

**MINUTES OF THE REGULAR MEETING  
OF THE CAREFREE TOWN COUNCIL**

**WHEN:** TUESDAY, JULY 2, 2019

**WHERE:** CAREFREE TOWN COUNCIL CENTER  
33 EASY STREET, CAREFREE, AZ 85377

**TIME:** 5:00 P.M.

**Town Council Attending:**

Mayor Les Peterson  
Vice Mayor John Crane  
Vince D'Aliesio  
Stephen Hatcher  
Michael Krahe  
Cheryl Kroyer  
Gene Orrico

**Town Council Absent:**

None

**Staff Present:**

Gary Neiss, Town Administrator; Michael Wright, Town Attorney; Kandace French, Town Clerk/Treasurer and Samantha Gesell, Planning and Zoning Clerk.

Mayor Peterson called the meeting to order at 5:00 pm.

The Pledge of Allegiance was led by Ralph Ferro.

**CONSENT AGENDA**

- ITEM #1** Approval of the May 7, 2019 Town Council Regular Meeting Minutes.
- ITEM #2** Approval of the June 4, 2019 Town Council Regular Meeting Minutes.
- ITEM #3** Approval of the June 24, 2019 Town Council Special Meeting Minutes.
- ITEM #4** Acceptance into the public record of the May, 2019 paid bills.
- ITEM #5** Acceptance of the cash receipts and disbursements report for April, 2019.
- ITEM #6** Approval of street closures for Thunderbird Artists' 26th Annual Fall Carefree Fine Art & Wine Festival Friday, November 1 through Sunday, November 3, 2019 from 10:00 a.m. to 5:00 p.m. with set-up beginning October 31st at 5:00 p.m. and tear down on November 3rd at 5:15 p.m. Road closures include Hum and HoHum Road, Easy Street, Sundial Circle and part of Sunshine Way as shown in the attached map.

**ITEM #7** Approval of street closures for Thunderbird Artists' 27th Annual Winter Carefree Fine Art & Wine Festival Friday, January 17 through Sunday, January 19, 2020 from 10:00 a.m. to 5:00 p.m. with set-up beginning January 16th at 5:00 p.m. and tear down on January 19th at 5:15 p.m. Road closures include Hum and HoHum Road, Easy Street, Sundial Circle and part of Sunshine Way as shown in the attached map.

**ITEM #8** Approval of street closures for Thunderbird Artists' 25th Annual Spring Carefree Fine Art & Wine Festival Friday, February 28 through Sunday, March 1, 2020 from 10:00 a.m. to 5:00 p.m. with set-up beginning February 27th at 5:00 p.m. and tear down on March 1st at 5:15 p.m. Road closures include Hum and HoHum Road, Easy Street, Sundial Circle and part of Sunshine Way as shown in the attached map.

Mayor Peterson announced the consent agenda and asked if there were any questions.

Town Clerk, Kandace French, requested that Agenda Item #2 be deferred to the August meeting.

Council Member Orrico stated he had questions regarding items 4 and 5. He asked for clarifying information on the payment to Titan Commercial Cleaning and Sherman and Howard as well as the trial balance sheet. .

Mayor Peterson responded regarding the legal work involving Sherman and Howard.

Town Administrator Gary Neiss responded regarding Titan and the net percentage of Capital Expenses

There being no further questions, Mayor Peterson asked for a motion to approve items 1,3,4,5,6,7 and 8.

Council Member Krahe made a **motion** to approve the Consent Agenda as stated. There was a **second** by Council Member Kroyer. The motion was **carried** unanimously.

### **REGULAR AGENDA:**

**ITEM #9** Call to the Public: Consideration of comments from the public. Pursuant to Section 2-4-7(G) of the Town Code and A.R.S. 38-431.01(H), those wishing to address the Council need not request permission in advance. The public may address the Council on matters not on the agenda. At the conclusion of an open call to the public, individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter, direct staff to study the matter, reschedule the matter for further consideration and decision at a later date, or may ask that a matter be put on a future agenda. However, the Council may not discuss or

**take legal action at this time. Please limit your comments to not more than 3 minutes.**

There was no public comment.

**ITEM #10    CURRENT EVENTS:**

Mayor Peterson announced the agenda item and announced the presentation of the Civana - Fire Fly Music, Drone Show and Community Block Party on Saturday, July 6<sup>th</sup> from 7:00 p.m. to 9:30 p.m. Additionally, happy hour specials are being provided by many of the Carefree restaurants during the summer.

and

The Foothills Caring Corp will present a CPR Training class on Thursday, July 18<sup>th</sup> –from 9:00 a.m. - 2:00 p.m. and Ray Villafane’s latest sand creation, “Sand Dragon” sculpture currently on display in the courtyard at Spanish Village.

Council Member D’Aliesio acknowledged his appreciation to Fire Chief John Kraetz for the Maricopa County Flood Control and fire prevention presentation.

Council Member Orrico stated he wanted to give accolades to Marketing Director Beth Renfo for her COINS announcement regarding the recent painting of the Post Office building located at 100 Easy Street and naming the businesses inside that location.

Mayor Peterson thanked Council Member Orrico for his efforts to get the Post Office building painted as well.

Town Clerk, Kandace French Contreras, introduced the new Planning Clerk, Samantha Gesell.

**ITEM #11    Review consideration and possible action approving Resolution 2019-10 accepting the Final Plat and supplementary Subdivision Improvement Agreement for The View Carefree subdivision generally located at the southeast corner of Easy Street and Carefree Drive, and is commonly referred to as “Easy Street South”.**

Mayor Peterson announced the agenda item and introduced Town Administrator, Gary Neiss.

Mr. Neiss presented a Power Point and provided background on the status of The View Carefree. He provided details regarding the “vacation pool” concept of managing the short term rentals within the community and other details of the Subdivision Improvement Agreement and performance bond. He expressed that he believed the concerns regarding short term rentals and the questions posed by the Council at the last meeting have been addressed. He stated the CCRs are addressed the subject. Additionally, the short term rentals are placed in a Vacation Pool and managed by a specialized third party management company. This company will oversee every step of the process including management, complaints and concierge services. It is handled more like a mini hotel management system. The infrastructure plans and engineering have been submitted to the Town for permits. Additional requirements such as a performance bond are also required.

Council Member Orrico expressed his approval of the fire sprinklers in the agreement. He stated the bond amount was excellent, the fire hydrants are well situated and the penalties set forth in the CC&R's are wonderful. He stated he knew of no drawback to the development or the agreement.

There were questions by Council Member D'Aliesio regarding the timeline for the sales of the units.

Applicant Jim Shelly responded and stated the infrastructure will begin during the fourth quarter of this year. Lot reservations are being opened this Fall.

Vice Mayor Crane asked for more information pertaining to the short term rental management company and why it is a unique approach.

Applicant Jim Shelly and listing broker, John Birsner with "Platinum Experience", a division of Ventana Fine Properties addressed Council, presented details of the project and responded to questions. They further explained the management of the vacation short term rentals and the Platinum Experience short term rental management company. He explained how any complaints regarding the short term rentals would be handled, the homeowner's association regulations, garbage collection and marketing strategies as well as anticipated timeline for construction.

Mr. Shelly described the software that monitors the noise level of the unit called "noiseware". It monitors the decibel level of inside and outside the unit. The contact is contacted first. The Platinum Experience is contacted if the sound is not reduced. Fines can be issued and immediate removal of the occupant, who is not covered by the Landlord/Tenant Act.

Vice Mayor Crane pointed out that the management company adds value and is unique because rather than having individual units running their own Air B&B which is beyond the Town's control, the management company hired to handle the units in this project bring a higher level of control and management.

Vice Mayor Crane pointed out the projects CC&Rs, also prevent owners from renting units for less than 30 days unless they are part of the Platinum Experience management.

Mr. Shelly affirmed that this is correct.

Council Member Kroyer stated she is impressed and pleased with the sound control system that has been put in place.

There was discussion regarding the marketing of the townhomes in the unit. Mr. Birsner responded.

There was no public comment.

Council Member Orrico made a **–motion** to approve Resolution 2019-10 accepting the Final Plat and supplementary Subdivision Improvement Agreement for The View Carefree subject to the conditions of approval attached to the staff report dated July 02, 2019. There was a **second** by Council Member D'Aliesio. The motion was **carried** unanimously.

**ITEM #12** Review, discussion and possible action to approve Ordinance 2019-02 repealing the Cable Television Code for the Town of Carefree and replacing the Code with Arizona Revised Statutes § 9-1401 through § 9-1452 and establishing a fee structure pursuant to Arizona Revised Statute § 9-1443. *(Second Reading)*.

Mayor Peterson introduced the item.

Town Administrator Neiss provided a Power Point and presented history of item. He reminded the Council the accompanying Resolution was adopted at the June 4<sup>th</sup> Council Meeting. He reminded the Council that the matter was presented for a first reading in June and is required by all municipalities in the State of Arizona.

There were no questions or comments.

Council Member Krahe made a **motion** to approve Ordinance 2019-02 approving a Cable Television Code for the Town of Carefree, repealing the existing Cable Television Code for the Town of Carefree, and replacing it with ARS § 9-1452 through § 9-1452 and establishing a fee structure pursuant to ARS § 9-1443. There was a **second** by Council Member D'Aliesio. The motion was **carried** unanimously.

**ITEM #13** Review, discussion, and possible action to authorize the purchase of a 2019 CASE 570NEP Tractor Loader under Arizona Department of Transportation Master Agreement Contract #CTR042603.  
Mayor Peterson announced the agenda item.

Town Administrator Neiss presented a Power Point and provided details of the proposed purchase. Public Works Supervisor, Travis Johnson, was available to answer questions.

Mr. Neiss reminded the Council that the matter had been previously discussed at the April Budget Hearing.

The Council expressed their support of the purchase. There were no questions.

Council Member Orrico made a **motion** to approve the purchase of a Case Tractor from Titan Machinery as set forth in the contract. There was a **second** by Council Member Krahe. The motion was **carried** unanimously.

**ITEM #14** Discussion and possible action to go into Executive Session in accordance with A.R.S. §§ 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the attorney of the public body and to discuss its position regarding contracts that are subject of negotiations, pending or contemplated litigation or in settlement discussions in order to avoid or resolve litigation.

Mayor Peterson announced the agenda item.

Council Member Krahe made a **motion** to go into Executive Session. There was a **second** by Vice Mayor Crane. The motion **carried** unanimously.

**Entered Executive Session:** 5:31 p.m.

**Returned from Executive Session:** 5:58 p.m.

**ITEM #15 ADJOURNMENT.**

Mayor Peterson announced the agenda item.

Council Member Hatcher **moved** to adjourn. There was a **second** by Council Member D'Aliesio. The motion **carried** unanimously.

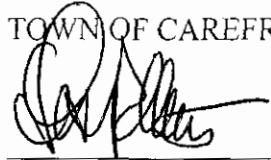
Meeting ended at 6:00 p.m.

DATED this 3rd of July, 2019.

TOWN OF CAREFREE

BY:   
Kandace French Contreras, Town Clerk

TOWN OF CAREFREE

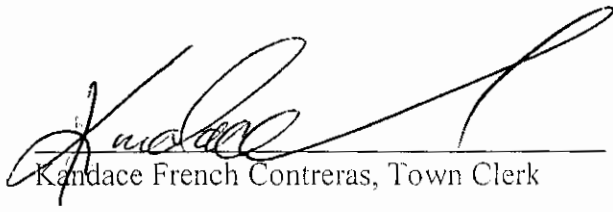
  
Les Peterson, Mayor

Attest:

  
Kandace French Contreras, Town Clerk

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the meeting of the Town of Carefree held July 2 2019. I further certify that the meeting was duly called and held and that a quorum was present.



Kandace French Contreras, Town Clerk