

**(Corrected) MINUTES
TOWN OF CAMP VERDE
REGULAR SESSION
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, SEPTEMBER 7, 2022 at 6:30 P.M.**

Note: Council member(s) may attend Council Sessions either in person or by telephone, video, or internet conferencing.

1. Call to Order

Mayor Jenkins called the meeting to order at 6:30 p.m.

2. Roll Call

Mayor Dee Jenkins, Councilor Robin Whatley, Councilor Marie Moore, and Councilor Cris McPhail are present. Councilor Jackie Baker, Councilor Jesse Murdock, and Vice Mayor Joe Butner are absent.

Also Present

Deputy Town Clerk Virginia Jones, Town Clerk Cindy Pemberton and Recording Secretary Jennifer Reed.

3. Pledge of Allegiance

Councilor McPhail 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. Special Executive Session– August 10, 2022 at 4:30 p.m. (recorded on file)
2. Work Session – August 10, 2022 5:30 p.m.
3. Special Session – August 17, 2022 at 6:00 p.m.
4. Regular Session– August 17, 2022 at 6:30 p.m.
5. Executive Session – August 17, 2022 at 6:30 p.m. (recorded and on file)

b) Set Next Meeting, Date and Time:

- 1) Work Session - Wednesday, September 14, 2022, at 5:30 p.m.
- 2) Regular Session - Wednesday, September 21, 2022, at 6:30 p.m.
- 3) Regular Session - Wednesday, October 5, 2022, at 6:30 p.m.

c) Approval for the Finance Director to make the attached budget adjustments labeled BAFY22-02 for the FY22 budget year.

Councilor Moore wanted to make sure the corrections she had submitted to the minutes had been corrected. Town Clerk Pemberton confirmed the correction had been made. Mayor Jenkins wanted to make note of additional meetings that are scheduled:

- Executive Session- Thursday, September 15, 2022 at 5:30pm
- Work Session- Wednesday, September 28, 2022 at 5:30pm to included staff, Council & the

public to discuss Parks and Recreation.

Motion made by Councilor Whatley to approve the consent agenda as corrected. Second was made by Councilor McPhail.

Councilor Baker: absent
Councilor McPhail: aye
Councilor Murdock: absent
Councilor Whatley: aye
Councilor Moore: aye
Vice Mayor Butner: absent
Mayor Jenkins: aye
Motion carried 4-0.

5. **Call to the Public for items not on the Agenda. (Please complete Request to Speak Card and turn in to the Clerk.) Residents are encouraged to comment about any matter NOT included on the agenda. State law prevents the Council from taking any action on items not on the agenda. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. (Pursuant to ARS §38-431.01(H))**

Steven Backus said it has come to his attention that there are some issues regarding agriculture rights, farming rights, etc. The Town with its regulations and bylaws doesn't seem to honor the heritage of an agricultural rural Town that Camp Verde is. He would like to encourage Council to create a special committee to address these items so the heritage is not lost.

Robert Foreman- stated the Pioneer Cemetery is full, there are no spaces available. This cemetery has a lot of history and he hates to see it closed. Because the cemetery is on National Forest Service land and they own neighboring land, he would like Council to reach out to them to ask for more land to expand.

Sheri Hauser gave a Chamber update; please refer to their website for more information.

John Cox spoke about the "horrid weed issues in the community". He shared photos of examples. He said the Town is responsible for easements on both sides of the road but the weeds are too high. He said he's complained to the Code Department, they tell him there is nothing they can do until weeds are brown and it turns into a fire hazard. He said the State of Arizona in 1972 passed a nuisance law that overrides city Ordinances & codes. The neighbors can be held criminally liable for damage to property values. He would like the Code Department get up to speed on this law. He visited several different Towns in the area and they all are aware of this law. Mayor Jenkins asked that he drop off his information to the Clerk and they will get back to him.

Jordy Weaver wanted to speak about the agricultural attacks that we have in Camp Verde now. Neighbors are harassing neighbors and making complaints, as well as there are some limitations on animals that don't make sense. She is proposing a special committee to look into this to get realistic ideas to fix the problem. This way we can protect selves, our agriculture ways and protect ourselves from harassment.

Mary Phelps (via Zoom) spoke about the agricultural issues. She would like to see Council allow herself to form such Agriculture Committee to look at what is adopted and what can be future adopted and changed to avoid future harassments and keep the western roots, agriculture heritage.

6. **Special Announcements and presentations**

- **Arizona Community Foundation**-Jennifer Perry, Regional Director, Arizona Community Foundation.

Jennifer Perry, Regional Director, Arizona Community Foundation gave an overview of the AZ Community Foundation and provided a slide presentation.

- **Proclamation Declaring September 22, 2022 as Library Card Sign-up.** Staff Resource Kathy Hillman.

Kathy Hillman (via Zoom) explained that since 1987, Library Card Sign-up Month has been held each September to mark the beginning of the school year. During the month, libraries unite in a national effort to encourage families and children to sign-up for a library card. Mayor Jenkins read the proclamation and declared it so.

7. Discussion, Consideration and Possible Approval for funding for 2022 Turquoise Circuit Finals Rodeo Sponsorship in the amount up to \$12,000. Staff Resource Mayor Jenkins

Mayor Jenkins introduced Tony Zembik, president of the Turquoise Circuit Rodeo. Mr. Zembik explained the Turquoise Circuit approached the Town this past spring about a Town sponsorship of a Block Party and a financial contribution. The Town Council added it to the approved budget. Mr. Zembik showed the Council the information page he originally shared with the Town Council. The Turquoise Circuit has moved forward to include the Town in its marketing to date and has made the Town a partner in this from the beginning. They have purchased and built the *All Around Championship* saddle which will have the Town of Camp Verde Seal on those saddles. They are creating commercial spots and working on internet connections on the grounds to successfully be able to put this on the Cowboy Channel. They want to get Camp Verde on the national map with TV with this circuit.

Mayor Jenkins stated that from the Town's perspective, this is not a donation to the Turquoise Circuit, it is a marketing expense.

Councilor Whatley asked if the funding would be coming out of the Community Outreach Fund? Finance Director Mike Showers (via Zoom) stated during the original discussion, this would come out of Community Outreach, there is money available. He can look for another line item if Council would like it to come out of another fund.

Councilor Moore asked do we have a specific marketing budget, is that in the Economic Development budget? Mr. Showers didn't think that Steve Ayers had budgeted for this but he can easily move money there if that is the location we'd like to have it.

Councilor Moore asked for clarification, the Turquoise Circuit is asking for \$10,000 for the block party AND a \$12,000 donation. Councilor Moore understood that the Town had committed to the block party only; she hadn't recalled going forward with donation? Mr. Zembik didn't know they were two different amounts. Mr. Martin had told him to wait until the budget meetings are over and then they would be able to move forward. Mr. Zembik's understanding was that we were moving forward with the full amount and started working on this year's rodeo the day after last year's rodeo. Mr. Zembik explained that he hadn't heard from Mr. Martin about the donation, so after the block party, he asked Mr. Martin again. Martin felt like it wasn't clear enough so that is why we are here tonight to talk about it.

Councilor Whatley stated she knew a block party would come from the \$10,000 but doesn't know what the Town is getting with the extra \$12,000. She has no memory of the request for the extra

\$12,000. Mr. Zembik showed the exact document that was presented to Council during the meeting this was approved; everything was listed on the document.

Councilor Moore thinks there was some miscommunication/misunderstanding. She agrees this donation should come out of the marketing budget. This will be putting Camp Verde on the map and will be great for our community and businesses.

Councilor Whatley asked if the Arena Association has put any money towards this? Mr. Zembik said no, they partner with them contractually with tickets/beverage sales.

Mr. Zembik would like to work with Yavapai College to do an Economic Study to know where we stand. Councilor Whatley asked if this can this be done this year? Mr. Zembik isn't sure yet, he just got their number today.

Councilor McPhail read the Impact Study that was put together for the arena. She thought it was generous, and the numbers would equate to what the Town put in. She is concerned that only 4 members are here tonight; normally 7, she would like to know what the other Councilors would have to say. This has to have a unanimous vote for this to be approved tonight. She suggests tabling this until more information can be gathered and the rest of the Council could be here.

Town Clerk Cindy Pemberton said, on behalf of the Town Manager, the information was given to all members of Council on April 6th and they directed staff to create a budget and bring it back to Council at a later date. This is the later date. It is included in the minutes that is included in the packet.

Councilor Whatley said that she is sure they needed the money yesterday. Mr. Zembik agreed. Councilor Whatley explained that her thinking is, if we had a full Council today, she would vote would be yes for block party, no for \$12,000. Saying that, it would probably be a 6-1 vote knowing how Mr. Butler and Ms. Murdock feel about the Rodeo Association. In the effort to move this along, she would reluctantly vote yes tonight.

Councilor Moore asked if the motion needs to be clear where the money is coming from. Mr. Showers stated the motion doesn't need to be that specific but Council should say where they do NOT want it to come from.

Motion made by Councilor Moore to approve funding for formal sponsorship in the amount of \$12,000 for the 2022 Turquoise Circuit Finals Rodeo to be held in Camp Verde November 4th-6th; funding to be found from a source other than Community Outreach. Second was made by Councilor McPhail.

Roll Call:

Councilor Baker: absent

Councilor McPhail: aye

Councilor Murdock: absent

Councilor Whatley: aye

Councilor Moore: aye

Vice Mayor Butner: absent

Mayor Jenkins: aye

Motion carried 4-0.

8. Discussion, Consideration and Possible Appointment of 1 member to the Board of

Adjustments and Appeals for a term that Expires January 2023 to replace Ken Krebbs. Staff

Resource: Cindy Pemberton

Town Clerk Cindy Pemberton stated there are three applicants for Council's consideration. This member will replace Ken Krebbs whose term expires 2023. The applicants are Richard Ellis, Nancy Higginbotham, Blaze Petska, Council asked each applicant to come to podium to speak.

Richard Ellis- gave a brief explanation as to why he applied to this position. He would like be able to work on rules and regulations to help standardize them before the community expands even more. Add insight with some a different outside perspective.

Nancy Higginbotham- gave a brief explanation as to why she applied to this position. Councilor Whatley found her application was filled out well. She asked for more information about her businesses in Phoenix. Ms. Higginbotham has worked with several municipalities from signage to noise, etc. She has both a community and a business perspective.

Blaze Petska (via Zoom)- gave a brief explanation as to why he applied to this position. Councilor Moore asked if he had ever been on a board before? Mr. Petska stated this would be his first time. Councilor Whatley asked what did being a project manager entail. Mr. Petska stated he oversees projects- dealing with general and subcontractors, operations, communications or anything involved with the project.

Motion made by Councilor Moore to appoint Nancy Higginbotham to the Board of Adjustment and Appeals for a term that expires January 2023. Second was made by Councilor Whatley.

Roll Call:

Councilor Baker: absent

Councilor McPhail: aye

Councilor Murdock: absent

Councilor Whatley: aye

Councilor Moore: aye

Vice Mayor Butner: absent

Mayor Jenkins: aye

Motion carried 4-0.

9. Discussion, Consideration and Possible Approval of Planning and Zoning Commissioner Robert Foreman to take a three (3) month leave beginning September 8 not to exceed past December 7. Staff Resource: John Knight

Community Development Director John Knight stated the Building Division is continuing to receive a high volume of all types of building permits. Former Camp Verde Chief Building Official, Robert Foreman has offered to assist the Town on a temporary basis. This is anticipated to be no more than three (3) months. Mr. Foreman is also a member of the Town Planning and Zoning Commission. He cannot serve as both a temporary Town employee and a Planning and Zoning Commissioner. In order to avoid any possible conflict of interest, Mr. Foreman will need to step down from the Commission while he is a Town employee. He has expressed interest in returning to the Commission when his temporary employment is complete. Rather than have Mr. Foreman resign and then reapply, staff requests that Council approve a three month leave of absence.

Planning and Zoning Chairman Drew Fiaella stated the Commission has operated with 4-5 members before and can still get work done. He has polled the other members to get a feel for what they thought, and they all agreed they can still function without Mr. Foreman.

Councilor Moore said this is an amazing opportunity to have Mr. Foreman available to step in. She asked Mr. Knight if there would be a conflict of interest after working on these plans for these 3 months and then returns to the Commission. Would he have to recuse himself? Mr. Knight doesn't feel this will happen because the plan would have already gone through the Commission. He isn't concerned, Mr. Foreman would follow the code requirements, and this will only last three months. Mr. Knight would like to have Mr. Foreman instead of someone from Phoenix who isn't familiar with Camp Verde.

Motion made by Councilor McPhail to allow Planning and Zoning Commissioner Robert Foreman to take a three (3) month leave beginning September 8th not to exceed past December 7th. Second was made by Councilor Whatley.

Roll Call:

Councilor Baker: absent

Councilor McPhail: aye

Councilor Murdock: absent

Councilor Whatley: aye

Councilor Moore: aye

Vice Mayor Butner: absent

Mayor Jenkins: aye

Motion carried 4-0.

10. Discussion, Consideration, and Possible Direction to direct the Planning and Zoning Commission to reconsider the proposed amendment to the Zoning Ordinance to allow an increase in height in the C2 (Commercial: General Sales and Service) Zoning District. Staff Resource John Knight

Community Development Director John Knight explained in March of 2022, staff presented several long-range planning ideas at the Joint Council/Planning & Zoning Meeting. One of the ideas presented was a possible increase to the intensity and density around the I-17 and Highway 260 interchange. He wanted to consider changes in Ordinance standards related to things like parking, height, setbacks, and signs so thought a PAD would be best. On April 6, 2022, the Community Development Department presented this preliminary request to the Town Council seeking direction on a possible height amendment to the existing C2 zoning. On August 4, 2022, staff held a hearing at the Planning and Commission Meeting to amend the Zoning Code to allow a height increase from 40' to 65' for properties in this area. The motion did not pass as Commissioners had concerns if this was the appropriate process. After the meeting, staff had the opportunity to discuss the concerns with the Town Attorney. The Attorney has advised staff that the proposed amendment could be subject to a challenge on the "uniformity requirement" in the state statute. Section 9-462.01 states that "All zoning regulations shall be uniform for each class or kind of building or use of land throughout each zone..." Since the proposal did not include other zoning districts within 2,500' of the intersection and treated properties in other areas of the Town differently, this could result in a legal challenge.

Currently, staff believes the most appropriate course of action is to return to the Commission with a revised proposal.

Councilor Moore asked why is PAD the best way to go? Mr. Knight stated this should be looked at in a broader perspective, not just in the C2 zone. Commission also questioned if this is really appropriate in this location. Ms. Moore also asked if the applicant not want to pursue PAD? Mr. Knight said yes. The applicant went silent after the first process. He is now trying to figure out the right way forward. We may want to consider doing an overlay zone: Zone Boundary District.

Mayor Jenkins stated she thought this was initiated through Economic Development? Mr. Knight stated yes, they wanted Town to process the zones. Mayor Jenkins would prefer to have full Council opinion.

Councilor Moore asked for clarity, that Mr. Knight has not spoken to applicant that he is looking to move forward with something like this so they could move forward with building permits? We don't know if applicant is still interested? Mr. Knight said he spoke with them after the Planning Commission Meeting. They thought it was approved at the meeting. He has tried to contact them. There might be some misunderstanding on their part about the whole process. He is not sure if they are still interested.

Mr. Knight clarified that they are requesting Council to consider sending this back to Planning and Zoning Commission to come up with a new strategy.

Councilor McPhail wanted to clarify that we would ultimately like to do a district that has its guidelines established and all are treated the same? She would be in favor of doing this overlay and having a plan for this area that included everything, so we can ultimately enhance that district. She would recommend that we send it back to Planning and Zoning with the recommendation for an overlay district.

Mr. Knight would like to be a little more thoughtful on this from a planning perspective. He would like to do another joint Commission/Council meeting if possible.

Motion made by Councilor McPhail to direct the Planning and Zoning Commission to reconsider the proposed amendment to the Zoning Ordinance and also direct them to consider an Overlay District and possible guidelines to what that district would entail. **Motion** failed due to the lack of a second.

Motion made by Councilor McPhail direct the Planning and Zoning Commission to reconsider the proposed amendment to the zoning Ordinance to allow an increased height to 65 feet in C2 and consider an overlay district and guidelines to what that entails. **Motion** failed due to the lack of a second.

Mr. Knight's concern is why adjust the C2; C3 is right there and is a more intensive zone. If we could get the overlay to include the area of proximally as we previously proposed around I-17 and Highway 260 interchange but also include other zones.

Motion made by Councilor Moore to direct the Planning and Zoning Commission to reconsider the proposed amendment to the zoning Ordinance to allow an increase height of 65 feet with consideration of an Overlay District Zone. Second was made by Councilor McPhail.

Roll Call:

Councilor Baker: absent

Councilor McPhail: aye

Councilor Murdock: absent

Councilor Whatley: aye

Councilor Moore: aye

Vice Mayor Butner: absent

Mayor Jenkins: aye

Motion carried 4-0.

11. **Discussion, Consideration, and Possible Approval of Ordinance 2022-A469, an Ordinance, of the Mayor and Common Council, for a Zoning Map Change from R1L-18 (Residential: Single Family Limited) to R1-18 (Residential: Single Family) for 0.87 acres, located at 2802 and 2804 South Twin Leaf Circle, a part of the Preserve at Clear Creek Subdivision, Town of Camp Verde, Yavapai County, Arizona (APNs 404-13-500 and 404-13-501).**

Community Development Director John Knight reviewed this item. Two lots have a different zoning designation and the applicant would like to get these rezoned to match the rest of the subdivision.

Councilor Moore asked if there were any neighbors that have a problem with this? Mr. Knight stated no.

Motion made by Councilor Moore to approve Ordinance 2022-A469, an Ordinance, of the Mayor and Common Council, for a Zoning Map Change from R1L-18 (Residential: Single Family Limited) to R1-18 (Residential: Single Family) for 0.87 acres, located at 2802 and 2804 South Twin Leaf Circle, a part of the Preserve at Clear Creek Subdivision, Town of Camp Verde, Yavapai County, Arizona (APNs 404-13-500 and 404-13-501). Second was made by Councilor McPhail

Roll Call:

Councilor Baker: absent

Councilor McPhail: aye

Councilor Murdock: absent

Councilor Whatley: aye

Councilor Moore: aye

Vice Mayor Butner: absent

Mayor Jenkins: aye

Motion carried 4-0.

12. **Discussion, consideration, and possible approval amendment to the Town's Salary Plan by adding the Assistant to Town Engineer to the Plan.** Staff Resource: Ken Krebs/Troy Odell

Director of Public Works Ken Krebs and Deputy Public Works Director Troy Odell would like to get the job description approved to be able to put out a job posting.

Councilor McPhail is concerned that we are not requiring them to be a civil engineer. Mr. Krebs stated that with the pay scale, they wouldn't be able to afford someone with those qualifications. Councilor McPhail asked if the pay scale should be changed? Mr. Odell stated this is sufficient for the current tasks.

Councilor Whatley wanted an explanation of a bachelor's degree in Civil Engineering. Mr. Odell explained the levels.

Councilor Moore doesn't feel like this is the way to go, we NEED another Engineer not an assistant. We need to reconsider what it takes to get another Engineer in this Town. Mr. Krebs said there is a lot of work to be done and we could really use another Engineer, but he is concerned about the salary scale.

Mayor Jenkins said we planned to get an engineer all along but it would be entry level.

Councilor McPhail expects this person to do plan checking, with a stamp. She thinks we need a stamped engineer.

Public Works Analyst Dorie Blair explained that at the time this salary amount was considered, the Town had two engineers. This person would be a tech engineer right out of school. We didn't know we were going to lose our engineer.

Mayor Jenkins gave direction to staff to take this back and come up with a proper salary range for an engineer and at what level.

13. **Call to the Public for items not on the Agenda. (Please complete Request to Speak Card and turn in to the Clerk.)** Residents are encouraged to comment about any matter NOT included on the agenda. State law prevents the Council from taking any action on items not on the agenda. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. (Pursuant to A.R.S. §38-431.01(H))
No public comments.

14. **Council Informational Reports.** *These reports are relative to the committee meetings that Council members attend. The Committees are Camp Verde Schools Education Foundation; Chamber of Commerce, Intergovernmental Association, NACOG Regional Council, Verde Valley Transportation Planning Organization, Yavapai County Water Advisory Committee, and shopping locally. In addition, individual members may provide brief summaries of current events. The Council will have no discussion or take action on any of these items, except that they may request that the item be placed on a future agenda.*

Councilor Whatley attended the League Classes. She enjoyed the classes especially learning about water.

Councilor McPhail attended the Yavapai Apache Tribal Council Meeting.

Councilor Moore attended the ribbon cutting at Sunset Hills CBD. She also stated that Fort Verde Days are coming up, volunteers are needed. School sports are in full swing and kids benefit from public support not just money sponsorship. We have to invest in our youth in order for our Town to stay alive.

Mayor Jenkins attended ribbon cutting at Sunset Hills CBD, the biweekly Verde Valley Mayor and Manager Meeting, she popped in at the Business Resource and Innovation Center (BRIC) Opening in Economic Development, she attended the Verde Front Meeting, and she attended League Classes. A couple things coming up are: Sunday is 9/11 and she is speaking on behalf of the American Legion at the Ramada at 11am. The Yavapai Apache Nation and the Town are jointly putting on an Update on Verde Valley Water Shed Adjudication. This will include our Water Rights Attorneys for both the Town and the Nation, a representative from ADWR, as well as presentations about where we are with adjudication. There is a flyer with all the information. She encourages anyone that may have a well or irrigation to attend to get information and an update by experts in the business. She is working with the Library to arrange for meetings to be recorded and possibly put on Yavapai broadcasting.

15. **Manager/Staff Report** *Individual members of the Staff may provide brief summaries of current events and activities. These summaries are strictly for informing the Council and public of such events and activities. The Council will have no discussion, consideration, or take action on any such item, except that an individual Council member may request that the item be placed on a future agenda.*

Town Clerk Cindy Pemberton said a number of attendees to the City and Towns League. She wanted to extend appreciation to Steve Ayers, Dorie Blair, Ken Krebs, and Mike Showers for

helping set up and tearing down working as a team. She also extended a thanks to Council Members who were in attendance. Mr. Martin will be back 9/12/22.

16. Adjournment

Mayor Jenkins adjourned the meeting at 8:45 p.m.



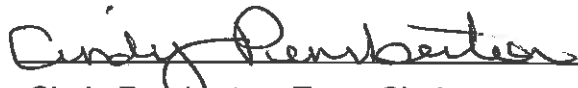
Mayor Dee Jenkins


Attest: Town Clerk Cindy Pemberton

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 September 7, 2022. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 12th day of October, 2022.



Cindy Pemberton, Town Clerk