

**MINUTES  
COUNCIL HEARS PLANNING & ZONING  
MAYOR AND COUNCIL  
TOWN OF CAMP VERDE  
COUNCIL CHAMBERS  
WEDNESDAY, DECEMBER 12, 2007  
6:30 P.M.**

Minutes are a summary of the actions taken. They are not verbatim.  
Public input is placed after Council motions to facilitate future research.  
Public input, where appropriate, is heard prior to the motion.

1. **Call to Order**

The meeting was called to order at 6:30 p.m.

2. **Roll Call**

Mayor Gioia, Vice Mayor Hauser, Councilors Garrison, Kovacovich and Elmer were present; Parry was absent; there is currently one seat vacant.

**Also Present:** Town Manager Mike Scannell, Town Attorney Brad Woodford, *by telephone conference*, Community Development Director Nancy Buckel, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**

The Pledge was led by Elmer.

4. **Consent Agenda** – All those items listed below may be enacted upon by one motion and approved as consent agenda items. Any item may be removed from the Consent Agenda and considered as a separate item if a member of Council requests.

**a) Approval of the Minutes:**

1) There are no minutes for approval.

**b) Set Next Meeting, Date and Time:**

1) Regular Session/Council Hears P&Z **Combined** – December 19, 2007 at 6:30 p.m.

2) Council Hears Planning & Zoning – December 26, 2007 – **CANCELLED**

3) Regular Session – Wednesday, January 2, 2008 at 6:30 p.m.

4) Work Session – Wednesday, January 9, 2008 at 6:30 p.m.

5) Regular Session – Wednesday, January 16, 2008 at 6:30 p.m.

6) Council Hears Planning & Zoning – Wednesday, January 23, 2008 at 6:30 p.m.

On a motion by Hauser, seconded by Kovacovich, the Consent Agenda was approved as presented.

5. **Call to the Public for Items not on the Agenda.**

There was no public input

6. **Council Informational Reports** Individual members of the Council may provide brief summaries of current events and activities. These summaries are strictly for informing the public of such events and activities. The Council will have no discussion, consideration, or take action on any such item, except that an individual Council member may request that the item be placed on a future agenda.

**Hauser** thanked all those who participated in the Christmas Parade, Santa's Breakfast and the Light Parade; the turnout was wonderful.

**Kovacovich** especially thanked all the volunteers who helped make Saturday so special; Small Town America is what it is all about.

**Garrison** reported that the Sanitary District asked her to bring to Council's attention that the Town engineering staff is requesting an upgrade from a chip sealed road to a 6-inch AB; the cost could be significant. (*Gioia said to consider that relayed to the Town Manager to address.*)

**Gioia** also expressed his enjoyment of the Christmas Parade and Light Parade; the day's

festivities were wonderful. Gioia will be handling the effort to acquire water issues, authorized by the Council; he had attended a recent meeting with SRP together with Kovacovich and the water attorney that was very productive. The Town will probably have more water rights in the future than was thought.

**Gioia** also read into the record a letter dated December 12, 2007, from **Mike Parry** tendering his resignation, to be effective immediately, adding that this will be on the next agenda.

7. **Possible acceptance of Council Member Ron Smith's resignation followed by possible direction to staff to advertise for letters of interest from the general public to fill the vacancy. Mr. Smith's term expires in May 2009. The election for this position will occur in March/May 2009.**

On a motion by Hauser, seconded by Gioia, the Council voted 3-2 to accept Councilor Ron Smith's resignation with regrets and thank him for his service and all the work he did; **with 'no' votes by Garrison and Elmer.**

Gioia expressed his appreciation for Smith's service, and commented that a Councilor representing the community has a very difficult and time-consuming job.

Town Attorney Woodford was consulted as to whether the vote by three members was sufficient to pass the motion; Woodford said just a majority was needed, that the three represented a majority, with only five members present. Woodford added that it is not necessary to accept the resignation.

There was no public input.

**Note: Mayor Gioia chose to recuse himself at 6:42 p.m. from the following Item 8 hearing declaring a possible conflict of interest; Vice Mayor Hauser then presided over the meeting.**

8. **Discussion, consideration, and possible direction to staff regarding appraisal method and land exchange analysis for the possible exchange of Town property located on Oasis Road and SR 260, parcel 403-23-152A, for property located on 1451 Peterson Road, parcel 403-22-008.**

There was no action taken.

Staff was directed to **not proceed** further with the negotiations for the subject proposed exchange of Town property.

Housing Director Matt Morris explained that the original proposal by Bill Gardner for the land exchange was heard by Council on November 14<sup>th</sup> 2007; Mr. Gardner represents the Verde Valley Congregation of Jehovah's Witnesses. State law allows for such land exchanges if the properties are essentially equal in value. Pursuant to Town policy the cost for appraisals is to be borne by the private entity; the estimated costs range from a low bid of \$2,000 to \$4,000, which is more than the church group had indicated willingness to pay. Staff is recommending that Council seek approval from the church group to assume the higher cost.

The Council discussed and compared with Morris the features of the two parcels and possible benefit to the Town from the exchange. There was some reservation expressed regarding making a quick decision based on the time pressure indicated by the Congregation, and opinions that the Oasis property might be more valuable to the Town for future sale and should be retained.

**Brad Stevens** of the Verde Valley Congregation of Jehovah's Witnesses outlined his belief in the benefits to the Town of their parcel on Peterson Road, pointed out that the proposed church building would be an attractive addition to the Town on Oasis Road, and said they would be willing to pay the lower bid for the cost of the appraisals.

**PUBLIC INPUT**

(Comments from the following individual are summarized.)

**Nancy Floyd** said she appreciated the Mayor recusing himself from the hearing; she questioned any possible benefit to the Town from trading the Oasis Road parcel, which is prime property, and suggested proceeds from a future sale could be used for the new Library. *There was a brief discussion with the speaker regarding her comments, including some agreement on the question of benefit to the Town in pursuing the exchange.*

There was no further public input.

**Bill Gardner**, also with the Jehovah's Witnesses Congregation, outlined the area for construction of the church on the Oasis property as well as the issue of utilities, in defense of the concerns expressed by the Council regarding the exchange.

There was no further discussion, and based on the discussion and opinions expressed, Town Manager Scannell requested and received confirmation from the Council that the final decision was not to proceed with the exchange.

**Note: Mayor Gioia returned at 6:59 p.m. to preside over the remainder of the meeting.**

9. **Public Hearing and discussion, consideration, and possible approval of Resolution 2007-736, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, adopting the Final Plat 2007-01 for Sleepy Hollow Town Homes located on parcel 404-30-029D consisting of 20 town home units on 2.40 acres. This project is located off of Nichols Street and east of Town Hall.**

There was no action taken.

The subject item is continued to the December 19<sup>th</sup> meeting as requested by the developer.

Mayor Gioia said that a request from staff had been received to pull this item; Buckel explained that staff needed further time to allow staff to address some issues with the Attorney that had been raised by Garrison; the developer will cooperate and get more documentation, but has requested the hearing to be set as soon as possible.

There was no public input.

10. **Public Hearing and discussion, consideration, and possible approval of Ordinance 2007-A344, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona amending Section 108-D of the Zoning Ordinance to define the criteria for raising swine within the Town, to add definitions for Commercial Livestock Activity and Livestock Breeding Activity, to change the Use Permit process for Youth Livestock Activity on parcels smaller than ½ acre and to add language for setback requirements for Livestock Activity as was previously stated in Section 108.**

There was no action taken.

Staff was directed to work on the changes Council has agreed upon regarding the current draft, bring back a revised document for Council to review individually; that staff and the representative from FFA, Cody Carter, discuss and work out a documented system that will establish a process, with review and approval by the Town Attorney, for the Town and the participating agency in the future to follow the same system; and when all the foregoing is ready, to set another public hearing.

## STAFF PRESENTATION

Buckel said that the Staff Report provides a summary of the background of developing the proposed amendment, including the dates of the public hearings that were held. Extensive public input was received throughout the entire process, with several drafts reviewed and revised by the P&Z Commission. The Commission is now recommending approval of the final draft that was submitted for Council consideration. During the revision process there was an attempt by one of the Commission members to work with a citizen group with opposing opinions to discuss trying to reach a possible consensus on conflicts.

Buckel highlighted and discussed with the Council the changes that had been made and clearly indicated on the draft; members of the audience were also provided copies for reference during the discussion. The issue of some strong objections to swine being raised and bred in the Town was discussed in detail, along with acknowledging the need to support youth organizations by helping them continue their animal projects. Buckel emphasized how the application process for youth Use Permits has been simplified by the proposed amendment. As for enforcing complaints about nuisances, Buckel also commented on the importance of giving the Code Enforcement people solid standards to follow and be able to defend in a court proceeding. There was a suggestion to eliminate the youth Use Permits, or at least identify the procedure by another name since the process would now be simplified; Attorney Woodford explained that the criteria in the Town Code for granting Use Permits are there for maintaining the quality of the neighborhood. Attorney Woodford confirmed that the word "except", referring to swine in sections of the Code, means "prohibited." Woodford also suggested revising the language in Section 3.c.2) to read: "Additional swine or breeding or reproduction stock requires a Use Permit." The members generally agreed that they needed to discuss that change further. There was also concern expressed about limiting the number of projects for a family with several children.

During the discussion, the Council, by a consensus, made several suggestions and requests for changes to the draft document, including the following:

- Agree with eliminating swine from the Species Points Chart;
- Do not exempt pot bellied pigs; they are swine;
- Agree with the necessity for Temporary 4-H, FFA or school youth livestock Use Permits;
- **Note:** Further discussion needed on **Sections 3.c.2) and 4).**
- Add to the end of **Section 4.a.**, as underlined: ".....or more than ten animals in one year, other than horses and cattle."
- Add to **Section 5(a)**, as underlined: "...conducted on property less than 1/2 acre, or for **one** swine on less than....."
- Revise **Section 5(b)**, in part, from "...greater than 1/2 acre in size, except swine," to "...greater than 1/2 acre in size."
- Add to **Section 5(c)**, as underlined: "....to the Community Development Director **or** **designee** who shall determine....."
- Delete **Section 5(h)**, "No special circumstances for additional swine on less than one acre will be considered."
- Apart from the youth livestock activities, allow swine activities by regulating through the full Use Permit process;

## PUBLIC HEARING OPEN

(Comments from the following individuals are summarized.)

**Pam Sterrett** gave a negative report on her experience as a member of the advocate committee, and complained about the Use Permit process her daughter is currently following, as well as the future problems that will arise resulting from all the public attention now on livestock activities.

**Vivian Raines** thanked the P&Z Commission for all their work, saying that no one buys

residential property and expects to have a commercial breeding activity next door; the issue of the pigs has brought the problem with animal control to the forefront; there are also incorrect assertions of property sizes. Ms. Raines suggested that nuisance complaints be kept longer than one year.

**Cody Carter** teaches Ag at the high school and heads up the FFA advisors; several of the advisors are also here. He explained that the livestock programs are planned and organized, and said that a local breeding source is necessary to help the 250 students involved.

**Daria Weir** said she feels that instead of representing the community, some of the members on the P&Z Commission let their personal feelings get involved, and objected to the suggestion of sending the draft back to the Commission for further review. Ms. Weir is discouraged by the prospect of the obstacles that could end her family's livestock activities, and defended the local swine breeding activity.

**Seth Terry** said that his family is applying for a loan to put up a solid fence between their place and the neighbors; he asked that they be able to keep the breeding project, that it is important to them and their future.

**Judy Valentine** said her family supports the 4-H activities, but commented that her neighbors have abused the point system, misrepresented the size of their property, and the smell from the animals affects her quality of life. She distributed copies of pictures showing the property.

**Bob Furness** insisted that the problems constitute a nuisance, and the community needs some kind of enforcement; more work needs to be done.

**Linda German** commented on the County not allowing swine, and asked if the Town had the ability to adopt more liberal regulations. *Attorney Woodford responded that the County has no authority within municipal boundaries.)*

**Richard Clark** said that he has been to every meeting on this issue; he believes it is a nuisance problem, and should be enforced through the Nuisance Ordinance, not require permits to have livestock which will drown staff in paperwork; let the organizations run their programs.

**Eric Schweizer** complained about the length of time the problem has been dragged out, 17 months with nothing done; the excessive number of pigs next door creates putrid air to breathe, and if the Council members had the problem in their neighborhoods, the problem would have been taken care of.

**Karen Terry** defended her family's pig operation, saying that there have been 7 written complaints from 3 people, and those complaints were full of inconsistencies and untruths.

**Leonard Krautbauer** again complained about the pigs affecting his quality of life, saying they were not well taken care of, and added that when he originally bought his property he was told they could have any animals, except hogs; the area has turned into a slum.

There was no further public input.

#### **PUBLIC HEARING CLOSED** **Council Discussion**

For the benefit of those attending the Council acknowledged that no matter what the outcome of the final ordinance is, it will not please the entire community, but the members are trying to do the best they can, realizing the document may not ultimately be perfect. In response to a question, Buckel said there have been occasional, isolated complaints or problems, other than the breeding problem, in connection with individual 4-H members raising an animal. The members

generally agreed that the breeding issue must be regulated. Buckel cautioned that if animals were allowed just anywhere, other than breeding, as long as there are no complaints, that could possibly include The Cliffs; there must be some type of regulation and criteria established.

**Carol German** spoke on behalf of the P&Z Commission, stressing that they were trying to do their best for the entire community, and trying to focus on residential areas. Ms. German explained the proposed change in the current Use Permit process to establish the Temporary Youth Use Permits procedure that simplified the process, with no fee, and made it so much easier for the youth. During a brief discussion with the Council members, Commissioner German said that the Commission had discussed changing nuisance complaints from a civil classification to a criminal issue so that perhaps the Marshal's office could get involved for more effective prosecution and resolution.

**Cody Carter** was invited to provide input in connection with the youth livestock programs; he explained that the footprint of the animal should be a determining factor in deciding on numbers. Pigs have a very small footprint and are basically contained in a pen, as opposed to cattle. Mr. Carter gave some examples of how the number of animals would be determined by the particular species and their footprints, and how they are contained or not.

Following further Council discussion on the youth Use Permits, in the alternative, **Mr. Carter** outlined how the youth livestock programs are handled; there is first a planning stage where the youths would draw up their own plans, present them in the classroom, and he would certify that the impact on the land would be minimal. There is a complete record-keeping system for each project and plan, with a budget; the amount of acreage is another factor in determining the type of animal(s) to be kept. Mr. Carter said that recently, as well as the FFA, he has all of what used to be Camp Verde 4-H; being in the localized group there is more jurisdiction, and it is more beneficial to Camp Verde. They also must do the plans and record keeping. The FFA students get a grade on their projects, a science credit for high schools; it is required. Mr. Carter could coordinate with the Town if that type of situation is accepted. If there are complaints, then Mr. Carter would need to address those and make sure those individuals were in his program.

The Council discussed having staff work with Mr. Carter to memorialize and document an agreement between the Town and the governing organization now represented by Mr. Carter, or any future similar organization; Mr. Carter agreed to work on such an agreement with staff and the Town Attorney.

There was also some concern that such an arrangement would not address the issue of animals kept by adults in the community. Buckel was requested to follow up on what the Council has discussed, and when a document is ready to be discussed to bring it to individual members for review. Also, staff is to get together with Carter, iron out the details on how that segment would work, consulting with the Attorney. When all the information is ready to be shared, a meeting will be set to go over what was done, and move on to the items that remain to be addressed.

In response to a request for his opinion, Town Manager Scannell said that he believes the suggestion by Mr. Carter to work with the youth is a good one. He agreed that staff is already burdened with a lot of things, but the offer is worth investing some time, trying to develop a document that works, and then come back to Council, understanding that it will take time because of the many factors to be considered.

There was further clarification of what staff will be working toward; Buckel confirmed that she will make the revisions to the draft ordinance as discussed, bring it back for review by individual members, discuss with the Attorney and with Mr. Carter the proposed process under which the Town and Mr. Carter's agency, or any other future governing agency, would work together, to document how that would work, whether by an IGA or other type agreement that would hold both entities to the same standards.

11. **Call to the Public for Items not on the Agenda.**

There was no public input.

12. **Advanced Approvals of Town Expenditures**

**a) There are no advanced approvals.**

There were no advanced approvals.

13. **Manager/Staff Report**

Town Manager Scannell reported briefly on his research in response to a request from Councilor Garrison regarding an amount budgeted in connection with the Sanitary District; Scannell will present a detailed report on budget issues at a future meeting.

Buckel explained the process that had been established using a 3-ring binder in the office containing a master set of documents for the members to review, and from which copies can be made if requested.

14. **Adjournment**

On a motion by Hauser, seconded by Garrison, the meeting was adjourned at 10:21 p.m.

  
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Margaret Harper, Recording Secretary

**CERTIFICATION**

I hereby certify that the foregoing Minutes are a true and accurate accounting of the actions of the Mayor and Common Council of the Town of Camp Verde during the Regular Session of the Town Council of Camp Verde, Arizona, held on the 12<sup>th</sup> day of December 2007. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 9 day of January, 2008.

  
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Debbie Barber, Town Clerk