foreman
On a motion by Baker, seconded by George, the Council voted to approve Resolution 2013-900, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Arizona, approving and authorizing the abatement of dangerous structures located at 475 Groseta Drive (Parcel 403-23-086B), and approving and authorizing the Town Manager to allocate any additional funds required and directing the Building Official to issue a start work order to demolish and remove the above-referenced structures. Mayor German, Vice Mayor Baker, Councilors Jones, German, Whatley and George voted aye with Councilor Gordon voting nay.

Foreman stated this property started as a code enforcement issue and upon inspection he found the property to be dangerous living conditions and inhabitable. The owners were given the maximum amount of time to repair the property and upon the second inspection, Foreman discovered the tenant had re-entered the home and was living there again. At that time, Foreman put a padlock on the door and secured the property so there could be no entry.

Public Input:
Alenka Galldin stated it would probably be easier to tear it down, but the owner would like to bring it up to code when she recovers. She asked if it would be possible for the structure to stay and requested to remove the mobile and retain the shed for storage not occupancy.

Debra Moody said many homes in Verde Lakes are also inhabitable and to please remember the mentally ill and poor.

Wendy Davis ask if there were options for composting toilets in this community and that she knows of 65 people per night in Cottonwood that are homeless.

10. **Discussion, consideration and possible approval of Ordinance 2013-A389, an Ordinance of the Town of Camp Verde, Yavapai County, Arizona amending Town Code, Section 11-1-6 Parks-Alcohol Use.** Staff Resource Russ Martin
A motion by Jones and seconded by Baker, to approve Ordinance 2013-A 389, an Ordinance of the Town of Camp Verde, Arizona, amending Town Code Section 100-1-6 Parks-Alcohol Use, to allow the sale of all spirituous alcohol, not limiting sales to beer and wine only, failed with Councilors German, Whatley, Gordon, and George voting no and Jones, Baker, and Mayor German voting aye.

On a motion by Councilor German and seconded by Whatley, the Council voted to approve Ordinance 2013-A389, an Ordinance of the Town of Camp Verde, Yavapai County, Arizona amending Town Code, Section 11-1-6 Park-Alcohol Use removing allowance of only 3 events and to include beer and wine only, pending attorney review. Aye votes were Mayor German, Vice Mayor Baker, Councilors Whatley, German, George and Gordon, with Councilor Jones voting nay.

Martin stated that removing the restriction of no more than three (3) alcohol permits per year does not mean that there can be alcohol on town facilities or the parks, noting that this is for special events only.

Jones said that alcohol is alcohol and felt that it should not be restricted to just beer or wine. Jones stated that if we are promoting economic development, we are also limiting the events by restricting sales to beer and wine.

11. **Discussion, consideration, and possible approval of Ordinance 2013-A390, an Ordinance amending The Town Code, Section 3-1-1, 3-2-1, 3-2-4 relating to residency requirements of the Town Manager and Town Marshal.** Staff Resource: Russ Martin
As a consideration to the public in attendance, this item was heard after item #6.

A motion by Whatley not to consider the options submitted by Councilor German after the agenda packet was prepared died for lack of a second.

On a motion by Vice Mayor Baker and seconded by Councilor German, the Council voted to approve Ordinance 2013-A390, amending the Town Code, Sections 3-1-1, 3-2-1, and 3-2-4 to read, Residency is required for the Town Manager and Town Marshal to live within the Town limits or 86322 zip code within 120 days of hire for all new hires from this point forward, and that the ordinance be brought back to Council after it has been reviewed by the attorney. Aye votes were Mayor German, Vice Mayor Baker, Councilor Jones and German, with nay votes from Councilors George, Gordon and Whatley.

Mayor German addressed the public as to why this issue was being discussed again, noting that this was action for future hires so that the Code would be very clear. Public Input was heard prior to Council discussion. There was a break at 7:18 p.m. The meeting was reconvened at 7:28 p.m. and Council took up their discussion after affirming that there was no further public input.

Martin advised that the Manager and Marshal believe in the Code and plan to enforce and live by the Code. He also advised that both he and Marshal Gardner are residents of the Town. He also stated that they intend to follow whatever Council decides. Martin advised that he was providing his professional advice to Council, not his personal feelings. He believed strongly that the Town could get quality candidates close to the area, but that adding restrictions might result in the loss of some very qualified candidates.

Gordon said he that he would like to remove all restrictions, noting that communication and technology are so advanced that residency should not be an issue in today's world. He asked Council to select the best and most educated based on performance, not residency. He said that he felt the arguments offered in favor of residency were shallow and superficial.

George reported that he did research on other towns in Arizona, noting that not all require residency within the Town limits. He showed a book about communism that his father had written in the 1960s and said that he felt it was unconstitutional to tell people where they have to live.

Jones stressed that this item was being brought back for future hires and that she was hoping for more options. She did not like the three that were presented; however, there was a section of one option that was acceptable.

Whatley stated that the information attached to the green sheet was brought after the agenda meeting and that Council had asked Mr. Martin for three options, which he provided, and now there were six options to consider. She felt strongly that the options submitted by Councilor German should not be considered because they were submitted too late.

Baker and Councilor German called a point of order. Barber explained that additional information, such as letters from the Council or the public are often received after the agenda packet is printed. This information is then attached to a green sheet so that Council knows that there is additional information relative to a certain agenda item. She added that in all fairness, Council members do not look at the agenda packet during Agenda Meetings, but only the agenda. She noted that Councilor German would not have been aware of the three options that Martin had provided because she did not have an agenda packet. Whatley disagreed and said that Council had set policy not to allow late items unless it was an emergency and there was no emergency. Mayor German said that he would not stifle the democratic process, noting that everyone has an opportunity to provide information and to speak.

Councilor German, reading from the minutes, noted that Council had not asked for only three options as stated by Councilor Whatley. She asked Martin what he had said to her when she asked to see his proposed options during the Agenda Meeting. Martin replied that he had told her that they were not ready yet. Councilor German said that they should have been ready because it was past the time that they were due for the agenda packet. She then covered her suggestions that included leaving the Code as it is; changing the Code to require residency within 120 days of hire with no exceptions; or requiring residency in 86322 zip code within 120 days of hire with no exceptions; and residency requirements for all department heads. She said that she put the third option in because of Whatley's suggestion at the last meeting.

Mayor German, Vice Mayor Baker, and Councilors Jones and German felt that residency should be required of the Manager and Marshal. They also felt that they were representing the concerns of the many citizens who had commented and written letters about the importance of the two top officials residing in Camp Verde. Baker noted that the 'choice' lies with the applicant when they accept the job – if they do not like the residency requirement, they can refuse the job. Referring to the Town Manager as an applicant, Baker advised that the Town gets plenty of qualified applicants every time a position is advertised. She said that no one is being forced to live in Camp Verde.

Councilors George, Gordon, and Whatley felt strongly that the Council should not tell people where they could live because this was an infringement on their personal rights.

Public input:
Danny Parker, Jim Meredith, James McDonald, John White, Jeffery Sordal, Arlene Atkinson, Mike Dunigan Sr., Fred Hauk, Bob Johnson, Cheri Wischmeyer, David Willey, Terry Andrews, TJ O'Malleu and Warren Harris spoke in favor of leaving the Town Code as it is, and some suggested that the department heads should also have their residency in Camp Verde.

Jim Ash, Murray Lichty, and Helen Zimmerli felt that people should have a right to live where they want and that as long as they are doing a good job, their residency should not be an issue.

12. **Call to the Public for items not on the agenda**
Murray Lichty stated we have a problem with Economic Development in Camp Verde, noting that Jerome is no longer a ghost town, but Camp Verde is. He also stated that we need lighting in the downtown area and lighted signs for businesses.

13. **Council Informational Reports.**
Councilor German reported that she attended a Board of Supervisor's meeting in which the SR 260 IGA was discussed.

Councilor Whatley attended the Verde Valley Land Preservation Open House.

Councilor George attended the Verde Valley Land Preservation Open House, the CDBG public hearing, Verde River Basin Partnership and CYHWRMS meetings.

Councilor Gordon attended the Verde Valley Land Preservation meeting in Clarkdale and the P &Z and Building Code work sessions.

Mayor German attended the GAMA meeting relating to HURF funds.

14. **Manager/Staff Report**
Martin said there would be an all-hands training session on Thursday and asked Council if they help to serve at the employee lunch at noon.

15. **Adjournment**
On a motion by Baker, seconded by Jones, the meeting adjourned at 9:37 p.m.

Charles German, Mayor

Barbara Bridge, 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 November 20, 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 23 day of December, 2013.

Virginia Jones - Deputy Clerk
~~Deborah Barber, Town Clerk~~