

**(Corrected) MINUTES
REGULAR SESSION
MAYOR AND COUNCIL
473 S MAIN STREET, SUITE 106
WEDNESDAY, MARCH 2, 2016 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 Bruce George, Councilor Robin Whatley, Councilor Brad Gordon, Councilor Jackie Baker, and Councilor Carol German were present. Councilor Jessie Jones-Murdock was absent.

Also Present

Town Manager Russ Martin, CVMO Marshall Nancy Gardner, OLLI Representative/Liaison Ed Lee, Vice President of Yavapai College Advancement /Executive Director Steve Walker, Town Clerk Virginia Jones, and Recording Secretary Lynn Riordan.

3. **Pledge of Allegiance**

Mayor German led the 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 the Minutes:**

➤ Regular Session – February 17, 2016

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

➤ Wednesday, March 9, 2016 at 5:30 p.m. Council Work Session

➤ Wednesday, March 16, 2016 at 6:30 p.m. Council Regular Session

➤ Wednesday, March 23, 2016 at 6:30 p.m. Council Hears Planning & Zoning Matters

c. **Possible approval authorizing the Marshal's Office to submit two grants to the Department of Homeland Security (DOHS) totaling approximately \$65,000.00. There is no match required; partial grant funding would be accepted.** Staff Resource: Marshal Nancy Gardner

d. **Possible approval for Finance Director to close the Yavapai Apache Nation Fund.** Staff Resource: Finance Director Mike Showers.

e. **Possible approval for Finance Director to change the name of the Donations Fund to the Restricted Use Fund.** Staff Resource: Finance Director Mike Showers.

f. **Possible approval for Finance Director to make the requested budget amendments as shown on the attached budget amendment form.** Staff Resource: Finance Director Mike Showers.

On a **motion** by Councilor Gordon, seconded by Vice Mayor George, the council unanimously voted to approve the Consent Agenda, excluding items 4.d, 4.e, and 4.f, at the request of Councilor Gordon. Councilor Gordon requested Finance Director Michael Showers provide an explanation for public benefit of these three line items. Mr. Showers advised the following: 4.d The Yavapai Apache Nation Fund was set up to receive and distribute the annual contributions from YAN. At that time the YAN funds were partially for Camp Verde and partially for other Verde Valley communities; Camp Verde was assigned to distribute the funding. Currently, YAN distributes Verde Valley contributions separately and all funds received from YAN (Camp Verde) are for Camp Verde and unrestricted, therefore the Yavapai Apache Nation Fund no longer

serves any purpose; 4.e The current Donations Fund holds and distributes all income that is restricted including donations; as this fund holds and distributes safety funds, donations, and other restricted monies, renaming it Restricted Use Fund would be appropriate, noting there would be no changes except the name of the fund; and 4.f Requested budget amendments, as provided on the budget amendment form, will be moving expenses from one line item to another to accommodate changes (particularly to pay staff that have been moved into Town Employee status from contract employee status) – these amendments do not change the actual budget amounts.

On a **motion** by Councilor Gordon, seconded by Councilor Baker, the council unanimously voted to approve the Consent Agenda Items 4.d, 4.e, and 4.f.

5. **Special Announcements and presentations:**
- **Recognition of the following business:**
 - **Camp Verde Automotive**
 - **Camp Verde Water System Inc.**
 - **Verde Sol-Air Services**
 - **Babes Round-up**
 - **McDonald Brothers Construction**

Mayor German advised the Town had, for a long time, wanted to recognize and show appreciation to its long term and loyal business owners, noting that these businesses were actually in operation prior to the Town's incorporation in 1986. Mayor German presented Mike Hough - Camp Verde Automotive Business License #2, Stan Bullard – Camp Verde Water System Inc. Business License #5, Charles Wagner – Verde Sol-Air Services Business License #24, John McReynolds – Babes Round-up Business License #26, and Brian McDonald – McDonald Brothers Construction Business License #28 each with a "Key to the Town" plaque.

6. **Call to the Public for Items not on the Agenda.**
Nikki Miller, representing Camp Verde Promotions, addressed the Mayor and Council advising they would be hosting a booth at the Spring Festival for promoting and providing information about local businesses; Ms. Miller encouraged all local business owners to sign up for participation in the booth. Ms. Miller also advised that volunteers were needed for Spring Festival.
7. **Public Hearing and possible approval of Alternating Proprietorship for Heartwood Cellars, LLC – Valerie Lynn Wood, located at 4626 Old Highway 279, Camp Verde, AZ 86322.**
On a **motion** by Councilor German, seconded by Councilor Baker, the council unanimously voted to approve the Alternating Proprietorship for Heartwood Cellars, LLC – Valerie Lynn Wood.

Town Clerk Virginia Jones advised the Mayor and Council that Ms. Wood's application was complete, notice was posted as required by law, and the Town did not receive any comments or complaints relative to this application. David and Valerie Lynn Wood addressed the Mayor and Council advising this would be the first Alternating Proprietorship in Arizona if approved by the Council, as this is new to Arizona, although wineries in California have been successfully participating in alternating proprietorships for many years. Mr. Wood explained the mechanics and structure of an alternating proprietorship, requesting approval of their application. Councilor Gordon commended Mr. and Mrs. Wood for their success in getting through all the bureaucratic paperwork, and the Mayor and Council applauded the Wood's using the opportunity granted by the new laws and entering into this co-op adventure, wishing them great success.

8. **Public Hearing and possible approval of Special Event Liquor License for the Verde Valley Ranger, Mounted Sheriffs' Posse-Catherine A Webster for the 2016 Spring Heritage Festival to be held on March 19-20, 2016.**
On a **motion** by Councilor Baker, seconded by Councilor German, the council unanimously voted to approve the application for a Special Event Liquor License for the Verde Valley Ranger, Mounted Sheriffs'

Posse for the 2016 Spring Heritage Festival.

Town Clerk Virginia Jones advised the Mayor and Council that the application was complete and all paperwork was in order. Catherine Webster and Nikki Miller addressed the Mayor and Council advising a portion of proceeds will be donated to the Veteran's Van (transportation for our local veterans) and the 2016 Spring Heritage Festival beer garden would be appropriately named the Williams-Roth Beer Garden, acknowledging the service and dedication of Verde Valley Rangers Mounted Sheriff's Posse empty saddles Jim Williams and Gary Roth. Ms. Miller advised that the beer garden would be serving beer and wine, including beer and wine from local breweries and wineries; volunteers to help with the beer garden would be appreciated.

9. **Presentation and update by Yavapai College Vice President Steve Walker**

Vice President of Yavapai College Advancement /Executive Director Steve Walker a brief update and overview of Yavapai College Annual Report and provided each Council Member with a copy of the District Governing Board Annual Report to Owners 2015 and the Yavapai College Community Update. Mr. Walker advised that Yavapai College goals were to provide excellence in education; support regional economic development and provide cultural enrichment. Vice Mayor Bruce acknowledged Mr. Ed Lee's participation, support and hard work in making OLLI successful in Camp Verde. Councilor German inquired about how the Council and community could find out where and when Yavapai College would hold focus groups to allow public comment. Mr. Walker advised he would provide that information to Council this week.

10. **Discussion, consideration, and possible for Finance Director to write-off the remaining portion of the Parks Fund loan payable to the General Fund and close the Parks Fund.** Staff Resource: Finance Director Mike Showers.

On a **motion** by Councilor Baker, seconded by Vice Mayor George, the council unanimously voted to approve and direct Finance Director Mike Showers to write-off the remaining portion of the Parks Fund loan. At the request of Council, Finance Director Mike Showers explained the Park Fund loan was established to purchase property off McCracken Lane more than ten years ago. The loan was made from (Town of Camp Verde) general fund to (Town of Camp Verde) Parks fund. The loan is without interest, and at this time the loan serves no purpose and does not benefit the Town by keeping it on the books. This loan simply is showing the Town has a liability (to itself) with no mechanism to repay, and currently only causes harm (cash restriction). Council Members discussed the chain of events, funding by tax increase (expired) and Resolutions (expired), that park development and improvements are currently included in CIP projects, and donations are placed in a Restricted Funds account.

11. **Discussion, consideration, and possible approval of Ordinance 2016-A416 an Ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Section 3-2-7 of the Town Code regarding Town Attorney, Superseding 2002-A220.** Staff Resource:

On a **motion** by Vice Mayor George, seconded by Councilor Baker, the council unanimously voted to approve Ordinance 2016-A416 amending Section 3-2-6 of the Town Code regarding the Town Attorney. Town Manager Russ Martin advised the proposed Ordinance 2016-A416 is designed to connect what is currently in the Town Code with what the Town is doing now and to make sure that the protocol is appropriately stated in the Town Code. Town Attorney bills are already detailed, and available to Council Members at any time, acknowledging that requesting additional details or summary may cause fees being assessed for that service.

Council Discussion: Vice Mayor George, in support of Ordinance 2016-A416, stated his concern and desire for communications with the Town Attorney is to be transparent (to all council members and the public), and the Town Attorney's monthly summary and billing statement should reflect all contact and/or communication by Town Council members as well as any Town employees (department heads).

Councilor Whatley stated concerns that communication with the Town Attorney by any or all Council Members should be transparent, and should include all Council Members being advised of the person initiating the communication, its origin, inquiry, and opinion, as well as any cost associated with that communication.

Councilor Baker stated the Town Attorney does not charge the Town for simple telephone communications by Council Members, stating this availability to contact the Town Attorney may be saving the Town money and potential legal errors. She believes the Town Attorney only charges if a written opinion or summary is requested or needed.

Councilor Gordon stated that each Council Member should be receiving the same information so they can act as one unit, not individually, and he believes the Town Attorney was instructed to track communications with the Town.

Councilor German, in support of the proposed Ordinance 2016-A416, stated the proposed changes may clarify protocol with respect to communications with the Town Attorney, but also believes it should include (courtesy) notification of such communication to the Town Manager or Town Clerk, with a summary of any communication being available to all Council members. Councilor German stated public perception indicates that Council members have abused the right to contact the Town Attorney at taxpayer expense, when in fact, that is not accurate. Councilor German stated she obtained a copy of the Town Attorney's billing statement for the past 19 months which reflects the actual cost of Council members contacting the Town attorney was minimal. A copy of Councilor German's position and statement is attached to these Minutes and becomes a permanent part of the record (Exhibit A-all items in BLACK are from the original document given to Clerk's Office by Councilor German. Items in red are verbatim).

Town Manager Russ Martin advised that the bills are already detailed, and available to Council Members at any time, acknowledging that requesting additional details or summary may incur fees being assessed for that service.

12. **Discussion, consideration and possible direction to staff relative to proposed legislation by the 52nd State Legislature during its second regular session that convened on January 11, 2016.** Town Manager Russ Martin stated concerns with the potential Community Facilities Districts being proposed, as it may have an effect on the development along Hwy 260. This matter will be an Agenda item in the near future, as well as election issues.

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

Marie McClue, Camp Verde Senior Center, addressed the Mayor and Council advising that the Meals on Wheels fund raiser will be held March 19, 2016 starting at 9 am in Camp Verde – Gazebo (in conjunction with Cottonwood and Clarkdale). Volunteers, pledges and donations are welcome.

Debbie Finner addressed the Mayor and Council suggesting the Town employ two persons (instead of one), for code enforcement and animal control; having one person to enforce both is not enough. Ms. Finner stated that code enforcement is not being dealt with timely, and she would like the Town to address this problem, particularly in Verde Lakes, as code violation, garbage, outdoor storage, etc., affects neighborhoods and potentially lowers property values. Ms. Finner also requested the Town advertise it's free dump days as "Free Dump Days", not just as a community clean-up. Ms. Finner also suggested community support to help those who cannot clean up (elderly or disabled).

14. **Council Informational Reports.** These reports are relative to the committee meetings that Council members attend. The Committees are Camp Verde Fire District, Camp Verde Schools Education Foundation; Chamber of Commerce, Intergovernmental Association, NACOG Regional Council, Verde Valley Transportation Planning Organization, Yavapai County Water Advisory Committee, and shopping locally. In addition, individual members may provide brief summaries of current events. The Council will

have no discussion or take action on any of these items, except that they may request that the item be placed on a future agenda.

Councilor Whatley – no report.

Councilor Gordon – advised that he attended the Governor's Council on Water Conservation and Arizona Forward meetings – both addressed water issues; attended the Intergovernmental (IGA) meeting in Sedona where homelessness was addressed; and attended the Library tour (earlier this evening).

Vice Mayor George – advised he attended the Intergovernmental meeting in Sedona and also participated in "Coffee with a Cop".

Mayor German – stated he met with Steve King (Yavapai College Advisory Committee) to discuss the need for a public forum or time allowed at their meeting for public comment or questions; the meeting have such time restraints that public comment has not been on their Agenda; the Advisory Committee met earlier today and they are open to public forums being set or written questions/comments (limit 5 per meeting) for the Committee to address.

Councilor Baker – advised that the Yavapai College Advisory Committee is doing a great job representing Camp Verde and the entire Verde Valley; she attended the IGA meeting in Sedona and attended the Library tour. .

Councilor German – stated she attended the IGA meeting in Sedona, homelessness in the entire Verde Valley was addressed; the Yavapai College Board met last Tuesday and the Verde representative requested an independent evaluator/consultant regarding the Verde Valley having an independent administration – the Yavapai College Board voted this request down 3-2; she also attended the Yavapai College Advisory Committee meeting wherein the committee was open to having a public forum for the Verde Valley and Chairman Thorp (Educational Committee) stated support for the Verde Valley having a separate college administration or, at a minimum, address the Verde Valley needs and access in a more equitable manner; Councilor German also attended the Library tour.

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

Town Manager Russ Martin advised **FREE DUMP DAYS will be on Thursday, Friday and Saturday starting on March 17, 2016 for three weeks straight 8:00 a.m. to 4:00 p.m.** Mr. Martin stated it will be advertised on the Town website, the Ranger District website and in the newspaper.

The Camp Verde Elementary School will be closed on Thursday, March 3, 2016 due to smoke damage caused by an electrical problem.

Mayor German advised that Sedona Recycling and the Town Attorney would be in attendance at next week's Council Meeting, March 9, 2016.

Adjournment. Mayor German, with no objection from Council, pronounced the meeting adjourned at 8:34 p.m.



Charles German, Mayor



Lynn Riordan- Recording Secretary

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Regular Session Mayor and Common Council of the Town Council of Camp Verde, Arizona, held on March 2, 2016. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 25 day of March, 2016.

Virginia Jones
Virginia Jones-Town Clerk

This statement was made by Councilor German and attached to the minutes of the March 2, 2016, after discussion during the Regular Session of March 16, 2016. The Clerk's Office took the original statement (Everything in BLACK and either struck through what was not said and added in RED what was said but not included on the written statement.

EXHIBIT A

REGULAR MEETING MARCH 2, 2016

~~My question is why are we making this an issue? But before anyone responds to that question, I would like to point out a few facts.~~

To talk to what the managers been saying I think it's handled very well here and it already stated this in our code previously it's just clarifying contract attorney. I have every right as an elected official to call the attorney like the manager said. That is he's our attorney, but for me courtesy wise, call the manager and say I need to call the attorney on this agenda item and I'm letting you know. Would you please, or the clerk, notify all council that I am calling on this issue, I want an answer to this question, and then get the answer in, get it back, what was said and send it to all council. To me that is not a problem, I just want to make that statement right there. So but before that's addressing what this conversation has been.

I also have something I would like to say that relates to this agenda item. This is because of a ~~address a~~ Council person's statement at the Feb. 17 ~~regular Council meeting~~ **regular Council meeting** and it ~~pertainings~~ to this agenda item. It was stated that ~~the~~ attorneys are expensive and that this Council has cost the ~~Town~~ **Attorney** thousands of dollars as a result of Council members. **Quote, "I'm not being critical here I just want to clarify something" that "willy-nilly" calling the Town Attorney. Because of that statement and others I I'm the one that asked for the itemization of all Attorney calls, I asked for the last 2 years, that resulted from individual Council members calling the Attorney. we got it for the last 19 months, so that I could peruse it and I also asked that list be it go sent to all Council members.**

So with that itemized statement upon reviewing the list of charges, it is evident that only \$350 ~~was incurred over~~ of the last 19 months **was incurred by this council, and furthermore** the staff report indicates that the cost relating to Council was approximately \$3000. That is correct ~~when you look at the data it was, if you add all this up its about \$3000 over a 19 month period, but what we need to look at is the majority of those costs were incurred by the Mayor and the Manager and this is public record, you can look at it. Confer with the Manager and Mayor regarding an agenda item and that sort of thing. So if you look at it that way the \$350 as a result of the Attorney having to review agenda times and other documents. To clarify, approximately \$350 over a 19 month period was from direct calls they were and some of those calls were not made by a Council member but were calls to Council members from the Town Attorney at the request of the Manager and as requested by outside council. And the attorney says this in here, he specifies what the call was. So some of those calls listed on here came to council members at the request of the Manager, at the request of some outside attorneys to call this council member about a question or whatever. So you do that, so I did that, I added it all up it was about \$350 but if you take out if you go through and take out the calls that came from the Attorney When you remove those that takes out about (\$330) of that \$350 so the total drops to \$20. Now this a minutia of the overall legal expenditures of the Town of Camp Verde during this time period.~~

It is frustrating to me for the public to receive non-factual data in a public setting from their elected officials. It is important for the public and the Council to understand that without an attorney present at

our meetings it is sometimes necessary for Council members to seek legal clarification on issues pertaining to the Town. Now that can be done with this addition to this, you just notify the Manager or the Mayor, I am going to call the Attorney on this particular agenda item, I would even say why, and then notify the rest of the Council. But it is each Council member's responsibility to be legally informed on issues that come before the Council. That's why we were elected, we were elected to represent the citizens of this community, so we need to be sure that the decisions that we make are legal and most of the time, we don't have to call the attorney that's evident, by this statement right here, we don't have to call the attorney. But if it's a problem, there is a perception that council members call the attorney every day. That is not true. I can count on one hand- less than 5, I am going on 8 years on this council that I have called an attorney myself and I don't call the attorney willy-nilly. If it is, I don't mind going through the Manager or the Mayor saying I am going to do this but it is my right as an elected official if I want to do that. I don't have a problem with telling the Manager or the Mayor that I'm going to call the attorney on an issue. It is very rare that that happens. So I just want to clarify that. It's misinformation, it is not a big expense and this town has a lot of legal expenses but it isn't from individual Council members calling the attorney and driving up that expense. So I just wanted to clarify that information because it was told to the public, it is on record and I went back and listened to the recording and the video didn't work I guess. That was my so to speak to clarify a statement to the general public. ~~this information should come from an attorney.~~

~~So my question, why are we spending time, money, and energy on this issue; and why would we even consider changing or altering the Town Code when there has not been a demonstrated abuse or problem with the Code?~~

attache to minutes of 3-2-2016

From Carol Garner
item #11

My question is why are we making this an issue? But before anyone responds to that question, I would like to point out a few facts.

I would like to address a Council person's statement at the Feb. 17 regular Council meeting pertaining to this agenda item. It was stated that attorneys are expensive and that this Council has cost the Town thousands of dollars as a result of Council members "willy-nilly" calling the Town Attorney. Because of that statement and others I asked for an itemized statement of charges from the Town Attorney for the last two years that resulted from individual Council members calling the Attorney. I also asked that list be sent to all Council.

Upon reviewing the list of charges, it is evident that only \$350 was incurred over the last 19 months. The staff report indicates that the cost relating to Council was approximately \$3000. That is correct when you look at the data. The majority of those costs were incurred by the Mayor and the Manager and as a result of the Attorney having to review agenda items and other documents. To clarify, approximately \$350 over a 19 month period was from direct calls and some of those calls were not made by a Council member but were calls to Council members from the Town Attorney at the request of the Manager and as requested by outside council. When you remove those the calls from the Attorney (\$330) the total drops to \$20. This is a minutia of the overall legal expenditures of the Town of Camp Verde during this time period.

It is frustrating to me for the public to receive non-factual data in a public setting from their elected officials. It is important for the public and the Council to understand that without an attorney present at our meetings it is sometimes necessary for Council members to seek legal clarification on issues pertaining to the Town. It is each Council member's responsibility to be legally informed on issues that come before the Council, and this information should come from an attorney.

So my question, why are we spending time, money, and energy on this issue; and why would we even consider changing or altering the Town Code when there has not been a demonstrated abuse or problem with the Code?