Minutes of a Special Session of the Common Council of the Town of Clarkdale
Held on Tuesday, October 25, 2016

A Special Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, October 25, 2016 at 3:00 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 3:07 P.M. by Mayor Von Gausig.

Town Council:
Mayor Doug Von Gausig
Vice Mayor Richard Dehnert
Councilmember Scott Buckley
Councilmember Bill Regner
Councilmember Curtiss Bohall

Town Staff:
Town Manager Gayle Mabery
Town Clerk/Finance Director Kathy Bainbridge
Community Services/Human Resources Director Janet Perry
Community Development/Economic Director Jodie Filardo
Utilities/Public Works Director Wayne Debrosky
Police Chief Randy Taylor
Town Attorney Jonathan Millet
Deputy Town Clerk 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.

There was no public comment.

PRESENTATION OF AWARD - Presentation of a Program Excellence Award in the Community Sustainability from the International City/County Management Association.

The Town of Clarkdale was among 10 local governments who have been recognized for their outstanding programmatic contributions to local government by ICMA, the International City/County Management Association.

The Town of Clarkdale received a Program Excellence Award in the Community Sustainability category for the demonstration of water sustainability in their Centennial Plaza project. The award recognizes innovative local government programs or processes that creatively balance a community's social, economic, environmental, and cultural needs.

The ICMA Local Government Excellence Awards Program highlights creative contributions to professional local government management while demonstrating the difference that this kind of management makes to the quality of life in our communities. ICMA's Program Excellence Awards are presented to local governments, their chief administrators, and others within the 10,000+ member organization in recognition of their innovative and successful programs. This year, an independent, 21-member evaluation panel reviewed the eligible nominations.

"We congratulate the recipients of our 2016 Program Excellence Awards and the administrators and managers who lead them," says ICMA Executive Director Bob O'Neill. "The communities and men and women recognized this year set the standard for innovation, effectiveness, and creativity. We thank them for their commitment to improving the lives of the constituents they serve every day."

Town Manager Gayle Mabery accepted the award on behalf of Clarkdale at ICMA's Celebration of Service on September 28, 2016 in Kansan City.

No official action is required by the Town Council.

MATFORCE PRESENTATION – A presentation by MATForce.

Dr. Leon Cattolico, MATForce Board of Directors representative, presented Town of Clarkdale Police Department with "Game Changer Award" cups. The cups are tokens of MATForce's gratitude to the agency for making a difference in the community and keeping drugs out of the hands of the children.

This is a presentation only. No Council action is required.

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 – September, 2016
Magistrate Court Report – July, August, 2016
Water and Wastewater Report – August, September, 2016
Police Department Report – August, September, 2016
RICO Quarterly Report – July, August, September, 2016
NAIPTA Transit Report – July, August, 2016

B. **Governor's Office of Highway Safety STEP Enforcement Grant** - Acceptance of non-match, Governor's Office of Highway Safety federal grant totaling $4,000 from 10-01-2016 to 09-30-2017.

C. **Governor's Office of Highway Safety DUI/Impaired Driving Enforcement Grant** - Acceptance of non-match, Governor's Office of Highway Safety federal grant totaling $4,000 from 10-01-2016 to 09-30-2017.

D. **Town Manager annual evaluation process** – Approval of the review process for the Town Manager Annual Evaluation.

E. **Resolution Amending the Number of Members on the Community Services Commission** – Approval of Resolution #1530, amending the number of members on the Community Services Commission to five (5) members.

F. **Special Event Liquor License -** Approval of a recommendation to the State Department of Liquor License and Control to approve a Special Event Liquor License for "Made in Clarkdale Artists' Showcase" event to be held Friday, December 2, 2016 from 6:00 P.M. to 9:00 P.M. and Saturday, December 3, 2016 from 4:00 P.M. to 7 P.M. at the Clark Memoria Clubhouse at 19 N. Ninth St., Clarkdale, AZ.

G. **Election of the Town Council to waive bid procedures with respect to the purchase of a used 2014 Ford Interceptor for the Clarkdale Police Department –** Approval of waiving bid requirements for used equipment per Town Code Section 3-4-9, upon recommendation of the Town Manager.

Vice Mayor Dehnert moved to approve Consent Agenda items A – G as presented. Councilmember Bohall seconded the motion. The motion passed unanimously.

NEW BUSINESS

A RESOLUTION OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED: "PENALTY AND ENFORCEMENT CODE" – Discussion and consideration of Resolution #1529 declaring the "Penalty and Enforcement Code" as a public record.

After thorough discussions and reviews by Attorney Millet and Judge Ramsey, a new penalty section has been created that expands the current two paragraphs of the penalty code into a complete new section for use by the person enforcing or prosecuting violations as a civil offense, civil traffic violation, petty offense or criminal misdemeanor offense, punishable by one or more penalties for each violation described in the new section. Classification of misdemeanors, enforcement, commencement, service of citation, appearance – initial hearing, failure to appear, rules of procedure and appeals are also covered. Once that section had been created, 24 other penalty sections throughout the Town Code and Zoning Code were then amended to refer to the new penalty section. Prior to the changes, the penalty sections were all different throughout the Codes and some written in such a way that they could not be enforced.

Town Clerk/Finance Director Kathy Bainbridge presented information on this agenda item for Council.

Councilmember Bohall moved for the approval of Resolution 1529, a Resolution declaring the "Penalty and Enforcement Code" as a public record. Vice Mayor Dehnert provided a second and the motion carried unanimously.

AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA, MAKING CHANGES TO THE TOWN CODE AND TOWN ZONING CODE BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED THE "PENALTY AND ENFORCEMENTCODE " REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY AND

DECLARING AN EMERGENCY – Discussion and consideration of Ordinance #376, an ordinance adopting by reference Chapter 1-1-8; Penalty, along with various penalties and enforcement actions throughout the Town Code and Zoning Code of the Town making reference to that chapter, "Penalty and Enforcement Code".

During the October 25, 2016 Council meeting, the Council will first consider the adoption of Resolution #1529 that articulates the details of the "Penalty and Enforcement Code". If the Council supports the adoption of the "Penalty and Enforcement Code", and has voted to make it a public record by adopting the previous Resolution, then the adoption of this proposed Ordinance would be the final step in the process to formally adopt the "Penalty and Enforcement Code".

The emergency clause is authorized by Town Code, Section 2-5-4 for the "immediate preservation of the peace, health and safety of the Town. **The Town Code requires a ¾ majority vote of all members elected to the Council.**

Councilmember Regner moved to adopt Ordinance #376, An Ordinance of the Town of Clarkdale, Arizona, Making Changes to the Town Code and Town Zoning Code by Adopting by Reference that Certain Document Entitled the "Penalty and Enforcement Code" Repealing Conflicting Ordinances and Providing For Severability and Declaring an Emergency. Councilmember Bohall seconded the motion which moved to a roll call vote:

Voting Member	Aye/Nay
Council Member Curtiss Bohall	Aye
Council Member Scott Buckley	Aye
Vice Mayor Richard Dehnert	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

After a brief recess to set up tables, Mayor Von Gausig reconvened the meeting.

Mayor Von Gausig moved the agenda item regarding Community Services (#8) up in order.

A JOINT WORKSESSION TO DISCUSS PRIORITIZING COMMUNITY SERVICES DEPARTMENT'S OPERATIONS, PROGRAMS AND EVENTS.

During their 2016 Strategic Planning session, Council identified as an Important Priority: To prioritize Community Services operations, programs and events to align with existing level of resources. Since that time, the Community Services Commission has worked towards that end and are now prepared to offer their results in a work session with Council.

Community Services Commission Chair Pete Cure called the Community Services Commission meeting to order. Community Services/Human Resources Director Janet Perry introduced the commissioners to Council and audience: Peter Cure, Lynda Zanolli, Trish Gomez, Ben Kramer and Carol Engert. Commissioners gave a PowerPoint presentation which reviewed the Vision and Mission of the Commission, and prioritized the goals set forth based on staff time and dollars spent.

Discussion followed among council and commissioners.

Town Manager Mabery noted that the Library takes approximately 40% of the resources (staff and funds) of the department with little return. She stated that some of the items on the priority list would not be guided by the Commission but rather by the Council and would most likely, by necessity, stay on the list of Community Services duties.

Vice Mayor Dehnert stated he would like to see the library have another year to try to operate, commenting that the library has the ability to be a resource and information center and provide a variety of valuable services. Based on figures he gathered from Yavapai County, he stated that library circulation had increased from FY 13-14 to FY 15-16 forty-four percent. Mabery stated that the video rental service makes up 61% of that circulation figure.

Discussion followed about other libraries in close proximity, over taxing of staff and resources, and loss of County dollars if library closed. Town Manager Mabery noted that if county revenue is lost it would only take away costs that could have been directed to library operations but does not affect the salaries as they are already budgeted. The staff would remain to be directed to other functions.

Mayor Von Gausig opened the discussion to public comment.

Ida deBlanc, Clarkdale resident – listed events that "brand" Clarkdale, i.e., Concerts in the Park, Halloween, and Fourth of July. Spoke about the distance to other libraries in the area and asked "What else could be offered in the library space?" Also spoke about the importance of the volunteer recruitment that Community Services does.

Robyn Prud'homme-Bauer, Clarkdale resident – spoke about the volunteer and staff resources and how to promote the activities on the list. Need more partnerships and cooperation to accomplish this. Need more coordination and streamlining of specific duties with Downtown Business Alliance and individual departments. Stated that shared or rented meeting space would be a good use of library space.

Mayor Von Gausig closed public comment.

Town Manager Mabery stated that the library discussion has been going on for about two years and there needs to be some conclusion. If there is to be more discussion it should happen soon. The Commission has not yet asked "if not the library, what?" If a budget and an answer to this question is an appropriate next step, the Council should advise. Council directed that the commission look into this.

Vice Mayor Dehnert stated that if the majority of the council differs with his opinion, he accepts that. He stated he will be happy to offer whatever help is requested.

This item is scheduled as a discussion only, and no official action is requested from Council.

Town Manager Mabery left the meeting for another commitment.
After a brief recess, Mayor Von Gausig reconvened the meeting.

SMOKING IN PARKS AND RECREATION FACILITIES – A discussion on smoking in Town parks, trails and recreation areas and associated improvements and areas owned, leased or otherwise acquired by or under the operation and supervision of Town of Clarkdale, Arizona ("Parks and Recreation Facilities").

Throughout the years, staff has received complaints on smoking from attendees at Town Park events with the highest offenders at Concerts in the Park. In order to respond to these valid grievances, an informal designated smoking area behind the gazebo has been identified and an announcement is made prior to the start of the concerts to ask those who smoke to be courteous to others and smoke in the designated area. There is, however, no ordinance in place that requires park users/concert attendees to use the designated smoking area.

The current Park Ordinance reflects:

Section 12-1-8 Smoking

A. *The Town may prohibit smoking in any or all areas within Town parks, trails and recreation areas by posting signs stating such.*
B. *The Town or Clarkdale Fire District may temporarily prohibit smoking on all Town parks, trails and recreation areas during periods of high fire danger.*

The Community Services Commission had several worksessions and discussions on identifying designated smoking areas in Town parks, specifically, Clarkdale Town Park, Selna/Mongini Park, Centerville Park and Caballero Park. During these discussions, the Commission considered: the size and layout, types of use, popular use areas, and landscape/terrain of each park as well as the additional costs for signage and receptacles for the designated smoking areas. After considering all of these particulars, the consensus of the Commission was to not install designated smoking areas and to recommend to Council that all Town parks be smoke free, including tobacco, pipes, vapes and any other device producing a form of smoke that would affect others. In September, the Commission expanded their discussion to include all parks and recreation facilities, including the Lower TAPCO River Access Point, the Big Springs Natural Area, trails and all future parks and recreation facilities. The Commission identified the risk of a fire hazard to our natural settings in addition to health concerns leading the Commission to make the recommendation to Council that all parks and recreation facilities as defined under Section 12-1-1of the Park Ordinance be smoke free with no designated smoking areas.

Section 12-1-1 Applicability of Regulations
These regulations shall apply to all parks, trails and recreation areas and associated improvements and areas owned, leased or otherwise acquired by or under the operation and supervision of the Town of Clarkdale, Arizona ("parks and recreation facilities").

If Council considers the recommendation made by the Community Services Commission to make all parks and recreation facilities smoke free, there would be no need for an amendment to the Park Ordinance as under Section 12-1-8 Smoking, the Town may do so by posting signs stating such. In addition, a resolution supporting this action would be presented to Council for consideration.

Staff is seeking input and direction from Council on how to proceed.

Community Services Supervisor, Dawn Norman, presented information on this agenda item.

Discussion followed about definitions of 'smoking', 'vaping' and what 'facilities' would be included in the ordinance.

Council directed that staff to draft an ordinance stating there would be a smoking/vaping ban enforced in all town parks, facilities, and trails except for Tapco River Access Point.

This item is scheduled for discussion and direction to staff. No formal action is required.

FISCAL YEAR 2016-2017 BUDGET UPDATE – A worksession to discuss the first quarter of the 2016-2017 FY budget.

This budget update is designed to provide the Town Council with an overview of the current budget position and discuss current budget and revenue projections.

Finance Director/Town Clerk Kathy Bainbridge presented information on this agenda item.

Account	YTD Actual	% of Budget
Streets – Revenue (w/o DF)	$ 108,441.99	24.64%
Streets – Expenses (w/o DF)	$ 67,370.44	15.31%
Wastewater – Revenue	$ 168,725.25	24.42%
Wastewater – Expenses	$ 160,968.60	23.30%
Sanitation – Revenue	$ 77,515.69	24.46%
Sanitation – Expenses	$ 70,552.57	24.08%
Water – Revenue	$ 383,520.57	27.77%
Water – Expenses	$ 313,171.88	22.68%
Cemetery – Revenue	$ 20,198.34	33.89%
Cemetery – Expenses	$ 26,550.81	44.55%
General Fund – Revenue (w/o DF)	$ 611,169.17	16.69%
General Fund – Expenses (w/o DF)	$ 709,529.91	23.55%

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

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

ADJOURNMENT – Without objection Mayor Von Gausig adjourned the meeting at 6:02 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 25th day of October, 2016. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 9th day of Nov, 2016.

SEAL

Kathy Bainbridge, Town Clerk