

**ACTIONS TAKEN
COUNCIL HEARS PLANNING & ZONING
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, FEBRUARY 28, 2007
6:30 P.M.**

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 – March 7, 2007 at 6:30 p.m.

2) Regular Session – March 21, 2007 at 6:30 p.m.

3) Council Hears Planning & Zoning – March 28, 2007 at 6:30 p.m.

c) **Possible approval of the amended Exhibit A, Administrative Services 2007 Fee Schedule as established by Resolution 2007-718, adding miscellaneous building permit fee schedule for projects required to have a permit but not currently covered in the valuation chart from the Building & Safety Journal.**

On a motion by Baker, seconded by Kovacovich, the Consent Agenda was unanimously approved, with Item 4c) pulled for discussion.

- 4.c) **Possible approval of the amended Exhibit A, Administrative Services 2007 Fee Schedule as established by Resolution 2007-718, adding miscellaneous building permit fee schedule for projects required to have a permit but not currently covered in the valuation chart from the Building & Safety**

On a motion by Gioia, seconded by Baker, the Council voted unanimously to continue Item 4c) to an appropriate session for further study.

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

Barbara Miller requested that Item 6 be heard next in order to accommodate the young folks who were present . *Mayor Gioia said that it would be in order to address Item 5A next, and it was agreed to then move to Item 6.*

There was no further public input.

- 5A. **PRESENTATION OF A CERTIFICATE OF APPRECIATION TO THE CAMP VERDE MIDDLE SCHOOL BUILDER'S CLUB IN RECOGNITION OF THEIR COMMUNITY SERVICE ACTIVITIES.**

There was no action taken.

- 5B. **PRESENTATION OF A PROPOSED DEVELOPMENT FOR THE 5-ACRE PARCEL LOCATED ON CLIFFS PARKWAY THAT WAS DONATED FOR THE BENEFIT OF THE LIBRARY, FOLLOWED BY DISCUSSION, CONSIDERATION, AND POSSIBLE DIRECTION TO STAFF TO RESEARCH THE MATTER FURTHER.**

On a motion by Gioia, seconded by Baker, the Council voted unanimously to pass the proposal to the Housing and the Library Commissions for their discussion, and to bring back recommendations to the Council on their decisions on the library site and/or building.

PUBLIC INPUT

(Comments from the following individuals are summarized in the Minutes.)

Barbara Miller

John McReynolds

Tom Neilson

John Crane

Jim Ash

Scott Simonton

Robert Johnson

**Jim Long
Perry Haddon
Mitch Dickinson
Linda Harkness
Norma Garrison
Lisa Mina
Tony Varella
Art Coppinger
Carol Sanguinetti**

There was no further public input.

A recess was called at 9:36 p.m.; the meeting was called back to order at 9:44 p.m.

5C. DISCUSSION, CONSIDERATION, AND POSSIBLE APPROVAL TO COMMIT THE TOWN OF CAMP VERDE TO \$2.3 MILLION DOLLARS TO ASSIST THE SANITARY DISTRICT WITH COMPLETION OF CONTRACTS #1, 2, AND 3 AND TO DIRECT STAFF TO RESEARCH POSSIBLE FUNDING OPTIONS AND TO INCLUDE AN INTERGOVERNMENTAL AGREEMENT WITH THE SANITARY DISTRICT.

On a motion by Baker, seconded by Smith, the Council voted unanimously to approve TO COMMIT THE TOWN OF CAMP VERDE TO \$2.3 MILLION DOLLARS TO ASSIST THE SANITARY DISTRICT WITH COMPLETION OF CONTRACTS #1, 2, AND 3 AND TO DIRECT STAFF TO RESEARCH POSSIBLE FUNDING OPTIONS AND TO INCLUDE AN INTERGOVERNMENTAL AGREEMENT WITH THE SANITARY DISTRICT.

On a motion by Baker, seconded by Smith, the Council voted unanimously to amend the original motion to include the provision "not to exceed \$2.3 million dollars".

PUBLIC INPUT

(Comments from the following individuals are summarized in the Minutes.)

**Jim Ash
Harry Duke
Paul Clawson
Barbara Miller
Norma Garrison
Robert Johnson
John McReynolds**

There was no further public input.

(Note: Item 6 was heard prior to addressing Items 5B and 5C.)

6. Discussion, consideration, and possible direction to staff concerning conflicting language in Section 108D Animals and Section 109A.2.g and B2.d(3).

Staff was directed to follow through based on the following requests and concerns:

- Buckel to get written questions from the Commission and then confer with attorneys.
- Refer the matter back to Planning & Zoning;
- Section 108 to be re-written to recognize some of the zoning districts in 109;
- Revise Section 108 to accommodate how 4H normally conducts its training and rearing of animals;
- Address ambiguous language regarding "except swine."
- Attorney to prepare recommendation to the Council regarding how to address the problems associated with Proposition 207 delaying revisions to the Code;
- Concerns of public regarding the nuisance factors;
- Concern of public that a hog farm is similar to a dairy, and that is not allowed.

- Have a full understanding of the 4H requirements, how the particular classes and requests of 4H work in order to protect 4H project.

PUBLIC INPUT

(Comments from the following individuals are summarized as follows.)

Jim Bullard, P&Z Commissioner, said that the Commission also wanted legal advice for guidance regarding Section 108. *Gioia requested Buckel to get written questions from the Commission and then confer with the attorneys.*

Norma Garrison said she understood from attending the P&Z meeting that the issue is more complex than just deciding on which Section applies; staff uses the formula for Section 108, but does not consider the zoning specified in 109.

Greg Terry pointed out his understanding of the ambiguity and contradiction between both Sections 108 and 109 that need to be addressed; the issue is not just about pigs but it is about children and the 4H projects and what the community stands for.

Susan Danner said she promotes 4H; she agreed that Sections 108 and 109 need to be redone. A hog farm should not be allowed in an established community; the pigs are a nuisance.

Daria Weir spoke in defense of the 4H program, the Terry family contributions, and the resulting benefit to the children.

Karen Terry described how the children learn from raising and breeding pigs and defended how the pigs are handled on her property.

John McReynolds said that 4H is not the issue; the issue is bad neighbors and should not be brought to the Town Council for a resolution.

Leonard Krautbauer said he does not mind 4H, but the neighbor has a hog farm; some of the animals are 30 feet from his house, and the smell is offensive. Also, he is concerned about the pig "stuff" affecting the water. Mr. Krautbauer also spoke about an earlier homeowners association that did not allow hogs.

Lisa Franklin is a 4H mom, active in AYSO; she commended the Terrys for stepping up and taking over as swine leaders for the children; the Terry farm is for 4H projects and they keep the property in good condition.

Ira Piper complained about the Terry property, adding that it sounds like a farm to him and is getting to be an eyesore; property values will drop. He spoke later asking if there is anyone willing to take the pigs to their own property out of the neighborhood.

Rod Proper, veterinarian, had children participating in 4H. He was on the P&Z Commission when the Town was incorporated and it sounds as though "we have stepped on ourselves." However, the intent was to permit 4H animals; breeding of swine would not be permissible. Hog production would be very similar to a dairy, and should that be allowed? Dr. Proper cautioned the Council to give a decision some very in-depth thought.

Vern Johnson, an Ag teacher, cited a hypothetical of people moving to Lubbock, Texas, and then complaining about the smell that existed when they moved there. The law should not be changed now to fix a problem; that would be somewhat legally questionable.

Alex Anzar said that as a community we are letting the Terrys down; it is a neighbor problem, not the Council. The neighborhood should band together and fix it. He volunteered his help.

Bob Weir said it was good that the Terrys stepped up and is providing home-grown animals for the children.

Hans Weir (a minor), a 4H student. said the program has grown and needs more kids and more pigs.

Clint Teague said he financed several years of college raising pigs; as for limiting animals to two per acre, everyone has probably broken that law.

Deshon Tripp (a minor) said he has a pig at the Terrys' house and he needs the project so he can pay for part of his college education.

Megan Teague (a minor) said that it is not a neighborhood problem because if the pigs are moved it will be another neighborhood problem. Some of those involved in 4H are involved in other activities and do not have time to go out and clean the pigpens every day.

Greg Terry later stressed that the issue of a perceived nuisance has nothing whatsoever to do with the meeting tonight; the issue is the conflict between Sections 108 and 109, what is the law, and what is the position of the Town of Camp Verde, and what the law will be in the future. *Councilor Smith discussed with Mr. Terry the issues of zoning and intent, as well as the recent adoption of Proposition 207 pertaining to property rights and zoning. Mr. Terry also pleaded with the Council about what he perceives as an apparent prejudice against pigs.)*

D. Weir (a minor) said this is her first year in 4H, and to please not take away the program.

There was no further public input.

Attorney Sims, in response to a question regarding instructing staff regarding addressing these particular types of programs for the youth, said that Council can give direction to the P&Z Commission to address some of the issues that were discussed this evening. For example, re-write 108 to recognize some of the zoning districts, also to accommodate how 4H normally conducts its activities. What the Council is hearing tonight is a governmental process at work; it is not just a neighborhood problem. The legislature has given the elected officials the power to tell people how to live on their land; that power is very narrowly constrained. There are rules to be followed recognizing property rights. According to the Code the P&Z Commission shall post notices, conduct hearings and make a written recommendation. It would be very appropriate for the Council to refer this issue back to P&Z to address some of the issues that were addressed tonight. It is clear that the revision is needed. The Town has not been remiss in not enforcing the ambiguous provisions.

A recess was called at 8:18 p.m.; the meeting was called back to order at 8:20 p.m., at which time Items 5B and 5C were addressed.

(NOTE: Because of the late hour the Council agreed to continue Items 7 and 8 to the first meeting in March.)

7. **Discussion, consideration, and possible authorization to advertise for a planning position. This a budgeted item.**
(Continued to first meeting in March.)

8. **Discussion, consideration, and possible approval to purchase equipment, software, and services for the following:**
a. **Networking, software licenses for ArcGIS 9.2 - & permitting software - \$80,000 budgeted in the CIP;**
b. **File label software – less that \$10,000 (unbudgeted); and**

- c. **Retain a consultant to assess department needs and prepare a RFP for permitting software – less than \$10,000, with \$4,000 coming from the CIP.**
(Continued to first meeting in March.)

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

Gary Thompson said some facts regarding his meeting with the Chamber Board were not properly presented and he wanted to set the record straight.

There was no further public input.

10. **Advanced Approvals of Town Expenditures**

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

There were no advanced approvals of Town expenditures.

11. **Manager/Staff Report**

There was no Manager/Staff report.

12. **Council Informational Reports**

Smith requested prayers for Dick Hauser; he is the husband of Vice Mayor Hauser and had triple bypass surgery on Monday.

13. **Adjournment**

On a motion by Baker, seconded by Gioia, the meeting was adjourned at 10:38 p.m.