

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale
Held on Tuesday, March 27, 2012**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, March 27, 2012, at 3:00 P.M. in the Community Room of the Administration Building, 39 N. Ninth Street, Clarkdale, Arizona.

CALL TO ORDER – Meeting was called to order at 3:00 P.M. by Mayor Von Gausig.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Richard Dehnert

Councilmember Patricia Williams – absent
Councilmember Curtiss Bohall
Councilmember Bill Regner

Town Staff:

Town Manager Gayle Mabery
Interim Public Safety Director John Wintersteen
Utilities Director Wayne Debrosky
Administrative Assistant Mary Ellen Dunn
Utilities/Public Works Administrative Supervisor Ellen Yates
Community Development Senior Planner Beth Escobar

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.

Anita Simgen, Clarkdale resident and recent Councilmember candidate, read a thank you note she wrote to Councilmember Regner for his telephone call to her thanking her for her interest in running for Council.

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:

February 27, 2012 – Legislative update call-in at League of AZ Cities & Towns (LACT)

February 28, 2012 – Web conference with Department of Interior Secretary Salazar

March 1, 2012 - Travel to Washington, D.C. for White House conference

March 2, 2012 – Met with Jamie Mireau (Blue Trails contact) at American Rivers offices; White House Conservation conference

March 5, 2012 – Verde River Valley Nature Org. Steering Committee; Legislative update call-in at LACT

- March 7, 2012 – Met with Rep. Tobin, Senator Pierce, and Mayors of Phoenix, Tucson, Mesa, Glendale, Chandler, and Scottsdale in Phoenix
- March 10, 2012 – Left for Washington D.C. for National League of Cities Conference
- March 12, 2012 – National League of Cities Conference; Healthy Communities Roundtable and follow-up meeting with Rebecca Wodder (Dept. of Interior); Arizona Reception
- March 13, 2012 – National League of Cities Conference – meeting with Margaret Bowman (Walton Family Foundation)
- March 14, 2012 – National League of Cities Conference – meeting with Senators McCain & Kyl
- March 15, 2012 – Met with Candice Rupprecht (U of A Water Resources Research Center), Linda Stitzer (Water Resource Advocates), Town Manager Mabery and Utilities Director Debrosky to discuss Conserve to Enhance program opportunities; Clarkdale Strategic Planning meeting
- March 16, 2012 – Met with Vice Mayor Dehnert and Tom Chabin at VVGC
- March 19, 2012 - Verde River Valley Nature Org. Steering Committee meeting; legislative update call with LACT; LACT Budget Committee meeting followed by strategy meeting for tomorrow's Horizon show
- March 20, 2012 – Meeting with Yavapai-Apache Nation representatives, Town Manager Mabery and Utilities Director Debrosky regarding water/sewer agreement; Horizon segment taping for LACT in Phoenix
- March 27, 2012 – Attended community conversation with Verde Valley Regional Economic Org. and received positive feedback regarding Verde River at Clarkdale efforts. A survey of 350 people in the Verde Valley with regard to attitudes about the Verde River, tourism, water, etc. The Power Point presentation will be forwarded to Town Manager Mabery for disbursement to Council and interested parties; plans finalized to bring Value Chain seminars to Verde Valley

Town Manager's Report:

- Is currently attending a 3-day emergency operations center training with Town Department heads.
- Discussion regarding regional public safety dispatch center are coming together and soon will be brought before Council for consideration.
- The City of Cottonwood is coordinating a meeting regarding the transit system which will be transitioned back to Cottonwood.

Organizational Reports – Reports regarding regional organizations.

- CAT: Councilmember Bohall – someone will be assigned to CAT program once it is started up.
- VVTPO: Councilmember Bohall – meeting tomorrow to be attended by Kevin Adams from Rural Transportation Advocacy Council.
- VVLP – Verde Valley Land Preservation – no report
- NACOG - Northern Arizona Council of Governments – no report.
- NAMWUA - Northern Arizona Municipal Water Users Association – no report.
- VRBP – Verde River Basin Partnership – no report.
- WAC - Yavapai County Water Advisory Committee – no report.

VVREO – Verde Valley Regional Economic Organization – continue to work on revolving loan fund update, community resource guide, and September fundraising event.

YCL – A report from the Yavapai College Liaison – Councilmember Regner reported transition of Tom Schumacher from Campus Dean to full-time Art faculty member.

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. Reports** - Approval of written Reports from Town Departments and Other Agencies
 - Building Permit Report – January and February, 2012
 - Capital Improvements Report – January, 2012
 - Magistrate Court Report – January and February, 2012
 - Water and Wastewater Report – January and February, 2012
 - Clarkdale Fire District Report and Mutual Aid Responses Report – February, 2012
- B. 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 Meetings 2-22-2012 and 3-28-2012
 - Design Review Board Notice of Cancellation of Meeting 3-7-2012
 - Planning Commission Notice of Cancellation of Meeting 2-21-2012
 - General Plan Update Committee Notices of Cancellation of Meetings 2-20-2012 and 3-19-2012
 - Parks and Recreation Committee Notice of Cancellation of Meeting 3-14-2012
- C. Resolution Declaring and Adopting the Canvass of the March 13, 2012 Primary Election** – Approval of Resolution # 1392 canvassing the results of the March 13, 2012 primary election.
- D. Proclamation Declaring April, 2012 As Water Awareness Month** – Approval of a Proclamation declaring April, 2012 Water Awareness Month in the Town of Clarkdale.
- E. Proclamation Declaring April 15 to April 21, 2012 As Volunteer Appreciation Week** – Approval of a Proclamation declaring April 15 to April 21 as Volunteer Appreciation Week in the Town of Clarkdale.
- F. Resolution Adopting a Fair Housing Policy** – Approval of Resolution #1393, a Resolution Adopting a Fair Housing Policy, Making Known its Commitment to the Principle of Fair Housing, and Describing Actions it Shall Undertake to Affirmatively Further Fair Housing.
- G. Sedona Recycles, Inc. Agreement for Contracted Services**– Approval of an Agreement for Contract Services with Sedona Recycles, Inc. for recycling drop

off services in the Town of Clarkdale.

Councilmember Bohall moved to accept the Consent Agenda Items A – G as presented. Vice Mayor Dehnert seconded the motion. Motion was passed unanimously.

NEW BUSINESS

WORKSESSION REGARDING FINANCIAL ASSISTANCE PROGRAMS – Discussion regarding funding, administration and management of financial assistance programs for utility customers.

Due to the economic downturn many of our residents are having difficulty paying their bills and are struggling to keep from having their water shut off. Catholic Charities, St. Vincent DePaul and the Salvation Army, who currently assist our residents, are over-burdened limiting the amount of families in our community that can be helped.

To help these organizations with this burden, the Town could contract with Catholic Charities of Cottonwood, to administer and manage a financial assistance program funded by the Town. Residents requesting funds for payment of their water bills would have to qualify under guidelines for financial assistance from Catholic Services which were set forth by the State of Arizona, Department of Economic Security. The Town could also set guidelines for eligibility such as a "not to exceed" water usage amount, and attendance to financial education workshops presented by Catholic Charities. At this time our residents get assistance through the Low Income Home Energy Assistance Program (LIHEAP), managed and administered through Catholic Charities. A family can only receive help from this program once every 366 days. Nine Clarkdale families were assisted through this program in 2011.

The Town could also set up additional funding from residents themselves through our utility billing system, which in turn would be given to Catholic Charities to manage and administer.

Currently, Cottonwood contracts with Catholic Services and contributes \$10,000 per year. They budget \$15,000 but only give the additional \$5,000 once the \$10,000 is exhausted. According to the 2010 US Census Report, Cottonwood has 11,265 residents. At this same rate the Town could fund this program with \$3,500.00. The cost for Catholic Charities services would be \$500.00/year.

Ellen Yates, Utilities Administrative Supervisor, presented information and background on program. Last year only one person was on 'shut-off', however an average of 52 accounts per month get shut-off notices due mainly to job loss or other economic factors. Various ways to operate the program were discussed as well as target beneficiaries of the program and anticipated questions/problem areas.

The Council would be interested to have a representative from Catholic Charities speak to them about their administrative operations and regulations and agreed it would be probably be preferable to have them administer the funds if the Council decides to disburse them.

This item is scheduled as a work session only, no official action is necessary from the council.

WORKSESSION REGARDING ADOPTION OF FEES FOR SIDEWALK CAFÉ PERMITS – Discussion to provide direction to staff on how to proceed with the proposed sidewalk café fees.

On February 14, 2012 Council adopted the Sidewalk Café Ordinance and directed staff to research possible fee scenarios for the new sidewalk café permits. For the Councils' consideration, staff offers the following findings regarding fees associated with Sidewalk Cafés from other various jurisdictions and a couple of scenarios for consideration in creating a fee for the Town of Clarkdale.

Staff is requesting the Council consider how to balance encouraging sidewalk cafés that generate more activity in the Town and additional reasons to come to Clarkdale with a fair fee for use of a public facility. The Planning Commission recommended that the fee for use of public right-of-way be commensurate with the amount of public facility used for private benefit.

Sidewalk Café fees in other jurisdictions

- New York, New York
 - The fee was based on location in the city and the number of seats utilized. Fees ranged from \$1440 to \$3052 annually
- Roanoke Rapids, North Carolina
 - \$100.00 a one-time of fee
- Myrtle Beach, South Carolina
 - \$500.00 annual fee. Myrtle Beach also looking at business license fees based on revenue & eliminating café fees.
- Seattle, WA
 - One time initial fee of \$516.00
 - Annual fee \$149.00 plus \$1.56 per square feet of sidewalk used
- San Francisco, CA
 - New 112.47 plus \$6.14 /sq. ft.
 - Renewal 56.24 plus \$5.19/sq. ft.
- Sedona, AZ.
 - Annual right of way fee of \$100.00
- Cottonwood, AZ
 - One-time fee for fence permit of \$37.50
- Flagstaff, AZ.
 - No fee at this time.

Sizing the sidewalk café. Based on the 32-foot width of the smaller lots on Main Street today, the occupancy load for an approximately 300 square-foot sidewalk café, per the International Building Code would be 18 people. Approximately four tables and sixteen chairs would fit comfortably in a 300 square-foot area.

Costs of building comparable space to a sidewalk café. If a restaurant/bar owner wanted to expand current interior square footage, they may incur building costs at approximately \$109 per square foot, plus permit fees and overhead/maintenance etc. A 300 square-foot interior expansion of service area is estimated to cost approximately \$37,700 plus permit fees. Please note, businesses along Main Street are limited as to the amount they can expand their existing facilities.

Include the Design Review Fee. As Design Review is required by the Zoning Code, the related Design Review application fee is to be considered included as part of the initial Sidewalk Café review fee in each of the scenarios listed below.

Sidewalk Café fee scenarios

Scenario #1 – Fee based on an annual, start-up fee plus an assessment based on square footage of café area. Annual renewals equal to a fixed cost per square feet of space multiplied by the number of square feet used by the café.

$$\text{Initial Permit Fee} = \$90.00 \text{ (Design Review Fee)} + \text{Annual Renewal Fee at } \$1.00 \text{ per square foot of space in the proposed sidewalk café}$$

$$\text{Annual Renewal Fee} = \$1.00 \text{ per square foot of space in the sidewalk café}$$

Example - proposed 30' x 10' (300 sq. ft.) café area

$$\begin{aligned} \text{Scenario \#1 Initial Fee} &= \$90 + \$300 \\ &= \mathbf{\$390} \\ \text{Scenario \#1 Annual Renewal Fee} &= \mathbf{\$300} \end{aligned}$$

Scenario #2 – Fee based on square footage of café area

Another way to apply fees would be based on a simple, graduated scale using the same per square foot fee calculations above but simplifying them into groups.

Adopting a graduated fee scale utilizing size categories with a fee for each category would facilitate ease of submittal, decrease staff time reviewing the application and simplify enforcement of the ordinance.

This scenario may be more appropriate for an activity with high volumes; however it could penalize the applicant that has an area just over the minimum of the next higher category.

Proposed initial fees could be based per the table below.

Sidewalk Café Square Footage	Initial Fee
400 and below	\$400
401-800	\$600
800 and above	\$800

Annual renewal fees in this scenario would be based on 10 percent of the original fee, i.e., \$40, \$60 and \$80 dollars.

Example based on a 300 square foot proposed café

Initial Permit fee to establish Sidewalk Café	\$400
Annual Renewal Permit	\$40

Fees collected over 3 years (assuming no turnover of the space and a 300 square foot café)

SCENARIO	YEAR 1 Fee	YEAR 2 Fee	YEAR 3 Fee	TOTAL 3 years of Fees
1	390	300	300	\$990
2	400	40	40	\$480
<i>Scenario #1 would yield \$510 more in permit fees over 3 years than Scenario #2.</i>				

Additional Considerations

The Town will collect a \$90 fee for the Design Review Board application that is required for each sidewalk café. This \$90 fee should cover staff time to review the application and prepare for presentation to the Board. It is staff's opinion that a sidewalk café application would take the same amount of staff time to review as a sign application.

The annual renewal fee for a sidewalk café would be applied to cover the cost staff review. Without changes to the size or operation of the sidewalk café, this should be a straight forward review, so a minimal fee would seem appropriate.

For substantive changes, such as expansion of the area or a redesign to the café, the application would need to go back to the Design Review Board and an additional \$90 fee would apply. Upon approval by the Design Review Board, the annual renewal fee would be assessed.

Staff reviewed the following existing Town fees in order to determine a fair range for the fees presented in the two scenarios offered for consideration:

Current Town fees

- Rent Town Park/Gazebo for day - \$30.00
- New single-family residence building permit - \$600
- Electrical/Gas permit - \$50
- Fence permit - \$15

To allow a business the opportunity to expand with comparatively little overhead and upfront investment, one of the aforementioned noted fee arrangements appears as a potentially appropriate course to consider a balance of the benefit to the operator as well as reimbursement to the Town for usage of municipal facilities.

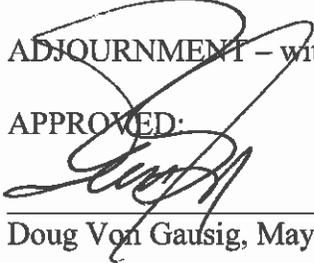
Senior Planner Beth Escobar presented Staff Report and information to Council. Vice Mayor Dehnert stated he thought the second option might be less onerous to the business owners. Mayor Von Gausig and Councilmembers Bohall and Regner liked the first option.

After discussion of different ways to implement permitting fees, Council recommended pursuing the option of charging an initial Design Review fee plus a \$1 per square foot of space charge. The renewal fee would be based on the \$1 per square foot of space fee only.

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

ADJOURNMENT - with no further business, Mayor adjourned the meeting at 4:17 P.M.

APPROVED:



Doug Von Gausig, Mayor

ATTESTED/SUBMITTED:



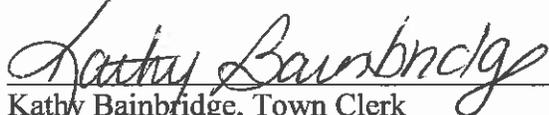
Kathy Bainbridge, Town Clerk

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 27th day of March, 2012. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 12 day of April, 2012.

SEAL



Kathy Bainbridge, Town Clerk