

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale
Held on Tuesday, February 14, 2012**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, February 14, 2012, at 6:00 P.M. in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER – Meeting was called to order at 6:00 P.M. by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Richard Dehnert

Councilmember Patricia Williams
Councilmember Curtiss Bohall
Councilmember Bill Regner

Town Staff:

Town Manager Gayle Mabery
Town Clerk/Finance Director Kathy Bainbridge
Interim Public Safety Director John Wintersteen
Human Resources/Community Services Director Janet Perry
Community Development/Economic Director Jodie Filardo
Administrative Assistant Mary Ellen Dunn

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

Mayor opened to public for comment. There was no public comment.

REPORTS

Current Events – A brief summary of current events. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary.

Mayor's Report:

- January 11, 2012 – Dinner with Margaret Bowman (Walton Family Foundation)
- January 12, 2012 – Lunch with Sedona Mayor Rob Adams re: regional water solutions
- January 13, 2012 – Conference call with Ken Strobeck, Director of Arizona League of Cities and Towns (ALCT), Dave Cieslak and Chip Scutari re: communications.
- January 14, 2012 – Attended Game and Fish Heritage Fund Advisory Committee Meeting
- January 17, 2012 – First legislative update conference call with Arizona League of Cities and Towns

- January 18, 2012 – Attended Verde Watershed Association Meeting and spoke with others about the Oregon trip and what was learned; attended Water Advisory Committee meeting; met with Cheryl and David Gray re: Mescal Well concerns
- January 19, 2012 – Met with Chris Taylor (Taylor Waste), Kate Blevins, Town Manager Mabery and Utilities Director re: recycling; Verde Valley Regional Economic Organization community dialogue on economic value of Verde River
- January 20, 2012 – NAMWUA meeting conference call; conference call with Shanna Ratner (Yellow Wood Associates) and Margaret Bowman re: Yellow Wood Value Chain seminar; lunch with Mary Chicoine and Robyn Bauer re: VVREO's river plans and projects
- January 23, 2012 – Attended meeting of Verde River Valley Nature Organization steering committee re: forming a 501(c)(3); legislative update call in at ALCT
- January 25, 2012 –ALCT budget committee meeting; ALCT communications committee meeting
- January 26, 2012 – Kris Mayes (prior Corporation Commissioner and current consultant on project) call re: Big Chino hydroelectric project; met with Cindy Dyballa (Environmental Defense Fund) regarding water survey
- January 27, 2012 – Spoke to Osher Lifelong Learning Institute centennial gathering re: “Verde River, Yesterday, Today and Tomorrow”; met with Rob Adams, Mike Golden, (Governor's Chief of Broadband), Senator Jim Burns re: broadband fiber in ADOT rights of way
- January 30, 2012 – Legislative update call-in at ALCT; called Senator Steve Pierce re: invitation to come to Executive Committee meeting; met at Yavapai College re: water use and vineyards
- January 31, 2012 – met with Tom Whitmer (Natural Resources Director for City of Cottonwood) re: regional water strategic master plan; phone call with Kris Mayes and Rod Thomas (developer of project) re: Big Chino hydroelectric project
- February 1, 2012 – met with Arizona Republic government reporter Mary Jo Pitzl; State Parks Foundation strategy session, Valley Forward; testified for SB1288, Gail Griffin's DWR bill; met at League offices; met with Arizona Capitol Times staff
- February 2, 2012 – Technical Working Group meeting re: possible solutions on water issues, i.e., how much water do we need and how far out do we need to look; met with Elva Coor and Kathy Zeider of O'Connor House to talk about the Verde Valley and how to get improved voter participation
- February 6, 2012 – VRVNO steering committee; conference call re: legislative update
- February 7, 2012 – lunch with WAC Coordinator John Rasmussen re: VRBP, VVI, Big Chino Hydro Project, local Verde Valley water forum, NARGFM and the future of WAC; VV Institute Steering committee at Supervisor Davis's office
- February 8, 2012 – spoke with NAU journalism students
- February 10, 2012 – met with Capitol Times Managing Editor Bill Bertolino and staff reporters, Jeremy Duda, Caitlin Coakley, and Luige del Puerto; attended ALCT Board meeting; did ASU research on water supplies from Salt and Verde watersheds
- February 13, 2012 – Verde Valley Branding campaign meeting/Cottonwood BAC meeting; ALCT legislative call-in; met with DWR Director Sandy Fabritz-Whitney re: options for Verde Valley water sustainability in the future; met with

O'Connor House voting project advisory committee with Sandra Day O'Connor in attendance

- February 14, 2012 – attended celebration of Arizona Centennial at Clarkdale-Jerome school

Vice-Mayor's Report:

- Attended Verde Valley Senior Center luncheon and celebration of centennial
- Hiked with Charley Scully on forest service land on south end of Clarkdale re: proposed trail in that area
- January 24, 2012 – took Copper Museum tour
- January 31, 2012 – attended community preparedness meeting at Verde Valley Medical Center with other governmental entities regarding preparedness for pandemic episode

Town Manager's Report:

- Attended January 27th Tour of Patriot Recycling Center and prepared video for public viewing
- Had offer from Verde Earthworks to take a similar tour
- Attended 3-day workshop on incident command/emergency management training February 7th, 8th, and 9th
- February 16 is Verde River Public Outreach meeting and approximately 41 people signed up so far
- Feb 20th – President's Day – offices closed
- Feb 22nd - Focused Future II Kickoff. The Economic Development 201 class as the kickoff for the new economic development community-wide planning process is the inaugural meeting for a year-long planning effort funded by APS to result in the adoption of a specific economic development plan by Town Council.
- Feb 22nd – The Verde Valley League of Women Voters will be hosting a Candidate Forum for the municipal election at Clarkdale Jerome School
- Feb 23rd and 24th Town is conducting final interviews for police chief position
- Made in Clarkdale is now forming its own independent organization and are currently in inactive status with the Clarkdale Chamber of Commerce.

Organizational Reports – Reports regarding regional organizations.

CAT – Cottonwood Area Transit – no report

VVTPO - Verde Valley Transportation Planning Organization - Councilmember Bohall attended the January 25th meeting and reported Camp Verde was considering signage for access to river with consideration of ADOT regulations.

Mike Willett presented information at this meeting about safety edge devices, equipment that allows drivers who drift off highways to return safely to the road due to a 30 degree edge on the pavement. Councilmember Bohall filled out the application for VVTPO to receive one of these devices free of charge.

In January, 2012 he attended Transportation Forum meeting in Prescott Valley at which the main discussion entailed lack of funding for projects; attended Transportation Summit in Yuma;

April 14 – 15 there will be a bicycle ride for Multiple Sclerosis Association benefit

VVLP – Verde Valley Land Preservation – no report

NACOG - Northern Arizona Council of Governments – no report

NAMWUA - Northern Arizona Municipal Water Users Association – discussed in Mayor's report

VRBP – Verde River Basin Partnership no report

WAC - Yavapai County Water Advisory Committee – discussed in Mayor's report

VVREO – Verde Valley Regional Economic Organization – Councilmember Regner reported that the website www.vvreo.org now has community profiles and data spreadsheets for each community in the Verde Valley as well as the Comparative Development Costs Guide. There was continuing discussion regarding increasing membership and membership fee structures. A fundraising event is being planned for September. Feedback from the Community Conversations meeting on January 19 (Verde Valley Waterways) continues to be reviewed and organized.

YCL – A report from the Yavapai College Liaison Councilmember Regner – the Fall and Summer schedules are now available.

An update committee briefing on campus remodel and Southwest Wine Center will be held on Friday, February 17th.

May 5 - planting begins of Inaugural Vines on the first three acres of the 20-acre site south of campus. The public is invited to participate. Twenty-five volunteers are needed for planting the vines. Scholarship programs are also in place and participation requested for the Adopt-A-Vine program.

January 30th - meeting at Yavapai College to discuss water use associated with the Southwest Wine Center. The meeting was attended by members of Council and staff of Clarkdale. Town Manager Mabery and Mayor Von Gausig put together packet of solutions which was presented to college and well-received.

CONSENT AGENDA - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may be removed for discussion at the request of any Council Member.

- A. Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held January 10, 2012 and Special Meeting January 24, 2012.
- B. Claims** - List of specific expenditures made by the Town during the previous month. January, 2012 check log and PPE dated 12-31-11 and 01-14-12.
- C. Board and Commission Minutes** – Acknowledgement of receipt of minutes and draft minutes of the previous month's Board and Commission Meetings.
 - Board of Adjustments – Notice of Cancellation of Meeting 1-25-12
 - Design Review Board – Notice of Cancellation of Meeting 2-1-12
 - Planning Commission minutes of the meeting held 1-17-12
 - Parks and Recreation Committee minutes of the meeting held 1-18-12

- F. **Resolution adopting the Yavapai County Multi-Jurisdictional Hazard Mitigation Plan 2011** – Approval of Resolution #1390, a resolution adopting the Yavapai County Multi-Jurisdictional Hazard Mitigation Plan 2011.

Consent Agenda Items D and E pulled by Councilmember Williams.

Councilmember Williams moved to approve Consent Agenda items A, B, C, and F as presented. Motion was seconded by Councilmember Bohall. Motion approved unanimously.

- D. **A Resolution of the Mayor and Council of the Town of Clarkdale, Arizona, declaring as a public record that certain document filed with the Town Clerk and entitled “AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA, CREATING CHAPTER 9 – HEALTH AND SANITATION, SECTION 5 – ABATEMENT OF RUBBISH AND DILAPIDATED STRUCTURES, OF THE ZONING CODE OF THE TOWN OF CLARKDALE, REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY”** Approval of Resolution #1389, a Resolution declaring the above named Ordinance which creates an abatement of rubbish and dilapidated structures procedure in the Town of Clarkdale Zoning Code, a public record to be adopted by Ordinance #341.

The Town Council discussed this proposed addition to the Town Code on January 10, 2012 in a work session and directed staff to bring forward an ordinance crafted from the draft language. The proposed ordinance provides the Town with a stronger, enforceable position on property maintenance issues and is supported by Arizona Revised Statute 9-499.

The Town attorney has reviewed the proposed ordinance and made some additions. These additions are bolded and underlined.

As a reminder, Section E of ARS 9-499 provides time limits for the repayment of assessed liens:

Amount of Assessment	Payback period
\$500 or less	1 year
\$1,000 - 501	2 years
\$5,000 – 1,001	3 years
\$10,000 – 5,001	6 years
\$10,001 or more	10 years

Interest may be accrued on any past due assessment.

Upon adoption of this ordinance, the Town could choose to record an assessment on a property to cover the costs, including legal costs, of abating a hazardous situation. If the assessment was not paid within the specified ten (10) day time period, the Town could record an assessment lien with the Yavapai County Recorder.

If the assessment lien was not satisfied within the time period specified in ARS 9-499.E, as listed in the table above, the Town could choose to initiate foreclosure proceedings against the property in an effort to recover costs. **Per the state statute, the right of the Town to recover any recorded assessment is primary over any other liens on the property except for outstanding property taxes.**

This Ordinance would provide an additional tool to staff to address hazardous situations on private property. The use of this additional level of enforcement might not be appropriate in all instances and would be utilized at the discretion of the Town Manager.

To save the cost of publishing in the newspaper a lengthy ordinance, this change is being first made a public record by resolution (this agenda item) and then is adopted by reference by an ordinance.

Senior Planner Escobar explained that there wasn't much latitude in drafting the resolution and ordinance as they were drawn from state statutes and could not be supplemented to or detracted from.

Councilmember Williams moved to approve Item D: Resolution #1389 of the Mayor and Council of the Town of Clarkdale, Arizona, declaring as a public record that certain document filed with the Town Clerk and entitled "AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA, CREATING CHAPTER 9 – HEALTH AND SANITATION, SECTION 5 – ABATEMENT OF RUBBISH AND DILAPIDATED STRUCTURES, OF THE ZONING CODE OF THE TOWN OF CLARKDALE, REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY." Councilmember Bohall seconded the motion. The motion was approved unanimously.

- E. **An Ordinance of the Town Council of the Town of Clarkdale, Arizona, relating to the creation of an abatement of rubbish and dilapidated structures procedure; adopting an Ordinance of the Town of Clarkdale, Arizona, Creating Chapter 9 – Health and Sanitation, Section 5 – Abatement of Rubbish and Dilapidated Structures, of the Zoning Code of the Town of Clarkdale by Reference, Repealing Conflicting Ordinances and Providing for Severability – Approval Ordinance #341, an Ordinance which creates an abatement of rubbish and dilapidated structures procedure in the Town of Clarkdale Zoning Code.**

This ordinance adopts the document made a public record by Resolution #1389.

Councilmember Williams moved to approve Item E: Ordinance #341 of the Town Council of the Town of Clarkdale, Arizona, relating to the creation of an abatement of rubbish and dilapidated structures procedure; adopting an Ordinance of the Town of Clarkdale, Arizona, Creating Chapter 9 – Health

and Sanitation, Section 5 – Abatement of Rubbish and Dilapidated Structures, of the Zoning Code of the Town of Clarkdale by Reference, Repealing Conflicting Ordinances and Providing for Severability. Councilmember Bohall seconded the motion. The motion was approved unanimously.

NEW BUSINESS

RESTRICTED OFF-ROAD MOTORIZED TRAVEL REGULATIONS IN COCONINO NATIONAL FOREST – A presentation regarding the new Travel Management Rule regarding restricted off-road motorized travel in Coconino National Forest.

A Coconino National Forest representative had a presentation regarding restricted off-road motorized travel in the Coconino National Forest. The Forest Service expects the new Travel Management Rule regulations to be in effect by late March, 2012.

Jody Nickerson from Forest Service presented information on the travel management and camping rules. There will be no cross country travel (not on a designated road) allowed for motorized vehicles to deter occurrences of damage to forest/wilderness resources. A new map will be available in April that will show which roads will be available for motorized use. Roads that are closing are predominantly non-forest service roads but user-created roads (“wildcat roads”). Seventy-nine percent of forest will still be within ½ mile of a forest road as opposed to current 93%. New maps will also be available to download to Smart Phones or GPS. Mistakes on the maps should be directed to the Forest Service. The map will be reprinted each year with the intent of increasing motorized usage/trails. These maps are available at all district offices and in future online and will also depict camping restrictions and camping corridors. Game retrieval will only be allowed for elk. One vehicle per animal will be allowed. Firewood gathering will require a permit and there will be restrictions – no off-road motorized travel will be allowed to locate firewood. Signage will be placed throughout the forest.

Councilmember Regner inquired why the need arose for the travel management rules. Jody explained it was due to the increase in population and growth of creation of roads and road usage. This has led to soil compaction, increased rates of erosion, and other resource damage. This resource damage affects Fossil Creek, Verde River and other wild and scenic rivers and the need has arisen for protection of these resources.

Town Manager Mabery asked about the annual review and opportunity to amend the maps and how extensive will the opportunity for map changes be from year to year. Jody stated that it is not anticipated that the changes will be extensive but a fairly simple process. It will be the road map that will be changing and not the policies regarding the camping corridors, game retrieval, etc.

John Wintersteen asked if there would be signage on “wildcat” roads that will no longer be usable. Jody answered that all roads will have some signage but maps will need to be used. It will be the user responsibility to have and use the maps. The Forest Service is striving for national consistency with maps.

Public comments/questions:

Scott Mabery asked if there had been any consideration of charging fees for forest use. Jody responded that other than Red Rock Pass fees, forest use fees have not been considered.

GUIDELINES FOR PARKS AND OPEN SPACE DEVELOPMENT – Discussion and consideration of the Guidelines for Parks and Open Space Development for use by the Town for planning future parks and open space as recommended by the Parks and Recreation Commission.

As the Council is aware, the Town has been in discussions with the developers of the Crossroads at Mingus (formerly Highlands Subdivision) with regard to the park sites in that development. The Parks and Recreation Commission met with the developers and staff on several occasions to discuss the design and location of parks. During this process staff received communication from neighbors in the surrounding area who expressed concern with several issues involving the park, including proposed designs, uses and activities that might take place in the parks.

Because the General Plan includes references to “active” and “passive” uses in parks, and those terms were also brought up in past discussions of these parks before the Parks and Recreation Commission, some of the issues revolved around what those terms mean, and how they might be applied to the parks in the Crossroads at Mingus Subdivision. While “active” and “passive” are planning terms that are often associated with park uses, staff has not been able to find specific definitions for those terms relating to parks. Individual organizations or jurisdictions that use those terms often describe them based on the uses that occur within areas designated as active or passive, and each jurisdiction seems to come up with definitions that meet the needs of their community or organization. There seems to be much more “gray area” surrounding active and passive definitions than a clear, “black and white” description.

What is clear is the need for flexibility. As an example, at a past Parks and Recreation Commission meeting, a particular park site was discussed as an “active” park, even though “active” uses were not intended to occur on the entire park site. The same labeling occurred during a recent neighborhood meeting, when a number of people in attendance expressed a desire for one or another entire park site to be labeled either “active” or “passive”. At the same meeting, there was significant support for the inclusion of playgrounds and/or swing sets at both park sites. Were the entirety of a given park site considered “passive”, it would negate the inclusion of playgrounds, which seemed broadly supported if included in the right area on the site. While some future park or open space areas might work well being designated entirely for either active or passive uses, many will be appropriate for a blend of uses.

The attached “Guidelines for Parks and Open Space Development” was drafted in order to bring a little more clarity to this issue. The Guidelines are meant to provide flexibility, and also give examples of active and passive uses. They were developed to be consistent with Chapter 5 – Open Space – of the 2012 Clarkdale General Plan, with consideration for the American Planning Association’s Park and Recreation Guide’s definitions for Passive and Active Use.

These Guidelines are not limited to the discussions of the parks in the Crossroads at Mingus subdivision. They are meant to provide guidance in discussions about any future parks and open spaces in Clarkdale.

On January 18, 2012, the Parks and Recreation Commission approved the "Guidelines for Parks and Open Space Development" for use by the Town for planning future parks and open space.

Community Services Supervisor Dawn Norman presented information regarding assignment of "active" and "passive" uses. The Parks and Recreation Commission tabled discussion of the "active" and "passive" use assignments until they had the opportunity to choose which amenities would be located at the park sites. Once those assignments are made by the Commission the issue will come back to the Council for review and action.

Councilmember Williams asked whether there was a category for a 'vest pocket' park. Norman explained that guidelines address types and not park space uses. The General Plan includes definitions of categories of parks.

Vice Mayor Dehnert moved to adopt the Town of Clarkdale Guidelines for Parks and Open Space Development as presented. Motion seconded by Councilmember Williams. Motion approved unanimously.

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "THE SIDEWALK CAFÉ PERMIT CODE" WHICH CREATES A NEW SECTION 4-16 TO THE ZONING CODE OF THE TOWN OF CLARKDALE; AND AMENDS SECTION 3-9 A.5., ZONING DISTRICTS – CENTRAL BUSINESS DISTRICT; AND AMENDS SECTION 3-10 A.10., ZONING DISTRICTS – TOWN CENTER COMMERCIAL; AND AMENDS SECTION 3-11 A.5., ZONING DISTRICTS – COMMERCIAL; AND AMENDS SECTION 3-12 A.9., ZONING DISTRICTS – NEIGHBORHOOD COMMERCIAL DISTRICT; AND AMENDS SECTION 3-13 B.13., ZONING DISTRICTS – HIGHWAY COMMERCIAL DISTRICT, OF THE TOWN ZONING CODE OF THE TOWN OF CLARKDALE - Discussion and consideration of Resolution #1388, a Resolution declaring the Sidewalk Café Permit Code a public record.

This matter was instituted by a request from a business owner in the Town center area. It was brought to the Commission for a work session during their regular meeting of November 15, 2011. At that meeting the Commission reviewed various options in consideration of sidewalk cafés. After much deliberation, the Commission directed staff to come back with some suggestions that were less intense than the Sedona ordinance, but more enforceable than the City of Cottonwood's policy. In response to the Commission's direction, staff prepared a draft code amendment. At their regular meeting of December 20, 2011 the Commission reviewed the draft and had only a few questions and expressed concerns regarding fees. Staff was given the go ahead to move forward with the item and bring back a response to the fee issue. At their regular meeting of January 17, 2012 the Commission took additional public comment from three citizens, all of which was positive and made one minor change to the proposed code regarding musicians.

The use of Town property for private use must be addressed in such a manner that is beneficial to the Town and its' citizens while still addressing liability issues. Staff also has concerns with permanent barrier installations regarding their penetrations into the sidewalk that may cause premature failure of the walking surface. This code amendment has been advertised as required

by State Statute with a 1/8th page display ad in a newspaper of general circulation a minimum of 15 days prior to the last Commission meeting.

In light of the foregoing direction given by the Commission, staff offers the attached proposed Zoning Code additions/amendments for the Council's consideration and recommendation.

During the November 15th work session, staff provided the Commission with examples of sidewalk café ordinances and policies from the Cities of Sedona and Cottonwood. Preparing this report staff also went on the internet to generalcode.com which had some examples of sidewalk dining ordinances in Connecticut, New Jersey and New York. Some minor items were gleaned from these internet examples such as no cooking outside, some signage issues and addressing outside music & additional lights. Staff has also received verbal confirmation from the County Health Department that they do not do anything additional for sidewalk cafes other than their standard review of food preparation/handling as the use is deemed temporary and not seen as a permanent expansion of the business. If it were permanent, they would recalculate their requirements based on the number of seats etc.

Staff believes that the proposed ordinance should address most liability issues with the use of public right of way for private uses. Further, permits from the County Health Department and licenses from the State Liquor License Board should address accountability as to food handling and monitoring liquor dispensing. Based on conversations with the Public Safety Director, a barrier would be good (swing away or other to keep general public from walking through/between café's tables) for the Police Department to enforce liquor dispensing laws. The Director also noted that their enforcement would be on a complaint basis with emphasis on citations for alcoholic beverage infractions and warnings for smoking infractions. It was also noted that for the business to more easily stay in compliance with their liquor license, the operator (bartender) should have clear visibility of the café area, even though they may be within the business structure.

Staff has also included examples of fees from other jurisdictions in an attached addendum to this report based on questions from the Commission during their last meeting on this matter. Should this amendment be adopted, fees will be considered under a separate amendment to the Town's fee schedule. During the interim between adoption of this code amendment and the adoption of the new fee schedule, no fees will be assessed to any applicant wishing to establish a sidewalk café. They will however be assessed appropriate fees at time of renewal of their sidewalk café permit. This could be seen as an incentive to business owners to file for a permit now. It should be noted that the intent of the sidewalk café permit fees is to be assessed on a prorated annual calendar basis, the same as business licenses.

Economic/Community Development Director Filardo explained that Crystal Moreland from the Newsstand initiated the request for sidewalk café regulations. It was discovered by Town staff that the regulations were not clear and therefore the ordinance was created to give due process to purveyors/business owners. The purpose of the ordinance is to make sure that the Town of Clarkdale does not "gift the use of Town facilities . . . without due consideration and process." The Sidewalk Café Ordinance was drawn from City of Sedona ordinance and methodology of City of Cottonwood ordinances and blended those with other cities and towns across the United States. Liquor license and smoking ban concerns will prevail.

Fee structure discussion is to be brought before the council at a later time. Fee structures would be paid on an annual recurring basis related to the size of the sidewalk café.

Mayor Von Gausig asked if the Design Review Board would be the primary regulatory agency for this ordinance and would that Board also have signage discretion? Filardo confirmed both. Mayor's concern is that this includes the ability to put up temporary sign for a sidewalk café but not for any other business in that district and also not liking a-frame signs. He will object to the ordinance as currently written.

Councilmember Williams stated she believes that signs are unnecessary as the outdoor tables will draw people in. She stated she would like to see people eating outside. Historically people who were not allowed to have their outdoor cafes have moved elsewhere. The Town needs the sales tax. Further stated she is in favor of ordinance but needs careful attention to the details of ordinance.

Councilmember Regner said the way the ordinance is written that doesn't cannot be written on both sides and other sign requirements are that the height of the sign could not exceed 3'. This type of sign would need to exceed that limit. States he is in favor of a-frame signs. Can section E be deleted with direction to staff that allows a-frame signs for all businesses within that district and direction for re-wording.

Councilmember Bohall recommended the deletion of section E which can be added later if it is decided it is needed.

Vice Mayor Dehnert asked what kind of barrier is referred to in Exhibit 'A'. Filardo explained the barrier would be similar to those used for movie lines – rope barriers that would be movable but nothing that creates the need for holes in sidewalk or other damage. Filardo stated that a barrier is required if serving liquor.

Filardo described the sidewalk dimensions of 14 – 15 feet from the building to the curb and must have a 5' clear pathway in order to comply with Americans with Disabilities Act.

Vice Mayor Dehnert asked if the creation of the ordinance would enhance or conflict with creation of an entertainment district in upper Clarkdale. Filardo stated that they looked at bundling the entertainment district with the overarching economic development plan for the Town. Smoking regulations were discussed and Filardo explained that smoking is not permitted within 20' of an ingress or egress to any establishment. There would not be enough room to permit smoking in a sidewalk café.

The Council agreed to amend Exhibit "A" to the ordinance as to Items C and E.

Councilmember Bohall moved to approve Resolution #1388, a Resolution of the Mayor and Council of the Town of Clarkdale, Arizona, declaring as a public record that certain document filed with the Town Clerk and entitled "An Ordinance of the Mayor and Council of the Town of Clarkdale, Yavapai County, Arizona, Creating Section 4-16; General Provisions - Sidewalk Café Permit, and amending Section 3-9 A.5., Zoning Districts – Central Business District; Section 3-10 A.10., Zoning Districts – Town Center Commercial; Section 3-11 A.5., Zoning Districts – Commercial;

Section 3-12 A.9., Zoning Districts – Neighborhood Commercial District; and Section 3-13 B.13., Zoning Districts – Highway Commercial District of the Town Zoning Code of the Town of Clarkdale; repealing conflicting ordinances and providing for severability” as amended in Exhibit “A” Section C: “Permit required and fees: An annual permit issued by the Town to operate a sidewalk café is required and may be issued only to a business that holds all current Federal, State and local licenses required to operate said business wishing to establish a sidewalk café on the public or private property directly adjacent to the business to be used by the general public”; and Section E: “Signage: One temporary, single-sided sign not exceeding six square feet in area, non-illuminated and displayed at a height not exceeding four feet, shall be permitted. The wording of such temporary sign shall be limited to the name of the business operating the sidewalk cafe and may state the items and prices of food offered for sale. The temporary sign shall be placed within the permitted area and shall not be placed on the adjacent building or on any permanent structure and shall be displayed only while the sidewalk café is open and operating. The following types of signs and decorations are prohibited: Signs painted or lettered on banner-type material; moving, fluttering and flapping pennants, flags, balloons and similar decorations.” Councilmember Regner seconded the motion. The motion was approved unanimously.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, ADOPTING BY REFERENCE “THE SIDEWALK CAFÉ PERMIT CODE” WHICH AMENDS THE ZONING CODE OF THE TOWN OF CLARKDALE, REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY - Discussion and consideration of Ordinance #342, an Ordinance which adopts the Sidewalk Café Permit Code” of the Town of Clarkdale by reference.

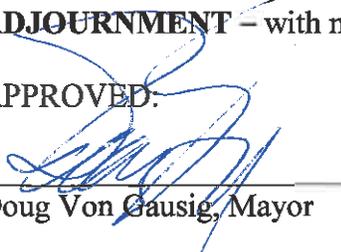
This ordinance adopts the document made a public record by Resolution #1388.

Councilmember Regner moved to approve of Ordinance #342, an ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, ADOPTING BY REFERENCE “THE SIDEWALK CAFÉ PERMIT CODE” WHICH AMENDS THE ZONING CODE OF THE TOWN OF CLARKDALE, REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY, as amended. Vice Mayor Dehnert seconded the motion. The motion was approved unanimously.

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.

ADJOURNMENT – with no further business, Mayor adjourned the meeting at 8:32 P.M.

APPROVED:



Doug Von Gausig, Mayor

ATTESTED/SUBMITTED: -



Kathy Bainbridge, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 14th day of February, 2012. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 21 day of March, 2012.

SEAL



Kathy Bainbridge, Town Clerk