

**MINUTES  
COUNCIL HEARS PLANNING & ZONING MATTERS (SPECIAL SESSION)  
AND  
REGULAR SESSION  
MAYOR AND COUNCIL  
COUNCIL CHAMBERS  
WEDNESDAY, MARCH 6, 2013 at 6:30 P.M.**

**Minutes are a summary of the actions taken. They are not verbatim.  
Public input is placed after Council motions to facilitate future research.  
Public input, where appropriate, is heard prior to the motion**

**1. Call to Order**

The meeting was called to order at 6:30 p.m.

**2. Roll Call**

Mayor Burnside, Vice Mayor Kovacovich, Councilors Whatley, George, Baker, Jones and German were present.

**Also Present:** Town Manager Russ Martin, Community Development Director Mike Jenkins, Town Clerk Debbie Barber, and Recording Secretary Margaret Harper

**3. Pledge of Allegiance**

The Pledge was led by Margie Beach.

**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) February 20, 2013 – Regular Session
- 2) February 20, 2013 – Work Session

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

- 1) March 20, 2013 at 6:30 p.m. – Regular Session
- 2) March 27, 2013 at 5:30 p.m. – Work Session - Circle K tri-intersection
- 3) March 27, 2013 at 6:30 p.m. – Council Hears Planning & Zoning Matters

On a motion by Kovacovich, seconded by Baker, the Consent Agenda was unanimously approved as presented, with the change to the March 20, 2013 Minutes as discussed.

Kovacovich requested a correction to the Minutes of March 20, 2013; the record of the vote by Council on that item failed to indicate that it was unanimous.

**5. Special Announcements & Presentations**

• **Possible approval of the following proclamations:**

- ❖ **Proclaiming March 20<sup>th</sup> as “Arizona Gives Day”, encouraging Arizonans to contribute to the strength of nonprofit organizations.**
- ❖ **Declaring April 2013 as “Go Blue for CASA” Month (CASA is the acronym for Court Appointed Special Advocates that provide financial assistance for the unmet needs of Verde Valley children who are wards of the Court.)**
- ❖ **Designating March 30, 2013 as “Vietnam Veterans Remembrance Day”.**

Margie Beach, representing the Alliance of Arizona Non-Profits, spoke in support of the March 20<sup>th</sup> “Arizona Gives Day,” a 24-hour period during which people will be encouraged to donate to a non-profit entity on-line. The goal is to raise awareness of non-profits, with every community participating. Burnside then formally announced each of the foregoing proclamations.

**6. Council Informational Reports**

**Baker** reported on her attendance at the NACOG Regional meeting, and commented on the lack of ADOT funding for the coming years, and the broadband work that is in process for the four-County area and the possibility of available grant money.

**Burnside** said that he had attended the ADOT meeting; it does appear that revenues throughout the state are

increasing; legislators are inundated with current bills being considered. Burnside attended the WAC retreat, and will give a report on that later on where they are going and what they are doing.

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

(Comments from the following individuals are summarized.)

**James Rohr** said he had discovered through the County records that two parcels of land that he had purchased were actually now in the middle of the existing road, and he is requesting that the matter be resolved without cost, including deeding the parcels to the Town. *Burnside assured Mr. Rohr that he would have the Town Manager look into the issue for a solution.*

**Keith Ahart** spoke regarding the issue of buildings on vacant lots. He does not live here, but owns property that he visits regularly to maintain. He suggested that the fee for allowing a small storage building on vacant lots be increased to \$100, and requested that this matter be included on a future agenda for consideration. *Burnside said he would have staff look into the suggestion.*

There was no further public input.

8. **Update by Michael Mandell from Marathon Consulting Group regarding Highway 260 projects.** Staff Resource Russ Martin

There was no action taken.

Michael Mandell, with input from Town Manager Martin, gave an update on the steps being taken in response to the mandate from the Council in October, to try to make the public aware that Camp Verde was serious about the need to widen Highway 260 between Cottonwood and Camp Verde. Mandell said that he and Martin prepared resolutions for councils from all the Verde Valley communities to show their unity, and unanimous approval has been received, except for one individual in Jerome. Meetings have been held with the landowners, County supervisors, and efforts are being made to arrange meetings with State legislators. Because of the leadership demonstrated by Camp Verde, ADOT officials have indicated willingness to keep the Hwy 260 funding in the five-year plan. All of the participating communities are committed to assigning representatives to form a Working Group, which is the next step in the process, and will include addressing specific issues with the landowners. During further discussion with the Council members, Mandell confirmed that the emphasis will be on continuing to work closely with ADOT, the County, and the neighboring communities to make sure that progress is being made.

9. **Public Hearing and discussion, consideration, and possible approval of Resolution 2013-881, a resolution of the Common Council of the Town of Camp Verde, Arizona replacing Resolution PZ 97-07 for parcel 403-19-013V to allow for the addition of a wireless tower facility and continued operation of the Rancho Verde RV Park with no time limit. Any changes to these uses must come before the Planning & Zoning Commission and Town Council for approval.** This resolution is for Use Permit 20120319: an application submitted by Mr. Adam Brixius of Clear Blue Services, agent for GL & SF Green Revocable Trust, owners of Rancho Verde RV Park. This Use Permit application will replace the current Use Permit to allow for the addition of a wireless tower facility at the Rancho Verde RV Park located at 1488 W. Horseshoe Bend and is requested in perpetuity. Staff Resource: Mike Jenkins

On a motion by Baker, seconded by German, the Council unanimously approved Resolution 2013-881, a resolution of the Common Council of the Town of Camp Verde, Arizona replacing Resolution PZ97-07 for parcel 403-19-013V to allow for the addition of a wireless tower facility and continued operation of the Rancho Verde RV Park with no time limit. Any changes to these uses must come before the Planning & Zoning Commission and Town Council for approval. This resolution is for Use Permit 20120319 and will replace the current Use Permit to allow for the addition of a wireless tower facility at the Rancho Verde RV Park located at 1488 W. Horseshoe Bend in perpetuity.

**STAFF PRESENTATION**

Community Development Director Jenkins explained that pursuant to Town Code, the applicant is required to apply for the new Use Permit for two purposes; one, because of a proposed change to the existing Use Permit to allow a wireless tower facility on the subject property, and two, to be able to place the wireless tower facility on the property. Jenkins reviewed the request for the addition of the wireless cell tower, and the site plan for compliance with the Planning & Zoning Ordinance RV Park standards and has found that all requirements have been met per Section 306.C of the ordinance. The required neighborhood meeting was held on December 16, 2012, and no concerns or objections have been indicated by the different agencies. The Planning & Zoning Commission has unanimously recommended Council approval of the Use Permit application, in perpetuity, submitted by the agent for the owners of the RV Park. Jenkins noted that the Council has the option of possibly setting a time limit.

#### **PUBLIC HEARING OPEN**

There was no public input.

#### **PUBLIC HEARING CLOSED**

##### **Council Discussion**

Jenkins requested confirmation that the motion included the approval of the Use Permit in perpetuity. There was no further Council discussion.

10. **Public Hearing and discussion, consideration, and possible approval of Resolution 2013-884, a resolution of the Common Council of the Town of Camp Verde, Arizona approving a Use Permit to place a 90' wireless tower owned by AT&T Mobility on property owned by GL & SF Green Revocable Trust, owners of Rancho Verde RV Park. The property is located on parcel 403-19-013V at 1488 W. Horseshoe Bend. Per Part 8, Section 806.1.d, this Use Permit #20120320 would be valid for ten (10) years with Council approval REVIEW in five (5) years. Staff Resource: Mike Jenkins**

On a motion by Jones, seconded by Baker, the Council unanimously approved Resolution 2013-884, a Resolution of the Common Council of the Town of Camp Verde, Arizona, approving a Use Permit to place a 90-foot Wireless Tower owned by AT&T Mobility on property owned by GL and SF Green Revocable Trust, owners of Rancho Verde RV Park. The property is located on Parcel 403-19-013V at 1488 W. Horseshoe Bend.

#### **STAFF PRESENTATION**

Jenkins referred to the list of items included in the agenda packet, in particular the attachment setting forth the requirement by the FCC Act of 1996 which mandates that the Council cannot prohibit or deny an approval based on radio frequency issues. Jenkins gave a Power Point presentation, explaining in detail the signal promulgation Map, as well as Maps of the elevation contour, surrounding zoning, and the proposed tower site. Jenkins commented that a thorough staff review confirmed the veracity of the data gathered and presented by AT&T in support of the application to place the wireless tower in the proposed location. Jenkins also addressed the option of locating the cell tower at the Town's street Yard, pointing out that the proposed location has received the "most preferred" signal rating, and is therefore the most effective location. The required neighborhood meeting was held on December 19, 2012; only a member of the press attended, and one letter in opposition was received following the meeting. Agencies were notified, and no concerns or objections were expressed; the Camp Verde Building Official will require the design and calculation to be completed by a registered structural engineer and construction done by a properly licensed contractor.

#### **PUBLIC HEARING OPEN**

There was no public input.

#### **PUBLIC HEARING CLOSED**

**A recess was called at 7:48 p.m. because of a technical problem; the meeting was called back to order at 7:56.**

### **Council Discussion**

The members commenced a discussion regarding the lease payments by AT&T to the property owners, the question of how to determine whether the tower had become inactive for 180 days, the proposed location and the height allowed. It was suggested that the Council discuss with the AT&T representatives any concerns or questions they may have. Adam Brixius of Clear Blue Services, together with AT&T's Real Estate Manager for the Southwest, Scott September, and AT&T's radio frequency engineer, gave a Power Point presentation illustrating and explaining in detail the data contained in the documents and Maps provided by the applicant. As a point of interest, it was noted that AT&T during the last five years has experienced a 20,000% increase in data usage with the advent of the various wireless devices, with a reduction of 70,000 landline customers per month. Responding to questions from the Council, the representatives reviewed how the proposed location is the better choice pursuant to the FCC guidelines, explained the need for the proposed height of the wireless tower, confirmed that there are currently no plans for additional area coverage, discussed the process for the stealth tower design, and described the construction service provided by Bechtel. As for the issue of collocation possibly requiring an increase in the tower height above the 90 feet, the Town was assured that AT&T had no intention of raising the tower height above 90 feet; any change request would be subject to the Town's use permit process. Concern was expressed about the structural integrity of the pole being able to accommodate additions or collocation requests. The answer was that the pole would not be built for more than staff recommends or requires. Concern regarding the direction of possible fall of the tower and the engineering steps and testing for strength of the installation were addressed; Burnside said for added safety he would recommend including guide wires to help prevent a fall onto a public street. The subject of the reclamation plan was discussed, and it was suggested that the proposed amount of \$3,000 would be inadequate to restore the property to the existing conditions, and that AT&T should further analyze what the reclamation project would involve.

Following the motion for approval, Burnside suggested an amendment be made to include the conditions listed as approved and listed in Item No. 1, that it be a mono-pine tower, No. 2, the Planning & Zoning ordinance referenced, No. 3, the Section Part 8, Section 802, and then No. 4, Section 810, except the change, prorated to a 10-year analysis instead of 20. After discussion, it was agreed that those conditions have been included in the Resolution, with the correction from 20 years to 10 years. It was also confirmed that the request from staff for a one-time Financial Assurance will be included as part of the Resolution.

11. **Discussion, consideration, and possible direction to staff relative to the abatement of dangerous buildings (pursuant to the Town Administrative Building Code, Sections 7-2-108 & 7-2-108.4) including, but not limited to buildings located at 3210 Robin Lane, 3480 E. Clinton Lane, and 4141 Sparkling Lane. Staff Resource: Mike Jenkins**

On a motion by German, seconded by Jones, the Council unanimously voted to direct the Town Manager to order the Building Official to proceed with the work specified in the notice of a Dangerous Structure to Abate by Demolition for 3210 Robin Lane aka parcel 4040-16-128 or all three properties as referenced and prepare a resolution outlining the Council Direction to be brought before the Town Council under the Consent Agenda for their approval in the near future.

Jenkins outlined the section of the Town Administrative Building Code authorizing the Town Building Official to first declare a building as a dangerous structure, and if the property owner does not abate or rehabilitate such nuisance, the Town Council may order the owner to be prosecuted for violation of the provisions of the Code and may order the Building Official to proceed with the work as required for abatement. Jenkins gave the address of each of the subject three buildings, advised the Council that each of the owners or their agents has not complied with the notice of the Building Official, and displayed photos of the properties through a Power Point presentation. There is currently \$5,000 in the budget for the necessary abatement services; the total cost in connection with all three structures is bid at \$12,200. Council could authorize demolition of all three structures by utilizing contingency monies for the difference. There was some discussion regarding the options for the Town to try to recoup the cost, including the immediate first step of filing a lien on each property for the work done. It was suggested that the weed abatement process also be considered.

12. **Discussion, consideration, and possible direction to staff relative to updates and requested action(s) concerning proposed legislation, as described in the attached League of Arizona Cities and Towns Legislative Bulletins Issues #2 through #7. These bulletins are also available at <http://www.azleague.org/>.**

Staff Resource: Russ Martin

Martin reported on the status of the subject Legislative Bulletins, including proposed election changes; staff is watching that issue closely. Town Clerk Barber commented that once the election issue passes, there will be no more mail-in ballot elections; voters will have to go to the polls.

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

There was no public input.

14. **Manager/Staff Report**

Martin announced that Marshal Nancy Gardner will be in charge in his absence to be with his family during the Spring Break. If there is a problem communicating with him, Martin suggested that the caller defer to either Carol Brown or Marshal Gardner. Martin said that Ron Long is now in Texas, for a week or two at minimum, because of his father's illness; his staff is doing their best to cover the situation and handle the work that needs to be done.

Marshal Gardner outlined two grants that the Marshal's Office has applied for, and described the items that would be purchased with the funds it is hoped to receive from the two grants.

15. **Adjournment**

On a motion by German, seconded by Jones, the meeting was adjourned at 9:02 p.m.



Bob Burnside, Mayor 3-20-13



Margaret Harper, 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 combined Special and Regular Sessions of the Town Council of Camp Verde, Arizona, held on the 6<sup>th</sup> day of March 2013. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 1 day of April, 2013.



Debbie Barber, Town Clerk