

**AMENDED AGENDA #2
TOWN OF CAMP VERDE
REGULAR SESSION
MAYOR AND COUNCIL
473 S. MAIN STREET, SUITE 106
WEDNESDAY, DECEMBER 21, 2022 at 6:30 P.M.**

ADDING

14. DISCUSSION, CONSIDERATION AND POSSIBLE ACTION REGARDING SEPARATION AGREEMENT FOR TOWN MANAGER RUSS MARTIN. COUNCIL MAY VOTE TO ADJOURN INTO EXECUTIVE SESSION PURSUANT TO A.R.S. §38. 431.01 (A)(3) FOR LEGAL ADVICE ON THIS AGENDA ITEM."

- **RECESS INTO AND HOLD EXECUTIVE SESSISON PURSUANT TO A.R.S. §38. 431.01 (A)(3) FOR LEGAL ADVICE ON THIS AGENDA ITEM."**
- **RECONVENE OPEN SESSION**

15. DISCUSSION AND/OR ACTION REGARDING AN AGREEMENT WITH INTERIM PUBLIC MANAGEMENT FOR INTERIM TOWN MANAGER SERVICES. NOTE COUNCIL MAY, BY MAJORITY VOTE, RECESS THE MEETING, HOLD AN EXECUTIVE SESSION WITH STAFF AND THEN RECONVENE FOR DISCUSSION AND POSSIBLE ACTION ON THIS ITEM AS COVERED UNDER A.R.S. 38-431.03 (A)(1) AND (A)(4). STAFF RESOURCE: HEATHER VINSON AND STEVE COLEMAN

- **RECESS INTO AND HOLD EXECUTIVE SESSION PURSUANT TO A.R.S. §38.431.03 (A)(1) AND (A)(4).**
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Support your local merchants

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REGULAR SESSION
MAYOR AND COUNCIL
473 S. MAIN STREET, SUITE 106
WEDNESDAY, DECEMBER 21, 2022 at 6:30 P.M.

ZOOM MEETING LINK:

<https://us02web.zoom.us/j/88447867342?pwd=YS9DUJ24zdIJ6Z0RLbk51RGNNWnJtZz09>

Phone: 1-346-248-7799 or 1-669-444-9171

Meeting ID: 884 4786 7342

Passcode: 400122

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

1. **Call to Order**
2. **Roll Call.** Council Members Jackie Baker, Wendy Escoffier, Cris McPhail, Jessie Murdock, Robin Whatley, Vice Mayor Marie Moore, and Mayor Dee Jenkins.
3. **Pledge of Allegiance**
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 Resolution 2022-1101 a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, establishing Hours of Operation, Superseding 2022-1096.** Staff Resource Cindy Pemberton and John Knight
 - b. **Approval of Resolution 2022-1102, A Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona setting the 2022 Meeting Dates and Times for meetings of the Council and all Commission/Committees, and superseding Resolution 2022-1081.** Staff Resource: Cindy Pemberton
 - c. **Approval of Letter of Engagement for Pierce/Coleman Legal Firm for Municipal Law Services.** Staff Resource: Corey Rowley
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))

6. Special Announcements and Presentations:

- **None**

7. Discussion, Consideration and Possible Approval of the FY24 Budget Calendar;
Staff Resource: Mike Showers

8. Discussion, Consideration and Possible Approval to accept or reject the FIRST AMMENDMENT TO LEASE AGREEMENT Between the Town of Camp Verde and Verde Lakes Recreation Corporation 2022 for Parcel 404-15-257C. Staff Resource: Kathy Hellman

9. Discussion, Consideration, and Possible Direction to staff regarding budgeted hiring schedule. Resource: Vice Mayor Moore

10. Discussion, Consideration, and Possible Approval of Ordinance 2022-A470, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, to amend Zoning Ordinance Section 203 – Use Districts to include a new overlay district. This district will provide flexibility in the areas of height, density, and intensity for an associated highway interchange location.
Staff Resource: John Knight, Director

11. 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.
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12. Council Informational Reports. These reports are relative to the committee meetings that Council members attend. The Committees are: Copper Canyon Fire & Medical District, Yavapai College Governing Board, Yavapai Apache Nation, Intergovernmental Association, NACOG Regional Council, Verde Valley Regional Economic Organization (VVREO), League Resolutions Committee, Arizona Municipal Risk Retention Pool, Verde Valley Transportation Org, Verde Valley Transit Committee, Verde Valley Water Users, Verde Valley Homeless Coalition, Verde Front, Verde Valley Steering Committee of MAT Force, Public Safety Personnel Retirement Board, Phillip England Center for the Performing Arts Foundation. 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.

13. Manager/Staff Report Individual members of the Staff may provide brief summaries of

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16. Consideration and action to adjourn into executive session for advice from the Town's attorneys on legal issues relating to or arising from the recruitment process for interim Town Manager, pursuant to A.R.S. § 38-431.03(A)(3), and for consultation with and instruction to the Town's attorneys regarding the Town's position on a possible notice of claim or legal action relating to surveying and planning services, pursuant to A.R.S. § 38-431.03(A)(4). Staff Resources – Stephen B. Coleman and Cathy Bowman.

- **Recess into and hold Executive Session pursuant to A.R.S. §38.431.03 (A)(2) and (A)(3).**
- **Reconvene Open Session**

17. Discussion, Consideration, Consultation and Direction to staff regarding the purchase of real property. Note Council may, by majority vote, recess the meeting, hold an executive session with staff and then reconvene for discussion and possible action on this item as covered under A.R.S. 38-431.03 (A)(7). Staff

Resource: Steve Ayers and Heather Vinson

- **Recess into and hold Executive Session pursuant to A.R.S. §38.431.03 (A)(7).**
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18. Adjournment

Note: Upon a public majority vote of a quorum of the Town Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes: (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1)); (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2)); (3) Discussion or consultation for legal advice with the attorneys of the public body. (A.R.S. §38-431.03(A)(3)); (4) Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. § 38-431.03(A)(4)); (5) Discussion or consultation with designated representatives of the public body to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03(A)(5)); (6) Discussion, consultation or consideration for negotiations by the town or its designated representatives with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6)); (7) Discussion or consultation with designated representatives of the town to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(7)).

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CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the Town of Camp Verde and Bashas on 12-20-2022 at 4:55 p.m. in accordance with the statement filed by the Camp Verde Town Council with the Town Clerk

Cindy Pemberton

Cindy Pemberton, Town Clerk

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

1. **Call to Order**
2. **Roll Call.** Council Members Jackie Baker, Wendy Escoffier, Cris McPhail, Jessie Murdock, Robin Whatley, Vice Mayor Marie Moore, and Mayor Dee Jenkins.
3. **Pledge of Allegiance**
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 Resolution 2022-1101 a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, establishing Hours of Operation, Superseding 2022-1096.** Staff Resource Cindy Pemberton and John Knight Page 5
 - b. **Approval of Resolution 2022-1102, A Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona setting the 2022 Meeting Dates and Times for meetings of the Council and all Commission/Committees, and superseding Resolution 2022-1081.** Staff Resource: Cindy Pemberton Page 7
 - c. **Approval of Letter of Engagement for Pierce/Coleman Legal Firm for Municipal Law Services.** Staff Resource: Corey Rowley Page 13
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))

6. Special Announcements and Presentations:

- **None**

7. Discussion, Consideration and Possible Approval of the FY24 Budget Calendar;
Staff Resource: Mike Showers Page 25

8. Discussion, Consideration and Possible Approval to accept or reject the FIRST AMMENDMENT TO LEASE AGREEMENT Between the Town of Camp Verde and Verde Lakes Recreation Corporation 2022 for Parcel 404-15-257C. Staff Resource: Kathy Hellman Page 31

9. Discussion, Consideration, and Possible Direction to staff regarding budgeted hiring schedule. Resource: Vice Mayor Moore Page 43

10. Discussion, Consideration, and Possible Approval of Ordinance 2022-A470, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, to amend Zoning Ordinance Section 203 – Use Districts to include a new overlay district. This district will provide flexibility in the areas of height, density, and intensity for an associated highway interchange location.
Staff Resource: John Knight, Director Page 45

11. 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))

12. Council Informational Reports. These reports are relative to the committee meetings that Council members attend. The Committees are: Copper Canyon Fire & Medical District, Yavapai College Governing Board, Yavapai Apache Nation, Intergovernmental Association, NACOG Regional Council, Verde Valley Regional Economic Organization (VVREO), League Resolutions Committee, Arizona Municipal Risk Retention Pool, Verde Valley Transportation Org, Verde Valley Transit Committee, Verde Valley Water Users, Verde Valley Homeless Coalition, Verde Front, Verde Valley Steering Committee of MAT Force, Public Safety Personnel Retirement Board, Phillip England Center for the Performing Arts Foundation. 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.

13. 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.

14. Consideration and action to adjourn into executive session for advice from the Town's attorneys on legal issues relating to or arising from the recruitment process for interim Town Manager, pursuant to A.R.S. § 38-431.03(A)(3), and for consultation with and instruction to the Town's attorneys regarding the Town's position on a possible notice of claim or legal action relating to surveying and planning services, pursuant to A.R.S. § 38-431.03(A)(4). Staff Resources – Stephen B. Coleman and Cathy Bowman.

- Recess into and hold Executive Session pursuant to A.R.S. §38.431.03 (A)(2) and (A)(3).

- Reconvene Open Session

15. Discussion, Consideration, Consultation and Direction to staff regarding the purchase of real property. Note Council may, by majority vote, recess the meeting, hold an executive session with staff and then reconvene for discussion and possible action on this item as covered under A.R.S. 38-431.03 (A)(7). Staff Resource: Steve Ayers and Heather Vinson

- Recess into and hold Executive Session pursuant to A.R.S. §38.431.03 (A)(7).

- Reconvene Open Session

16. Adjournment

Note: Upon a public majority vote of a quorum of the Town Council, the Council may hold an executive session, which will not be open to the public, regarding any item listed on the agenda but only for the following purposes: (1) Discussion or consideration of personnel matters (A.R.S. §38-431.03(A)(1)); (2) Discussion or consideration of records exempt by law (A.R.S. §38-431.03(A)(2)); (3) Discussion or consultation for legal advice with the attorneys of the public body. (A.R.S. §38-431.03(A)(3)); (4) Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation (A.R.S. § 38-431.03(A)(4)); (5) Discussion or consultation with designated representatives of the public body to consider its position and instruct its representatives regarding negotiations with employee organizations (A.R.S. §38-431.03(A)(5)); (6) Discussion, consultation or consideration for negotiations by the town or its designated representatives with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city (A.R.S. §38-431.03(A)(6)); (7) Discussion or consultation with designated representatives of the town to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property (A.R.S. §38-431.03(7)).

Pursuant to A.R.S. §38-431.01 Meetings shall be open to the public - All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting. The Town of Camp Verde Council Chambers is accessible to persons with disabilities. Those with special accessibility or accommodation needs, such as large typeface

print, may request these at the Office of the Town Clerk at 928-554-0021.

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at the Town of Camp Verde and Bashas on 12-16-2022 at 11:00 a.m. in accordance with the statement filed by the Camp Verde Town Council with the Town Clerk

Cindy Pemberton

Cindy Pemberton, Town Clerk

Agenda Item 4.a



Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date: January 5, 2022

- Consent Agenda Decision Agenda Executive Session Requested
- Presentation Only Action/Presentation Pre-Session Agenda

Requesting Department: Town Clerk

Staff Resource/Contact Person:

Agenda Title: Approval of Resolution 2022-1101, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, establishing Hours of Operation, Superseding 2022-1096

List Attached Documents: Resolution 2022-1101

Estimated Presentation Time:

Estimated Discussion Time:

Reviews Completed by:

- Department Head: _____ Town Attorney Comments: N/A
- Finance Department N/A
 Fiscal Impact: None
 Budget Code: N/A Amount Remaining: _____
 Comments:

Background Information

Town Code, 2-3-1 States that at the first meeting in January, or as soon as practicable, Council shall set by Resolution, the hours of operation for all Town Offices.

Recommended Action (Motion):

Move to approve Resolution 2022-1101, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, establishing Hours of Operation, Superseding 2022-1096

Instructions to the Clerk: Process Resolution



RESOLUTION 2022-1101

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL
OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA,
ESTABLISHING HOURS OF OPERATIONS,
SUPERSEDING AND AMENDING 2022-1096

WHEREAS, it is in the best interest of the Town to inform all citizens of the hours of operation of all public facilities;

WHEREAS, Town Code, 2-3-1 States that at the first meeting in January, or as soon as practicable, Council shall set by Resolution, the hours of operation for all Town Offices.

NOW THEREFORE, the Mayor and Common Council of the Town of Camp Verde do hereby resolve to establish the following Hours of Operation and Holiday Schedule for all Town Offices and staff as follows:

Hours of Operation		
Administration Offices	Monday – Thursday	7:00 a.m.-5:00 p.m. Friday 7:00 a.m. to 11:00 a.m.
Municipal Court	Monday – Thursday	7:00 a.m.-5:00 p.m. Friday 7:00 a.m. to 11:00 a.m.
Community Development	Monday – Thursday	7:00 a.m.-5:00 p.m. Friday 7:00 a.m. to 11:00 a.m.
Parks & Recreation	Monday – Thursday	7:00 a.m.-5:00 p.m. Friday 7:00 a.m. to 11:00 a.m.
Swimming Pool	Monday – Saturday	Opening/Closing Dates to be Announced
Public Works	Monday – Thursday	7:00 a.m.-5:00 p.m. Friday 7:00 a.m. to 11:00 a.m.
Animal Control	Monday –FRIDAY	8: 00 a.m. – 5:00 p.m.
Marshal's Office –LOBBY	Monday –FRIDAY	7:00 a.m. – 5:00 p.m.
Marshal's Office – Deputies/Dispatch	24 Hours per Day	24 Hours per Day
Library	Monday – Thursday	8:00 a.m. – 7:00 p.m.
Library	Friday-Saturday	9:00 a.m. – 5:00 p.m.
Library	Sunday	Closed

Passed and approved by a majority vote of the Common Council at the Regular Session of December 21, 2022.

Dee Jenkins, Mayor

Attest:

Approved as to form:

Cindy Pemberton, Town Clerk

William Sims



Agenda Item Submission Form – Section I

Meeting Date *December 21, 2022*

Consent Agenda Decision Agenda Executive Session Requested

Presentation Only Action/Presentation Pre-Session Agenda

Requesting Department: *Clerk’s Office*

Staff Resource/Contact Person: *Town Clerk Cindy Pemberton*

Agenda Title (be exact): ***Approval of Resolution 2022-1102, A Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona setting the 2022 Meeting Dates and Times for meetings of the Council and all Commission/Committees, and superseding Resolution 2021-1081.***

List Attached Documents

Estimated Presentation Time:

Estimated Discussion Time:

Reviews Completed by:

Department Head: _____

Town Attorney Comments:

Finance Department N/A

Fiscal Impact: None

Budget Code: _____ Amount Remaining: _____

Comments:

Background Information:

Recommended Action (Motion):

Approve of Resolution 2022-1102, A Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona setting the 2022 Meeting Dates and Times for meetings of the Council and all Commission/Committees, and superseding Resolution 2021-1081.

Instructions to the Clerk:



RESOLUTION 2022-1102

A Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona setting the 2022 Meeting Dates and Times for meetings of the Council and all Commission/Committees, and superseding Resolution 2021-1081

WHEREAS, it is in the best interest of the Town to inform citizens of all regular Council, Commission and Committee meetings, dates and times,

NOW THEREFORE, the Mayor and Common Council of the Town of Camp Verde do hereby resolve to establish the following meeting dates and times for the Mayor and Common Council, Town Commissions, and Committees as follows:

Mayor and Council, Board, and Commission Meeting Schedule

Note: Meetings are held in Council Chambers located at 473 S. Main Street, Ste. 106, Camp Verde, Arizona unless otherwise noted on the notice that is posted no later than 24 hours prior to each meeting. Special meetings or work sessions may be scheduled by consent of the Town Manager and will be posted no later than 24 hours prior to such meeting.

Mayor and Common Council of the Town of Camp Verde 2022 Meeting Schedule		
Regular Session	January 4, 2023	6:30 p.m.
Regular Session	January 18, 2023	6:30 p.m.
Regular Session	February 1, 2023	6:30 p.m.
Regular Session	February 15, 2023	6:30 p.m.
Regular Session	March 1, 2023	6:30 p.m.
Regular Session	March 15, 2023	6:30 p.m.
Regular Session	April 5, 2023	6:30 p.m.
Regular Session	April 19, 2023	6:30 p.m.
Regular Session	May 3, 2023	6:30 p.m.
Regular Session	May 17, 2023	6:30 p.m.
Regular Session	June 7, 2023	6:30 p.m.
Regular Session	June 21, 2023	6:30 p.m.
Regular Session	July 5, 2023	6:30 p.m.
Regular Session	July 19, 2023	6:30 p.m.
Regular Session	August 2, 2023	6:30 p.m.
Regular Session	August 16, 2023	6:30 p.m.
Regular Session	September 6, 2023	6:30 p.m.
Regular Session	September 20, 2023	6:30 p.m.
Regular Session	October 4, 2023	6:30 p.m.
Regular Session	October 18, 2023	6:30 p.m.
Regular Session	November 1, 2023	6:30 p.m.
Regular Session	November 15, 2023	6:30 p.m.
Regular Session	December 6, 2023	6:30 p.m.
Regular Session	December 20, 2023	6:30 p.m.

Regular Meetings of the Planning & Zoning Commission

Notice is hereby given to the members of the Planning & Zoning Commission and to the general public that the Planning & Zoning Commission of the Town of Camp Verde will hold **Regular Meetings on the second and fourth Thursday of every month beginning in January 2023. Additionally, Special Session meetings may be scheduled and held as when needed. All regular meetings will start at 6pm.**

Planning & Zoning Commission of the Town of Camp Verde 2023 Meeting Schedule		
Regular Session	January 12, 2023	6:00 p.m.
Regular Session (as needed)	January 26, 2023	6:00 p.m.
Regular Session	February 9, 2023	6:00 p.m.
Regular Session (as needed)	February 23, 2023	6:00 p.m.
Regular Session	March 9, 2023	6:00 p.m.
Regular Session (as needed)	March 23, 2023	6:00 p.m.
First Quarterly Report for Period January 2023 through March 2023 will be heard at the first April 2023 Council Meeting.		
Regular Session	April 13, 2023	6:00 p.m.
Regular Session (as needed)	April 27, 2023	6:00 p.m.
Regular Session	May 11, 2023	6:00 p.m.
Regular Session (as needed)	May 25, 2023	6:00 p.m.
Regular Session	June 8, 2023	6:00 p.m.
Regular Session (as needed)	June 22, 2023	6:00 p.m.
Second Quarterly Report for Period April 2023 through June 2023 will be heard at the first July 2023 Council Meeting.		
Regular Session	July 13, 2023	6:00 p.m.
Regular Session (as needed)	July 27, 2023	6:00 p.m.
Regular Session	August 10, 2023	6:00 p.m.
Regular Session (as needed)	August 24, 2023	6:00 p.m.
Regular Session	September 14, 2023	6:00 p.m.
Regular Session (as needed)	September 28, 2023	6:00 p.m.
Third Quarterly Report for Period July 2023 through September 2023 will be heard at the first October 2023 Council Meeting.		
Regular Session	October 12, 2023	6:00 p.m.
Regular Session (as needed)	October 26, 2023	6:00 p.m.
Regular Session	November 9, 2023	6:00 p.m.
Regular Session (as needed)	November 23, 2022 Cancelled, Thanksgiving Holiday	6:00 p.m.
Regular Session	December 14, 2023	6:00 p.m.
Regular Session (as needed)	December 28, 2023	6:00 p.m.
Fourth Quarterly Report for Period October 2023 through December 2023 will be heard at the first January 2024 Council Meeting.		

Regular Meetings of the Board of Adjustments

Notice is hereby given to the members of the Board of Adjustments and to the general public that the Board of Adjustments of the Town of Camp Verde will hold **Regular Meetings on the second Tuesday of every month at 3:00 p.m. as needed.**

Board of Adjustments of the Town of Camp Verde 2023 Meeting Schedule		
1. Regular Session (as needed)	January 10, 2023	3:00 p.m.
2. Regular Session (as needed)	February 14, 2023	3:00 p.m.
3. Regular Session (as needed)	March 14, 2023	3:00 p.m.
First Quarterly Report for Period January 2023 through March 2023 Will be heard at the first April 2023 Council Meeting.		
4. Regular Session (as needed)	April 11, 2023	3:00 p.m.
5. Regular Session (as needed)	May 9, 2023	3:00 p.m.
6. Regular Session (as needed)	June 13, 2023	3:00 p.m.
Second Quarterly Report for Period April 2023 through June 2023 will be heard at the first July 2023 Council Meeting.		
7. Regular Session (as needed)	July 11, 2023	3:00 p.m.
8. Regular Session (as needed)	August 8, 2023	3:00 p.m.
9. Regular Session (as needed)	September 12, 2023	3:00 p.m.
Third Quarterly Report for Period July 2022 through September 2023 will be heard at the first October 2023 Council Meeting.		
10. Regular Session (as needed)	October 10, 2023	3:00 p.m.
11. Regular Session (as needed)	November 14, 2023	3:00 p.m.
12. Regular Session (as needed)	December 12, 2023	3:00 p.m.
Fourth Quarterly Report for Period October 2023 through December 2023 will be heard at the first January 2024 Council Meeting.		

Regular Meetings of the Parks & Recreation Commission

Notice is hereby given to the members of the Parks & Recreation Commission and to the general public that the Parks & Recreation Commission of the Town of Camp Verde will hold Regular Meetings on the first Monday of every month at 6:30 p.m.

Parks & Recreation Commission 2023 Schedule		
Regular Session	January 2, 2022 -Cancelled	6:30 p.m.
Regular Session	February 6, 2022	6:30 p.m.
Regular Session	March 6, 2022	6:30 p.m.
First Quarterly Report for Period January 2023 through March 2023 will be heard at the first April 2023 Council Meeting.		
Regular Session	April 3, 2022	6:30 p.m.
Regular Session	May 1, 2022	6:30 p.m.
Regular Session	June 5, 2022	6:30 p.m.
Second Quarterly Report for Period April 2023 through June 2023 will be heard at the first July 2023 Council Meeting.		
Regular Session	July 3, 2022	6:30 p.m.
Regular Session	August 7, 2022	6:30 p.m.
Regular Session	September 4, 2022	6:30 p.m.
Third Quarterly Report for Period July 2022 through September 2023 will be heard at the first October 2023 Council Meeting.		
Regular Session	October 2, 2022	6:30 p.m.
Regular Session	November 6, 2022	6:30 p.m.
Regular Session	December 4, 2022	6:30 p.m.

**Fourth Quarterly Report for Period October 2023 through December 2023
will be heard at the first January 2024 Council Meeting.**

Passed and approved by a majority vote of the Common Council at the Regular meeting of December 21, 2022.

Dee Jenkins – Mayor

Attest:

Approved as to form:

Cindy Pemberton, Town Clerk

William Sims, Town Attorney

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7730 E. Greenway Road, Suite 105
Scottsdale, Arizona 85260

2812 N. Norwalk, Suite 107
Mesa, Arizona 85215

Justin S. Pierce
Stephen B. Coleman
Aaron D. Arnson
Trish Stuhan
Christina Estes-Werther
Jon M. Paladini
Dominic L. Versteegen
Michelle N. Stinson

December 15, 2022

VIA ELECTRONIC MAIL

The Honorable Dee Jenkins and Council Members
Town of Camp Verde
473 South Main Street, Suite 102
Camp Verde, Arizona 86322

Re: Town of Camp Verde – Municipal Law Services

Dear Mayor Jenkins and Council:

As requested, we are writing to provide information about our municipal law services. Pierce Coleman PLLC is a law firm that was established in March 2015 with the goal of providing “big law” experience without the big law firm price tag generally associated with it. Currently, the firm has eight lawyers, almost all of whom have backgrounds in big law. To that end we have been trained at some of the best law schools and law firms in the country, and two of the firm’s lawyers started their careers in prestigious clerkships at the Arizona Supreme Court. Many of our lawyers have been, or are, honored in Super Lawyers® as well as Best Lawyers in America®, and the firm continues to be recognized as a Tier 1 Law Firm in the relatively small list of law firms with the “Best Law Firm” designation from U.S. News and World Report. Included with this letter are the biographies of our municipal law team, which outline in more detail our specific experience and qualifications.

The firm maintains two offices; one located in Scottsdale, and one located in Mesa. The firm employs a team-based approach to meet client needs, leveraging the expertise of our diverse attorneys to meet client needs. For example, some of our attorneys have decades of experience in specific areas of law such as land use and development, elections, and employment-related matters. We rely upon that specific expertise to provide the highest level of service and efficiency to our municipal clients.

From the attached biographies, you will see that the firm has vast experience representing public entities across the entire State of Arizona. For several years, the firm’s lawyers have represented multiple Arizona municipalities (currently 10) as those municipalities’ contracted

ATTORNEY CONTACT:
Stephen B. Coleman
Direct Line: 602-772-5508
Email: Steve@PierceColeman.com

Tel.: 602-772-5506
Fax: 877-772-1025
Website: www.piercecoleman.com



City or Town Attorney. The firm is also the sole provider of employment law services to the Arizona Municipal Risk Retention Pool (AMRRP), which is an insurance pool comprised of over 70 municipalities in Arizona that includes the Town of Sahuarita.

The firm is well versed in serving as general counsel and special advisor to public entities, handling everything from open meeting law, conflict of interest, procurement, real estate, personnel and litigation issues, contract creation and review, ordinance and resolution creation and review, to regular day-to-day questions that municipalities face. Combined, the firm's lawyers have over 100 years of legal experience in these areas of law. Our attorneys are knowledgeable regarding diverse areas of public law practice, maintaining strong transactional and litigation-based practices which allow us to navigate multi-faceted areas of the law. We believe our firm's combined experience and expertise in the areas most regularly encountered by municipalities exceeds any other firm in the state.

Please feel free to contact me with any questions about our firm.

Sincerely,

/s/ Stephen B. Coleman

Stephen B. Coleman

SBC/cmy

Enclosures: Attorney Biographies

LEGAL FIRM PROFILE AND QUALIFICATIONS, EXPERIENCE AND EXPERTISE

Background and History

Pierce Coleman PLLC is a municipal law and labor and employment law firm established in March 2015. The firm has four partners, Justin Pierce, Steve Coleman, Aaron Arnson, and Trish Stuhan. Christina Estes-Werther, Jon Paladini, and Dominic Verstegen are Of Counsel with the firm. The firm is also supported by an Office Administrator/Paralegal and Legal Assistant with over fifty years of combined experience in the legal profession.

Combined, the attorneys have more than 100 years of experience in the private practice of law. The firm and its attorneys have received numerous accolades, including the “Best Law Firm” designation from U.S. News and World Report. In addition, Justin and Steve have been listed in Southwest Super Lawyers, and Steve has been selected for inclusion in Best Lawyers in America.

Prior to establishing Pierce Coleman PLLC, Justin and Steve were Shareholders at one of the largest and most respected employment defense firms in the country, Jackson Lewis, P.C. Justin and Steve established Pierce Coleman PLLC with the goal of delivering large firm lawyer expertise without the overhead associated with such a firm, thus exceeding clients’ expectations with effective representation at a more affordable price. Aaron Arnson previously practiced in employment and general litigation at Lewis Roca, one of the Southwest region’s most respected law firms.

Justin, Steve, Aaron, Trish and Jon have spent much of their careers representing municipalities, and therefore are uniquely versed in the complexities and nuances of municipal law. They have many years of experience handling lawsuits involving alleged violations of the First Amendment, the Due Process Clause, Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 1983, the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Family and Medical Leave Act, among many other areas of law. The attorneys at Pierce Coleman have conducted internal investigations for numerous governmental clients, including for the Town of Gilbert, and have provided advice and counseling on compliance with employment statutes and regulations. The firm has also represents many municipalities as the municipal attorneys, including the Town of Gilbert, the Town of Fountain Hills, the Town of Youngtown, the City of Tolleson, the City of El Mirage, the Town of Wickenburg, the Town of Payson, and the Town of Sahuarita, among several others.

Since the firm’s inception, Pierce Coleman has been the exclusive provider of employment law work for the Arizona Municipal Risk Retention Pool (AMRRP), which is an insurance pool comprised of over 70 municipalities in Arizona, as well as the League of Arizona Cities and Towns.

Legal Services Provided

Pierce Coleman offers legal services in the following areas:

- General municipal matters (as outlined in our Letter of Interest);
- Employee Discipline and Termination;
- Employment Contracts;
- Employment Law – Federal and State;

- First Amendment and Other Civil Rights Claims;
- Payroll Issues
- Eminent Domain Actions;
- Real Estate Acquisitions and Sale of Public Property;
- Lien and Abatement Nuisances; and
- Miscellaneous advice and counsel matters as assigned.

Attorneys Assigned to Represent the Town of Camp Verde

Below are biographies for the firm's attorneys that discuss their qualifications.



Steve Coleman Biography

Steve Coleman is a founding member of Pierce Coleman PLLC. His practice focuses on the representation of management-side clients in all facets of employment law, with a primary emphasis on defending both public and private employers in lawsuits involving alleged violations of Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Family and Medical Leave Act, the First

Amendment, the Due Process Clause, the Equal Protection Clause, the Fair Labor Standards Act, and state law discrimination and retaliation statutes.

His practice also encompasses representation of clients in proceedings before the Equal Employment Opportunity Commission, Arizona Civil Rights Division, the Department of Labor Wage and Hour Division, and other administrative agencies.

Steve also assists clients by drafting personnel policies and employment agreements, offering advice and counseling on compliance with employment-related laws and regulations, and conducting workforce training. In addition, Steve helps clients protect their proprietary information, customer relationships, and goodwill through the preparation and enforcement of restrictive covenants, such as non-compete and non-solicitation agreements.

Steve has been involved in multiple jury trials, personnel appeals, arbitrations, and other evidentiary hearings. He has also filed numerous successful motions to dismiss lawsuits at very early stages. In addition, he has obtained summary judgment on behalf of employers in a variety of matters.

Steve is a frequent speaker on topics such as the Americans with Disabilities Act, the Family and Medical Leave Act, procedural due process, sexual harassment, and wage and hour compliance. In addition, he has authored numerous articles on employment-related topics for the Arizona Employment Law Letter.

Steve has been selected as *Super Lawyer* in the field labor and employment law, a distinction that is based on independent research and an evaluation of 12 indicators of peer recognition and professional achievement. In addition, Steve was selected by his peers for inclusion in *The Best Lawyers in America*® in the field of Employment Law – Management 2017-2022.

Steve belongs to the Arizona State Bar Association and is admitted to practice in the Arizona Supreme Court, the United States District Court for the District of Arizona, and the United States Court of Appeals for the Ninth Circuit.

Steve graduated cum laude from the University of Pennsylvania with a B.S. in Economics from the Wharton School of Business and a B.A. in Political Science from the School of Arts and Science. He received his J.D., cum laude, from the Georgetown University Law Center.

Trish Stuhan Biography



Trish's practice includes public law, employment law, civil litigation, criminal prosecution, and alternative dispute resolution. She primarily represents public entities, facing multi-faceted problems that involve several areas of law. In her transactional practice, Trish advises on procurement, contracts, and construction law. She handles real property matters, including purchases, sales, licenses, and easements. She handles land use, zoning, annexation, and related development issues. She prepares employee handbooks and conducts training programs for employees. She also advises regarding compliance with the open meeting law, public records law, election law, and conflicts of interest.

Trish also handles litigation matters, including breach of contract, quiet title, nuisance and tort claims, constitutional issues, procurement challenges, land use and zoning, condemnation, takings, and eminent domain issues, and election disputes. She also handles employee terminations and appeal hearings, advocating for employers throughout the appeal process. Whether acquiring real property for public roadway or defending a city contract, Trish enjoys advocating for public entities. Trish keeps herself in court on a regular basis while serving as the lead prosecutor on contract with municipal clients.

Trish is a member of numerous professional organizations, ensuring up-to-date legal advice and service to her community, including:

- Arizona City Attorneys Association (serving as President for 2021-2022)
- Federation of Defense & Corporate Counsel Ladder Down, Phoenix Co-Chair (2022)
- Coach, ASU New York City Bar Moot Court Competition (2017-2022)
- Pro Bono Attorney, Florence Immigrant and Refugee Rights Project (2019-2022)
- Southwest Super Lawyers® Rising Stars (State, Local, Municipal) 2018-2019

Trish was licensed to practice law in Arizona in 2009 and was subsequently admitted to the U.S. District Court for the District of Arizona and the U.S. Court of Appeals for the Ninth Circuit. She has handled litigation from trial to appeal in everything from city and justice courts to state and federal appellate courts, as well as the United States Bankruptcy Court for the District of Arizona. She attended the Sandra Day O'Connor College of Law at Arizona State University, graduating cum laude in 2009 with a certificate in Law, Science & Technology, and was awarded the Janet S. Mueller Oral Advocacy Award for the best graduating oral advocate.

Trish's communication skills were refined while earning a Master's degree in Communication at the University of Utah in 2005 and a Bachelor's degree in Speech Communication at Northern Arizona University in 2002. Her advanced studies focused on mediation and dispute resolution.

Trish currently serves as the lead attorney for several municipalities in Arizona and special counsel to in-house attorneys in need of assistance. Trish views her role as that of a trusted advisor to public entities and corporate clients.

Justin Pierce Biography



Justin is a founding member of Pierce Coleman PLLC. He represents private and public employers in wrongful termination, harassment, and discrimination claims before various government agencies charged with investigating and prosecuting employment claims, such as the EEOC, U.S. Department of Labor, and the Civil Rights Division of the Arizona Attorney General's Office, as well as in courts of various jurisdiction. He has served as counsel of record in more than 100 federal court cases, primarily in the U.S. District Court for the District of Arizona and the Ninth Circuit Court of Appeals, where he has personally briefed and argued many cases. He has also litigated cases in the Arizona Superior Court, the Arizona Court of Appeals, and Arizona Supreme Court. He is admitted to practice before various courts, including the United States Supreme Court. He was listed as a top-rated attorney in Southwest Super Lawyers® for many years and served on the faculty of the Defense Research Institute for its 2015 national conference for Governmental Tort and Civil Rights Liability. From 2021-22 Justin was one of only three Arizona lawyers/firms listed in Premier Appellate Lawyers®.

Justin has represented Arizona school districts, community college districts and municipalities in court, and as the lead attorney in over 100 cases before county, community college, and municipal personnel appeals boards. He has also represented local boards of the Public Safety Personnel Retirement System and is the legal adviser to the Maricopa County Employee and Law Enforcement Merit System Commissions. Justin and the firm are the contracted City/Town Attorneys for 10 Arizona municipalities.

In 2020 Justin was the lead trial attorney in a federal jury trial where the plaintiff sought more than \$10 million for hostile work environment and physical damages allegedly incurred through his employment. The jury returned a full defense verdict after only a few hours of deliberation.

Justin received his B.S. in Accountancy in 2000 from Arizona State University and his J.D. in 2003 from the Georgetown University Law Center where he graduated with Honors and was the Executive Editor of the Georgetown Journal of Law and Public Policy. After law school, he clerked for the Honorable Charles E. Jones, former Chief Justice of the Arizona Supreme Court.

While maintaining his law practice, Justin served in the Arizona House of Representatives from May 2011 through January 2015, where he was the Chairman of the Public Safety, Military, and Regulatory Affairs Committee. Additionally, he served as the Vice-Chairman of the House Judiciary Committee, Government Committee, and Technology and Infrastructure Committee. He also served as a member of the Education Committee, and an ad hoc House Committee on International Trade and Commerce.

Justin is a certified Rescue Diver by the Professional Association of Dive Instructors (PADI) and enjoys SCUBA diving wherever and whenever his wife will permit.

Aaron Arnson Biography



Aaron Arnson is a Partner at Pierce Coleman PLLC. Aaron's practice focuses on public law, employment law, and civil litigation. He regularly advises on various, often multifaceted issues related to real property matters, land use, zoning, procurement, open meeting law, public records, elections, law enforcement, and general contract issues. Aaron currently serves as the Town Attorney for the Towns of Fountain Hills and Tusayan and serves as assistant counsel for several other municipalities in the state.

A significant part of Aaron's practice includes advising and defending private and public employers on compliance issues in the areas of wage and hour, family and medical leave, discrimination and harassment, wrongful termination, and retaliation. He also works with clients to draft and revise employment agreements, restrictive covenants, employment handbooks, social media policies, and other materials. Aaron represents clients before various government agencies and in courts throughout Arizona.

Aaron received his J.D., *magna cum laude*, from the J. Reuben Clark Law School at Brigham Young University, and his B.S. in Business Management from Brigham Young University. He began his legal career clerking for Justice Ann A. Scott Timmer of the Arizona Supreme Court and practicing at Lewis Roca's Phoenix office. He has been with the firm since 2017.

Christina Estes-Werther Biography



Christina is Of Counsel at Pierce Coleman PLLC and primarily provides in-house counsel services to several Arizona municipalities. Her public law practice focuses on elections, campaign finance, open meeting law, conflict of interest, public records, government contracts, and state legislation. As a former State Election Director for the State of Arizona and a current certified election officer, Christina has extensive experience in election law, including campaign finance and election administration.

Prior to moving to Pierce Coleman PLLC, while serving as the General Counsel to the League of Arizona Cities and Towns, Christina provided legal advice to League staff and the 25-member Executive Committee, filed amicus briefs and drafted model ordinances and legislation, and drafted and revised policies, manuals, and League publications. Christina has a strong relationship with the municipal staff throughout the State due to her efforts facilitating workgroups, meetings, and conferences, conducting regular trainings to elected officials and municipal staff, and providing technical assistance to League members and legal research to the municipal attorneys. She continues to provide extensive training and instruction on election matters and other local government issues to municipal clerks and attorneys.

Christina received her J.D. from Gonzaga University School of Law in Spokane, Washington and began her legal career as the Judiciary Committee Analyst in the Arizona State Senate and subsequently held the position of Policy Advisor and Deputy Counsel for the Office of the Governor. Prior to her legal career, Christina worked closely with children and families in child abuse prevention programs as a social worker in Tucson, Arizona while earning her Bachelor of Science degree in Family Studies and Human Development from the University of Arizona.

Jon M. Paladini Biography



Jon has been practicing law since 1993 and has practiced municipal law for over 20 years. Prior to joining Pierce Coleman, he was the City of Prescott City Attorney from January 2013 to July 2021

Jon has broad and deep experiences and expertise in all facets of municipal law, including public records, open meetings and conflicts of interest, land use and zoning, economic development, civil litigation, water law, City Clerk matters, personnel and employment law, elections law, utilities law, complex transactions and agreements, intergovernmental relations, ordinance drafting, legislative affairs, and regulatory matters. Jon's outstanding communication skills and ability to evaluate all relevant circumstances are the basis for his ability to create a solid rapport and relationship with decision makers. He believes that a quintessential function of a municipal legal department is to understand the operations and

operational needs of the various departments and functions of the organization in order to provide timely, useful and useable legal advice.

Jon has worked directly with mayors and city councils, boards and commissions, municipal management, department heads and human resources on all the municipal law issues that face a full-service city. He has a reputation of providing consistent, reliable, well-reasoned, useable advice and will offer comprehensive evaluation of situations from a policy, business and legal standpoint to provide innovative means and a unique “getting-to-yes” problem solving style that assists policy and decision makers accomplish their goals and objectives.

Jon was also a member of the U.S. military for over 20 years as part of the Arizona Army National Guard and served four combat deployments to the Middle East and Afghanistan as well as numerous domestic operations deployments from 2001 to 2021. Among other things, during his deployments he oversaw a team of 12 senior officers and non-commissioned officers that dealt with U.S. Embassies and the highest military and civilian leaders in numerous Arab countries. His leadership was a critical factor in the success of the team’s operations and the safe return of all his team members.

Prior to arriving in Prescott in 2013, he deployed to Afghanistan where he had the privilege of leading over 100 Army, Air Force, Navy and Marine service members, as well as DoD and State Department civilians at the Afghan National Terrorism Court. His team performed every facet of the Court’s operations, including operating a forensics lab, training Afghan partners, and conducting camp security and physical plant operations. During his tenure, the court out-worked and out-performed all prior court operations in both quantity and quality and reached an all-time high in the number of cases handled as well as the conviction rate.

While at the City of Prescott, Jon’s legal acumen and problem-solving abilities were put to the test on numerous occasions. After the loss of the 19 Granite Mountain Hotshots in 2013, Jon took the lead role in benefits claims litigation as well as public appearances and outreach to obtain fair coverage in the media to explain the City’s position. During his tenure in Prescott, the City was faced with several other major challenges and opportunities, including a substantial sober-living group home presence, several federal civil rights lawsuits, a charter city challenge to state law limitations on local elections, a revision of the city sign code and many other important local law matters. The sober living group home zoning and regulatory ordinances that he crafted not only withstood two HUD/DOJ investigations, but also had a huge impact on the industry in Prescott. Group home numbers decreased from around 200 homes in 2013 to fewer than 20 currently.

In 2013, Jon was first chair on a state takings and challenge to City authority lawsuit where the City achieved a dismissal. Jon also defended the City in the subsequent appeal that upheld the trial court’s decision. In 2016, Jon was second chair on a two-week federal civil rights and first amendment trial where the City obtained a defense verdict. Jon’s proactive approach to problem solving and providing preventative legal advice helped Prescott avoid significant claims in the areas of employment law, public records, open meetings and police use of force. In 2014 and 2020, Jon was the lead attorney on charter city protection cases and has provided election law advice to the City Clerk over the course of four municipal election cycles.

In addition to litigation and claims experience, Jon has extensive experience with economic development, land use and zoning and general development law. In Prescott, he led the City negotiating team for a large hotel project on City-owned land, large scale annexations, and a

development deal that will provide the City with nearly 500 acres of recreational open space and 400 acres of municipal airport expansion area.

Jon's other municipal law experience include positions as Chief Deputy and City Attorney for the City of Glendale for over seven years. In that role Jon played a significant part in large sports stadium deals and dealing with all of the legal complexities associated with what was, at the time, a fast-growth municipality.

Jon was also the Assistant City Attorney for the City of Sedona for five years where he performed all aspects of a municipal attorney, including substantial land development issues, and the successful handling of over 15 eminent domain cases.

Jon was elected by his fellow city attorneys as President of the Arizona City Attorney Association in 2017-2018.

In private practice, Jon's practice focused on municipal law, land use and zoning, development and elections law. He was involved in significant land use, rezoning and elections law cases in Paradise Valley, Phoenix, Goodyear and Sedona, including representing three municipalities in litigation against Maricopa County on a conflict regarding enforcement of Luke Air Force Base surrounding land use regulations, and the Tohono O'odham Indian Nation regarding a municipal law opinion that was submitted to the U.S. Secretary of the Interior for successful inclusion of land into the reservation system.

Jon received his B.S. in Journalism from the University of Oregon in 1985, his J.D. magna cum laude from the University of Miami in 1993 and his M.P.A. with honors from the Arkansas State University in 2018. Jon is admitted to practice law in Arizona, the Federal District Court of Arizona, the 9th Circuit and the United States Supreme Court.



PIERCE | COLEMAN

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Justin S. Pierce
Stephen B. Coleman
Aaron D. Arason
Trish Stuhan
Christina Estes-Werther
Jon M. Paladini
Dominic L. Verstegen
Michelle N. Stinson

December 15, 2022

VIA ELECTRONIC MAIL

The Honorable Dee Jenkins and Council Members
Town of Camp Verde
473 South Main Street, Suite 102
Camp Verde, Arizona 86322

Re: *Town of Camp Verde – Interim Town Attorney*

Dear Mayor Jenkins and Council:

Pierce Coleman PLLC is pleased to be considered to provide legal services as Interim Town Attorney. I am writing to address the terms of our representation, if retained.

Scope of Services

We understand the scope of our engagement shall be to serve as interim general counsel for the Town through its offices and staff. The services provided shall include, but not be limited to: preparation of ordinances and resolutions; advice on real estate; contract review and procurement; advice on election matters; preparation of legal opinions; advice on land use and zoning matters; attendance at meetings of the Town Council as desired by the Town including in-person and/or remote appearances; and such other legal services as the Town may require or request through its Town Council or Town Manager or as provided by Town Code for the Town Attorney. Pierce Coleman may also act as special counsel to the Town, upon request of the Town, in areas of the law beyond the scope of general Town Attorney services, including but not limited to civil litigation matters.

Fees

The firm's hourly rates are as follows: Partners and Of Counsel \$270.00/hr; Associates \$225.00/hr; and Paralegals \$125.00/hr. These rates are the discounted rates we offer to certain members of the Arizona Municipal Risk Retention Pool. If you ever have any questions or concerns about fees at any time, please feel free to contact me.

ATTORNEY CONTACT:
Stephen B. Coleman
Direct Line: 602-772-5508
Email: Steve@PierceColeman.com

Tel: 602-772-5506
Fax: 877-772-1025
Website: www.piercecoleman.com



Disbursements

We bill disbursements back to you on a dollar-for-dollar basis. We request reimbursement for travel-related expenses, including lodging, air travel, cab fares, parking fees, and mileage. We do not request reimbursement for meals. We also request reimbursement for photocopying costs at \$.10 per page, postage, messenger service, and delivery charges where material must be sent via certified, registered, or express mail or package carrier.

Billing

We send invoices to our clients monthly via e-mail. The billing will contain a brief summary of the nature of the work, the fees, and the costs advanced. For timeliness sake, we will do our best to send invoices for services rendered and expenses incurred on your behalf no later than two or three weeks after the completion of the month in which the work is performed.

Applicable Law

This agreement shall be interpreted according to the laws of the State of Arizona.

We appreciate the opportunity to serve the Town and hope you will be pleased with the quality and efficiency of our work. We welcome your questions about this letter, our policies, our bills, and our work, so please call me directly if you ever have any questions.

In order to confirm your agreement to our representation on these terms, we ask that you sign below and return this letter to us. Please keep a copy of the agreement for your files.

Please let me know if you require any further information.

Sincerely,

/s/ Stephen B. Coleman

Stephen B. Coleman

SBC/cmy

AGREED:

TOWN OF CAMP VERDE

By: _____

Title: _____

Date: _____



Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date: December 21, 2022

- Consent Agenda Decision Agenda Executive Session Requested
 Presentation Only Action/Presentation

Requesting Department: Finance Dept. **Staff Resource/Contact Person:** Mike Showers

Agenda Title (be exact): Discussion, consideration & possible approval of the FY24 Budget Calendar

List Attached Documents: 1) Proposed Budget Calendar for FY 2023-24, 2) FY24 Detailed Budget Timeline, 3) Topical Timeline Summaries

Estimated Presentation Time: 5 mins **Estimated Discussion Time:** 5 mins

Reviews Completed by:

- Department Head: Town Attorney Comments: N/A

Finance Review: Budgeted Unbudgeted N/A

Finance Director Comments/Fund:

Fiscal Impact: N/A.

Budget Code: _____ **N/A** **Amount Remaining:** _____

Comments:

Background Information:

Recommended Action (Motion): Move to approve the Proposed Budget Calendar for FY 2023-24.

Instructions to the Clerk:



Town of Camp Verde

Proposed Budget Calendar for FY 2023-24

<u>Date</u>	<u>Task</u>	<u>Day/Time</u>
Dec. 21 st , 2022	Approve budget calendar.	Wed: 6:30 pm
Jan. 25 th , 2023	Strategic Plan Development	Wed: 5:30 pm
Feb. 8 th , 2023	CIP Plan Development	Wed: 5:30 pm
Feb. 14 th , 2023	CIP Plan Development Cont'd (if necessary)	Tues: 5:30 pm
Feb. 22 nd , 2023	Town fee proposal review with departments	Wed: 5:30 pm
Mar. 29 th , 2023	Department budget presentations	Wed: 5:30 pm
Mar. 30 th , 2023	Department budget presentations Cont'd (if necessary)	Thur: 5:30 pm
Apr. 12 th , 2023	Budget review with Town Manager & Finance Director	Wed: 5:30 pm
Apr. 13 th , 2023	Budget review Cont'd (if necessary)	Thur: 5:30 pm
May 17 th , 2023	Adoption of: 1) Town fees, 2) CIP Plan, 3) Sanitary Dist Levies	Wed: 6:30 pm
June 7 th , 2023	Adoption of Tentative Budget	Wed: 6:30 pm
July 5 th , 2023	Public hearing; Adoption of final budget	Wed: 6:00 pm

**Please note that dates are estimates only and may change if necessary.*

FY24 DETAILED BUDGET TIMELINE

Finance Only - Dept Requirement - Council

Dec. 11 th , 2022	Advertise upcoming surveys for Strategic Planing & CIP	Sunday
Dec. 19 th , 2022	Open survey process for Strategic Planning & CIP (close Jan 6 th)	
Dec. 20 th , 2022	Budget Packets to Dept Heads Proposed Town Fee Schedule spreadsheet out to staff Wage spreadsheets out to Depts Budget & Wage Spreadsheets Updated	Tues: Dept Mtng
Jan. 25 th , 2023	Council Strategic Plan development	Wed: 5:30-9:00pm
Jan. 27 th , 2023	CIP Project Sheets due to Finance	Fri: End of day
Jan. 27 th , 2023	Dept budgets due into Tyler Narratives due in ClearGov Wage spreadsheets due to Finance	Fri: End of day
Jan. 31 st , 2023	Any changes to Town Fee schedule due to Finance	Tue: End of day
Feb. 8 th , 2023	Council CIP Review	Wed: 5:30-9:00pm
Feb. 14 th , 2023	Council CIP Review Cont'd (if necessary)	Tues: 5:30-9:00pm
Feb. 17 th , 2023	Deliver Revenue & Dept Req's Budget to Manager	Friday
Feb. 22 nd , 2023	Town fee proposal review with Departments	Wed: 5:30-7:30pm
Feb. 27 th , 2023	Town Manager to review budgets with department heads	Throughout week
Mar. 10 th , 2023	Manager's Rec'd Budget Due to Finance Director Finance Rec'd CIP Plan to Manager	Friday
Mar. 17 th , 2023	Last Day to Publish Town Fee Changes on Website (For meeting ing May 17 th)	Friday
Mar. 29 th , 2023	Department Budget Presentations	Wed: 5:30-9:00pm
Mar. 30 th , 2023	Department Budget Presentations cont'd (if necessary)	Thur: 5:30-9:00pm
Mar. 31 st , 2023	Manager approves CIP Plan proposal	Fri: End of
Apr. 12 th , 2023	Council budget review with Town Manager & Finance Director -Revenues, Operations, Positions & Wage increases, CIP Plan	Wed: 5:30-9:00pm
Apr. 13 th , 2023	Council budget review Cont'd (if necessary)	Thur: 5:30-9:00pm
Apr. 24 th , 2023	Prepare Sanitary District Debt Levies	
May 17 th , 2023	Adoption of Town Fees & CIP Plan – Agenda Item Approval of Sanitary District debt levies – Agenda Item	Wed: 6:30pm
-5 days after	Publish proposed Tentative Budget on webpage Copy of Proposed Tentative Budget to Library and Clerk	
May 18 th , 2023	eMail Special Assessment and Debt Levy to County	Thu: AM
5/28 & 6/4	Publish State approved Tentative Schedule A in newspaper	Sundays
June 7 th , 2023	Adoption of Tentative budget – Agenda Item	Wed: 6:30pm

July 2 nd , 2023	Advertise upcoming survey for budget process review	Sunday
July 5 th , 2023 -5 days after	Public hearing; Adoption of final budget – Agenda Item Publish State Budget schedules on website Email budget docs to various entities	Wed: 6:00pm
July 10 th , 2023	Open survey process for budget review process (close July 21 st)	Monday
July 31 st , 2023	Updated Department Stats (July 2022 – June 2023) due to Finance	
Aug. 31 st , 2023	Complete the Budget Document	
Oct. 3 rd , 2023	Submit Budget to GFOA (90 days from adoption of Final)	Tuesday

FY24 TOPICAL TIMELINE SUMMARIES

CIP

- 1/06 Surveys completed
- 1/27 Project Sheets due to Finance
- 2/8 Council CIP review
- 3/10 Finance recommended to Manager
- 3/31 Manager finalized CIP completed
- 4/12 Present CIP to Council
- 5/17 Adoption of CIP Plan

Operations

- 1/27 Dept requests due to Finance
- 2/17 Deliver operation requests to Manager
- 2/27 Manager begins reviews with Dept's
- 3/10 Manager's recommendations to Finance
- 3/29 Dept presentations to Council
- 4/12 Manager & Finance review with Council
- 6/07 Adoption of Tentative Budget
- 7/05 Adoption of Final Budget

Staffing

- 1/27 New position requests due to Finance
- 2/27 Manager begins reviews with Dept's
- 3/10 Manager recommendations to Finance
- 4/12 Manager & finance Review with Council
 - New positions and potential raise amounts discussed
- 6/07 Adoption of Tentative Budget
- 7/05 Adoption of Final Budget

Town Fees

- 1/31 Fee change requests due to Finance
- 2/22 Review Town Fees with Departments
- 3/17 Post proposed Fee Schedule on website
- 5/17 Adoption of Town Fees

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Agenda Item Submission Form – Section I

Meeting Date: December 21, 2022

Consent Agenda Decision Agenda Executive Session Requested

Presentation Only Action/Presentation

Requesting Department: Camp Verde Community Library

Staff Resource/Contact Person: Kathy Hellman

Agenda Title (be exact): Discussion and decision to accept or reject the FIRST AMMENDMENT TO LEASE AGREEMENT Between the Town of Camp Verde and Verde Lakes Recreation Corporation 2022 for Parcel 404-15-257C

List Attached Documents:

LEASE AGREEMENT Between the Town of Camp Verde and Verde Lakes Corporation 2021
FIRST AMMENDMENT TO LEASE AGREEMENT Between the Town of Camp Verde and Verde Lakes Recreation Corporation 2022
Verde Lakes Parcel 404-15-257C in Context

Estimated Presentation Time: 15 minutes

Estimated Discussion Time: 5 minutes

Reviews and comments Completed by:

Town Manager: Russ Martin **Department Head:** Kathy D Hellman

Town Attorney Comments: _____

Risk Management: _____

Finance Department
Fiscal Impact:
Budget Code: _____ **Amount Remaining:** _____
Comments:

Background Information: The Town of Camp Verde and the Verde Lakes Recreation Corporation have met several times to discuss the possible placement of an automated library branch at Verde Lakes Ponds. Parcel 404-15-267C. To seek grant money to help fund the project the lease agreement needs to be extended from 5 years to 25 years.

Recommended Action (Motion): Accept the FIRST AMMENDMENT TO LEASE AGREEMENT Between the Town of Camp Verde and Verde Lakes Recreation Corporation 2022.

Instructions to the Clerk: None

LEASE AGREEMENT
Between
the
Town of Camp Verde
and
Verde Lakes Recreation Corporation
2021

This Lease Agreement (“Lease”) is entered into as of the 4th day of June 2021 (“Effective Date”), by and between the VERDE LAKES RECREATION CORPORATION, a Corporation of the State of Arizona (hereinafter “LANDLORD”) and THE TOWN OF CAMP VERDE, a municipal corporation of the State of Arizona (hereinafter “TENANT”), collectively referred to as (“Parties”).

LANDLORD: Verde Lakes Recreation Corporation (“LANDLORD”), 4027 E. Cripple Creek Drive, Camp Verde, AZ 86322

TENANT: Town of Camp Verde (“TENANT”), 473 South Main Street, Ste. 102, Camp Verde, AZ 86322

WHEREAS, the Parties entered into this Lease to maximize service to the community by jointly and cooperatively sharing a Verde Lakes Park (“Park”) with two ponds and picnic/walking/fishing/bird watching areas.

WHEREAS, each Party has determined that the consideration it will receive from the other Party is adequate and the Parties will receive roughly equivalent value as a result of this exchange.

WHEREAS, TENANT, is authorized to enter into this Lease by virtue of its incorporation pursuant to Article 13 of the Constitution of the State of Arizona and for the powers granted to cities/towns in Title 9 of the Arizona Revised Statutes.

WHEREAS, LANDLORD, is authorized to enter into this Lease pursuant to their bylaws, **Section 6.03** (“The Board of Directors may authorize any officer, or officers, agent or agents to enter into any contract or to execute, or deliver any instrument on behalf of the Corporation and such authority may be general or consigned to specific instances.”)

NOW, THEREFORE, the Parties hereby enter into this Lease Agreement.

WITNESSETH, TENANT hereby leases the Premises described below located in Camp Verde, Arizona, on the terms and conditions herein:

1. **PURPOSE:**
The purpose of the Lease is to set forth the terms and conditions for the Town to lease the Verde Lakes Water Corporation’s neighborhood Park in order to provide recreational opportunities and to maximize service to the community.

2. **PREMISES/PROPERTY AND USE:**
 - A. TENANT shall lease the Park properties, Arizona Parcel Numbers (APN) 404-15-267C7 and 404-15-267D6 (the “Premises”).
 - B. The parties accept the premises in an “as-is” condition.
 - C. Neither LANDLORD nor LANDLORD’s agents has made any oral or written representations or warranties with respect to said matters other than as set forth in this Lease.
 - D. The Parties hereto agree that the Premises shall be used for residential and community use between the hours of 6:00 a.m. and 10:00 p.m., but the Tenant shall have no obligation under this Lease to deploy Tenant employees to the Premises in order to enforce this obligation.
 - E. At its own expense, TENANT, will procure, provide and maintain signage relative to the Park’s hours of operation.

3. **RENT:**
 - A. All monetary obligations of the TENANT under the terms of this Lease are deemed to be rent and are dependent upon an annual appropriation of the Town Council of the Town of Camp Verde.
 - B. TENANT, contingent on annual funding appropriated by the Town Council, shall be responsible for continuing maintenance, which may include pruning trees and bushes, weed control (weed-eating or herbicide spraying), mowing, tilling, emptying trash receptacles, providing playground fall material, inspecting, repairing and cleaning any playground equipment and picnic benches or other items installed as future improvements.

4. **TERM:**
The term of this Lease shall commence as of the effective date noted above until cancelled by notice under section ten (10).

5. **ASSIGNMENT/SUBLEASE:**
TENANT shall not assign this Lease without the written consent of LANDLORD. LANDLORD agrees that such approval will not be unreasonably denied.

6. **INSURANCE:**
From the date of execution of this Lease, during the Lease term and any renewal term, both Parties shall, individually procure and maintain (at its sole expense and it may be self-insurance) during the term of this Lease the following insurance:
 - A. Commercial general liability insurance against claims for bodily injury, death and property damage occurring in connection with the use of the Premises, by the insuring

Party, its employees, agents, contractors or invitees as part of its general policy as provided herein with the following limits:

Each Occurrence\$1,000,000
General Aggregate.....\$2,000,000 (excess)

- B. Both Parties shall provide, to the other party, Certificates of Insurance (COI) and corresponding endorsement evidencing coverage provisions relative to the joint use of each Party's assets and shall name the other party as additional insured on such insurance policy or policies and COI's.
- C. All carriers shall be approved to write insurance in the State of Arizona and possess an A or better A.M. Best rating, provided; however, that coverage through a risk retention pool or trust authorized by Arizona law for municipal corporations may be used to satisfy the TENANT's insurance obligation.
- D. Either party's coverage shall provide at least thirty (30) days' notice of cancellation or material change in coverage.
- E. The parties agree to review, as needed, the limits and types of insurance required herein and may, by mutual agreement, amend the requirements as they deem necessary.
- F. Each Party's responsibility, whether by insurance or self-insurance, shall be primary or designated as primary in respect to the acts and omissions of its employees and its operation of the Premises.
- G. Each Party accepts full responsibility for the actions of their own employees while acting under authority of this Agreement. Nothing in this Lease will be construed to mean that an employee of one agency is an employee or agent of the other agency or that any contractors or subcontractors are agents for either the TENANT or LANDLORD.
- H. Each Party hereby mutually waives their respective rights of recovery against each other for any loss insured by property insurance coverage existing for the benefit of the respective parties.

7. **HOLD HARMLESS AND INDEMNIFICATION:**

- A. Each Party, to the fullest extent possible, shall defend, indemnify and hold harmless the other Party, its officers, employees and agents, from and against any and all claims, demands, suits, actions or proceedings of any kind or nature, for damages to property or injuries to or death of any person or persons, including employees or agents of the other Party, and including, but not by way of limitation, Workers' Compensation claims, resulting from or arising out of the negligent or wrongful acts, errors or omissions of the Party, its officers, employees, agents and consultants. This Paragraph 7.a shall survive the termination of this Lease.
- B. In the event of any third Party legal action against both LANDLORD and TENANT, both Parties agree to discuss and analyze the benefits of a mutual defense.

8. **MAINTENANCE:**

TENANT will maintain the Premises in the condition of the Premises at the time of initial occupancy and LANDLORD agrees to provide/pay for all water to the property.

9. **IMPROVEMENTS:**

TENANT will not make any modifications or improvements to the Premises without the prior consent of the LANDLORD. Any equipment, supplies, or other fixtures brought to the Premises shall remain the property of the TENANT.

10. **ASSIGNMENT TERMINATION:**

- A. This Lease may be terminated by a majority vote of the governing body of either Party for cause, or for any or no reason.
- B. The Party terminating the Lease shall notify the other Party in writing not less than twelve (12) months prior to the effective date of termination.
- C. This Lease is subject to termination by TENANT (Town) pursuant to A.R.S. § 38-511.
- D. At the expiration of this Lease, TENANT will return the Premises to LANDLORD in good condition.
- E. TENANT may, at its discretion, remove TENANT's assets (improvements constructed on the Premises and any portable facilities, such as trash cans, picnic table, benches and playground) within thirty (30) days of expiration of the Lease hereby created, or sooner termination of the Lease, and surrender the Premises unto LANDLORD. Any such property not removed at the expiration of above mentioned thirty (30) day period shall become the property of LANDLORD.

11. **SALE OF PROPERTY:**

In the event the LANDLORD decides to sell any or all of Parcel # 404-15-267C7 and 404-15-267D6 (the Premises), the TENANT will be duly notified at least sixty (60) calendar days prior to either listing of the Parcel for sale or, if the Parcel is not to be listed, prior to executing a binding contract for the sale of the Parcel.

12. **SEVERABILITY:**

If any terms, parts, or provisions of this Lease are for any reason invalid or unenforceable, the remaining terms, parts, or provisions are nevertheless valid and enforceable.

13. **COMPLIANCE WITH LAWS:**

- A. Both Parties shall be fully responsible for compliance with all statutes, ordinances, codes, regulations, rules, court decrees or laws applicable to it in conjunction with use of the Premises including, but not limited to zoning and building codes and environmental laws.
- B. All programs and services maintained and/or provided by TENANT shall be open to all residents of Camp Verde without regard to race, color, religion, sex or national origin.
- C. TENANT agrees to comply with all applicable state and federal laws and requirements governing equal employment opportunity and non-discrimination.

14. **BINDING:**

This Lease shall be binding upon the heirs, successors and assigns of the parties hereto.

15. **ENTIRE AGREEMENT:**

- A. This Lease and amendments hereto are the entire agreement between the TENANT and LANDLORD concerning this matter. The Parties shall not be bound by or be liable for any statement or representation of any nature not set forth in this Lease.
- B. As issues within this section arise, the Town Manager, and LANDLORD’s Manager and the Parties’ attorneys (on behalf of either Party if so elected by the Parties) are empowered under their authority to collectively, discuss, collaborate, amend, and execute changes to this lease.
- C. Conflict remedy: The parties have a duty to consider and agree to attempt in good faith to promptly resolve conflicts with respect to this Lease. In the event that a conflict cannot be resolved, the Parties shall consider whether arbitration would be beneficial, the most appropriate type of process, the selection of the arbitrator, and schedule for the arbitrator process within a 60 day period or sooner if practicable.

16. **AUTHORITY AND NOTICES:**

- A. The individuals signing below, on behalf of either Party, hereby represents and warrants that such individual is duly authorized to execute and deliver this Lease on behalf of either Party and that this Lease is binding upon either Party in accordance with its terms.
- B. Unless otherwise specified herein, any notice or other communication required or permitted to be given under this Lease shall be in writing and mailed to the address given below for the Party to be notified, or to such other address, notice of which is given in compliance with this Section:

If to Verde Lakes Water Corporation

Verde Lakes Recreation Corporation
 4027 E. Cripple Creek Drive
 Camp Verde, Arizona 86322
 e-mail: russell71moore@gmail.com
 and
 Glenda Duncan
 2998 S. Aspen Way
 Camp Verde, AZ 86322
 e-mail: glendaduncan55@gmail.com

If to Town:

Town of Camp Verde Clerk’s Office
 473 S. Main Street, Ste. 102
 Camp Verde, AZ 86322
 Fax No.: 928. 567-9061

IN WITNESS WHEREOF, the Parties have executed this Agreement by signing their names on the day and date first written above.

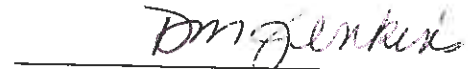
Verde Lakes Recreation Corporation:


Board President Russell Moore

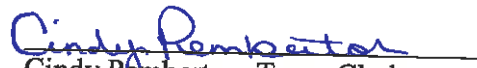
ATTEST:


Glenda Duncan, Treasurer

Town of Camp Verde:


Mayor Dee Jenkins

ATTEST:


Cindy Pemberton, Town Clerk

Approved as to Form:


Bill Sims, TENANT/Town Attorney

FIRST AMENDMENT TO LEASE AGREEMENT
Between
the
Town of Camp Verde
and
Verde Lakes Recreation Corporation
2022

This First Amendment to Lease Agreement (“**Lease Amendment**”) is entered into as of the ___ day of December 2022 (“**Amendment Effective Date**”), by and between the VERDE LAKES RECREATION CORPORATION, a Corporation of the State of Arizona (hereinafter “**LANDLORD**”) and THE TOWN OF CAMP VERDE, a municipal corporation of the State of Arizona (hereinafter “**TENANT**”), collectively referred to as (“**Parties**”).

LANDLORD: Verde Lakes Recreation Corporation, 4027 E. Cripple Creek Drive, Camp Verde, AZ 86322

TENANT: Town of Camp Verde, 473 South Main Street, Ste. 102, Camp Verde, AZ 86322

WHEREAS, the Parties entered into a Lease Agreement on June 4, 2021 (“**Initial Lease**”) to maximize service to the community by jointly and cooperatively sharing a Verde Lakes Park (“**Park**”) with two ponds and picnic/walking/fishing/bird watching areas;

WHEREAS, **TENANT**, is authorized to enter into this Lease Amendment by virtue of its incorporation pursuant to Article 13 of the Constitution of the State of Arizona and for the powers granted to cities/towns in Title 9 of the Arizona Revised Statutes; and

WHEREAS, **LANDLORD**, is authorized to enter into this Lease Amendment pursuant to its bylaws, Section 6.03.

NOW, THEREFORE, the Parties hereby enter into this Lease Amendment.

1. DEFINED TERMS:

Capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms as set forth in the Initial Lease.

2. PURPOSE:

The purpose of this Lease Amendment is to identify a portion of the Premises that will be used by the **TENANT** to construct a library facility (the “**Library Improvements**”).

3. PORTION OF PREMISES TO BE USED FOR LIBRARY:

A. **TENANT** shall lease Parcel Number 404-14-267C (the “**Library Parcel**”) to construct the Library Improvements.

- B. TENANT acknowledges that it continues to accept the Library Parcel in an “as-is” condition.
- C. Neither LANDLORD nor LANDLORD’s agents has made any oral or written representations or warranties with respect to the Library Parcel.
- D. The Parties agree that the Library Parcel may be used to construct and operate the Library Improvements.

4. **TERM:**

The term of this Lease Amendment shall commence as of the Amendment Effective Date and shall terminate on the twenty-fifth (25th) anniversary of the Amendment Effective Date (the “**Lease Amendment Term**”).

5. **MAINTENANCE:**

TENANT shall maintain the Library and the Library Parcel.

6. **IMPROVEMENTS:**

Except for the Library Improvements, TENANT will not make any modifications or improvements to the Premises, including the Library Parcel, without the prior consent of the LANDLORD. Any equipment, supplies, or other fixtures brought to the Premises, including the Library Parcel, shall remain the property of the TENANT.

7. **ASSIGNMENT TERMINATION:**

- A. This Lease Amendment may be terminated by a majority vote of the governing body of either Party for cause, provided however, that the Party asserting the right to terminate for cause, must substantiate the facts justifying the termination for cause and if the other Party disputes such substantiation, such dispute shall be subject to Section 9.c of this Agreement.
- B. The Party terminating this Lease Amendment shall notify the other Party in writing not less than twelve (12) months prior to the effective date of termination.
- C. This Lease Amendment is subject to termination by TENANT (Town) pursuant to A.R.S. § 38-511.
- D. At the expiration of this Lease Amendment Term, the LANDLORD may elect to have TENANT convey title to the Library Improvements to LANDLORD. If LANDLORD elects not to instruct TENANT to convey the Library Improvements to LANDLORD on or before ninety (90) days prior to the termination of the Lease Amendment Term, TENANT will return the Library Parcel to LANDLORD in a condition comparable to the condition as of the commencement of the Lease Amendment Term subject to reasonable wear and tear.

8. **ENTIRE AGREEMENT:**

- A. This Lease Amendment and the terms of the Lease not amended hereby constitute the entire agreement between the TENANT and LANDLORD concerning this matter. The Parties shall not be bound by or be liable for any statement or representation of any nature not set forth in this Lease Amendment of the Lease.

- B. As issues regarding this Lease Amendment arise, the Town Manager, and LANDLORD’s Manager and the Parties’ attorneys (on behalf of either Party if so elected by the Parties) are empowered under their authority to discuss, collaborate, and (if necessary) agree to and execute amendments not requiring approval from the Parties’ governing bodies. For amendments requiring approval from the Parties’ respective governing bodies, the Town Manager, and LANDLORD’s Manager and the Parties’ attorneys may negotiate proposed amendments and submit such amendments to the Parties’ respective governing bodies for approval.
- C. Conflict remedy: The Parties have a duty to consider and agree to attempt in good faith to promptly resolve conflicts with respect to this Lease Amendment and the Lease. In the event that a conflict cannot be resolved, the Parties shall consider whether arbitration would be beneficial, the most appropriate type of process, the selection of the arbitrator, and schedule for the arbitrator process within a 60 day period or sooner if practicable.
- D. This Lease Amendment amends and replaces the following sections of the Lease: 1, 2, 4, 8, 9, 10, 11, 15 and 16 as such sections relate to the Library Parcel. All other sections of the Lease (the “**Unamended Lease Provisions**”) remain in effect and are applicable to the Premises, including the Lease Parcel, during the term of the Lease. Following the expiration of the term of the Lease, the Unamended Lease Provisions shall apply to the Library Parcel for the remainder of Lease Amendment Term.

9. **AUTHORITY AND NOTICES:**

- A. The individuals signing below, on behalf of either Party, hereby represents and warrants that such individual is duly authorized to execute and deliver this Lease Amendment on behalf of either Party and that this Lease Amendment is binding upon either Party in accordance with its terms.
- B. Unless otherwise specified herein, any notice or other communication required or permitted to be given under this Lease Amendment shall be in writing and mailed to the address given below for the Party to be notified, or to such other address, notice of which is given in compliance with this Section:

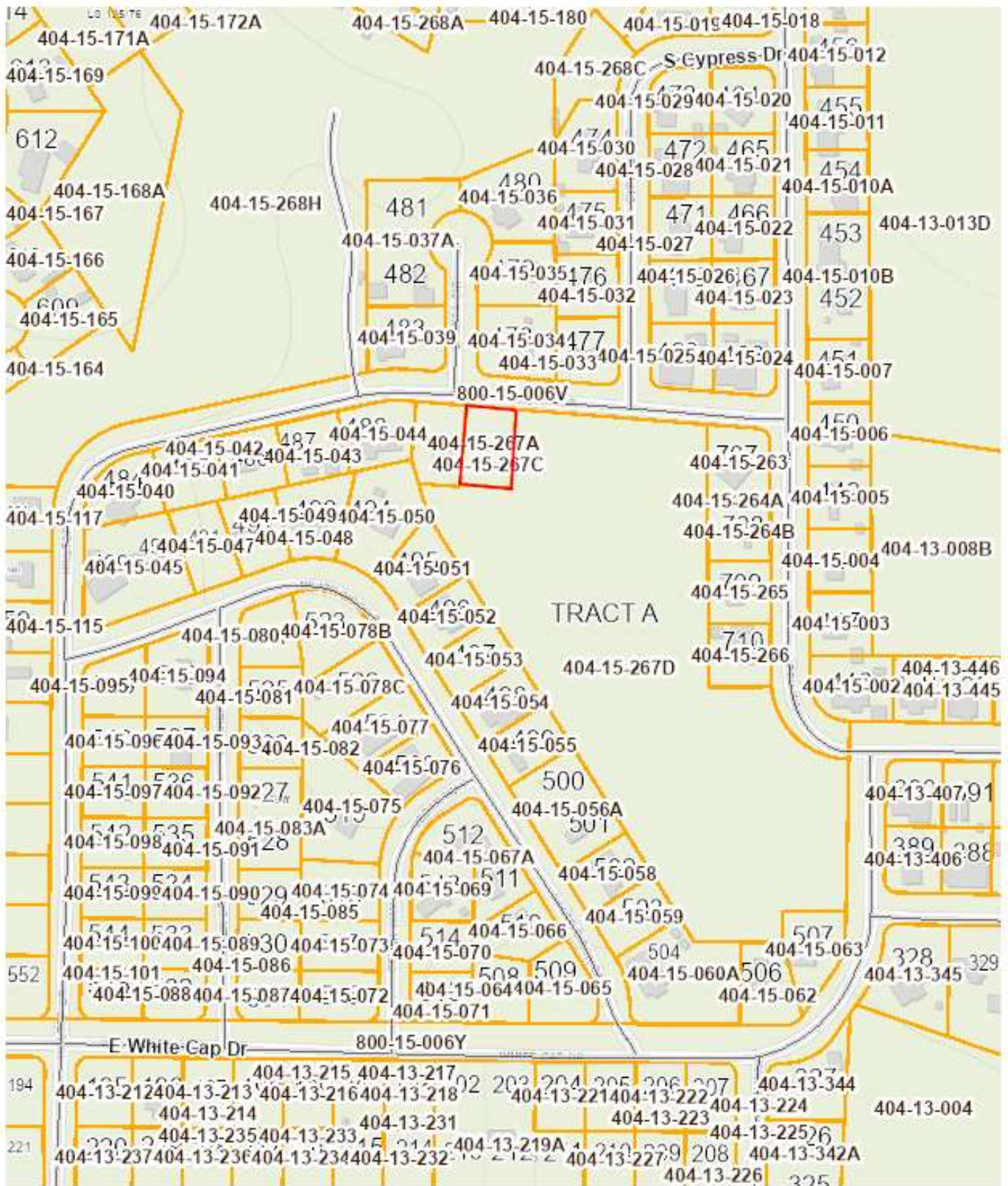
If to Verde Lakes Recreation Corporation

Verde Lakes Recreation Corporation
 4027 E. Cripple Creek Drive
 Camp Verde, Arizona 86322
 e-mail: russell71moore@gmail.com
 and
 Glenda Duncan
 2998 S. Aspen Way
 Camp Verde, AZ 86322

If to Town:

Town of Camp Verde Clerk’s Office
 473 S. Main Street, Ste. 102
 Camp Verde, AZ 86322
 Fax No.: 928. 567-9061

404-15-267C



Disclaimer: Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County that may arise from the use of this data.

Map printed on: 3.24.2022

Agenda Item 9



Town of Camp Verde

Agenda Item Submission Form – Section I

Meeting Date *December 21, 2022*

- Consent Agenda Decision Agenda Executive Session Requested
- Presentation Only Action/Presentation Pre-Session Agenda

Requesting Department:

Staff Resource/Contact Person: *Vice Mayor Moore*

Agenda Title (be exact): *Discussion, Consideration, and possible direction to staff regarding budgeted hiring schedule.*

List Attached Documents

Estimated Presentation Time:

Estimated Discussion Time:

Reviews Completed by:

- Department Head: _____ Town Attorney Comments:
- Finance Department N/A
Fiscal Impact: None
Budget Code: _____ Amount Remaining: _____
Comments: _____

Background Information:

Due to changes in Town Management, Council's consideration and discussion is necessary regarding the budgeted hiring schedule for new positions.

Recommended Action (Motion):

Instructions to the Clerk:

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Agenda Report Form – Section I

Meeting Date: Town Council, December 21, 2022

- Consent Agenda Decision Agenda Executive Session Requested
 Presentation Only Action/Presentation Work Session

Requesting Department: Community Development

Staff Resource/Contact Person: John Knight, Community Development Director

Agenda Title: Discussion, consideration, and possible approval of Ordinance 2022-A470, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, to amend Zoning Ordinance Section 203 – Use Districts to include a new overlay district. This district will provide flexibility in the areas of height, density, and intensity for an associated highway interchange location. **Staff Resource:** John Knight, Director

Attached Documents:

- A. Ordinance 2022-A470 with Overlay District Map
- B. Public Notice
- C. Neighborhood Meeting Notice and Notes
- D. Comments received from public
- E. DRAFT Planning and Zoning Commission Public Hearing Minutes, excerpted
- F. Town Council Minutes, excerpted April 6, 2022, and September 2022 7, 2022

Estimated Presentation Time: 10

Estimated Discussion Time: 15

Executive Summary: If passed, a new overlay zoning district will be created in the area of Interstate 17 and State Route 260. This new overlay district will allow buildings of greater height than the currently permitted 40 foot height. Commercial and Industrial buildings would be permitted to be up to 65 feet. Additionally, creation of this new district sets the stage for a future area plan for this unique area of the Town.

Staff Recommendation: Staff recommend approval and passage of the Ordinance creating this new Overlay Zone.

Planning and Zoning Commission Recommendation: Commission voted 5-1 to recommend approval of this new Overlay District for the I-17/SR260 interchange area.

Staff Discussion: This proposal began in March and April of this year. On April 06, 2022, Council heard a proposal for a new hotel on a vacant parcel in the area of the I-17/SR260 interchange. The developers of this hotel requested a text amendment to allow heights greater than 40 foot which is the current height limit for commercial buildings. Council directed staff to initiate this text amendment.

Initially, this amendment began as a mere text amendment only for parcels zoned C2 within the interchange area. This initial proposed amendment failed to pass at the August 2022 Planning and Zoning Commission Public Hearing. Comments from both Commissioners as well as the public indicated the initial proposal was not inclusive enough as it only allowed an increased height on parcels zoned C2. Additionally, in discussion with the Town Attorney, Bill Sims, staff was advised a text amendment affecting only C2 parcels in a portion of the Town [in this instance the highway interchange area] would open the Town to a legal challenge. Arizona Revised Statutes, Section 9-462.01 states “All zoning regulations shall be uniform for each class or kind of building or use of land throughout each zone...”

On September 7, 2022, staff updated Council of these proceedings. The Council voted 4-0 to approve a motion to send this proposed amendment back to the Commission as an overlay district which would allow for a maximum height not to exceed 65 feet. Therefore, staff retooled the proposed amendment to a full Overlay Zoning District which is before Council this evening.

Staff, in coordination with the Town Attorney, drafted text for this new I-17/SR 260 Overlay District and scheduled it for public hearing with the Planning and Zoning Commission. Initially scheduled for public hearing for November 3rd, 2022 it was postponed by the Commission due to a schedule overload.

On Thursday, December 1, 2022 the Planning and Zoning Commission held the public hearing on this proposed new Overlay District. One citizen, William “Ed” Davidson, spoke in opposition of this new Overlay District. He testified he believes this new district will devalue his residential property located in the area, but outside the district. See written comments from Mr. Davidson within Attachment D. The Commission voted 5-1 to recommend this proposed Overlay District be approved by the Mayor and Common Council for the Town of Camp Verde. The motion included language now added as Section 203.P.3.a. to the proposed text amendment (see Attachment A).

The following have been completed:

- December 01, 2022 - Public Hearing, Planning and Zoning Commission
- Voted 5-1 to recommendation to Town Council for approval
- November 21, 2022 - Meeting agendas posted Town Hall and Bashas
- November 13 and 16, 2022 - Notice of public hearing published in Verde Independent News Paper
- November 07, 2022 – Updated notice letter direct mailed to property owners within boundary of proposed district and to owners within 300’ outside of proposed district
- October 27, 2022 – Meeting agendas posted Town Hall and Bashas
- October 20, 2022 – Neighborhood meeting held at Town Hall
- Attended by one citizen, William “Ed” Davidson (opposed)
- October 16 and 19, 2022 – Notice of public hearing published in Verde Independent News Paper
- October 4, 2022 – Notice letter direct mailed to property owners within boundary of proposed district and to owners within 300’ outside of proposed district
- September 7, 2022 – Staff update Town Council; vote 4-0 to send amendment back to staff and Planning and Zoning Commission
- August 08, 2022 - Public Hearing, Planning and Zoning Commission
- Failed to be recommend for approval

April 6, 2022 –

Council initiated amendment of Zoning Ordinance to permit greater height of buildings in the area of I-17 and SR 260

Recommended Action (Motion): Motion to approve Ordinance 2022-A470, an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, to amend Zoning Ordinance Section 203 – use districts to include a new overlay district. This district will provide flexibility in the areas of height, density, and intensity for an associated highway interchange location.

Attachment A: Ordinance 2022-A470



ORDINANCE 2022-A470

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, TO AMEND ZONING ORDINANCE SECTION 203 – USE DISTRICTS TO INCLUDE A NEW OVERLAY DISTRICT. THIS DISTRICT WILL PROVIDE FLEXIBILITY IN THE AREAS OF HEIGHT, DENSITY, AND INTENSITY FOR AN ASSOCIATED HIGHWAY INTERCHANGE LOCATION.

WHEREAS, the Mayor and Common and Council desire to create an overlay district around the Interstate State 17 and Arizona State Highway 260 Interchange area within the Town of Camp Verde for the purpose of modifying existing zoning criteria in this unique area of the Town; and

WHEREAS, the Town of Camp Verde adopted the Planning and Zoning Ordinance 2011-A374, approved May 25, 2011; and

WHEREAS, Part 6, Section 600, C.1 of the Planning and Zoning Ordinance allows for the amendment, supplementation or change of zoning text regulations of the Planning & Zoning Ordinance by the Town Council; and

WHEREAS, the Town Council has an abiding interest in protecting the public health safety and welfare by establishing requirements for provisions of the Planning & Zoning Ordinance by including definitions and text amendments.

NOW, THEREFORE BE IT ORDAINED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE AS FOLLOWS:

Section 1. The Town Council hereby finds as follows:

- A. Text Amendments may be initiated by the Planning & Zoning Commission, the Town Council, staff of the Town of Camp Verde or by application of a property owner per Part 6, Section 600, C.1 of the Planning and Zoning Ordinance. This Text Amendment was initiated by the Town Council.
- B. The Text Amendment was reviewed by the Planning and Zoning Commission on December 01, 2022, in a public hearing that was advertised and posted according to state law. A recommendation for approval was forwarded to the Town Council by the Planning and Zoning Commission on December 01, 2022.

- C. The proposed Text Amendment will not constitute a threat to the health, safety, welfare or convenience to the general public and should be approved.

Section 2.

The Zoning Map will be amended in accordance with the boundaries shown on Exhibit A and the following new Use District, Section 203.P. Interchange Overlay District (IO District), will be added to Part Two - Zoning Classifications, Regulations/Provisions of the Planning and Zoning Ordinance for the Town of Camp Verde:

SECTION 203 – Use Districts

P. Interchange Overlay District (IO District)

1. Purpose: The Interchange Overlay District is intended to establish specific criteria associated with the unique geographic, physical, and infrastructural aspects of this area of the Town of Camp Verde. This District is intended to provide flexibility associated with the unique character of a highway interchange area. This includes flexibility in the areas of height, density and intensity for an associated highway interchange location.
2. Permitted Uses and Uses Subject to a Use Permit: Those permitted by the underlying Zoning Use District.
3. Maximum Height: The maximum height allowed for habitable space is 55'. However, an additional height increase of 10' may be allowed with approval by the Community Development Director.
 - a. Exception to the height increase: When adjacent to residentially zoned property, the height shall be restricted to 40' within a distance of 40' of the boundary of any residentially zoned property.
4. Additional Height Exception: In this Interchange Overlay District, buildings may be approved for an additional 10' for a total height of 65 feet for the purpose of screening or other architectural features.
 - a. Application and approval for this additional 10' height increase may be requested through the Development Standard Review process under Section 400 and may only be approved by the Community Development Director.
 - b. Application Process: When submitting for Development Standard Review, an applicant is required to make specific request for this allowance for an additional 10' increase to structure(s). Additionally, when making application for this additional 10' height increase applicants are required to submit elevation views of all sides of the planned structure.
 - c. Approval of this increased 10' height allowance will be documented, in writing, via the final Development Review Standards final report. Subsequent modifications may be approved by submitting a written request to the Community Development Director for approval.

- d. Final approval of this height increase will also be documented as a special condition as part of the Zoning Clearance for the building(s) as part of the review and approval for building permit(s).
5. Approval for an Additional Height Exception will be based only upon the following criteria:
- a. The increase is for a parapet wall or similar architectural feature that provides screening for mechanical equipment, or otherwise provides architectural interest to the building.
 - b. The parapet wall or architectural feature is of similar colors and materials to the main building and will be compatible architecturally with the main building.
 - c. The parapet wall or architectural feature does not increase the habitable space.
 - d. The parapet wall or architectural feature is the minimum height necessary to accomplish the screening purpose for which it is intended.
6. PAD Overlay: This Overlay District may also be combined with a Planned Area Development (PAD) District. In the event a PAD District is established per Section 203, the uses, standards and requirements established through the PAD process will supersede the standards of this Interchange Overlay District.

Table 2-15: IO Dimensional Standards

<u>Zoning District</u>	<u>"IO District"</u>
<u>Minimum Lot Area (sq. ft.)</u>	<u>Per underlying district</u>
<u>Minimum Width OR Depth (feet)</u>	<u>Per underlying district</u>
<u>Maximum Bldg. Ht. (stories)</u>	<u>4</u>
<u>Maximum Building Height (feet)</u>	<u>55'*</u>
<u>Maximum Lot Coverage (%)</u>	<u>Per underlying district</u>
<u>Minimum Front Yard (feet)</u>	<u>Per underlying district</u>
<u>Minimum Rear Yard (feet)</u>	<u>Per underlying district</u>
<u>Minimum Side Yard Interior (feet)</u>	<u>Per underlying district</u>
<u>Minimum Side Yard Exterior (feet)</u>	<u>Per underlying district</u>
<u>* Note – refer to Section 203.P.4. and 5. above for additional provisions regarding</u>	

Section 3. All ordinances or parts of ordinances adopted by the Town of Camp Verde in conflict with the provisions of this ordinance or any part of the code adopted, are hereby repealed, effective as of the effective date of this ordinance.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 5. This ordinance is effective upon the expiration of a thirty 30-day period following the adoption hereof and completion of publication and any posting as required by law.

PASSED AND APPROVED by a majority vote of the Town Council of the Town of Camp Verde, Arizona on this 21st DAY OF DECEMBER 2022.

Dee Jenkins - Mayor

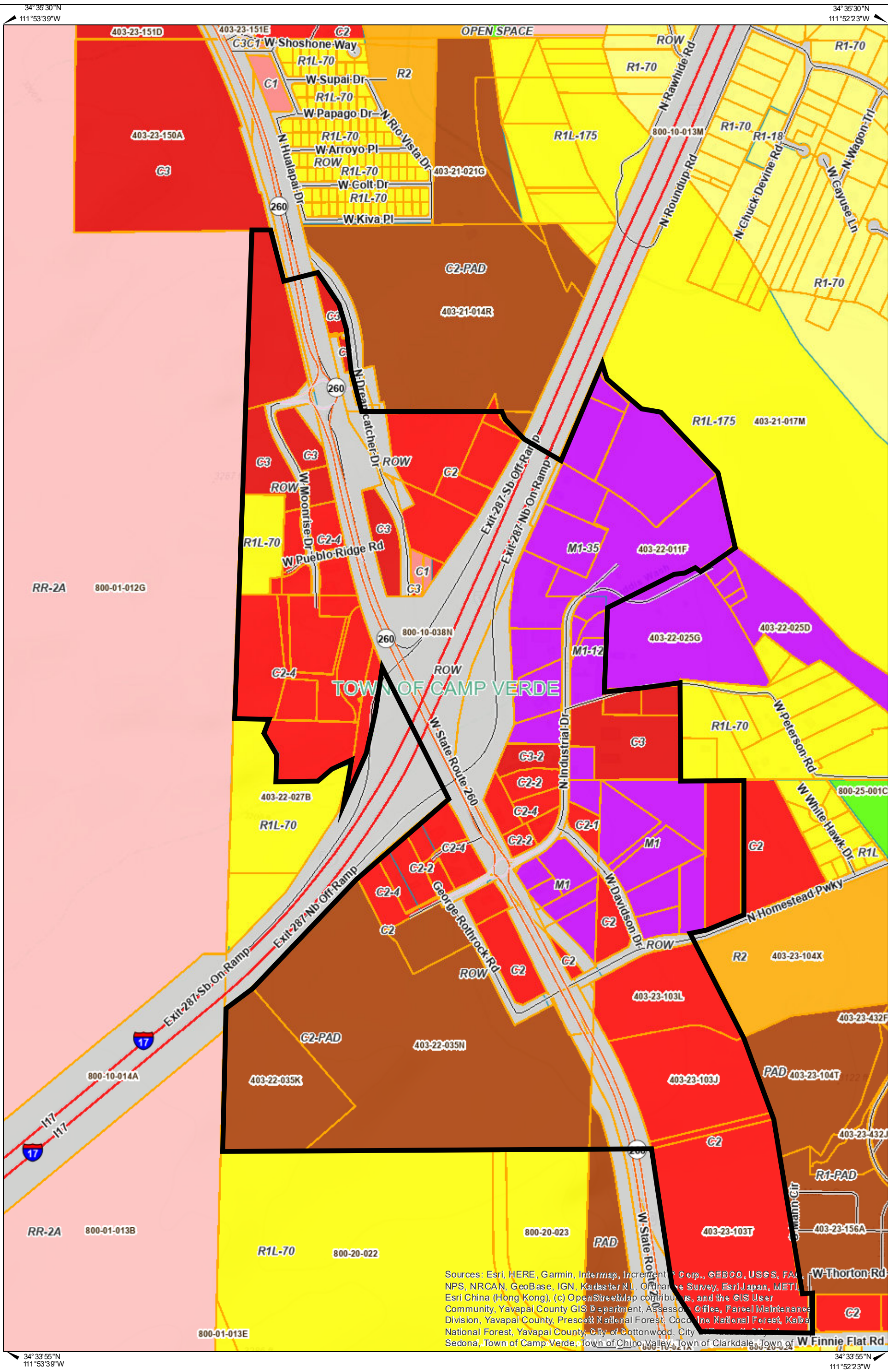
Date: _____

Approved as to form:

Attest: _____
Cindy Pemberton, Town Clerk

William Sims

Bill Sims - Town Attorney

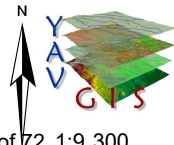
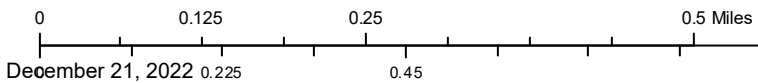


Sources: Esri, HERE, Garmin, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community, Yavapai County GIS Department, Assessor's Office, Parcel Maintenance Division, Yavapai County, Prescott National Forest, Coconino National Forest, Kaibab National Forest, Yavapai County, City of Cottonwood, City of Sedona, Town of Camp Verde, Town of Chino Valley, Town of Clarkdale, Town of



Disclaimer:
Map and parcel information is believed to be accurate but accuracy is not guaranteed. No portion of the information should be considered to be, or used as, a legal document. The information is provided subject to the express condition that the user knowingly waives any and all claims for damages against Yavapai County

Council Regular Session



Attachment B: Public Notice

Public Notice to be published Sunday November 13 and Wednesday November 16, 2022; including on-line version(s): The Town of Camp Verde Planning and Zoning Commission will hold a public hearing on Thursday, December 1, 2022 at 6:30pm in the Town Council Chambers at 473 S. Main Street in Camp Verde, AZ. The purpose of the hearing is to consider several text amendments to the Town's Planning and Zoning Ordinance as well as the creation of a new Overlay Zoning District. Text amendments are anticipated to include, but are not limited to, fence-wall height exception for a public utility, fencing vacant land, fence height in residential zones, setbacks for accessory structures, land division, and scrivener errors. As well as the addition of an Overlay Zoning District around the I17/SR 260 Interchange. Interested parties may attend and provide comment. Copies of the draft amendments may be obtained by contacting Camp Verde Community Development at 928.554.0066 or cory.mulcaire@campverde.az.gov.

TAG: This notice is for Community Development Department

Attachment C:

Neighborhood Meeting Notice and Notes



◆928.567.6631 ◆

Town of Camp Verde

Community Development Department

◆ 473 S. Main Street, Suite 108 ◆ Camp Verde, Arizona 86322 ◆
◆ Telephone: 928.554.0050 ◆ www.campverde.az.gov ◆

November 7, 2022

Dear Landowner,

You are receiving this letter because you own property in the general vicinity of the Interstate 17 and State Route 260 highway interchange in Camp Verde, AZ.

The public hearing regarding this proposed Overlay Zoning District was originally scheduled on Thursday November 3, 2022, at 6:30pm. Due to time constraints, this agenda item was not heard and was motioned to be continued on December 1, 2022.

The Overlay Zoning District public hearing is rescheduled for December 1, 2022, at 6:30pm.

The Town of Camp Verde is considering the creation of an Overlay Zoning District in the Interstate 17 and State Highway 260 interchange area. The initial purpose of this Overlay District is for the purpose of increasing the allowed height of buildings, located on commercial or industrial parcels, from 40 feet to 55 feet.

Some of you may have received a similar letter this past August and October as the Town held a Public Hearing on September 8th regarding a similar matter whereby the Town proposed a text amendment to increase the permitted zoning height only for the C-2 commercial properties within the interchange area. However, from this public hearing, Town staff learned the initial proposal of a text amendment affecting only C-2 properties in this area was not extensive enough. The Planning and Zoning Commissioners requested a more comprehensive amendment to include all commercial and industrial parcels within the interchange. Hence, this proposed Overlay Zoning District, which now includes both commercial and industrial properties, within the interchange area.

Attached as page 3 of this letter is the proposed area for this Overlay Zoning District. If passed by the Town Council, this new Overlay Zoning District will permit a maximum height of 55' for any building(s) located on commercial or industrially zoned parcels. Additionally, we are proposing an additional 5-10' allowed height increase, approved administratively, if certain conditions are met.

Specifically, these conditions are for:

- Mechanical equipment, if set back from building edges and appropriately shielded, and
- Architectural features such as parapets or similar structures.

Written comments already received will be included in the packet for the meeting December 1. Additional written comments received by November 18th will be included in the formal presentation packet for the public hearing. Comments received after this date will be presented at the hearing.

Below are the details for the meeting:

Public Hearing, Planning and Zoning Commission:

Hearing Date & Time: Thursday, December 1, 2022, at 6:30pm
Hearing Location: Council Chambers, Suite 106, 473 S. Main Street, Camp Verde
Verde Application Type: Creation of Overlay Zoning District
Affected Properties: See attached map, but generally commercial (C1, C2, C3) and industrial (M1, M2) properties located within about 2,500' of the I-17/Highway 260 Interchange
Application Number: 20220541
Zoom Meeting: Meeting ID: 927 0548 1851 Passcode: 5540054
<https://us06web.zoom.us/j/92705481851?pwd=eFBLVXRscWJHdnlGL1ZXU111SlJLQT09>
Dial by your location: +1 719.359.4580 US or +1 253.215.8782 US (Tacoma)

The Agenda and accompanying presentation documentation for the Public Hearing will be available approximately 1-week prior to the hearing at this location:
<https://www.campverde.az.gov/departments/boards-commissions/planning-zoning-commission>

Please contact the Planning and Zoning Office with any questions, 928.554.0066 or emailing cory.mulcaire@campverde.az.gov.

Respectfully,



John Knight, Director
Community Development, Town of Camp Verde
John.Knight@CampVerde.az.gov or 928.554.0053

cc: Project File 20220541

Height Amendment Neighborhood Meeting:

Dan Rubenstein,

Phone call - Called office Thursday, 20 October 2022, about 1330 hrs; spoke via phone for approx. 45 min. explained previous attempt at text amendment which has led to this full overlay district.

He stated he is generally in favor of the new ordinance.

William "Ed" Davidson,

Mr. Davidson attended the Neighborhood Meeting held on Thursday, October 20, 2022. He spoke about owning residential property that adjoins the proposed overlay zone and how a 65 foot height is going to destroy his views, as well as he property value. He is concerned that the Town is growing faster than it can sustain and moving away from the rural community we claim to be.

He is opposed to this new ordinance.

Attachment D: Comments received from public

Proposed Interchange Overlay Zone I-17/Highway 260 neighborhood properties

Peter Andrew Groseta

Wed 10/26/2022 3:37 PM

To: John Knight <John.Knight@campverde.az.gov>

Cc: Steve Ayers <Steve.Ayers@campverde.az.gov>; Cory Mulcaire <cory.Mulcaire@campverde.az.gov>

John:

I am writing this email to you regarding the October 4, 2022 Notice that I received regarding the Town of Camp Verde proposing to increase the height up to 55' for any buildings located on commercial and industrial parcels in the area of I-17/Highway 260 interchange. In addition, according to the Notice, the Town Staff is recommending the allowance of an additional 5-10' increase for parapet walls and similar architectural features.

As you know we own the property located on the NW Corner of Wilshire Blvd and Highway 260 (APN 403-21-015K) and it is included in this proposed Overlay Zoning District.

We strongly support this proposal as presented in the October 4, 2022 Notice to Landowners.

I respectfully am asking that you to include this email which includes my support in the packets/notebooks for each Planning and Zoning Commissioner.

Please keep me posted regarding whether or not this proposal is approved or denied at the P/Z Commission Hearing on November 3, 2022.

If you have any questions, please contact

me. Thanks.
Andy Groseta

10/25/2022

Town of Camp Verde

Community Development Department

Re: Proposed Interchange Overlay Zone

As an adjoining R1L-70 property owner to the proposed overlay zone, I am opposed to the amendment for the following reasons.

1. Adjoining Property Owner;

Allowing structures of this height will drastically devalue any residential properties in close proximity to this zone. At 55 to 65 feet there is no way to have any type of screening for vision, noise, lighting, or privacy. There are very few types of vegetation/trees that grow in our area that will reach this height and takes a numerous number of years to do so. The current screening ordinance only requires a maximum of 8 feet. All vision of the surrounding area, most of the mountains and skyline will be lost.

Please ask yourself, would you like to look out the window of your home and see a 65 foot wall or office windows with people watching you. With lighting and signage we will have no night time or dark-skies. If this is not a concern, why has the C2 property been omitted that adjoins the White Hawk development at the end of Homestead? To protect residential property values, I would like to request that an overlay be considered to reduce the height of commercial and industrial structures adjoining residential property to a maximum of 20 feet.

If this Proposed Interchange Overlay Zone was to be allowed, is the town willing to compensate residential property owners for their loss in value?

2. As a resident of Camp Verde;

I believe this type of zoning destroys the very things in our community that we who live here enjoy and the things that most people move here for. The open spaces, scenic views, dark skies, less noise, clean air, quality of life will all be significantly affected. The ordinances for the town have not been updated to protect adjoining properties or the community. This type of overlay is only a copy of every other freeway interchange, Camp Verde is better than that. If approved at HWY 260 and I-17, how long before it spreads to all the other roundabouts in our town? The type of development that this zoning will allow is everlasting and our community will lose more than it will gain.

Thank you for time and consideration of this matter.

William E. Davidson

Attachment E:

DRAFT

Planning and Zoning Commission Public Hearing Minutes, excerpted

DRAFT MINUTES: Excerpted, December 1, 2022
Planning and Zoning Commission Meeting

6. **Public Hearing – Interchange Overlay (IO) Zone: Discussion, consideration, and possible recommendation to the Mayor and Common Council of the town of Camp Verde, Yavapai County, Arizona, to amend Zoning Ordinance Section 203 – use districts to include a new overlay district. This district will provide flexibility in the areas of height, density, and intensity for an associated highway interchange location.**

Staff Comments

Community Development Director John Knight said this item was continued from the November 3, 2022, Planning and Zoning Commission meeting. Staff provided additional notice via newspaper and direct mail. No new information had been received on this item and he reviewed the staff report. They are proposing the height increase go up to 55 feet in height. The current maximum height is 40 feet. The overlay also includes a provision to allow for an additional 10feet, if there are architectural features or parapet walls. This would bring the potential height up to 65 feet. Staff has received a comment from a residential neighbor who says this would have an adverse impact on residential properties. Staff has added some language for the Commission to consider to add to the suggested motion, *“when adjacent to residentially zoned property the height should be restricted to 40 feet within a distance of 40 feet of a boundary of a residentially zoned property.”* This would give a little bit of a buffer between residential property line and commercial property line. Staff did include a red line text of the document with the proposed changes.

Chairman Faiella asked for clarification of a parapet. Mr. Knight said a parapet is usually used to screen equipment on the building.

Public Hearing Open 6:50pm

Ed Davidson: 1391 Peterson Road- said he is a neighbor of the proposed hotel who is requesting the addition height and said a 40foot setback won't make a difference, it will still block the view and sun. He and his family were there before the industrial properties came in. He feels like you are forcing residential properties out. They do not want 65 foot buildings as neighbors.

Public Hearing Closed 6:55pm

Commission Discussion

Chairman Faiella asked if this overlay zone is just for this location or any location in the town. Mr. Knight this is only proposed for this area.

Mr. Knight also wanted to address the height and setback is required for the commercial/industrial building is now, today. You can build a 40foot tall commercial/industrial building directly on the property line if you are adjacent to another commercial/industrial property. However, if you are adjacent to a residential property you can build a 40-foot-tall building on the interior side yard 7 feet which is the set back that is required.

Commissioner Osses asked are we changing this because of one person or a bunch of people. Mr. Knight said this is the only one right now. Ms. Osses is worried about other applicants that could follow. Commissioners discussed residential area on the map.

Motion was made by Commissioner Blue to recommend to the Mayor and Common Council of the town of Camp Verde, Yavapai County, Arizona, to amend Zoning Ordinance Section 203 – use districts to include a new overlay district. This district will provide flexibility in the areas of

height, density, and intensity for an associated highway interchange location. Second was made Commissioner Scantlebury.

Commissioner Hough would have liked Commissioner Blue add to his motion, the language to add the 40-foot setback to protect the neighbors.

Roll Call:

Chairman Andrew Faiella: aye

Vice Chairman Todd Scantlebury: aye

Commissioner Greg Blue: aye

Commissioner Bill Tippet: nay

Commissioner Michael Hough: nay

Commissioner Ingrid Osses: nay

Motion failed 3-3.

Motion was made by Vice Chairman Scantlebury to recommend to the Mayor and Common Council of the town of Camp Verde, Yavapai County, Arizona, to amend Zoning Ordinance Section 203 – use districts to include a new overlay district. This district will provide flexibility in the areas of height, density, and intensity for an associated highway interchange location. When adjacent to residential zoned property the height shall be restricted to 40feet within a distance of 40 feet of the boundary of any residential zoned property. Second was made Commissioner Blue.

Roll Call:

Chairman Andrew Faiella: aye

Vice Chairman Todd Scantlebury: aye

Commissioner Greg Blue: aye

Commissioner Bill Tippet: nay

Commissioner Michael Hough: aye

Commissioner Ingrid Osses: aye

Motion passes 5-1.

Attachment F:

Town Council Minutes, excerpted April 6, 2022 and September 7, 2022

software.

Marshal Rowley stated that there were problems with timekeeping because the current system has officers put in their time after a two week period. Payroll has been experiencing several problems including double time entries that makes the payroll process cumbersome and sometimes over 5 hours in corrections for command staff. The new system would provide real time punching and communicate to the supervisor when a punch is missed. The Department is paying for the bulk of the expense out of their budget. The recommendation is to add the software for other Town departments. In order to qualify for the funds they have to pay their portion.

Mayor Jenkins commented that she was surprised the Town hadn't gone this route already. She remarked on several benefits including clerks getting hours electronically instead of waiting, getting away from manually entering times, legal issues if staff is not imputing their own time and the time savings of the system.

Motion by Vice Mayor Joe Butner to approve the budget adjustment of \$20,738, that is \$13000 from CVMO RICO fund \$7,738 from Human Resources fund for use towards purchasing a time keeping module known as Executime. Second was made by Councilor Jackie Baker

Roll Call Vote:

Councilor Jackie Baker: aye
Councilor Cris McPhail: aye
Councilor Marie Moore: aye
Councilor Jesse Murdock: aye
Councilor Robin Whatley: aye
Vice Mayor Joe Butner: aye
Mayor Dee Jenkins: aye

Motion carried 7-0.

11. Discussion, Consideration, and Possible Initiation of an ordinance amendment to adjust the maximum height limit for properties located near the State Route 260/Highway 17 Intersection. Staff Resource: John Knight

John Knight Community Development Director requested an initiation for an ordinance amendment. Council would not be committing to an amendment at this time. There is a hotel that is interested in adding a rooftop restaurant and bar with the height increase. The area impacted by this would be restricted to the 260/Highway 17 Intersection where the Department believes it would be appropriate.

Councilor Whatley remarked to Council that she believed in uniformity in code and that she the amendment should be for any business in that sector.

Motion by Vice Mayor Joe Butner to initiate an ordinance amendment to adjust the maximum height limit for properties located near the State Route 260/Highway 17

Intersection. Second was made by Councilor McPhail.

Roll Call Vote:

Councilor Jackie Baker: aye
Councilor Cris McPhail: aye
Councilor Marie Moore: aye
Councilor Jesse Murdock: aye
Councilor Robin Whatley: aye
Vice Mayor Joe Butner: aye
Mayor Dee Jenkins: aye

Motion carried 7-0.

12. Discussion, Consideration, and Possible Selection of a Field Lighting System Supplier from either Qualite for \$587,552 (installed price plus tax) or Musco for \$658,354 (installed price plus tax) to provide the field lighting system for the Camp Verde Sports Complex. Staff Resource: Ron Long

Ron Long discussed the two bids for lighting at the Sports Complex. The bid amounts need an additional estimate of 10% tax added to them. Qualite lights averaged 4000-6000 candela and Qualite is below 1000 candela. The candela impacts the amount of glare that is produced on the field. These two vendors were selected out of group for quality, pricing, and maintenance. Both systems provide a 25 year warranty. The Qualite bid included installation and Musco includes price for installation from Tierra Verde Builders. This Motion will be selection of a vendor and next council to be for award with specific numbers brought back to Council.

Councilor Moore noted that Musco meets International Dark Sky specifications and Qualite may not. She inquired if there was a hooding to make them qualify.

Mr. Long responded that the up light on both systems are shielded. The candela numbers are with shielded light. Qualite will do whatever they can to make the Town happy, but will not guarantee to meet International Dark Sky. Musco includes Dark Sky compliance in their contract.

Councilor Whatley commented that the price difference of \$70,802 was substantial and should be kept in the discussion.

Mike Marshal commented that the biggest concern was glare and light shielding. There is a significant difference between the systems. Glare from sports field lighting is one of the legitimate complaints from neighbors. If the price is broken down by year the difference between the two is less than \$3000. Mr. Marshall personally viewed the lighting options and makes a recommendation of Musco.

Tony Gioia presented to Council that he has had experience with Musco lighting and urges Council to choose them. The Dark Sky designation is extremely dear to his heart.

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.



Agenda Item Submission Form – Section I

Meeting Date: 12-21-2022

Executive Session Requested

Requesting Department: Vice-Mayor Marie Moore

Staff Resource/Contact Person:

Agenda Title (be exact: **Consideration and action to adjourn into executive session for advice from the Town’s attorneys on legal issues relating to or arising from the recruitment process for interim Town Manager, pursuant to A.R.S. § 38-431.03(A)(3), and for consultation with and instruction to the Town’s attorneys regarding the Town’s position on a possible notice of claim or legal action relating to surveying and planning services, pursuant to A.R.S. § 38-431.03(A)(4). Staff Resources – Stephen B. Coleman and Cathy Bowman.**

List Attached Documents:

Estimated Presentation Time:

Estimated Discussion Time:

Reviews Completed by:

Department Head: Risk Manager Heather Vinson

Town Attorney Comments: N/A

Finance Department N/A

Fiscal Impact: None

Budget Code: _____ Amount Remaining: _____

Comments:

Background Information:

Update and discussion regarding any pending Risk Management legal issues, following up previous meeting discussions and information received.

Recommended Action (Motion):

None

Instructions to the Clerk:

Please confirm the Town Attorney and Risk Pool Attorney will be in attendance either in person or via zoom as well as Risk Manager Heather Vinson.