

**(Corrected) MINUTES
COUNCIL HEARS PLANNING AND ZONING
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, AUGUST 27, 2008
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 Gioia, Vice Mayor Hauser, Councilors Smith, Garrison, Kovacovich, Elmer and German were present.

Also Present: Town Manager Mike Scannell, Town Clerk Debbie Barber, Community Development Director Nancy Buckel, Sr. Planner Mike Jenkins, 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) Regular Session – August 6, 2008
 - 2) Special Session – August 6, 2008 at 6:15 p.m.
 - 3) Special Session – August 6, 2008 at 5:00 p.m.
 - 4) Executive Session – August 6, 2008 (taped)
 - 5) Special Session – August 5, 2008
 - 6) Special Session – July 30, 2008 at 6:00 p.m.
 - 7) Executive Session – July 30, 2008 at 6:00 p.m.
 - 8) Special Session – July 30, 2008 at 5:00 p.m.
 - 9) Executive Session – July 30, 2008 at 5:00 p.m. (taped)
 - 10) Special Session – July 29, 2008
 - b) **Set Next Meeting, Date and Time:**
 - 1) September 3, 2008 at 4:30 p.m. – Visioning Meeting for the Park Master Plan
 - 2) September 3, 2008 at 6:30 p.m. – Regular Session
 - 3) September 17, 2008 at 6:30 p.m. – Regular Session
 - 4) September 24, 2008 at 6:30 p.m. – Regular Session
 - c) **Possible approval of a professional services contract for court-appointed attorneys for indigent defendants for the Camp Verde Municipal Court.** *(Staff Resource: Judge Overholser)*
 - d) **Possible approval of the 18-month lease agreement with the Camp Verde Chamber of Commerce effective July 1, 2008 through December 31, 2009 with a rental payment of \$1.00 to the Town for the facilities located at 385 S. Main Street.** *(Staff Resource: Michael Scannell)*
 - e) **Possible approval of the 12-month Services Agreement effective July 1, 2008 through June 30, 2009 between the Town and the Camp Verde Chamber of Commerce and possible approval of the FY 08-09 funding for the Chamber of Commerce: 1) \$70,000 for the Chamber’s Visitor Center operations; 2) \$16,626 for matching funds as required by the Chamber’s application to the Arizona Office of Tourism TEAM grant that will be used for marketing, advertising, and promoting Camp Verde; and 3) in addition to the budgeted**

- funding, the Town agrees to advance to the Chamber a possible performance-based incentive payment of 50% of the Bed Tax Revenue in excess of \$135,000, up to a maximum of \$20,000. (Staff Resource: Michael Scannell)**
- f) Possible approval of a conveyance of a utility easement to APS across Town property to provide residential underground electrical service to owner of parcel 404-20-023F located at 517 Basham Circle. (Staff Resource: Michael Jenkins)**

On a motion by Smith, seconded by Garrison, the Consent Agenda was unanimously approved as presented, with the exceptions of Items **d)** and **e)**, and the corrections to the August 5th Special Session Minutes, Page 7 as noted by Councilor German.

Councilor German requested that draft corrections noted on Page 7 of the Special Session Minutes of August 5th be confirmed by staff; Garrison requested that Item d) be pulled for separate consideration, and Elmer requested that Item e) be pulled as well.

4.d) Possible approval of the 18-month lease agreement with the Camp Verde Chamber of Commerce effective July 1, 2008 through December 31, 2009 with a rental payment of \$1.00 to the Town for the facilities located at 385 S. Main Street.

Councilor Garrison questioned the 18-month term of the proposed lease agreement instead of the usual 12-month term to fit into the budget cycle. Town Manager Scannell explained that the extra period would give the Chamber time to plan for an alternative location, and the Town a period time within which to retrofit the building and consider other occupancy.

4e) Possible approval of the 12-month Services Agreement effective July 1, 2008 through June 30, 2009 between the Town and the Camp Verde Chamber of Commerce and possible approval of the FY 08-09 funding for the Chamber of Commerce: 1) \$70,000 for the Chamber's Visitor Center operations; 2) \$16,626 for matching funds as required by the Chamber's application to the Arizona Office of Tourism TEAM grant that will be used for marketing, advertising, and promoting Camp Verde; and 3) in addition to the budgeted funding, the Town agrees to advance to the Chamber a possible performance-based incentive payment of 50% of the Bed Tax Revenue in excess of \$135,000, up to a maximum of \$20,000.

On a motion by Hauser, seconded by Elmer, the Council unanimously approved Items **d)** and **e)**.

Councilor Elmer requested that the reports from the Chamber be submitted quarterly, as is done by the Commissions; the members as well as the Chamber representative agreed on that procedure.

Mayor Gioia announced that pursuant to a request by the Town Attorney, Item 8 would be moved forward and addressed following Item 5.

5. Call to the Public for Items not on the Agenda.

(Comments from the following individuals are summarized.)

Howard Parrish requested that the Flag be illuminated after dark by a light, as required by the rules of etiquette to show proper respect. Mr. Parrish also thanked all of those who participated in his 60th Anniversary party, and who made the occasion a success.

Ginger Mason reported on the great success of the Block party, adding that donations are still coming in, and that the Chamber played a key role in that success. A meeting has been scheduled for September 4th for planning the next event.

There was no further public input.

6. Council Informational Reports

Smith commented on the great time had by all at the Block Party.

Garrison reported on marathon meetings she has had with NACOG, and the failure of the transportation measure that failed and will not be on the ballot for vote in November. Garrison reminded everyone about the major event coming to town on October 23rd with much participation from the community, and outlined major economic development activities in other communities. She also commented on hearing very positive reports on the Block Party. Garrison stressed that any comments she may make regarding the Sanitary District are strictly as an individual and not as a member of the Council.

German outlined an extensive report as Liaison to the Sanitary District, including information on the District now meeting some of the ADEQ requirements, design reinforcement of the tanks, and a suggestion to hold a future Work Session to transition in the Council on future responsibilities in connection with future growth. German also addressed the issue of resurfacing roads in subdivisions following the laying of lines. The position for a new Manager has been advertised to receive resumes. German reported that the Town would derive no benefit from refinancing of the project, if approved by the voters, and suggested that the issue be placed on a future agenda for discussion. German also recommended that the issue of resurfacing certain roadways and bring them up to Town standards be added to an agenda for Council discussion and consideration.

Elmer reported that the Chamber had been working very hard on the service agreement that has now been approved; the Chamber is looking for volunteers, and will be recruiting new Board members after the November election.

Hauser reported on attendance at the League of Cities and Town Convention; the Growing Smarter report card is due by the 1st of January. Loans and grants are available; she will get with staff to work on filling out the report card. Project Wet is coming up in October for 4th graders. The pool heater is in the building, ready to be installed next week.

Gioia extended his appreciation for the Block Party, especially the merchants who took on the responsibility for the event. Gioia also reported in detail on his attendance at the League of Cities, and the Executive Resolutions Committee meeting, including, as well as others, the status of resolutions on affordable housing, the housing trust fund, and the Uniform Property Tax Assessment method. Gioia also reported that Hauser received an award for her many years of service as an elected official. Camp Verde has received recognition for breaking ground in the State for its exemplary Tribal Government relations, and other communities have requested help to develop such cooperation. Gioia said that staff has put together a booklet for Council members to review all the information gathered at the meeting and sessions.

7. Public hearing, discussion and possible approval of Resolution 2008-754, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, vacating a portion of the right-of-way of Spruce Court to the owner of Lot 17 of Jordon Meadows within the Town limits. The petition was initiated and submitted by Carlos & June Trinidad, owners of adjacent parcel 404-03-042, Unit 1, Lot 17 in Jordon Meadows, physical address 2045 S. Pearl Drive. (Staff Resource: Michael Jenkins)

On a motion by Hauser, seconded by Garrison, the Council unanimously approved Resolution 2008-754, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, vacating a portion of the right-of-way of Spruce Court to the owner of Lot 17 of Jordon Meadows within the Town limits.

STAFF PRESENTATION

Sr. Planner Jenkins said that on June 27th the petitioner came before the Council to request the subject abandonment, and by unanimous vote the Council agreed to do so. The petitioner has now procured all the documents required, including among others the correct legal description. Staff is recommending approval.

**PUBLIC HEARING OPEN
Applicant's Statement**

June Trinidad said she had nothing further to add.

COMMENT FROM OTHER PERSONS

There was no comment from other persons

APPLICANT'S REBUTTAL

No rebuttal was necessary

HEARING CLOSED

Council Discussion

There was no Council discussion

(The following Item 8 was addressed following Item 5.)

8. **Discussion, consideration, and possible approval of Resolution 2008-755, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, approving the Development Agreement between the Town and Cherry Creek Trail, LLC, Dugan McDonald, owner, for the development of property know as Ringo Rio and located between Old Highway 279 and SR 260, and authorizing the Mayor to execute the agreement. The Development Agreement allows for a Comprehensive Grading Permit on parcel 403-15-002P (initially) and parcel 403-16-001F (in the future) as a phased project. Parcel 403-15-002P is approximately 31 acres. (Staff Resource: Michael Jenkins)**
On a motion by Hauser, seconded by Garrison, the Council voted unanimously to go into Executive Session.

A recess was called at 6:46 p.m.; the meeting was called back to order at 7:21 p.m.

There was no action taken.

Mayor Gioia announced that, pursuant to recommendation from the Town Attorney, Council would like to recommend that the developer work with staff to address some questions in the proposed document and to create a Development Agreement that may be used as a template for future development agreements of this nature. **Dugan McDonald** pointed out that he, as the developer, had already worked with the Town Attorney to prepare the document that has been submitted, and expressed concern about any further delay to the project. Town Manager Scannell said that working with staff, as suggested, the revised document could be brought to the Council for discussion and/or approval at the meeting scheduled for September 24th. After further discussion, since he felt he had no other choice, Mr. McDonald agreed to work with staff to create a Development Agreement that would be acceptable, as recommended by the Council.

9. **Discussion, consideration, and possible direction to staff relative to and/or selection of agenda items for discussion at a Council retreat that is tentatively scheduled for September 4, 2008 at 2:00 p.m. at Jackpot Ranch.**

Staff was directed to prepare an agenda for the subject Retreat based on suggestions received from each Council member by 8:00 a.m. Friday morning, August 29th.

Town Manager Scannell said that he felt it would be important for Council to decide on the content of the agenda in connection with the Retreat that has been planned for September 4th at Jackpot Ranch; all the necessary arrangements for the facility have been made. After discussion, it was agreed that each member would submit their suggested list of discussion items to the Clerk for preparation and posting of the agenda for the Retreat. It was agreed that strategic planning will not be included among the subjects to address at this time; the Retreat will be a positive opportunity for broad discussions, a more conceptual approach, and sharing of ideologies. It was pointed out that in order to meet the Open Meeting Law regarding posting of agendas, the members will provide staff with their suggestions no later than 8:00 a.m. Friday

morning.

There was no public input.

10. **Discussion, consideration, and possible action relative to scheduling a community/ neighborhood meeting to discuss the status of the Zellner's Wood Yard issue. (Staff Resource: Michael Scannell)**

On a motion by Smith, seconded by Hauser, the Council voted unanimously to direct the Mayor and Town Manager to work together to schedule a community meeting to discuss the Zellner's Wood Yard issue, to determine the location and date convenient to the Town and the community, and to not have a quorum of Council present.

Town Manager Scannell explained that since the Town has been dealing with the sensitive issue of the Zellner's Wood Yard and the community's concerns about the manner in which the business has been operated and whether it was doing so legally. Scannell said he believes that a neighborhood meeting would help to rectify a problem perceived by the community as a failure on the part of the Town to communicate. By arranging such a meeting, the Town would be able to share with the community all that is currently being done, and assurance that the Town is working on identifying possible ways to resolve the issue and finding solutions, as well as preserving the property rights of all. Scannell added that he has been informed that the Zellner's Wood Yard principals are not interested in participating in the meeting.

Mayor Gioia announced, for the benefit of the public who had not been present earlier, that the Council firmly believes the public is due an answer on this Wood Yard issue. In respect of all property owners' rights at the end of the day, Council believes to best serve our community, we invite those involved parties to arbitrate this issue. In the absence of any acceptable agreement, the Town is willing to go to Arbitration.

The members discussed the suggestion for a Town meeting, and unanimously agreed that it would be an effective way to share with the public all information legally possible, as recommended by the Town Manager.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Clint Gray commented that the community has gotten into this mess because of decisions made by the Town in the past, and now the Town wants the neighbors to negotiate it; that is wrong. It is the responsibility of the Wood Yard to prove that it is right, not the community's responsibility to prove they are wrong.

Danny Parker said that Mr. Gray first presented a petition some time ago, with signatures of the neighbors. The members of Council as elected officials have the duty to enforce and uphold the existing laws to protect the safety and health of everyone in the Town. The idea of Arbitration is simply passing the buck.

There was no further public input.

Scannell reminded the members that the proposed meeting should be not be a formal Town Council meeting, but rather one attended by staff and less than a quorum of the Council, for sharing general information with the public.

Following the action taken, Scannell addressed the comments made by Mr. Parker and explained to him and the community that the offer to take to Arbitration is an attempt to expedite a settlement of the issue and to make a decision that is binding on all parties

11. **Discussion, consideration, and possible evaluation of the following options relative to**

the future of the Town-owned property located on Main and Fain Streets and known as the Rio Verde Plaza, followed by possible selection of one of these options. (Staff Resource: Michael Scannell):

- a) Fund needed repairs and continue to maintain the Town's presence in the commercial property leasing business; or**
- b) Sell the building and vacate the Town's presence in the commercial property leasing business; or**
- c) Raze (demolish) the building to utilize the space for a higher and better use.**

On a motion by German, seconded by Garrison, the Council voted unanimously to allow whatever time the Town Manager would deem reasonable for relocating the businesses and that the facility be closed and eventually removed.

Mayor Gioia reviewed the options listed in regard to making a decision on the future of the Town-owned property, and stressed the intent of the Town to share all the information relative to making any such decision and to have the opportunity to be present and express their concerns.

Scannell reviewed the background of the purchase of the subject property based on the intention of razing the building and possibly constructing some type of asset on the site. The Town subsequently found itself in the business of managing commercial real estate and leasing agent, which is not the Town's forte, and the building has now fallen into a state of disrepair and presents a negative drain on the Town's finances. The business community in Town could be benefited by razing the building to provide an area for parking tour buses.

After thoroughly discussing the options presented, as well as addressing the possible hardship that the existing businesses leasing the commercial space might face by having to relocate, the members agreed that the third option apparently presented the best course of action to take. Scannell confirmed that the tenants of Rio Verde Plaza had been informed of what was being considered, and no input has been received from them. Scannell also commented that the tenants should be given a sufficient amount of time to make the transition and the Town should assist them in whatever way the Town could in finding alternative quarters, if the decision is to raze the building. It was also agreed that the immediate decision would be whether to demolish the building; how to use the cleared property could then be decided at a later time. Director Buckel said that she believes the cost of demolition would be somewhat less than \$30,000.

PUBLIC INPUT

(Comments from the following individuals are summarized.)

Tom Nielson suggested that perhaps some sandwich shops might be opened up to accommodate the tour buses.

Roger Doering said that his past research indicates that some companies might be willing to demolish the structure in exchange for the material contained in the building; he also said he had understood the property behind the Chamber had been earmarked for parking tour buses.

There was no further public input.

12. Call to the Public for Items not on the Agenda.

There was no public input.

13. Advanced Approvals of Town Expenditures

1. There are no advanced approvals.

There were no advanced approvals.

14. Manager/Staff Report

Buckel requested clarification regarding the issue of taking proposed pathways and street light fixtures before the Design Review Board; she was advised that the proposed fixtures should be

first presented to Design Review as well as involved Commissions for their recommendations and then submitted to Council for approval.

Scannell reported that staff is undertaking a fiber optic project for networking the Town's computers, first along Main Street and eventually the Marshal's Office and the Library. Staff is receiving wonderful support from the Town Maintenance Department; they are doing the work with their own people as much as possible to keep the expense down. The actual trenching will commence around October 15th.

15. Adjournment

On a motion by Hauser, seconded by Kovacovich, the meeting was adjourned at 9:11 p.m.



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 27th day of August 2008. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 18 day of September, 2008.



Debbie Barber, Town Clerk