

**MINUTES
COUNCIL HEARS PLANNING & ZONING
MAYOR AND COUNCIL
TOWN OF CAMP VERDE
COUNCIL CHAMBERS
WEDNESDAY, FEBRUARY 28, 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, Councilors Smith, Baker, Kovacovich, Parrish and Parry were present; Vice Mayor Hauser was absent due to family illness.

Also Present: Community Development Director Nancy Buckel, Town Manager Bill Lee, Town Attorney Bill Sims (by telephone conference), Finance Director Dane Bullard, Affordable Housing Director Matt Morris, Library Director Gerry Laurito, and Recording Secretary Margaret Harper.

3. Pledge of Allegiance

The Pledge was led by Parry.

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.

Councilor Parry requested that Item 4c) be pulled.

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.

Director Buckel explained that the subject fees were compiled by the department Administrative Assistants who issue permits, based on input from the County and other area municipalities. Buckel said the indicated amounts are basically routinely being charged, with no complaints from contractors; the intent is to have them now be set forth in writing in order to be consistent. After discussion, the item was continued to an appropriate meeting at which time the Permit Techs will be present to outline their research and provide their worksheets used for the resulting determination of the fees.

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.

Mayor Gioia expressed appreciation for the great things the Builders Club has been doing for the community; Sara Chagolla, Megan Teague and Ashley Ross, after distributing brochures, reviewed the variety of community service activities of the Builders Club and the Lighthouse Foundation, together with further input from Daria Weir. Mayor Gioia then presented the Certificate of Appreciation in recognition of their community service activities.

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.

Mayor Gioia explained that he had met with a representative of a church who had a suggestion for the subject property, and that the proposal may resolve a number of the issues that have arisen over the location and building of the new Library. Gioia said he hopes that Council will choose to refer to the Library Commission and that the Library Endowment will consider it. Gioia outlined several benefits of an exchange of properties proposed by the church that could result in the Library being built on one-half of the five acres and the church on the remainder, as one option. The exchange would also give the Town 2-1/2 acres of industrial property to sell to help fund the construction of the Library; if the Library were not built on the Cliffs property, then that 2-1/2 acres could be sold for additional funding.

The representative from the church, Mr. Gardner, gave a presentation, displaying a conceptual drawing of the proposal to show it would be possible to build both the Library and the church on the five-acre parcel, and explaining the details of the proposed exchange and the potential financial benefits to the Town.

There was some concern expressed by members basically opposing what was perceived as a premature presentation to the Council, in essence circumventing accepted procedures and participation of the Library and Housing Commissions as well as staff. Gioia reiterated his prefacing statement regarding his hope that the Council would choose to refer the matter to the Commissions for them to entertain the idea and then bring it back to Council. There was some discussion also about the proposal for affordable housing on the five-acre parcel and problems coming from all sides on the Library issue, as well as the potential for the subject proposal to resolve some of the concerns, as one possibility. The public was then invited to share their views.

PUBLIC INPUT

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

Barbara Miller outlined the history of the many studies the Town had, including public hearings, on the intent of the community to revitalize the downtown, a vital part of which was locating the Library downtown; she cannot understand why that location seems to be a big surprise now. Ms. Miller believes that there were no strings attached to the donation of the five acres, or

documented; the Library is vital to the downtown location. The Town cannot control what realtors tell potential buyers.

John McReynolds, of the Housing Commission, said he understood that the Library would be located downtown; as for the "affordable housing" term, he said it should be recognized as "attainable housing," which is needed and which is good for the community.

Tom Neilson observed that the Library at the Cliffs property would be too far out of town; he suggested using the old Marshal's property which would save a lot of money, and to build a one-story Library.

John Crane said he was on the Library Commission when the recommendation was made and accepted by the Council, and the proceeds of the five acres pledged to the Library. Mr. Crane said the Council is obligated to put the five acres to the highest and best use, and suggested a rezoning to make the land more valuable.

Jim Ash, Treasurer of the Camp Verde Library Endowment, totally agreed with the comment about following proper procedure. He said building the Library downtown along with Town Hall will not happen for years; a member of the Endowment has researched building the Library on the present site and followed procedure by giving her initial presentation to the Commission.

Scott Simonton, in response to comments about his donation of the five acres, explained the background of his contacts with the Library Director and other members of the Library Commission and his agreement to participate and give back to the community by donating the property originally as the Library site. Mr. Simonton said that in response to subsequent contacts with staff and Council he eliminated from the final plat and donation of the parcel any reference to a specific use.

Robert Johnson suggested constructing a building next to the existing library in line with what the Town can afford.

Jim Long, a member of the Library Commission, questioned the proposal of the land exchange; he heard a presentation at the Commission's last meeting regarding building the Library where it is now. Mr. Long said he needs to know solid facts in order to make any recommendation to the Council as to what the community wants.

Perry Haddon suggested that a church is a good neighbor; a shared parking lot would make good sense.

Mitch Dickinson shared his observations from his concern of wanting both the Town and the Library to get a good deal, and reviewed past meetings leading to selection of the Master Plan Townsite as the location for the Library and the assumption that the five acres would be sold with the funds going towards the Library. Dickinson advocated patience, that completion of the sewer project would bring in tax monies, and the proposed Library could be built as planned.

Linda Harkness said she has been working on alternate cost-saving methods of putting up the Library; she is concerned about the proposed land trade resulting in additional funds required from the Town, and less money for the Library from the sale of only 2-1/2 acres.

Norma Garrison said she had understood there was complete agreement regarding location of the Library. She cited wording from Title 9-419(b), specifying the town's power to authorize use of land belonging to the town for the purpose of "erecting or maintaining a building to be used only for a public library and reading room," and requested someone to address the legality of including Town offices in the proposed building. *Attorney Sims (by telephone) said that he believes the intent of the statute that was adopted in 1901 was to prevent earlier jurisdictions to*

use town or city funds to erect a public and then allow commercial services as well; he does not believe it would prevent a joint sharing of space, but will research the issue further.

Lisa Mina, Chairperson of the Library Commission, said that the Commission is hoping to have a Work Session next week to review the existing issues and invited public to attend and give their input.

Robert Johnson reminded the Council of the many other irons in the fire at this time that will cost money, such as the Water Company, the new Park; all the money to be collected will not go to the Library.

Tony Varella objected to what the diagram illustrated from the standpoint of traffic in that area; he said to just sell the property, make a park there, but not just hang onto it.

Art Coppinger said he agrees that there are certain procedures to be follows, but does not believe there was any intent to circumvent the proper channels; the proposal is just presented as an option as another possible financial benefit to the Town.

Lynn Peterson said she is totally opposed to low-income housing; the residents were initially told by the Sales Office that the land was supposed to be for the Library; she feels betrayed, wants some kind of recourse, and does not want it to be a done deal without having any say in it or not to have it disclosed. *Mayor Gioia said that the newspapers had reported on the whole progression; the Town records reflect the public meetings and Council actions; what she had been told by someone else was not the responsibility of the Town. John Stevens spoke up to tell Ms. Peterson that she had recourse, and that is in the courts. Bob Johnson suggested writing Letters to the Editor.*

Scott Simonton added that all of the proceedings took place in open forum, all the discussions, questions, and requests. Universal Homes was certainly aware of the proceedings and has responsibility for any misinformation coming from any employee or agent of Universal Homes.

Carol Sanguinetti on the Board of The Views said she personally was not told the five-acre property was going to be a Library; the Board is working on what to do about the misinformation and she does not believe the Town is responsible for that. The main concern is the issue of proposing affordable housing for that property and the effect on property values; she believes that building only for a specific class of buyers would be discriminatory and illegal. However, if that were possible, there might be a lot more support.

There was no further public input.

Mayor Gioia referred to the ongoing discussions among the various Commissions and community groups on where the Library should be and the use of the five acres, explaining that the intent of presenting the subject proposal as an alternate option was to then refer it, after initial review by the Council, to the appropriate Commission for a thorough review and recommendation back to Council.

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".

Mayor Gioia first called for a show of hands from anyone doubting the necessity of the Town helping to facilitate the Sewer District; there was no response. Baker, after calling a Point of Order, explained that the item had been added to the Agenda in response to the last Council meeting, that this was the time for the Town to step forward, take action, and do all that it can to facilitate the progress of the expansion project; the item had not been added as an effort to convince anyone of the necessity to do all possible to proceed with haste; the community is in agreement.

Rob Witt, Sanitary District Chairman, outlined the status of its efforts to complete the sewer system and be able to provide the service to the community and to provide the service crucial to economic development. With the backing of the Town in committing the requested \$2.3 million, the Sewer District anticipates being able to generate the remaining funding needed since that would be a necessary major source of funds; Witt explained the urgent time schedule and the decision to go back out to bid on one phase. Finance Director **Dane Bullard** advised Council that staff has been following through with the instructions from the last meeting; he confirmed that the Town is able fiscally to contribute the requested amount, and together with input from Town Attorney Sims, reviewed the steps necessary to coordinate with the Sewer District and move the project forward. Witt said that contributions have been requested from several businesses; the participation of the Town will encourage them to make strong commitments.

During a brief discussion, members pointed out the benefits to the Town, the citizens, the economy and the ecology, with some concern expressed about a lack of specific facts and figures, as well as the general agreement that the Town needs to see progress now; promises need to be kept.

PUBLIC INPUT

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

Jim Ash warned that the leaching from the septic systems into the river will inevitably bring the EPA into the issue and the Town will have no choice at that time and will be at the mercy of the contractors.

Harry Duke said the Council has a chance to hit a home run for this community; the sewer is essential for growth, revenue and all Town amenities.

Paul Clawson acknowledged that \$2.3 million is a serious amount of money, and cautioned the Council to very carefully weigh out the options before a final decision is made.

Barbara Miller pointed out the issue of the residents who have paid for years and still do not have the service, and the long-time big problem of the septic tanks. The businesses being asked for contributions have been helping to support the Town for a number of years already; they need to be supported now.

Norma Garrison said she is hopeful that the Sewer District will get a much better bid this time and hopeful that they will keep trying to get contributions, and suggested that the motion on the table be amended to specify "up to \$2.3 million" so that the Town will only be committed to what is actually needed.

Robert Johnson questioned how far out the sewer will extend and will it include the Simonton development.

John McReynolds commented that the sewer will totally change Camp Verde and his business; he will face the competition and looks forward to getting the sewer.

There was no further public input.

There was comment from the Council assuring the community of its consistent emphasis on being frugal; Finance Director reviewed for the public the issue of bonding the revenue and confirming how the payments will be made, and taking that fiscally prudent course of action.

The suggestion regarding approving the amount of "up to" \$2.3 million instead of the exact amount was discussed, and Attorney Sims confirmed that such a provision would in no way harm the progress of the project; it simply leaves the option of going lower.

(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.

Director Buckel said that the subject item had been on the agenda for consideration by the Planning & Zoning Commission last month. The Commission determined that there is conflicting language in Sections 108 and 109, and because of the nature of the issue requested that staff return to Council for further direction; the Town Attorney is in the process of working on some amendment language. There was also extensive public input at the Commission meeting, similar to that at the prior Council meeting. Buckel explained that Section 108 represents the public consensus regarding livestock uses in the community as well as consideration of 4H projects.

Buckel pointed out that Section 108 provides that the language in Section 109 "supplements or supplants," which means overrides; however, she understands that 108 was intended to be the guiding ordinance. Buckel added that if that is the desire of the Council, staff will work on the language with the Town Attorneys. Attorney Sims cited the section of the Town Code that specifically requires that an amendment be acted upon first by the P&Z Commission followed by a report and written recommendation to Council. Buckel reiterated the request of the Commission for further direction, whether to amend 108 or 109, or is it to make that decision and recommendation to Council independently. The Council generally agreed that the intent of the community was to follow through with the provisions of Section 108.

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.

Mayor Gioia advised the public that the matter will be sent to the Planning & Zoning Commission; they will work through the zoning issues and they have been directed to also include protections for 4H.

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 than \$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.

Tony Gioia 3.22.07

 Tony Gioia, Mayor

Margaret Harper

 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 28th day of February 2007. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 29 day of March, 2007.

Debbie Barber

 Debbie Barber, Town Clerk