

**(Corrected) MINUTES
REGULAR SESSION
MAYOR AND COUNCIL
COUNCIL CHAMBERS · 473 S. Main Street, Room #106
WEDNESDAY, OCTOBER 2, 2013 at 6:30 P.M.**

Minutes are a summary of the discussion. They are not verbatim.
Public input is placed after Council discussion to facilitate future research.

1. **Call to Order**
Mayor German called the meeting to order at 6:30pm.
2. **Roll Call**
Mayor German, Vice Mayor Baker, and Councilors Carol German, Brad Gordon, and Robin Whatley were present. Councilors Bruce George and Jessie Jones were absent.

Also Present
Town Manager Russ Martin, Finance Director Mike Showers, Marshal Nancy Gardner, Commander Bruce Girnt, Town Clerk Deborah Barber, and Recording Secretary Saepyo Warren.
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) September 18, 2013 at 6:30 p.m. – Regular Session
 - 2) September 11, 2013 at 6:30 p.m. – Special/Work Session
 - b) **Set Next Meeting, Date and Time:**
 - 1) October 9, 2013 at 6:30 p.m. – Work Session
 - 2) October 10, 2013 at 6:00 p.m. – Joint Work Session with the P&Z Commission
 - 3) October 16, 2013 at 6:30 p.m. – Regular Session
 - 4) October 23, 2013 at 6:30 p.m. – Council Hears Planning & Zoning
 - 5) October 30, 2013 at 5:00 p.m. – Special/Work Session
 - c) **Possible approval of the amendment of the Position Classification and 2009 Salary Plan, changing the job description and title of the Children's Librarian to Youth Services Librarian. Staff Resource: Russ Martin**
On a motion by Gordon, seconded by German, the Council voted unanimously to approve the Consent Agenda, noting a correction that the time for the Oct 10th Joint Work Session with the P&Z Commission is at 6:00pm, rather than 6:30pm.
5. **Special Announcements and presentations.** There are no special announcements or presentations.
6. **Call to the Public for Items not on the Agenda.**
Gary Chamberlain of Folksville USA distributed a press packet promoting Adopt-a-Highway, litter recovery along I-17 Veterans Highway, veterans recognition, and "BagReadyJobs" for youth and community organizations, which earn donations for "restoring the beauty to 'America the Beautiful.'"
7. **Presentation and possible discussion of the FY 12/13 Camp Verde Sanitary District Audit. Staff Resource: Mike Showers**
Marilyn Mays of Henry & Horne, LLP at the Casa Grande Office, conducted a 3-year audit for the Sanitation District, and summarized the results published in the report she distributed to the Council and Staff. She highlighted the total amount of assets, liabilities, net profits, operating revenues, internal controls, and comparative analyses. She reported no issues with compliance and immensely appreciated working with the Town Staff.

Town Manager Russ Martin explained that the Sanitary District would come under the Town's internal controls, which would allow them to maintain a clean audit. He and Mays clarified figures in the report that reflected payments the Town made to the Sanitary District as part of a \$2 million dollar loan to help them refinance for a lower interest rate.

Council expressed gratitude for the diligence of the volunteer Sanitary District board.

8. **Discussion, consideration, and possible approval to waive the residency requirement to allow Marshal Gardner to reside in Munds Park.** Staff Resource: Russ Martin
On a motion by Whatley, seconded by Gordon, to approve the residency waiver failed with Baker and Carol German voting "no." Mayor German, Councilors Gordon and Whatley voted for the waiver.

Martin explained the Town code requirement for Council approval of a residency waiver. He advised that he supported the Marshal's move that offered a better opportunity for her family. He said that he would hold her accountable to the required level of responsibility and commitment to the Town.

Marshal Gardner recounted the events supported and the contributions she and her husband made by made over the last year, all of which improved the infrastructure, resources, and professionalism of the Town's department of law enforcement. She expressed her love for the job and community, yet also for her family. Based on her record of accomplishment and her pledge to remain highly committed to the Town well into the future, Marshal Gardner asked for consideration for a waiver to reside in Munds Park, outside of Camp Verde's jurisdiction.

Council differed in their responses. Some regarded it as a fairness issue considering the fact that other department heads reside outside the Town; did not see her residence or longer commute as an obstacle to job performance or commitment; and emphasized that the Code specifically makes provision for a waiver.

Other Councilors strongly defended the reasons for the Code, regarding it as critical for the chief law enforcement officer, Town emergency point of contact, and 2nd in charge overall, to live within the Town limits. Not only is urgency of response a factor, considering the challenge of living a 45-minute commute away in Munds Park, but the confidence of the public, the inability to vote in Camp Verde, paying taxes to a different county, and the perception of being only a partial supporter of the community.

Council provided some historical background, reporting that: no Chief of Police has ever resided outside of Camp Verde, that much thought and deliberation brought about the specific Code, including those of current Councilors, and that a previous similar situation caused considerable backlash from the citizens for the duration of the staff member's tenure. The original reason for the waiver involved a situation where the position was vacant, and a person already domiciled in an established residence elsewhere received a promotion into the position. Hence, the waiver is for rare exceptions, rather than for personal preference. Council expressed the imperative not to set a precedence of waiving such Codes, though they feel deeply for Marshal Gardner and in no way question her competence, track record, or immensely positive reputation within the community.

Council highlighted some points of contention with the staff report, including an insinuation about Town residency, the manner of presentation, and the chosen means for addressing the matter. Some denied that the waiver was a fairness issue, as other department heads are not bound by Town Code to reside within Camp Verde, and objected against any Town vehicle being used to commute to the Munds Park residence. They had no issue with the use of the residence, however, as an investment home for retirement.

Council pointed out the inaccuracy of the advertisement for the Marshal position, due to the misrepresentation of the Town residency requirement as optional, and recommended reprimand for the person responsible for failure to follow the Town Code.

A compromise solution was proposed, such as a conditional waiver, which could be revoked upon evidence of

any issues with job performance or commitment. It was offered that technology might fill in the gap where immediate presence may not be possible, allowing instantaneous communication and a certain level of command and control without the person's physical presence.

Martin took responsibility of the misrepresentation of the advertisement for the Marshal position since all Town correspondence are subject to his review. He recommended addressing the Code in a future agenda to allow for residing within certain distances of the Town. He expressed his obligation to the Staff for their well-being, reiterating his confidence in Marshal Gardner's commitment level and with recommending the waiver.

9. **Discussion, consideration, and possible direction to staff to prepare an ordinance amending Town Code Section 11-1-6 Parks, Alcohol Use on Town-owned properties.**

On a motion by Baker, seconded by German, Council voted unanimously to direct staff to prepare ordinance amending Town Code Section 11-1-6 Parks, Alcohol Use on Town-owned properties.

Council discussion centered around the fairness of the ordinance, which shows preference to exactly three events for use of alcohol on Town property. Options considered included reviewing requests on a case-by-case basis, implementing a lottery, publishing criteria for eligibility to request alcohol, and supporting nonprofit causes.

Martin cautioned Council about the level of subjectivity involved in the issue, and reassured them that policies and procedures would not change, that the Staff conducts sufficient risk management, and that any reports of liquor license abuse impede future requests.

Council explained that the application stipulations alone—including extra insurance and paid police officers—deters many people from requesting alcohol in the first place; yet, when requests have made it through to Council they have often resulted in belabored debates. It will be important not to allow such a precedent.

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

Due to an oversight, there were no public hearing opportunities allotted during the decision agenda items. As a result, Council invited Wes Gerard to share his input at this time.

Mr. Gerard reported that there are at least 8 commercial properties in Town that allow alcohol, and cannot see the justification for the Town's decision to subject itself to such a liability which can adversely affect its reputation. As a long-time resident and 10-year member of the Parks and Recreation board, who has seen the consequences of liquor-licensed events, he cannot support or promote the consumption of liquor on Town-owned property. Additionally, he commented that it does not seem wise to serve in an official capacity in a Town, in which you cannot register to vote.

11. **Council Informational Reports.**

Gordon attended a Planning and Zoning work session.

Both Gordon and Whatley attended the Verde Valley Archeology Center's Festival of American Indian Art.

Mayor German reported that he has been amazed at the number of invitations to attend or speak at events, thus far having received 96 requests! He asked Council to support and volunteer to help with Fort Verde Days.

12. **Manager/Staff Report**


Martin invited Council to serve lunch to all the Staff or about 100 personnel, between training sessions on November 21st at 11:30am, in buildings 206 and 207. He announced the holiday party would take place Saturday, Dec 14th, the week after the Christmas parade.

He distributed handouts for Council that outlined the annual evaluation of the Town Manager—including deadlines, consolidation of information, Council feedback, meetings, reviews, and updates to the process. He requested that

Council submit the evaluation in electronic format in order to facilitate accuracy and efficiency.

13. **Adjournment**

On a motion by German, seconded by Baker, Council voted unanimously to adjourn the meeting at 7:52 p.m.



Charles German, Mayor



Saepyol Warren, Recording Secretary

CERTIFICATION

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Regular Session of the Town Council of Camp Verde, Arizona, held on October 2, 18, 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 21 day of October, 2013.



Debbie Barber, Town Clerk