

MINUTES
TOWN OF CAMP VERDE
REGULAR SESSION
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, FEBRUARY 5, 2020 at 6:30 P.M.

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

1. Call to Order

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

2. Roll Call

Mayor Charles German, Vice Mayor Dee Jenkins, Councilor Bill LeBeau, Councilor Robin Whatley, Councilor Jesse Murdock, Councilor Joe Butner and Councilor Buck Buchanan are present.

Also Present

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

3. Pledge of Allegiance

Mayor German led the Pledge.

4. Consent Agenda – All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.

a) Approval of the Minutes:

- 1) Regular Session – January 8, 2020
- 2) Regular Session – January 15, 2020
- 3) Special/Executive Session – January 28, 2020

b) Set Next Meeting, Date and Time:

- 1) Friday February 7, 2020 Special/Executive Session
- 2) Wednesday February 12, 2020 Work Session
- 3) Wednesday, February 19, 2020 Regular Session
- 4) Wednesday, March 4, 2020 Regular Session

c) Possible approval of Special Event Liquor License application for Verde Valley Rangers Sherriff's Posse for Spring Heritage Festival to be held on March 21, & March 22, 2020. Staff Resource-Cindy Pemberton

d) Consideration and possible approval of the FY21 Budget Calendar Staff Resource-Mike Showers

Motion made by Councilor Buchanan to approve the consent agenda as presented. Second was made by Councilor Butner. **Motion** carried unanimously with Mayor German, Vice Mayor Jenkins, Councilors Whatley, Murdock, LeBeau, Butner and Buchanan approving.

5. Special Announcements and presentations.

• **5.1. Presentation by Habitat for Humanity.**

Tanya Sims shared a slide show of the things you might not know that Habitat for Humanity does and what they have been doing around the valley. Not only do they build homes but they also have a Critical Home Repair Program. It is income based and one does have to qualify. They also do yard clean up, door repair, water repair, roof repair, flooring, exterior home painting, modify steps for limited mobility and install wheelchair ramps. There are 89 individuals who have gone through the program, and of the 67 homeowners 16 live in Camp Verde. Ms. Sims will leave a brochure. The brochure will explain the qualifying process. This program helps seniors and veterans stay in their home. Ms. Sims would like to get the word out about the program and they always need more funding & volunteers.

***Mayor German stated the Council is not taking public comments on Item 6 and 7. The Town's Attorney is attending to tell Council what their options are.*

Councilor Butner asked if he needed to recues himself. The Attorney said no, he will be talking about the procedures the council will take not the specifics of the event. He will give guidance to the next step.

6. Discussion, consideration and possible approval of recommendations from the Town Attorney regarding the next steps in the investigation concerning the Citizen Complaint filed by Bruce George. (Following such recommendations, the Town Council will give the Town Attorney direction concerning the next steps in the investigation process.)

Attorney Bill Sims stated he leads a discussion & training on Open Meeting Law and Public Records Requests every year with newly elected officials. Mr. Sims reviewed the procedure code for Council. He discussed the next steps as far as using an outside council which would be costly or using him for the investigation process.

Mayor German stated he has thought about the process over last few days and was trying to figure out some way to go through the process without an expensive investigation. He stated he had a chance to speak with Mr. George to try to find a way forward without the need to have an expensive investigation. Mayor German called Mr. George to the podium and apologized for the disruption, for what had happened on January 8th caused to him and his wife. Mayor German apologized for thinking there were measures in place to prevent what happened from happening. Mayor German asked Mr. George to consider withdrawing his complaint against Mr. Butner.

Mr. George stated that he appreciates Mayor German's comments and he will withdraw his complaint with the Town of Camp Verde while the town officials conduct their investigation into the acts of Joe Butner.

Mayor German asked if that was an acceptable statement. Attorney Sims stated Mr. George's statement is appropriate because the comments relate directly to the procedural question we are addressing. The Town's Ethic Code has two ways actions by elected officials can be measured. When a complaint is issued it triggered the formal requirement for conducting an investigation, so by withdrawing the ~~complaint~~ **complaint** that means Council won't have to make a decision about whether or not to use the funds. When Mr. George talked about the Town doing an investigation, he is talking about a separate provision of the Ethic Code. Attorney Sims read the code. When Mr. George used the word investigation he wouldn't want him to embed into that section the requirement to trigger an investigation. Council can investigate on their own. Attorney Sims would recommend striking the term investigation and let Council conduct their own investigation and police themselves. Mr. George would like to strike the word investigation and add "under review". This is because he was involved with the prior investigation and hated to see that money spent. He doesn't want to see that happen again.

Mayor German thanked Mr. George for his demonstration to the entire town and for his contribution to the town community. Mayor German appreciates him taking the steps so that we can save some money and he wants to see this thing fixed.

7. Discussion, consideration and possible approval of recommendations concerning changes to Town Code provisions, procedures and practices to address possible lessons learned following the receipt of a recent Citizen Complaint.

Council will receive a report from the Manager and Town Attorney regarding the status of the investigation process resulting from the Citizens Complaint filed by Bruce George. The Town Council may authorize changes to Town Code provisions, procedures and practices based on such recommendations. Attorney Sims stated Council can give guidance and direction. This can demonstrate how to improve the process.

1. How can we do our jobs better. Redactions are important.
2. Public Records Request- training Council as to how to request a document without asking for a public records request.
3. Clarify code. Make sure the information gets to the Town Clerk in a reasonable amount of time *before* the meeting. Be courteous to your colleagues. The Clerk can circulate the documents. Councilors will need to decide the amount of time needed to get information to Town Clerk before the meeting.
4. Investigations need to be done in a timelier manner and documents need to be redacted.
5. Background checks- Consider some sort of vetting process for people sitting on boards and committees. It is not required by law. Council is to submit ideas to the Town Manager and then it will come back for Council to review.

Motion was made by Councilor Whatley to direct staff to bring back changes based on the recommendations discussed to Town Code Provisions, Procedures and Practices to address possible lessons learned following the receipt of a recent citizen complaint. Second was made by Mayor German. **Motion** carried unanimously with Mayor German, Vice Mayor Jenkins, Councilors Whatley, Murdock, LeBeau, Butner and Buchanan approving.

8. **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))**

Cris McPhail- gave her background and shared her community involvement. She wants to be a part of this community, have its reputation restored, and have the leaders lead by example. She is running for Town Council.

Robert Noone- He hasn't received any response to the (4) FOIA requests he has submitted. He would like to know how much the town spent in legal fees against him. He believes it to be over \$100,000.

Dennis Swift- Trail at Beaver Creek- Proposed trails that might be coming. There have been meetings being held that are without any notifications to the homeowners of the plans. They believe the Town is considering using a public easement at the private property of his residence. Homeowners believe this access point is unsafe and hazardous. He will submit his letter to the clerk to become part of the record.

Carol German- Policies/Procedures- public service announcements are not happening, there have been no notices regarding open seats on Commissions, Boards and Committees. Please make sure to follow Town Policy. People need to know when these openings are available.

Cheri Wischmeyer- Procedural Issues and Council Staff Violations- She believes the minutes of January 8, 2020 are not correct. She stated the Town should use public service announcements to announce openings.

9. **Presentation and Possible Discussion of Quarterly Reports.** Staff Resource- Melinda Lee.

Town Planner Melinda Lee reviewed the quarterly reports:

- Planning & Zoning Commission- held two meetings. 1) Approval of the Final Site Plan for the Wee Hollow Subdivision. They are still processing a final PLAT to present to Council. 2) Preserves- is in the process of moving forward.

- Board of Adjustments and Appeals- there hasn't been a meeting since February 2019- They only meet when an application is presented for review.

10. Budget Amendment Request to Increase Staff Hours for Library Specialist Staff Resource-Kathy Hellman

Kathy Hellman- showed a bibliotic record and explained how to read it. Ms. Hellman explained what goes on behind the scenes at a library and spoke about how difficult it is to train someone to do this job. The main employee is part time but if, he can go fulltime, then they can eliminate two other positions. They have invested a lot in him and he needs a fulltime position. Ms. Hellman doesn't want to lose him.

Vice Mayor Jenkins sees the money will affect the budget for the year that we are in, where will that money will come from? Town Manager Russ Martin explained the money will come from unspent budget funds in other categories.

Motion was made by Councilor Whatley to approve the request to amend the Library FY20 Budget in order to move the Library Specialist – Technical Services position from part-time to full-time status. Second was made by Councilor LeBeau. **Motion** carried unanimously with Mayor German, Vice Mayor Jenkins, Councilors Whatley, Murdock, LeBeau, Butner and Buchanan approving.

11. Discussion and Possible Approval of FY20 Town of Camp Verde Job Descriptions Staff Resource-Brandy Cabrera

Mayor German commends Brandy Cabrera for the work she has done to update the job descriptions.

Brandy Cabrera reviewed the changes with each description. She had a discussion with each department manager before changes were made. There were no changes to job classification or salary plan range, to remain consistent with the actual duties of the staff member in the roll. All job descriptions now include specific details under the Physical Demands/Work Environment section for ADA Compliance. Ms. Cabrera reviewed Vice Mayor Jenkins questions that were previously submitted.

Motion was made by Councilor Murdock to approve FY 2020 Job Description, additions, changes and classifications with changes as noted. Second was made by Councilor Buchanan. **Motion** carried unanimously with Mayor German, Vice Mayor Jenkins, Councilors Whatley, Murdock, LeBeau, Butner and Buchanan approving.

12. Discussion, consideration and possible approval of Resolution 2020-1038, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona calling for local regulations of short-term rentals to address the negative impacts on local communities. (Requested by Mayor German)

Mayor German reviewed the need for legislation to protect mom/pop rentals. Everything is all mixed in together. We are asking legislature for some control. Mayor German reviewed what is being asked.

Public Comment:

Karen Lombardi- president of the Airpark. They have just adopted new bylaws restricting short term rentals over 30 days. HOAs can do this and can impose restrictions.

Councilor Whatley stated that corporate buyers are taking away affordable housing for a family.

Motion by Councilor LeBeau to approve Resolution 2020-1038, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona calling for local regulations of short-term rentals to address the negative impacts on local communities. Second was made by Councilor Whatley. **Motion** carried unanimously with Mayor German, Vice Mayor Jenkins, Councilors Whatley, Murdock, LeBeau, Butner and Buchanan approving.

13. 2020 Legislative Update Staff Resource-Russ Martin

Town Manager Russ Martin attended a Manager Conference last week. A few items out there to discussion:

1. Re-opening Construction Sales Tax
2. FF Cancer Presumption- how it relates to cancer. Not a direct impact to the Town.
3. Local Sales tax.

14. Call to the Public for items not on the Agenda. (Please complete Request to Speak Card and turn in to the Clerk.)

Jackie Baker- Future Trainings- She hopes the Planning and Zoning Commission is included in the training. They are not supposed to be criticizing others. Washington doesn't send funds back as much as the money we send them. Legislature also needs to address reviewing state fuel tax.

John Hecht- Public Records have value and be wary limiting what is given out.

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

Councilor Butner- stated the Rodeo Arena is coming along and gave an update on the progress. He expressed his thank you to community members with the amount of work that has been done.

Councilor Whatley would like a presentation from the rodeo crew.

16. Adjournment

Mayor German adjourned the meeting at 8:19 p.m.

Mayor German called the meeting to order again at 8:20 p.m. stating he missed the Manager/Staff Report.

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

Town Manager Russ Martin:

- He will see Council at 9:30am on Friday for an Executive Session.

18. Adjournment

Mayor German adjourned the meeting at 8:22 p.m.



Mayor Charles German



Attest: Town Clerk Cindy Pemberton

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Regular Session of the Town Council of Camp Verde, Arizona, held on February 5, 2020. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 20th day of February, 2020.



Cindy Pemberton, Town Clerk