

**MINUTES
REGULAR SESSION
MAYOR AND COUNCIL
COUNCIL CHAMBERS · 473 S. Main Street, Room #106
WEDNESDAY, OCTOBER 16, 2013 at 6:30 P.M.**

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 Whatley, George, Gordon, Jones, and German were present.
Also Present
Town Manager Russ Martin, Marshal Nancy Gardner, and Deputy Clerk Virginia Jones.
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 – October 2, 2013
 - 2) Work Session – September 25, 2013
 - b) **Set Next Meeting, Date and Time:**
 - 1) October 23, 2013 at 6:30 p.m. – Council Hears Planning & Zoning Matters - **CANCELLED**
 - 2) October 30, 2013 at 5:00 p.m. – Special/Work Session
 - 3) Friday, November 1, 2013 at 9:00 a.m. – Special Session
 - 4) November 6, 2013 at 6:30 p.m. – Regular Session
 - 5) November 20, 2013 at 6:30 p.m. – Combined Regular Session/Council Hears Planning & Zoning Matters
 - 6) November 27, 2013 at 6:30 p.m. – **CANCELLED**
 - c) **Possible approval of Resolution 2013-898, declaring October 20-26, 2013 as “Arizona Cities & Towns Week”.** Staff Resource: Debbie Barber
 - d) **Possible approval of Resolution 2013-899, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona approving Intergovernmental agreement No. 13-0000292-I with Arizona Department of Transportation for the design and construction of a roundabout at State Route 260 and Industrial Drive in Camp Verde.** Staff Resource: Ron Long

On a motion by George, seconded by Whatley, the Council voted unanimously to approve the Consent Agenda, as presented, pulling items 4.a.1 and 4.a.2.

On a motion by George, seconded by Baker, Council approved the Minutes of October 2, 2013 and September 25, 2013 with the correction of indicating the vote of each Council member, both affirmative and negative, and requested that all future minutes reflect the individual council members vote, unless the vote is unanimous.

4. a.1 Councilor George stated that he pulled the minutes from October 2, 2013 because there was concern from the public that they were not sufficient. He read the portion of the Town Policy regarding the taking of the minutes and referred to the state statute regarding the taking of written minutes. Councilor George stated the minutes comply with local and state law.

4.a.2 Councilor Whatley questioned why the Work Session minutes of September 25th had more detail than the Regular Session. The Clerk explained that the Regular session minutes reflect the consensus of the Council and Work Sessions were where individual Council members expressed their opinions on each item.

5. **Special Announcements and presentations.** There are no special announcements or presentations.

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

James McDonald-Resident on Zellner Lane indicated he is in the Sewer District, but does not have service and stated his tax bill increased tremendously because of the sewer tax.

Bob Link: Stated he also had an increase of his taxes in the amount of \$281.00 over last year and is not hooked up to the sewer. He commented that unfortunately 90% of those who voted in favor of the dissolution were connected.

Gary Chamberlain: indicated this is the time for Camp Verde to step up and lead the way for other Verde Valley Communities to follow in an effort to restore beauty to America by cleaning up the roads. Chamberlain indicated this is a great opportunity for Camp Verde and indicated that the opportunity will end November 16, 2013. Mr. Chamberlain stated it is time to 'pass the bag' and for all city leaders to man up, woman up and parent up, stating parents have dropped the ball on our youth and we have a disconnect between parents and what comes out at the end of the school. Chamberlain passed out flyers and trash bags prior to the meeting. Chamberlain also stated that he and his wife attended Fort Verde Days and were amazed, it was a wonderful event and they will attend next year.

7. **Discussion, consideration, and possible approval to waive the residency requirement pursuant to 3-2-4.A of the Town Code to allow Marshal Gardner to reside in Munds Park, AZ.** Staff Resource: Russ Martin

A motion by Gordon, seconded by Whatley, to approve to waive the residency requirements pursuant to 3-2-1.a of the Town Code to allow Marshal Gardner to reside in Munds Park, failed with affirmative votes by Gordon and Whatley and nay votes from Councilors Baker, George, Jones, Carol German, and Mayor German.

Manager Russ Martin turned the floor over to Marshal Nancy Gardner. Marshal Gardner stated that since becoming the Town Marshal in February 2012, she and her husband have been looking for a home in Camp Verde to purchase. Gardner stated she is before Council to request a waiver of the residency requirements while she continues to look for something in Town, noting that this would allow her time to look.

Whatley felt that Council should give Gardner more time, noting that Gardner was hired with a Code that allows residency to be waived. Whatley felt that this offered a compromise that would allow Gardner to have additional time to search for something in Town.

Baker requested to hear from the public prior to Council discussion.

Public Input-This is a summary not verbatim.

Jim Meredith stated that the Marshal has had 2 years to look for a residence. He felt that she was hired with the understanding that she was required to live here. He said that the head of law enforcement should have a stake in this community and should want to live here and be a part of the community. Meredith stated that Munds Park has inclement weather and questioned how often we would actually see her.

Cheri Wischmeyer indicated that she is a longtime resident and was vehemently opposed to a clause to request a waiver. She stated that it is her opinion that the Marshal should not reside out of the Town and the temporary waiver was there to allow time to find appropriate housing and that it was not meant for a 30 to 50

mile radius. Wischmeyer stated the Marshal needs to be here, available in the community twenty-four seven and respectively request the waiver be denied.

Darwin White stated that he has lived in Camp Verde for over 7 years and in Arizona all his life. He said that he likes the town and likes the people and questioned whether we now have a 'top cop' that thinks she is above us. He felt that if she did not like Camp Verde, she should quit and become a security guard in vacationland.

Danny Parker stated that he first would like to apologize to the Mayor, noting he had talked to former Manager Bill Lee and Lee had advised that he had been promoted from within to Town Manager and he was allowed to live just outside the town limits where he owned a home. Parker stated he has lived here for 70 years and indicated the Town Marshal has always lived here. Parker stated he spent over 12 years plowing snow in the Munds park area. Parker gave Council an estimate of how much it would cost the taxpayers in gas and mileage to allow the Marshal to commute in a Town-owned vehicle.

Buck Buchanan stated that he served on the previous Council and was disheartened to hear comments from a Council member that they do not care, stating that notion is unforgivable. Buchanan advised that he served on the search committee for Marshal and every candidate understood during the interview that they would be required to live in Camp Verde. Buchanan stated that he appreciates the work that Gardner has done, but that the Town Manager and Marshal absolutely need to live in Town. He also stated that if he were still on Council, he would request that all department heads live in town.

Bob Burness stated that he was concerned that if the Town Code states that the Marshal will live in Camp Verde, that there might be a violation.

Councilor Whatley responded that it [Town Code] says 'shall' not 'will'.

Mayor German clarified that the Code says nothing about allowing 2 weeks, 6 months, etc. to purchase a home.

Councilor German called a Point of Order.

Burness continued, stating again that his concern was that there has been a violation of the Code. He said that before Council continues, they need answer the question, is there a violation of the Code, and then go about straightening out the Town Code. He stated that the Marshal's job performance had nothing to do with it the question.

Darby Martin stated she has worked for the Marshal's office for 16 years and that she was upset about comments, including wasting taxpayer dollars. Martin stated tax dollars were wasted on the past three Marshals, noting that Gardner has brought more money into this community than any other Marshal. Martin stated that Gardner's husband spent his own time and money constructing and painting the animal control building and indicated that the Marshal has definitely dedicated herself to the community in the past two years. Martin stated the Marshal is the administrator to the deputies; she is not asking for a vehicle, and not moving because she does not care about Camp Verde. Martin continued, stating the Marshal's position is not a nine-to-five job and she is usually in her office before 7:00 a.m. and can be found still working until after 8:00 p.m. every night.

Jim Ash said that he has been a resident of Camp Verde for over 16 years. Ash stated he has not heard one person say a negative word about the Marshal. He said that the question is where she should live and is it against the Code for her to live outside of Camp Verde. Ash stated you could not compare communities in the metro area with our Town. The Town Code states she must live in town so there should be no

arguments.

Susan Chester stated she has been a resident of Camp Verde for the past three years and has been reading the articles in the paper. She gave Council a rough estimate of the financial impact on the vehicle alone if the Marshal were to use a Town-owned vehicle to commute. She said that there would be approximately 18,000 additional miles per year placed on that vehicle. Chester agreed the Marshal does a wonderful job and is great for the community. She questioned Gardner's ability to do her job when living so far away. Chester indicated she felt the Code should be followed and waiving the residency requirements was not in the best interest of our community.

Gary Chamberlain stated that he would like to give his perspective on the issue being on the outside. Chamberlain stated this is not a dogfight; Americans see people who have family members who are watching this, our future leaders see how we behave, get back to the rules we want. Do not blur the lines, man up and change the course of our behavior.

Mayor German thanked the citizens for their comments and brought the item back to council.

Carol German stated that she was stressed that the item was back on the agenda because the item had already been heard two weeks ago with a quorum present, a vote was taken, and it was a legitimate valid vote. German pleaded with Council to take the personalities and the job performance out of the equation and to consider only the facts. She pointed out that the Town Code requires the Marshal to live in the Town limits unless the governing body grants a waiver. German stated this is situation is not about the Manager's authority over staff, it is about the Manager disenfranchising the Council, noting that the Manager manages the staff in accordance with the Code and other policies developed by Council. German stated the issue has now escalated from a waiver requirement to a violation of the Town Code, noting that the Marshal has already moved to Munds Park.

German advised that all candidates received a packet when they applied for the Marshal's position and the applicants were required to have knowledge of local, county, and state laws. She reiterated that this information was included in the packet and was not misstated. German said that if decisions are being made without being brought to Council then there was no need for a Council. German questioned what the citizens would think when they realized that the Town Marshal is violating the law. She felt that there was now a personnel issue that should be addressed in executive session. She said that if the Codes were not being enforced, we might as well throw them out.

Councilor George stated he felt the waiver was for extra ordinary circumstances only, not to be used for someone who wanted to live in another community.

Councilor Whatley replied to Darby Martin's comments and thanked the Marshal for always attending Council meetings. Whatley commented on the entire night's agenda relative to the amount of money the Marshal has received for the Town

Councilor German called for a Point of Order.

Whatley continued and replied to the man with issues regarding sewer tax, explaining that she also pays the tax. Whatley continued stating that precedence had already been set, noting that Council does not give direction to staff and are not involved in the hiring, firing, or disciplines of staff. She pointed out that Council only has authority over the Town Manager and Finance Director. Whatley suggested Council look at changing the Code, but the current Code states they shall be a resident unless waived by Council. She suggested that the Code should be more specific so that newly hired employees would have some time line. Whatley noted that there were valid points, but she has to justify it to herself.

Councilor Jones stated that there were many valid points given. She agreed that the Code needs to be followed and Council cannot waiver for individual favors, or the perception that someone is getting special treatment. She advised that it took her a year to find a home and that it was unfair to make someone buy or rent or stay in a place where they will not be happy. Jones stated this is not an issue of how far the Marshal is driving, nor is it a personal evaluation, it is about the Code. She said that she hopes to see this come back in executive session for attorney advice and hopes the Code could be written without gray lines.

Vice-Mayor Baker indicated that she agreed with Councilor George in his understanding of the Code. She said that the waiver is there for the very reason Councilor George stated, not to create a hardship. She said that the Code is clear in that the intent is that the Manager and Marshal need to live in Camp Verde. Baker stated this is a sad situation and should have come to Council before it reached this level. Baker requested we address the Code and establish a policy for good reasons, and have rules that are very clear. Baker stated she felt strongly about not approving a waiver and thanked everyone for coming and voicing their opinions

Brad Gordon asked why this item had not come before Council two years ago. He questioned if two miles outside the town limits were acceptable, noting the Code has no criteria. He stated that he has no objections with the Marshal living outside the limits, noting that we had already set a precedence.

Mayor German said that he would like to consider the possibility of compromise, noting that the Code is poorly written and that it needs to be clearer outlining when and under what conditions Council could grant a waiver. Mayor German said that he would not be voting in favor of the waiver, noting that he would not impose his personal views on his constituents. Mayor German advised that he has had several conversations with citizens, many of whom were not in attendance, but that they brought up valid points. He relayed the comment, "if you live in the community, you are vested in the community". He said that he wished more citizens would participate in all community activities.

8. **Update by Marshal Gardner regarding the Department of Homeland Security Grant award to strengthen interoperable communications capabilities both within and outside the jurisdiction of Camp Verde. Staff Resource Marshal Gardner**

On a motion by Baker, seconded by German, the Council unanimously agreed to accept the award from the Department of Homeland Security Grant to strengthen interoperable communications capabilities within and outside the jurisdiction of Camp Verde.

Marshal Nancy Gardner informed Council that in March of 2013, Council approved a resolution for the grant submitted to the Department of Homeland Security requesting \$229,884.00. Marshal Gardner stated the Town received notice that we have been awarded \$105,311.00 that will be used to strengthen interoperable communications within and outside the Camp Verde jurisdiction. The approved grant will allow for the purchase of a Viter Antenna, VHF Receivers, cables, and dishes that will provide a foundation that will be digitally capable for the future when the analog system is no longer functional.

In response to the question, Gardner advised Council there were no matching funds required.

9. **Update by Marshal Gardner and possible acceptance of the Governor's Office of Highway Safety Grant awards to purchase hand-held radar units and DUI enforcement overtime. Staff Resource: Marshal Gardner**

On a motion by Jones, seconded by Baker, the Council voted unanimously to accept the Governor's Office of Highway Safety Grant award to purchase hand-held radar units and provide DUI enforcement overtime.

Marshal Gardner notified Council that the Town received a grant award from the Governor's Office of

Highway Safety to purchase three hand-held radar units and provide overtime for DUI enforcements. Gardner advised that there are no matching funds and the Town has a year to spend the money.

10. **Update by Marshal Gardner followed by discussion, consideration, and possible direction to staff relative to a grant award to the Camp Verde Unified School District for a School Resource Officer.**
Staff Resource: Marshal Gardner
Council took no action on this item.

Marshal Gardner advised Council that the school has a grant for a School Resource Officer and that she will be re-assigning duties in order to locate an officer at the Middle School. She advised that she hoped to have an officer at the Middle School by November 1, 2013. Gardner noted that an IGA between the school and the Town would be on the first meeting in November for Council consideration.

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

12. **Council Informational Reports.**
Councilor German said that she would like to congratulate staff on working with APS to install light poles. She also recognized Camp Verde Promotions for the wonderful job they did organizing Fort Verde Days. She felt that the entire community owes Camp Verde Promotions and all the volunteers a huge thanks.

Vice Mayor Baker said that the Fort Verde Days event showed how private and public organizations work great together and were a wonderful success. She expressed her appreciation to Camp Verde Promotions and all the volunteers

Councilor George advised that he attended the Verde River Basin quarterly meeting.

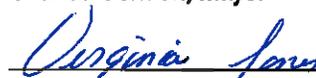
Mayor German said that Camp Verde Promotions had given him marching orders to him all weekend. He said that he thought that it would take hours to take the Creator Faire down, but it was completed in just over one hour. He also expressed appreciation to Camp Verde Promotions and all the volunteers.

13. **Manager/Staff Report**
Town Manager Russ Martin stated there was a glitch in the review process and that Council would receive the self-evaluation and 360 degree evaluation by Monday evening. Martin thanked Camp Verde Promotions for a wonderful job done on Fort Verde Days and commented on the fact that the ability to help non-profits by the event is huge.

14. **Adjournment**
On a motion by Councilor German, seconded by Jones, the Council unanimously voted to adjourn the meeting at 8:12pm.



Charles German, Mayor



Virginia Jones, Deputy Clerk

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the discussion 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 October 16, 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 14 day of November, 2013.

Deborah Barber
Deborah Barber, Town Clerk