

**(Corrected) MINUTES  
TOWN OF CAMP VERDE  
REGULAR SESSION  
MAYOR AND COUNCIL  
473 S MAIN STREET, SUITE 106  
WEDNESDAY, NOVEMBER 16, 2022 at 6:30 P.M.**

Note: Council member(s) may attend Council Sessions either in person, by telephone, or internet/video conferencing.

1. **Call to Order**-Mayor Jenkins called the meeting to order at 6:30.
2. **Roll Call.** Council Members Jackie Baker, Cris McPhail, Marie Moore, Jessie Murdock, Robin Whatley, Vice Mayor Joe Butner, and Mayor Dee Jenkins.
3. **Pledge of Allegiance**- The Pledge was led by Vice Mayor Butner.
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:**  
None
  - b) **Set Next Meeting, Date and Time:**
    - 1) Special Executive – Session November 18, 2022 at 5:00 p.m.
    - 2) Regular Session – Wednesday December 7, 2022 at 6:30 p.m.
    - 3) Regular Session – Wednesday December 21, 2022 at 6:30 p.m.

**Motion** made by Councilor Moore to approve the consent agenda.  
**Seconded** by Councilor McPhail.

Vote;

Councilor Baker-aye  
Councilor Murdock-aye  
Councilor Moore-aye  
Councilor Whatley-aye  
Councilor McPhail-aye  
Vice Mayor Joe Butner-aye  
Mayor Dee Jenkins-aye

Motion passes 7-0

5. **CONTINUED DISCUSSION, CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION 2022-1098, A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA DECLARING AS A PUBLIC RECORD A CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "ARENA DEL LOMA REZONE – LETTER OF INTENT, DATED AUGUST 11, 2022, AND PLANNED AREA DEVELOPMENT STIPULATIONS FOR DENSITY AND INTENSITY OF USE AND REQUIRED MITIGATION PLANS" FOR THE ZONING MAP CHANGE) FOR 4.4 +/- ACRES LOCATED AT 1738 NORTH ARENA DEL LOMA ROAD, CAMP VERDE, AZ (APN 404-18-178Q).** Staff Resource John Knight

See below transcription as Mayor Jenkins read agenda items #5 and #6 consecutively. Attorney Sims stated the Mayor read both agenda items consecutively were due to the substance of the discussion primarily relates to the 19 conditions that originally emanated from a continued discussion of the 19 conditions. By reading both the resolution and ordinance together, this will allow Council to immediately satisfy the requirements of a hearing. The hearing will be opened, then closed, including following up discussion with the applicant and satisfying the hearing requirements and application that was submitted.

6. **CONTINUED PUBLIC HEARING - DISCUSSION, CONSIDERATION AND POSSIBLE APPROVAL OF ORDINANCE 2022-A474, AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA, FOR A ZONING MAP CHANGE, SUBJECT TO STIPULATIONS, FROM R1-70 (RESIDENTIAL: SINGLE-FAMILY, 70,000 SQUARE FOOT MINIMUM LOT SIZE) TO R1-70/PAD (RESIDENTIAL: SINGLE-FAMILY, 70,000 SQUARE FOOT LOT SIZE/PLANNED AREA DEVELOPMENT) FOR 4.4 +/- ACRES LOCATED AT 1738 NORTH ARENA DEL LOMA ROAD, CAMP VERDE, AZ (APN 404-18-178Q).** Staff Resource John Knight
- Staff Comments
  - Public Hearing Open
  - Public Hearing Closed
  - Council Discussion

#### **Staff Comments-**

Community Development Director John Knight gave an overview of the application, stating this is a continued item from the November 9<sup>th</sup> meeting.

There are two key issues regarding the application.

1. The 2016 Notice of Decision (NOD).
2. The difference between the 2016 NOD and the application for a PAD.

The applicant is requesting an equestrian arena with 20 RV spaces, equestrian events, 350 animals and set hours of operation. The details are outlined in the applicant's letter of intent and the Staff report. Town Staff recommendations remain the same regarding this issue.

Mr. Knight explained the 2016 NOD is a legal non-conforming use for the property, going back to 1968. The NOD is essentially a "grandfathered" use of the property as long as the property owner meets certain requirements regarding property use.

PAD zoning allows the property owner to address issues and concerns brought forward by the Town and surrounding neighbors. It also allows the applicant to expand his operation, including use and intensity.

The property is currently under a NOD designation from 2016. Under the existing NOD, there is no limit to the number of animals the property can have, hours of operation, or number of events.

The applicant has voluntarily agreed to some conditions such as limiting hours of operation. Staff recommends events to be over by 10pm. The applicant will adhere to "dark sky" lighting.

There will be several more steps for this project that will be included in a development schedule for Council. All further developments regarding this item will come before the Planning and Zoning Commission and Council according to the "development schedule". The applicant will have to demonstrate compliance for each phase. Mr. Knight explained tonight's decision is not the last step in this process.

**Mayor Jenkins opened the Public Hearing at 6:45.**

#### **Public Hearing Open**

Mayor Jenkins addressed the audience, stating Council has received and read all emails and communications sent by the community. She thanked everyone for coming.

The applicant, Tanner Bryson and his attorney, Rose Winkler, encouraged the Council to reexam the application/documentation that has been submitted.

**Gail Pate** (marked opposed on the blue card) yielded her speaking time to **Janette Corbin**.

**Janette Corbin** is opposed to this item.

**Marsha Jones and Brenda Powell** (both marked opposed to the item on the blue card) waived their time to Terry Andrews.

**Terry Andrews** is opposed to this item.

**Bitia Ameen and Jody White** (both are in favor of this item) yielded their time to **Christa Brunori**.

**Christa Brunori** is in favor of this item.

**Jerry Martin, Eileen Martin, Janet Walther** (opposed to this item per blue card), **David Hallum** (opposed to this item per blue card), and **Jeff Noonan** yielded their time to **John Bassous**.

**John Bassous** is opposed to this item.

**Cheryle Eberhard** is opposed to this item.

**Lakota Wanaisie** declined to speak but is in favor of this item.

**Kelly Anderson** is in favor of this item.

**Clay Bryson** is in favor of this item.

**Shiril Cooley** is opposed to this item.

**Carol German** is opposed to this item.

**Cara Brunori** is in favor of this item.

**John K. Lacey** is in favor of this item.

**Kylynn Bryson** is in favor of this item.

**Chet Whitman** is in favor of this item.

**Justin Jarrot** is in favor of this item.

**Tye Reddell** stated on the blue card he is in favor of this item.

**Jordy Weaver** (via zoom) is in favor of this item.

**TC Noble** is opposed to this item.

**Adeni Ellisian** is in favor of this item.

**Mary Phelps** spoke via zoom and is in favor of this item.

**Daria Weir** spoke via Zoom and is in favor of this item.

**Cheri Wischmeyer** is opposed to this item.

Applicant, Tanner Bryson spoke, giving an overview of the property and his voluntary efforts to rezone the facility to meet the neighbors halfway and give the Town some governance. The PAD will help define exactly what is allowed on the property and require the applicant to stay within those boundaries.

Tanner Bryson's Attorney, Rose Winkler spoke regarding legal issues concerning the property and the proposed improvements. She defined the "historical legal non-conforming use" of the property since its inception in the 1960s.

**Mayor Jenkins closed the public hearing at 8:10 p.m.**

### **Council Discussion**

Councilor Moore handed out recommendations she prepared titled "Changes for Consideration Listed Under Recommended Conditions." She stated she did a great amount of research into this issue finding a similar equestrian arena in a residential neighborhood in Cave Creek called Dynamite Ranch. She gave an overview of the agenda item and Council's responsibilities regarding it.

Mayor Jenkins called a 15-minute break at 8:30 p.m.

The meeting resumed at 8:42.

Councilor McPhail appreciated the recommendations Councilor Moore compiled and handed out. She had some questions on a few of the items, which were explained by Councilor Moore.

Vice Mayor Butner stated the recommendations submitted by Councilor Moore were excellent. He gave an overview of what he had heard during the meetings regarding this item, and some of his personal experiences. He wishes to achieve a resolution to a difficult issue in a neighborhood.

Councilor Baker understands this is a difficult decision. She is familiar with the neighborhood where Arena Del Loma is located and some of the history behind it. Historically, she understands the property has not been a commercial enterprise, rather it was the work of a nonprofit, and it appeared to work very well. She would like to find a good compromise; however, she cannot support a PAD for the property.

Councilor Moore gave credit to the Mayor for her help with the recommendation document. She gave an overview of what Mr. Bryson (the applicant) will have to accomplish to make his property a nice facility.

Councilor McPhail stated if Council does not pass the PAD with the recommended conditions, the Town will have to default to the existing NOD, which is unworkable. She summarized the recommendations and how they might be applied.

Vice Mayor Butner explained the Town procedures concerning the agenized PAD. This is a Yes, or No item for Council. It is for Mr. Bryson to look at the suggestions made by Councilor Moore and agree to the amendments that have been made to the PAD. If he agrees to those, then Council can vote on that. If he does not agree, it is a No.

Councilor Murdock stated this is a difficult decision for Council. She summarized a recent visit she made to the facility and her observations. She would like more time, communication, and dialogue with the applicant and his lawyer prior to making a decision.

Mayor Jenkins stated the recommendations document is an excellent attempt to protect the citizens/neighbors. This item is a very difficult decision for Council. Council has worked hard on behalf of the citizens and applicant.

Mr. Bryson spoke, thanking the Council for their consideration in this matter. He would like the Council to vote on the PAD as presented. If the vote is no, he is willing to continue operating under the 2016 NOD.

Mayor Jenkins asked Mr. Sims for legal direction.

Mr. Sims replied, stating the applicant is fully aware of the amendment. If the applicant was receptive to the idea, it could be decided tonight, then the Town could

give the applicant the PAD, and with it all the rights it brings. The applicant has declined that option, which is his right. To impose the "new" (amended) PAD would require a rescission of the 2016 NOD and the applicant's consent. If the applicant will not give his consent, then the action tonight would be to vote on the document which is in Councils' packet. If that results in a denial, then that means the application has been denied.

Mayor Jenkins asked Mr. Sims if Council was voting on the items individually.

Mr. Simms replied, Council will be voting on the resolution first as written to incorporate the exhibit unmodified. Council would then vote on the ordinance. Council may want to pass the items with the amendments, but Council would decline to pass both because Council does not want to approve the conditions as written, therefore Council would decline to approve the resolution and thus the ordinance. Both would result in a denial if the applicant does not accept the amendments.

Councilor Murdock asked Mr. Knight for a clear, clean line version of the NOD.

Mr. Knight replied yes, on page 97. The summary letter is on page 97 and 98. Mr. Knight outlined three clear issues as written in the packet. Under the NOD they include;

1. Unlimited number of animals up to 500.
2. Unlimited number of RVs (stay less than 10 days).
3. No restrictions on noise, dust, event frequency or event hours.

He continued, stating the applicant has worked very hard with the Town to address numerous issues. What staff is proposing in the packet is better than the current NOD.

Mayor Jenkins made it clear; Council will be voting on what was presented in the packet.

Councilor Murdock requested further discussion. She does not find either option ideal. She is not ready to vote.

Mayor Jenkins requested Mr. Sims to explain the voting process.

Mr. Sims stated that the document presented by Councilor Moore advanced the case by recognizing the concerns of the neighbors, and the right of the applicant to improve his business. Because there has been sufficient protest, it requires five Council members to approve the agenda item. There are three options;

1. Approve unmodified, the conditions.
2. Vote to reject unmodified.

3. Council has heard the creative approach, and if five Council members are for it, the resolution could be approved, adding the exhibit prepared by Councilor Moore and direct the conditions be modified before filing with the Clerk. This will give time for the applicant and his attorney time to read the conditions. This will avoid terminating everything and disapproving what was approved by Planning and Zoning. It will also give the applicant time to examine the conditions and see if they are workable. If the conditions are not workable, the Town cannot file anything, and the applicant will continue to operate under the 2016 NOD. If the applicant declines the amendments/recommendations, then Council will vote to either approve as presented, or decline as presented.

Councilor Baker reiterated that the applicant wanted a vote on the application as presented, and if the vote was no, he would continue to operate under the existing 2016 NOD.

Mr. Bryson replied, stating the proposed changes are not workable for him. The animal count will put too much of a burden on him financially. The original application has been pared down to what it is now. He has tried three times with the Town to resolve this issue. He is willing to work his business under the 2016 NOD.

Councilor Moore asked Mr. Bryson if the animal count was the only issue he had with the recommendations.

Mr. Bryson replied No, the RV restrictions are unworkable for his business.

Councilor Moore stated that the applicant cannot improve his property under the NOD. Under the NOD, no structures can be built. Mr. Sims confirmed this. Councilor Moore understands that Mr. Bryson is trying to improve his business.

Mr. Bryson replied that was not his understanding. He was under the impression he could make improvements on the property under the NOD.

Mr. Bryson's attorney Rose Winkler spoke, stating the NOD recognizes the structures that exist. At this point, her understanding is that Mr. Bryson can build new barns through the Town permit process. The animal count is a substantive issue. Her client will not agree to any clause that relates revocation of the current zoning. Her understanding is that the Town cannot rezone the property because of citations.

Councilor Moore explained her reasoning behind her recommendations and asked Mr. Sims for advice.

Mr. Knight clarified the issues with the animal count and RVs. He has concerns about the request for the revocation clause. He feels that the Town needs to strike that. For example, the Town does not rezone R2 to R1 because of citations. He does not believe the Town has that authority under Town Ordinance or State Statute. He gave an overview of the two main issues with the recommendation.

Mr. Sims replied to Councilor Moor's concerns. He stated there are essentially three options;

1. Move to reject what the Commission sent Council unmodified
2. Move to approve, requiring 5 votes.
3. Move to modify to address the RV and animal count issues.

Ms. Winkler asked Mr. Sims for clarification on option 3.

Mr. Simms replied he thought Councilor Moore asked Mr. Bryson what the outstanding issues were, and Mr. Bryson stated, animal count and RV spaces.

Councilor McPhail discussed further negotiations regarding the animal count and RV spaces. She cannot support the resolution as presented.

Councilor Moore reiterated that Mr. Bryson is asking Council to vote on the submitted application without modifications.

The applicant, Tanner Bryson requested Council vote on the PAD as proposed.

Mayor Jenkins asked for a Motion on item number 5.

Mayor Jenkins asked Town Attorney Mr. Sims for advice. Mr. Sims replied that if there is no motion or a second, the item dies.

**Motion made by Vice Mayor Butner to APPROVE CONTINUED DISCUSSION, CONSIDERATION AND POSSIBLE APPROVAL OF RESOLUTION 2022-1098, A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CAMP VERDE, YAVAPAI COUNTY, ARIZONA DECLARING AS A PUBLIC RECORD A CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED "ARENA DEL LOMA REZONE – LETTER OF INTENT, DATED AUGUST 11, 2022, AND PLANNED AREA DEVELOPMENT STIPULATIONS FOR DENSITY AND INTENSITY OF USE AND REQUIRED MITIGATION PLANS" FOR THE ZONING MAP CHANGE) FOR 4.4 +/- ACRES LOCATED AT 1738 NORTH ARENA DEL LOMA ROAD, CAMP VERDE, AZ (APN 404-18-178Q).**

No second to the above Motion.  
Motion dies.

Mayor Jenkins stated per the Town Attorney, item 6 cannot be considered because Item 5 died. The ordinance cannot be passed without the resolution. The Council did not consider item 6 because item 5 died.

7. **Call to the Public for items not on the Agenda. (Please complete Request to**



**Speak Card and turn in to the Clerk.)** Residents are encouraged to comment about any matter NOT included on the agenda. State law prevents the Council from taking any action on items 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 or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. (Pursuant to ARS §38-431.01(H))

Item 7 tabled due to time.

**8. Special Announcements and Presentations:**

- **Public Works Quarterly Report** Staff Resource: Ken Krebs
- **Economic Development Quarterly Report.** Staff Resource: Steve Ayers
- **Clerk's Office Quarterly Report.** Staff Resource: Cindy Pemberton

Item 8 tabled due to time.

**9. Appreciation and Presentation to Vice Mayor Joe Butner for his years of service on Council.** Staff Resource: Cindy Pemberton

Mayor Jenkins presented Vice Mayor Butner with a small gift and the Council's appreciation for his service on the Council.

**10. Honorable Judge Gary Horton will administer Oaths of Office to the newly elected officials (Council Members: Wendy Escoffier, Marie Moore, Robin Whatley and Mayor Dee Jenkins followed by the seating of the new Council Members.** Staff Resource: Cindy Pemberton

Town Clerk Cindy Pemberton administered Oaths of Office to the following Council Members and Mayor;

Mayor Jenkins took the Oath of Office for Office of Mayor for the Town of Camp Verde Arizona.

Wendy Escoffier took the Oath of Office as Council Member for the Town of Camp Verde Arizona.

Councilor Marie Moore took the Oath of Office as Council Member for the Town of Camp Verde.

Councilor Robin Whatley took the Oath of Office as Council Member for the Town of Camp Verde.

11. **Roll Call.** Council Members Jackie Baker, Wendy Escoffier, Cris McPhail, Marie Moore, Jessie Murdock, Robin Whatley, and Mayor Dee Jenkins.

Roll call was read for the appointed Council Members.

12. **Discussion, Consideration, and Possible Appointment of a Vice-Mayor for a two-year term.** Staff Resource: Cindy Pemberton

Town Clerk Cindy Pemberton referred Council to Town Code 2-2-2 for the duties of the Vice Mayor.

**Motion** made by Councilor Baker to appoint Councilor Moore as Vice Mayor.  
**Seconded** by Councilor Whatley.

Vote;

Councilor Baker-aye  
Councilor Murdock-aye  
Councilor McPhail-aye  
Councilor Escoffier-aye  
Councilor Whatley-aye  
Mayor Jenkins- aye

Motion passes 6-0

13. **Discussion, Consideration and Possible Approval to establish an IT Department or Division consisting of adding an IT System Administrator and IT System Tech job descriptions and wage scale with funding from Town Manager's budget.** Staff Resource: Russ Martin

This item was postponed by Council.

14. **Discussion, Consideration and Possible Approval of Resolution 2022-1099 A Resolution of the Town of Camp Verde, Arizona establishing a Parks and Recreation Commission.** Staff Resource: Russ Martin

Town Manager Russ Martin gave a summary of the resolution. He would like a vote on this item.

Councilor Escoffier requested two amendments/corrections to the resolution.

1. A minimum of 5 members but not more than seven members.

2. Assist Town Council through Parks and Recreation Staff.

**Motion made by Councilor Escoffier to approve Discussion, Consideration and Possible Approval of Resolution 2022-1099 A Resolution of the Town of Camp Verde, Arizona establishing a Parks and Recreation Commission with changes as presented.**

**Seconded by Councilor Baker.**

Vote

Councilor Baker-aye

Councilor Moore-aye

Councilor Murdock-aye

Councilor McPhail-aye

Councilor Escoffier-aye

Councilor Whatley-aye

Mayor Jenkins- aye

Motion passes 7-0

15. **Call to the Public for items not on the Agenda. (Please complete Request to Speak Card and turn in to the Clerk.)** Residents are encouraged to comment about any matter NOT included on the agenda. State law prevents the Council from taking any action on items 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 or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. (Pursuant to A.R.S. §38-431.01(H))

None

16. **Council Informational Reports.** These reports are relative to the committee meetings that Council members attend. The Committees are: Copper Canyon Fire & Medical District, Yavapai College Governing Board, Yavapai Apache Nation, Intergovernmental Association, NACOG Regional Council, Verde Valley Regional Economic Organization (VVREO), League Resolutions Committee, Arizona Municipal Risk Retention Pool, Verde Valley Transportation Org, Verde Valley Transit Committee, Verde Valley Water Users, Verde Valley Homeless Coalition, Verde Front, Verde Valley Steering Committee of MAT Force, Public Safety Personnel Retirement Board, Phillip England Center for the Performing Arts Foundation. In addition, individual members may provide brief summaries of current events. The Council will have no discussion or take action on any of these items, except that they may request that the item be placed on a future agenda.

Council had nothing to report.

17. **Manager/Staff Report** Individual members of the Staff may provide brief summaries of current events and activities. These summaries are strictly for informing the Council and 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.

Town Manager Russ Martin told Council about "Staff Day" which went very well. Also "All Hands Day" where staff was trained on the AED.

Town Clerk Cindy Pemberton informed Council about committee appointments which will be brought before Council in December in addition there will be a mandatory meeting for Council the first week of December by the Arizona League of Cities and Towns with Executive Director Tom Belshe and League Attorney Nancy Davidson will be providing a training on Councils duties and responsibilities in their elected capacities. Councilor Murdock stated if Council was worried about daytime hours, she could be available during the day for the training.

## 18. Adjournment

The meeting was adjourned at 9:58.

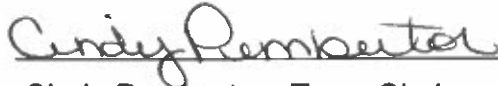
  
\_\_\_\_\_  
Mayor Dee Jenkins

  
Attest: Town Clerk Cindy Pemberton

### 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 November 16, 2022. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 9<sup>th</sup> day of January, 2023.

  
\_\_\_\_\_  
Cindy Pemberton, Town Clerk