

**Genoa Town Advisory Board
Regular Meeting Minutes September 1, 2009**

MEMBERS PRESENT

Chair Brian Williams, Clerk Dave Whitgob, Member Greg Pace, and Member Jenn King. Member Karen Holmes was absent. Also present was Town Manager, Sheryl Gonzales.

CALL TO ORDER

Chair Williams called the meeting to order at 7:00 P.M.

PLEDGE TO ALLEGIANCE

The Pledge of Allegiance was led by Greg Pace.

APPROVAL OF AGENDA

Action Item

Clerk Whitgob moved to approve the agenda. Motion seconded by Member Pace and passed unanimously.

APPROVAL OF MINUTES

Action Item

Member King moved to approve the Minutes of the Regular Meeting of August 4, 2009. Motion seconded by Clerk Whitgob and passed unanimously.

PUBLIC COMMENTS

Resident Marian Vassar said they are about three-quarters done with making candy. There has been a huge number of volunteers. The volunteers have been fantastic and the Board now has the opportunity to participate in getting the boxes down and putting them together. The Board has done this in the past.

Resident Lynn Bowersock, on behalf of the Greater Genoa Business Association, thanked the Town Board members for working the visitor's gazebo this summer.

Resident Sue Knight thanked everyone who supported the Old Time Music Festival, it was a great success. There are two more concerts this season – Sunday, September 6th will be the Trey Stone Band at 5PM and the following Sunday will be the Old West Trio at 4PM. Please come and enjoy the last concerts.

Ted Tiffany, on behalf of the Carson Valley Historical Society, thanked the Board for their donation to the museum.

ANNOUNCEMENTS AND CORRESPONDENCE:

1. Sheryl Gonzales gave a Town Manager's report:

- The Town Hall painting has been completed. We are waiting for estimates to restore the restroom wing of the building, including the floors and support walls. It has been determined that the Town Hall foundation is in good shape therefore the funding that was to be used for the foundation will be used for the restroom wing.

- Candy Dance has been the focus of the volunteers and staff.
 - a. To date we have sold 291 art booths. There were 279 this time last year. We are also filling Dave Groendyke's property this year so we still need additional booths. There are 34 food booths, including the Town's 2 soda booths. This time last year there were 26. There are 10 activity booths compared to 8 last year.
 - b. Over 200 dinner/dance tickets have been sold at \$25 each.
 - c. We have received really good coverage through publicity, including posters throughout the community as well as Virginia City. We added 3 more banners this year. The Genoa banner is scheduled to go up tomorrow thanks to the efforts of Bill Hutchison and Keith Corban.
 - d. Most of the merchandise is in - thanks to the efforts of Bob Vibe and Carole Hart
 - e. The resident passes will be distributed by long-time volunteer Dan Pendleton.
 - f. The newsletter was recently mailed.
 - g. September is Candy Dance Month – a new program to get people to visit the Town of Genoa every weekend in September and includes the concerts mentioned previously. The concert on September 15th will feature wine and Candy Dance candy. The weekend of the 19th will be a new event, Suds and Duds. This will be at the Genoa Bar with entertainment by the Barbeque Boys and presales of Candy Dance merchandise.

CONSENT CALENDAR

Clerk Whitgob moved to approve the Consent Calendar. Motion seconded by Member King. Motion passed unanimously.

2. Approve the Comptroller's Report/Budget Performance Report for July 2009.

ADMINISTRATIVE AGENDA

3. Discussion and possible action regarding a request from Suzanne and Keith Corban on behalf of the Greater Genoa Business Association for the Town to provide financial resources in a community wide television marketing campaign

Sheryl Gonzales said the Town of Genoa is committed to cultivating a strong economy in the Town as articulated in the Town's Strategic Plan. In July, Town Board Member Dave Whitgob, met with Genoa businesses to discuss ways in which to achieve this commitment. A decision was made to conduct research of a television marketing campaign. On August 11th, Suzanne and Keith Corban gave a presentation to the GGBA regarding a cable TV commercial through Charter Media. Ads would run for 3 months on approximately 10 cable channels reaching 67,000 customers. The total cost for the 3 month campaign would be \$3,600. The Corban's are recommending the Town of Genoa, the GGBA and Town businesses each pay 1/3 of the cost.

Suzanne Corban thanked Dave Whitgob for opening the lines of communication between the Town, the GGBA and the businesses.

Keith and Suzanne Corban gave a presentation of their research and proposal for a commercial to be run on Charter cable stations. A slogan was developed: "Genoa - Nevada's Oldest Secret".

There was discussion and questions from the Board. In response to questions, Suzanne Corban said the Town will own the commercial and could use it at a later date for other stations. Public Service Announcements will occur during the day.

The Town's portion of the cost will be charged to professional services and taken out of the \$50,000 from the County for economic prosperity. It will be taken out of funds identified for grant writing.

Keith Corban added they would like permission from the Town to use the Town's website as the contact information given at the end of the commercial.

Member Pace moved to approve the expenditure of \$1,200, to allow the website to be the contact on the commercial and to have links to individual businesses. Motion seconded by Member King. Motion passed unanimously.

4. Discussion and possible action to abandon 25 feet of Carson Street's 85 foot right of way creating a 60 foot road in front of 179 Carson Street in the SFR-1 zoning district in the Town of Genoa.

Sheryl Gonzales reviewed background information of this item. Residents Mr. and Mrs. Ron Funk are requesting a 25 foot abandonment in front of their property at 179 Carson Street in the SFR-1 zoning district. Mr. and Mrs. Funk have completed the required Douglas County process and have addressed all criteria required by the Town and the County. The Funk's application includes a review by the County's engineering, planning and building departments who have recommended or supported approval of the abandonment. The Town engineer has reviewed the request and does not see any negative impact on the Town.

Brandy McMahon, Douglas County Senior Planner, is present on behalf of Douglas County and will speak regarding the process required by the County and the State of Nevada. The Town Engineer, Tim Russell, will answer any questions the Board may have. Also present is Town Attorney, Mike Rowe, who can speak to any legalities related to the Nevada Revised Statutes and to support any information regarding the County Code.

Darryl Harris of Resource Concepts, Inc., on behalf of the Funks, gave a presentation regarding the request for abandonment.

Brandy McMahon reviewed the process of the Funk's application with the County. Their application is scheduled to be reviewed by the County Board of Commissioners on October 1st. The Genoa Town Advisory Board can make a recommendation for approval, approval with

modifications or conditions, or denial of the abandonment request and it will be incorporated into the staff report.

Mike Rowe, general counsel to the Town Board, said the advice of the Town Board will be provided to the County Board of Commissioners. This advice is non-binding, however the County Commissioners in the past have shown great deference to the Towns. When deciding to approve or to not approve the Funk's request for abandonment, the Town Board must make a determination as to whether or not there is any material injury occasioned to the public. Mr. Rowe reviewed "material injury". Mr. Rowe cited an example of material injury: if there was a plan for the forest service to have some sort of access for fire suppression and the Town said no, we're going to abandon this, which in turn would cause the Forest Service to say you are going to preclude us from having access for fire suppression purposes, that would be material injury and would justify a determination that the public would be injured.

There was lengthy discussion and comments from residents and interested parties. Resident Dave Cochran read a prepared statement and requested that it be made part of the minutes. Resident Bill Brooks requested his statement be on the record.

Sheryl Gonzales read a letter from Town Board member Karen Holmes who was not present. All letters are attached to the minutes.

The meeting was adjourned for a recess at 9:00 P.M.

Chair Williams called the meeting back to order at 9:10 P.M.

Senior Planner Brandy McMahan responded to questions directed to her by Board members.

Attorney Mike Rowe reviewed legislative history regarding material injury. He also discussed historical character. Mr. Rowe cited a 1994 Supreme Court opinion in the Wells case, wherein the Court stated the only criteria was for the Board to determine whether there was material injury to the public – the Court said a mere detriment is not material injury.

Mr. Rowe responded to public comment regarding prescriptive rights. He said a private property owner cannot, by law, get prescriptive rights against a governmental entity. Further, also in response to public comment, he does not see anything that would substantiate impairment to the historical character of the Town by this abandonment.

There was discussion and comments by Board members.

Member Whitgob moved to notify the County Commission that the Town Board sees no material injury to the public and, therefore, agrees with the County Planning Department with one condition, that they (County Board of Commissioners), at least entertain what might be an equitable division between the Funk's and the Cochran's – by way of example, 20 feet and 5 feet, respectively, and at least leave that open for consideration. Motion seconded by Chair Williams. Motion passed unanimously.

5. Discussion and possible action regarding Resolution No. 2009R-003 authorizing revision of the revenues for the Town of Genoa by \$50,000 into account #620-000-331-135 Distribution from County, and expenditure augmentations to account #620-931-521-100 Professional Services by \$15,000, account #620-931-550-062 Cowboy Poetry and Music Festival by \$15,000 and account #624-934-562-000 Capital Projects by \$20,000.

Sheryl Gonzales said this is a resolution formalizing a process which began in May. At the August Board meeting, the Board approved to receive the funds. This Resolution is required by the County to formalize the process.

Member King moved to approve Resolution No. 2009R-003. Motion seconded by Member Whitgob and passed unanimously.

6. Discussion and possible action regarding the establishment of a Speedy Registration program for returning Candy Dance Vendors.

Sheryl Gonzales presented to the Board a new program entitled "Speedy Registration". This will be a pre-registration process offered to all previously juried vendors attending Candy Dance. This will provide opportunity to the vendors to confirm participation in next year's Candy Dance, eliminating the application procedure for items juried and sold in the current year. Vendors will also be able to confirm the same booth space. 50% of their booth fees would be required when submitting registration. This will be done during the weekend of Candy Dance. New items to be sold by vendors must be submitted to be juried.

Ms. Gonzales reviewed the criteria and rules of the Speedy Registration.

There was discussion and comments by the Board. Clerk Whitgob asked about criteria and enforcement of items sold by vendors.

Member Pace moved to adopt the Speedy Registration program. Motion seconded by Chair Williams. Motion passed unanimously.

7. Discussion and possible action to adjourn the regularly scheduled October 6 Town Board Meeting to Tuesday, November 3, 2009.

Sheryl Gonzales said Candy Dance is the week before the next Town Board meeting. It takes staff up to two weeks to prepare agenda items. In addition, staff is also cleaning up after Candy Dance for several weeks following the event.

There was public comment.

Clerk Whitgob moved to adjourn the October 6 Town Board Meeting to Tuesday, November 3, 2009. Motion seconded by Member King and passed unanimously.

ADJOURNMENT

Chair Williams moved to adjourn the meeting at 9:50 PM. Motion seconded by Clerk Whitgob. Motion passed unanimously.

Respectfully submitted
Kris Wilkison