

**MINUTES  
REGULAR SESSION  
MAYOR AND COUNCIL  
COUNCIL CHAMBERS  
WEDNESDAY, DECEMBER 7, 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 Buchanan, Whatley and Baker were present; Councilors George and German were absent.

**Also Present:** Town Manager Russ Martin, Community Development Director Mike Jenkins, Town Clerk Debbie Barber, and Recording Secretary Margaret Harper.

**3. Pledge of Allegiance**

The Pledge was led by Baker, preceded by her request for remembrance that today was the 70<sup>th</sup> Anniversary of Pearl Harbor Day.

**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 16, 2011

**b) Set Next Meeting, Date and Time:**

1) December 14, 2011 at 5:30 p.m. – Work Session with the Chamber of Commerce

2) December 21, 2011 at 6:30 p.m. – Regular Session/Council Hears P&Z Matters (Tentatively Combined)

3) December 28, 2011 at 6:30 p.m. – Council Hears Planning & Zoning Matters – **CANCELLED**

4) January 4, 2012 at 6:30 p.m. – Regular Session

5) January 11, 2012 at 5:30 p.m. – Work Session – CIP

6) January 18, 2012 at 4:00 p.m. – Special Session – Annual Performance Review of Manager

7) January 18, 2012 at 6:30 p.m. – Regular Session

8) January 25, 2012 at 6:30 p.m. – Council Hears Planning & Zoning Matters

On a motion by Kovacovich, seconded by Baker, the Consent Agenda was unanimously approved as presented.

**5. Special Announcements & Presentations**

There were no announcements or presentations.

**6. Council Informational Reports**

**Buchanan** reported on his tour of several irrigation ditches by invitation of the Nature Conservancy, together with other principal dignitaries participating in American River issues, as well as representatives from Washington D.C., and the possibility of funding that now may be available.

**Kovacovich** said that he recently attended the Intergovernmental meeting in Jerome, together with Town Manager Martin and Councilor George.

**Whatley** reported on her attendance at the Memorial for Bea Richmond, sharing her memories and commenting on the loss of an important and valuable member of the community.

**Burnside** said that he had also attended the Memorial for Bea Richmond, a wonderful woman and a sad loss to the

community. Burnside reported on a meeting with Ed Lee, owner of the Embassy Business Services, and a meeting last Friday regarding the Center of the State. A plaque is being designed to be able to be moved around to different areas; there will be a report on that later. Burnside also reported on his participation in the Cottonwood parade last Saturday. He noted that today the Journal reported that the Justice Department approved the County Districting Map A; there will be some activity forthcoming on that issue before the next election.

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

(Comments from the following individuals are summarized.)

**Jeremy Bach** first confirmed that it would be in order for him to comment at this time on his position on the weeds, and keeping the gates on the roads. He said that his concern was to keep the cattle and horses contained and remediate the weed issue. Bach said he represents three of the property owners with the lots in that area who are committed to keeping the weeds under control. As for the liability issues, he would hope to sit down and discuss a remediation plan with those involved in the weed issue.

**Sheila Stubler**, of Fort Verde State Park, accompanied by Gerry Laurito, both in Victorian costumes, outlined the dates and upcoming Christmas festivities at the Park, and invited everyone to join in all the activities.

**Justin Wertz** thanked the Council for their help and cooperation, and reported on the progress of his skateboard project that he believes will turn out to be of great benefit to the community in the future.

There was no further public input.

**8. Discussion, consideration, and possible appointment to the following:**

- ❖ **Three (3) members to the Planning and Zoning Commission, with terms beginning January 1, 2012 and expiring December 31, 2015. Applicants are Greg Blue, Dave Freeman, and Chip Norton.**
- ❖ **Two (2) members to the Board of Adjustments and Appeals, with terms beginning January 1, 2012 and expiring December 31, 2015. Applicants are Jim Bullard and Doug Stevens.** Staff Resource: Debbie Barber

On a motion by Whatley, seconded by Baker, the Council unanimously approved the appointment of Greg Blue, Dave Freeman and Chip Norton to the Planning and Zoning Commission, and also approved the appointment of Jim Bullard and Doug Stevens to the Board of Adjustments and Appeals.

Town Clerk Barber advised the Council that the subject positions had been advertised, and the applications received were all from incumbents on the Commission and Board; the applicants are not present at this time. Barber confirmed that no letters of opposition had been received.

Councilor Whatley expressed her extreme gratitude that the applicants, who are already very busy serving in other capacities for the community, are willing to give up even more of their time to serve the Town.

**9. Discussion, consideration, and possible direction to staff to prepare an ordinance amending Town Code Chapter 10, Article 10-2, Section 10-2-1.A, Declaration of Nuisance, to include "Noxious Weeds". If approved, the ordinance will be brought back for consideration at a later date.** Staff Resource: Mike Jenkins

On a motion by Baker, seconded by Whatley, the Council unanimously instructed staff to investigate other possible measures regarding noxious weeds as a nuisance violation, contact perhaps the Verde Valley Natural Resource Conservation District, and other members of the community resources, and bring back to Council all that information at a later date.

Community Development Director Mike Jenkins reviewed the background of including a provision in the Town Code defining Nuisances. Research with other communities has found that noxious weeds have been addressed as a Nuisance. Councilor George had provided a model ordinance to deal with the problem of noxious weeds; however, the Town Code now has enforcement capabilities, and staff has prepared the proposed amendment that would give the Town authority to require removal and control of noxious weeds. Jenkins also referred to research conducted by several agencies on the Yellow Star Thistle, and the extensive abatement programs developed in connection with remediation of

these types of weeds. The Verde Valley Natural Resources Conservation District and the County Extension Office have programs and assistance available for conducting abatement measures. Jenkins said that staff is requesting direction from the Council regarding how to proceed further.

#### **PUBLIC INPUT**

(Comments from the following individuals are summarized.)

**Jody Allen** said she wanted to applaud the Council for their consideration of a very responsible amendment to the Ordinance. She stated that there are 400,000 acres in Arizona alone every year that have these noxious weeds that take over the landscape, and that increases by 20 percent annually. The subject Ordinance would provide another tool to combat the problem. Ms. Allen added that the Verde Valley NRCDC can help with planning and design; it is a Federal program and has funding that is available. Ms. Allen commented on her experience working with the Forest Service for several years trying to eliminate the Yellow Star Thistle that affects the neurological systems of the equine population. She said she had no problem with the suggestion to keep the gates closed, as mentioned earlier.

**Howard Parrish** noted that Payson is timber country, and the Verde Valley is open country with lots of open space for the tumble weeds to grow; spray for the weeds costs \$100 a gallon. Mr. Parrish commented on what he considers the worst weed that the area has now, that grows up and down the road between here and Cottonwood.

**Jeremy Bach** said he had no expertise to comment on the neurological effect of the Thistle, but whatever is needed to take care of that specific weed should be done. He added that his development would like to keep it closed up, whatever is needed is what they will do.

**Jim Davis** commented that he could personally tell the Council that having some animals out there, they are being fed with over 200 pounds of grain per day for all the cows out there. He said he would not let his animals get malnourished.

There was no further public input.

Councilor Baker expressed her concern about having a provision in the Code that might result in imposing a lien on someone's property, she would prefer the idea of first investigating what could be done through the Verde Valley Natural Resources Conservation District and other resources.

Mayor Burnside questioned who would be able to file a nuisance complaint, whether it would be against an immediate neighbor, or against someone across town; Jenkins confirmed that it could be anyone, and an investigation would probably be the responsibility of the Community Development Department. Burnside said he believes that education is what is necessary, and that we do not need any more government rules and regulations; he also pointed out the problem of the weeds growing on the Verde River, making the property owners liable for penalties under the Code. Burnside cited No. 4 of the Draft, Unclaimed Publications, as another example of concern. He suggested that perhaps the height of weeds could be considered as a method of control. Burnside listed several ways to educate the community on the issue of noxious weeds, stressing that common sense would prevail.

During further discussion, with Whatley expressing concern that Councilor George was absent and had been involved in the issue, Town Manager Martin noted that staff had been directed to consider an Ordinance, which they have done; if Council wants staff to look at other options, they will do so and bring back those options for the full Council to consider and decide what direction they want to take, including an Ordinance. Following the motion made by Baker, Jenkins suggested that the Verde Valley NCRD be invited to give a presentation on the processes for trying to eradicate these noxious weeds; Baker noted that that could be part of the research that staff is being requested to do and bring back to Council.

10. **Discussion, consideration, and possible approval of Resolution 2011-850 a resolution of the Town of Camp Verde, Yavapai County, Arizona specifying the location of community-wide (Event and Show) sign areas located in the Town's right-of-way or on Town-owned property to allow for temporary signs to be placed in these areas pursuant to the requirements of Part 4, Section 404.D of the Planning and Zoning Ordinance. Staff Resource: Mike**

Jenkins

On a motion by Buchanan, seconded by Baker, the Council unanimously approved Resolution 2011-850 a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona specifying the location of community-wide (Event and Show) sign areas located in the Town's right-of-way or on Town-owned property to allow for temporary signs to be placed in these areas pursuant to the requirements of Part 4, Section 404.D of the Planning and Zoning Ordinance as indicated on the **attached Council-selected exhibits**; the Council also specifies that these locations are in general, and with the final sign locations being determined by the Town of Camp Verde's Public Works Department who will determine these locations based on site visibility, clear view zones and practicality; in addition, the Town staff has picked out 12 possible sites; we realize that all 12 sites may not be used at the same time, but those sites would be available and signs could be moved around within those 12 sites.

Jenkins reviewed the Council's previous direction to staff to search for further possible locations for community-wide event and show temporary signs; Council had also provided recommendations for some areas. Staff has arrived at a total of 12 sites that have all been assessed by the Town Engineer, in particular as to site visibility for traffic and safety issues, and he believes that any or all of the areas are good possibilities, and it is up to the Council to either approve all of the sites or only a select few.

The Council discussed with Jenkins and Martin the issues of the sponsors of the events having responsibility for preparing the banners, the Town putting poles in place where there had been none, and when, and the proposed process for approving their use.

#### **PUBLIC INPUT**

There was no public input.

The members discussed the different sites, reviewing the proposed sizes and time limitations for the banners, and use of the banners on or near rights-of-way. There was some objection expressed as to agreeing to all 12 proposed sites; staff pointed out the benefit of having the sites available, without seeking approval from Council for a particular location, even though they may not all be used. Construction of the poles, or monuments, would take place as the need arises, depending upon priority. The discussion also included the suggestion that locations for the sites should be close to stop signs, or where traffic would have to slow down, for better visibility, particularly near the Casino to help divert traffic to Camp Verde.

11. **Discussion, consideration, and possible approval of Ordinance 2011-A378, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Chapter 7, Article 7-10 Municipal Development Fees (Impact Fees) of the Town Code placing a moratorium on and suspending the collection of all Development Impact Fees.** Staff Resource: Mike Jenkins

On a motion by Baker, seconded by Buchanan, the Council unanimously approved Ordinance 2011-A378, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Chapter 7, Article 7-10 Municipal Development Fees (Impact Fees) of the Town Code placing a moratorium on and suspending the collection of all Development Impact fees.

Jenkins said that at the October 26 meeting, based on options presented to Council, staff had been directed to prepare the required document to establish a moratorium and suspend collection of all development impact fees in Camp Verde, which staff has done. The Town Attorney has reviewed and provided direction in preparing the proposed Ordinance. Jenkins also reviewed the lack of clarity and sufficient direction in the new legislation that create problems for communities throughout Arizona, and the recommendation of the League of Cities and Towns. As directed, staff has prepared an Ordinance that will end the collection of impact fees.

12. **Discussion, consideration, and possible direction to staff to pursue enforcement or direct changes to the Town Code, Article 9-2, Off-Premises Canvassing and Signage.** Staff Resource: Russ Martin

On a motion by Baker, seconded by Kovacovich, the Council unanimously directed staff to pursue enforcement relative to the Town Code Article 9-2, Off-Premises Canvassing recently passed and Sedona Pines, LLC who is affected by the

enforcement of the Town Code.

Martin had nothing further to report on this item.

#### **PUBLIC INPUT**

There was no public input.

In response to a question from Council, Martin pointed out some of the differences noted in the draft document, such as Sedona Pines, LLC wanted to insist on a difference between a public or private sidewalk; they can use "Visitor" or "Tourist" as long as Camp Verde is not stated in front of any type of sign; they want a distance of 12 feet to be allowed between the Tourist Information sign and a sign that clarifies that it is a sales solicitation. They basically rewrote the ordinance to make sure that what they are currently doing is allowed.

Discussing the motion, Burnside questioned why the verbiage specifically spelled out Sedona Pines, LLC; the Town wants to have the Town Code enforced so that it would apply to any and all, so he is not in favor of adding that entity who is affected. He wanted to make sure, **for the record**, that the Ordinance will apply to any and all and will be enforced as such. Martin said that the purpose of including that reference to Sedona Pines, LLC was that they do not believe that the existing Ordinance applies at all; they believe they are currently following the Code.

13. **Discussion, consideration, and possible approval of an amendment to the Special Events Policies and Procedures Guide, adding an "Established Promoter Status" and allowing the waiver of deposits for community-wide events.** Staff Resource: Debbie Barber

On a motion by Baker, seconded by Whatley, the Council **voted 4-1** to approve an amendment to the Special Events Policies and Procedures Guide, adding an "Established Promoter Status" and allowing the waiver of deposits for community-wide events; **with Burnside opposed**.

Barber said that in March of last year the Council approved the Special Events Policies and Procedures Handbook; the first year of handling the special events has worked out very well. During the past year, several of the promoters have commented on the deposits being so expensive, which takes funding away from the event itself since it can sometimes take up to 3 weeks before the deposit check is returned to the promoter. The proposed change to the Policies and Procedures for Council consideration would add an "Established Promoter Status" provision and allow the waiver of deposits.

#### **PUBLIC INPUT**

There was no public input.

The members discussed with Barber the various promoters; Barber outlined the criteria to be met in order to earn the "Established Promoter Status." Martin commented that only minor issues have come up, and they have not been deposit-related. If there is a real issue with actual cost to the Town, the agreement with the promoter covers that; the deposit in no way is enough to cover that. Martin also confirmed that the Status could also be taken away if there are deposit-related issues; staff members would make that determination, and Martin suggested that such language could be included, if desired. Barber also noted that the number of events would be the basis for the criteria to receive the Established Promoter Status, not necessarily a 12-month period, and language will be added to clarify that distinction.

Burnside said he understands the intent of the proposed addition, but questions the timing cited in the staff report; he referred to a print-out of the events done in 2011, including the Pecan & Wine Festival held in February pursuant to a gentleman's agreement with Carly in advance of adopting the Policies & Procedures in April 2011. Barber confirmed that staff is requesting that the subject amendment be made retroactive based on past experience with the promoters, and anyone could apply for the special Status. Burnside said he believed that, rather than dropping the deposit, the issue of how the charge for deposits is determined should be addressed, and the deposit for a key should never be dropped. Burnside also questioned the process and length of time for returning the deposit checks.

14. **Call to the Public for items not on the agenda.**  
(Comments from the following individual are summarized.)  
**Steve Ayres** wanted to remind everybody that tomorrow is the Town's 25<sup>th</sup> birthday

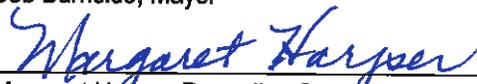
There was no further public input.

15. **Manager/Staff Report**  
Martin commented on the upcoming event on Saturday, at the **Gazebo**, at 5:00 p.m., and hoped all the members will be available at that time; he also announced the Chamber Mixer at the Fort on the 15<sup>th</sup>, and requested a count of those who will not be able to attend; on the 16<sup>th</sup> the members will have an opportunity to meet the potential new Town Marshal, following final interviews on the 15<sup>th</sup>.

16. **Adjournment**  
On a motion by Baker, seconded by Whatley, the meeting was adjourned at 8:13 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 7<sup>th</sup> day of December 2011. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 10 day of January, 2012



Debbie Barber, Town Clerk