



**Friends of Carefree**, fortunately the weather cooperated for this past weekend's art festival. Now we hope you can withstand the sudden, undesirable cold snap for a few more days. Spring is just around the corner. The Council held another Executive Session on Tuesday afternoon which ran just past 5PM so the regular monthly Town Council meeting got off to a late start.

### **Town Council Meeting, February 2, 2016, 5:10PM**

The council packet was not available until just before noon on Monday. Although it was 122 pages in length it did not contain the minutes of the January meeting. A revised edition was made available later in the day containing only 117 pages.

*[It seems that each month information for the Council meeting appears later and later, affording the public little time to review the material. In some instances, even Council members seem not to have had time to review that material. For more than a decade, the preparation of the Council packet was done manually, by hand with a simple (slow) copy machine. There were always at least 6 copies available early (9AM) on the Friday morning prior to the council meeting. In recent months, even with the aid of numerous automated devices and software, the electronic version of the material is not available until Mondays, and late on Mondays at that. My personal scanner handles 15 - 20 pages per minute and my personal printer puts out 30 pages per minute. One would assume that the town's commercial devices could do at least as well. Of course, it is no longer necessary 'print' the information for residents because it is simply created or scanned and then uploaded electronically to the town website.]*

**Items 1 - 9, Consent Agenda:** All items were related to routine town business (meeting minutes, bills, financial reports, event permits, etc.), approved 7 - 0.

**Item 10, Call to the Public:** Jim Van Allen thanked Vice Mayor Crane and Councilman Gearhart for their volunteer participation at the Chamber of Commerce gate entrance during the art festival last weekend. He mentioned that in the past few years Councilman Farrar had done so as well but was unable to participate this time.

Tom Rawls, who participated as a member of the Town Code update committee, mentioned that he did work on Chapter 2 of that code but he had not seen or contributed to the other chapters which were also being presented later in the meeting.

Ron Mye commented on what he called a dangerous condition at the intersection of Tom Darlington and Stagecoach pass. Turning into his driveway is perilous due to fast moving vehicles and lane constriction. Gary Neiss agreed to meet with Ron to see what could be done.

**Item 11 Current Events:** Vice Mayor Crane mentioned that Cave Creek is soliciting applicants to serve on their water board. Since more than 600 Carefree customers on

the west side of town are serviced by Cave Creek water, he suggested interested parties on the Cave Creek water system consider applying for board membership to facilitate giving those west side residents another voice in Cave Creek water matters.

Councilwoman Price mentioned that she would like to postpone the agenda discussion (#15) of Gateways until sometime after February 12<sup>th</sup> when final cost details will become available. The Council decided to hold a Special meeting on 2/12 at 3PM for a discussion of the Gateway project and costs. Mr. Van Allen spoke and was assured that all of the costs associated with the project would be presented, including those paid over the past months.

**02/05/16 Note: The meeting date was changed to 2/11 at 3PM.**

**Item 12, Presentation on the Greater Phoenix Economic Council:** Councilman Farrar gave a brief introduction for Chris Camacho, President & CEO of the GPEC, who then spoke regarding Carefree's involvement in the organization. His presentation was crisp and loaded with information pertaining to the mission and type of assistance the organization can provide to its 23 member communities. The council's reach is nationwide as well as international, facilitating mutually beneficial economic development and partnerships between municipalities and companies. He cited a recent decision by Farmers Insurance to bring 1,100 jobs to North Phoenix.

There are approximately 4.5M people living in the Greater Phoenix area. That number is expected to reach 20M in 20 years. He explained that of the 300,000+ jobs lost here during the last recession about 95% have been regained. Unfortunately many of those jobs are consumer based, lower wage positions. Positive growth opportunities are forecast for the Health Care and Technology (software development and Information Technology) sectors which typically are higher wage positions.

**Item 13, Carefree's Pumpkin Festival:** The discussion concerned a proposal for future involvement in Carefree by Ray Villafane. Gina Kaegi, Town Marketing & Communications Director made a very well-received presentation on the recent Pumpkin Festival. She highlighted many of the great successes involved; the fantastic event itself which highlighted the creative talent and vision of Ray Villafane, the tremendous number of people who witnessed the 16 day event(s), the commitment of the volunteers/helpers, and the terrific response from the media. The event received local, nationwide, and international coverage giving Carefree a tremendous amount of exposure and "free" publicity.

Although this was a long segment, it was a very worthwhile presentation and introduction for Ray. Ray is a character, and I say that meaning it in the best possible way. He spoke at length. His passion, commitment, creativity, and love of the Carefree Gardens was obvious. He outlined his vision(s) for future events in addition to the Pumpkin Festival. It would be nearly impossible for me to recount the extent of his discussion. It was wide ranging and his ideas just seemed to flow unimpeded. Here are a few capsules: Sand sculptures in the Garden, Bronze sculptures to be added incrementally over time, the "best ever" Scarecrows, an 'Artist Invitational' in the Amphitheater, and one of my favorite Rayisms, *Scarefree Nights!*

In conclusion Gina proposed a \$150,000 commitment to Ray, for the Pumpkin festival as well as yet to be determined additions. Funding would be included in the 2016-17 Budget year starting in July. After discussion the Council approved the proposed commitment by a vote of 7 – 0.

**Item 14, Maricopa County Department of Public Health Agreement:** The town will again enter an agreement with the County for distributing medications, other medical materials, and information to the Town of Carefree for dispensing to Town employees and their families in the event of a public health emergency. Chief Kratz mentioned that this is an annual agreement. There is no cost to Town and it's for the continuation of government's functions in the event of an emergency. Approved 7 – 0.

**Item 15, Carefree Gateway Construction Project:** Discussion was postponed until the Special meeting on February 12<sup>th</sup> at 3PM.

**02/05/16 Note: The meeting date was changed to 2/11 at 3PM.**

**Item 16, Amending the Carefree Town Code:** Chapters 2, 3 and 4 of the Town Code have been updated. These chapters deal with procedures, personnel, and duties relating to the Council, Administration (staff), and the Court. This is 'the 1<sup>st</sup> reading' meaning the first public notification of the changes; there will be a second reading before the changes are adopted. Vice Mayor Crane provided some background for the changes, which were necessitated due to inconsistencies and/or incoherence between sections. Some of the issues arose after voter initiatives were passed including direct election of the mayor and term limits (twice). Mayor Peterson mentioned that municipalities are required to adhere to State Statutes. ***[While that statement is essentially correct, there is no prohibition limiting the ability of a local municipality from implementing enhanced conditions or special circumstances within their jurisdiction.]***

As the Mayor moved on to the next topic, Jim Van Allen reminded him that he had requested to speak on Item 16. Jim cited 3 sections he felt were in need of change. Section 2-4-6 did not address having the Council packet available for the public ***[or in a timely fashion]***. Next, the wording in Section 2-5-1 seems to suggest that the Planning & Zoning Commission may enact ordinances without going before the Council. This point was contested. The Town Administrator (a staff representative to the P&Z), said that was not the case.

Jim continued by commenting that Section 3-2-1 (Chapter 3 deals with Town Administration) was a major rewrite, which he attributed to the Town Administrator. The Mayor interrupted him saying that he himself had written much of that section, not Gary Neiss. Jim went on to say that the Mayor of Carefree has always been the CEO of the town and the Town Administrator was merely that, an administrator, not a Town Manager which is a totally different form of government. Jim pointed out a number of instances where the new language afforded the Administrator far too much authority, much of which belonged to the Mayor or Council. He advised the Council to consider modifying it and the other sections he mentioned.

Lyn Hitchon, a member of the P&Z, spoke next to say it was not their practice to approve anything without referring their recommendations to the Council.

I submitted a late speaker request slip to address a legal point. While it might not be the *intent* to change the common practice of the P&Z referring items to the council for approval, there is a big distinction between *intent* and *actual Town Code wording*. This is true in contract law as well as government statutes. ***[The devil is in the details.]*** As it now stands the actual wording is: *“With the exception of ordinances reviewed by the planning and zoning commission no other town ordinance shall be passed and become effective until it has been before the council on two occasions.”* The questionable wording here is *“With the exception of...”* ***[If the practice is indeed for the P&Z to forward recommendations, and not to approve, then the ‘practice’ should be clearly codified in the Town Code, not as a common practice but as a Code requirement.]***

**Item 17, Adopting a Code of Conduct for Elected and Appointed Officials:**

According to the Resolution wording Carefree had not previously enacted a Code of Conduct. The Council now feels it is necessary to do so. No explanation was given as to why this was necessary now, even though it is a prudent measure. There was discussion related to why the resolution was on the agenda when the Town Code which refers to it has not yet been approved. The Administrator explained that the Code of Conduct was like any other Resolution that comes before the Council and could be approved on its own merits before the Town Code which merely refers to it. Council members Price and Miller wanted approval to wait until revisions of the Town Code were adopted. After further discussion, Council members felt that Carefree had already waited 30 years to implement a Code of Conduct so it could wait another month. The motion to continue this item until March was approved 7 - 0.

**Item 18, Procedures for access to Town owned and leased properties:** This Resolution addresses administrative procedures for access to the Town owned and leased properties. Once again, there had been no previous rules or procedures governing such access. However the Mayor mentioned that since December things had gone missing, so better security procedures were needed. Approved 7 - 0.

**Item 19, Town Council Updates:** Mayor Peterson reported that all parties involved in the Liberty/BMSC situation were in agreement and that the agreement and Rate Case would go before the Arizona Corporation Commission for approval at their April meeting. Implementation could begin as early as June or July.

Councilwoman Price advised that the Splash Pad Scorpion would have its head and pincers repainted so that they would be more noticeable. She provided a cost recap for the Splash Pad project, showing a total cost of \$169,992. After the significant donation by Kiwanis, the cost to the town was \$27,992 for non-operational expenses. Opening day will be May 1<sup>st</sup>, unless warm weather permits an earlier start.

**Item 20, Adjournment:** The meeting was adjourned at approximately 7:27 PM.

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Respectfully submitted by Jim Van Allen and John Traynor

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