

**(Corrected) MINUTES  
COUNCIL HEARS PLANNING & ZONING  
TOWN OF CAMP VERDE  
COUNCIL CHAMBERS  
WEDNESDAY, MAY 28, 2008  
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 Smith, Garrison, Kovacovich, German and Elmer were present.

**Also Present:** Town Manager Mike Scannell, Town Attorney Bill Sims (*by telephone conference*), Community Development Director Nancy Buckel, Sr. Planner Michael Jenkins, and Recording Secretary Margaret Harper.

3. **Pledge of Allegiance**

The Pledge was led by Kovacovich.

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) May 20, 2008 – Budget Work Session

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

1) Budget Work Session – May 29, 2008 at 3:00 p.m.

2) Special Session – June 4, 2008 at 5:00 p.m.

3) Regular Session – June 4, 2008 at 6:30 p.m.

4) Work Session – June 11, 2008 at 6:30 p.m.

5) Regular Session – June 18, 2008 at 6:30 p.m.

6) Council Hears Planning & Zoning – June 25, 2008 at 6:30 p.m.

**c) Possible approval of a Proclamation declaring May 24 through May 26, 2008 at Memorial Poppy Weekend. Staff Resource: Mayor Gioia**

**d) Possible approval of Resolution 2008-747, a resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, approving and adopting the Town of Camp Verde Housing Rehabilitation Program Guidelines as revised. Staff Resource: Matt Morris**

**e) Possible authorization for the Mayor to draft a letter of support for the Tavasci Marsh Riparian Enhancement Project, Tuzigoot Monument. Staff Resource: Mayor Gioia**

On a motion by Smith, seconded by Kovacovich, the Consent Agenda was unanimously approved, with Item 4.d) pulled; the Special Session scheduled for June 4<sup>th</sup> changed to June 3 at 3:00 p.m.; and the Regular Session on June 4<sup>th</sup> removed from the schedule.

On a motion by Smith, seconded by Garrison, the Council voted unanimously to approve **Item 4.d)**.

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

**Vada Lavato**, representing the Artisans' Gallery in the Rio Verde Plaza, a non-profit, members' co-op business for over five years, expressed concern over the intent of the Town to re-negotiate the leases on the Rio Verde Plaza properties. A raise in the rent would probably force the Gallery to close its doors; it has been a unique attraction for tourists from all over.

There was no further 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.
- **Councilor Garrison’s Liaison Report regarding Camp Verde Sanitary District (District) meetings and possible discussion and/or determination of requests for placement on the District’s standard agenda item for Council Updates/Reports.** *Note: Requests may be identified, but no discussion of the item will occur at this time.*

**Smith** reported that ASU is now ranked No. 1 in the College World Series.

**Kovacovich** reported on attending the Intergovernmental meeting in Jerome last week; it included a tour of a thriving business that sells furniture throughout the United States.

**Elmer** said he had attended the Chamber of Commerce meeting..

**Gioia** will have his report in the Mayor’s Message that will be published on Friday.

**Garrison** said she had been unable to attend the Sanitary District meetings last week due to the Town schedule of budget and other meetings; Al Dupuy did resign from the District Board. The Town should contact the S.D. to determine who will now be working with the Town on the IGA in place of Dupuy.

7. **Discussion, consideration, and possible approval of Resolution 2008-740, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, approving the Preliminary Plat 2007-02 for the purpose of developing Verde Highland Plaza, a commercial business condominium plaza on parcels 404-28-026E & 404-28-025B consisting of approximately 3.16 acres. This site is located on the northwest corner of the intersection of Cliffs Parkway and SR 260.** *Staff Resource: Michael Jenkins*

On a motion by Smith, seconded by Kovacovich, the Council unanimously approved Resolution 2008-740, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, approving the Preliminary Plat 2007-02 for the purpose of developing Verde Highland Plaza, a commercial business condominium plaza on parcels 404-28-026E & 404-28-025B consisting of approximately 3.16 acres, **with the added stipulation as follows: The developer, prior to moving forward with the Final Plat process for this project, must have an approval from ADOT for the driveway access from Highway 260 onto the project.**

**STAFF PRESENTATION**

Sr. Planner Jenkins reviewed the proposed development of four building lot pads, parking and drainage provisions, landscaping and driveway access to Cliffs Parkway and State Route 260. The Design Review Board approved the structures, but has stipulated that an ADOT approved access permit to Highway 260 and a re-review are required for approval of the project. The applicant has explained that ADOT will not issue an access permit until the developer receives approval of the Preliminary Plat, and is requesting to continue with the Preliminary Plat approval process with the understanding that the Developer assumes the risk for denial of approval of the project should ADOT not grant the access permit. Also ADOT requirements for the access easement from Hwy 260 would need to be addressed in the Final Plat process. The neighboring residents by petition have objected to two-story buildings and there is some concern about creating surplus office spaces. No objections have been received from other agencies. Staff has recommended approval with the stipulation that the developer must have approval from ADOT for the driveway access from Hwy 260.

**PUBLIC HEARING OPEN**

**Applicant’s Statement**

**Krista Cline**, with S.E.C. Engineering, outlined the plans for the condominium two-story structures, and the proposed access from Hwy 260; Ms. Cline said that the developer is currently in negotiations with ADOT, and confirmed that ADOT requires approval of the Preliminary Plan from the Town before

the access permit can be issued. Ms. Cline believes that the issue of the neighborhood objection to the building heights has been resolved through working with Planning & Zoning.

**COMMENT FROM OTHER PERSONS**

There were no comments from other persons.

**APPLICANT'S REBUTTAL**

No applicant's rebuttal was necessary.

**PUBLIC HEARING CLOSED**

**Council Discussion**

The Council discussed the request to approve the Preliminary Plan in advance of bringing the Design Review Board and ADOT requirements into compliance, with input from staff explaining that a better process for design review has now been put in place that should avoid a repeat of this type of problem. There was also appreciation expressed for the effort to develop commercial property that will provide benefits to the Town through the creation of jobs and tax revenues.

8. **Public Hearing, discussion, consideration, and possible approval of Resolution 2008-739, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, vacating a portion of the right-of-way of Pheasant Run Circle to the owner of Lot 1 of Jordan Meadows within the Town limits, as initiated by petition and submitted by Joann Sawyer, owner of parcel 404-03-026A adjacent to the proposed abandonment (vacation.)** *Staff Resource: Michael Jenkins*

On a motion by Smith, seconded by Garrison, the Council unanimously approved Resolution 2008-739, a Resolution of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, vacating a portion of the right-of-way of Pheasant Run Circle to the owner of Lot 1 of Jordan Meadows within the Town limits.

**STAFF PRESENTATION**

Community Development Director Buckel explained that this item is the second part of the two-part public process to abandon a portion of the right-of-way. The request was made by one of the property owners who then followed up the first hearing by collecting necessary information, including a legal description and having a survey map prepared, and entering into a road abandonment Agreement with the Town. Pursuant to the Agreement the owner will abide by all the regulations regarding current easements, and will continue to maintain the landscaping in place. Buckel reviewed the language in the proposed Resolution as recommended and approved by the Town Attorney, as well as the map showing the area to be abandoned.

**PUBLIC HEARING OPEN**

**Applicant's Statement**

**Joanne Sawyer**, applicant, described how she has maintained the subject property that is next to hers for the last five years, and explained that she would like to further improve that area for personal enjoyment and use.

**COMMENT FROM OTHER PERSONS**

There were no comments from other persons.

**APPLICANT'S REBUTTAL**

No applicant's rebuttal was necessary.

**PUBLIC HEARING CLOSED**

**Council Discussion**

The Council briefly discussed the request, thanking the applicant for taking of the property for the past few years; it was also confirmed that the applicant has also borne all the costs of the abandonment process including the legal description documents and the survey.

9. **Discussion, consideration, and possible approval of Ordinance 2008A-354, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Section 118 of the Zoning Ordinance to define A-Frame Signs, add exception for A-Frame Signs under Prohibited Signs in the right-of-way and define the criteria under which A-Frame signs may be used under the Temporary Signs.** *Staff Resource: Michael Jenkins*

Staff was directed to send the proposed amendment back to the P&Z Commission; the Commissioners present have heard the discussion and know the situation; staff to be involved before it comes back to the Council, including the Town Engineer; questions for the Attorney to be reviewed and answered before bringing it back to Council; continue with the appropriate public process; and see what can be done to simplify the amendment as much as possible to help serve the public as well as the staff.

Community Development Director Buckel outlined the background of developing the proposed amendment, beginning on February 8, 2007 when she advised the Planning & Zoning Commission that a problem was growing in connection with the A-frame signs along Main Street that had appeared following the construction of the Hwy 260 bypass by verbal agreement with the then Town manager. Complaints have since been made regarding some unattractive signs and signs blocking driveway vision. The general consensus of the Commission was that the signs either had to be strictly regulated or steps taken to enforce their prohibition in compliance with the existing Code. It was acknowledged that there should be special circumstances for the merchants along Main Street. However, placement of the signs in the Town-owned right-of-way was of special concern. Buckel submitted copies of a memo from the Town Engineer setting forth his criteria for placement, which would eliminate the ability for most of the Main Street businesses to use A-frame signs because of the lack of frontage space. Also, a permit from the Town Engineer would be required to place the signs in the right-of-way, which Buckel stressed imposes a further burden on the Town Engineer whose responsibilities are already overtaxed. Another requirement included was that each merchant indemnify the Town against any damage caused by an A-frame sign.

Buckel reviewed the proposed amendments with the Council. During the discussion the members questioned whether the merchants had been aware of the Town Engineer's criteria just submitted to the Council, as well as whether they had been given the opportunity to provide sufficient input during the P&Z hearings on creating the sign code amendment during the past year and a half. Buckel said that the Commission has had debate over the Town Engineer's criteria set forth in his memo. The members commented on the problem now being faced by the merchants who had given up some of their frontage for the right-of-way, adding that it should not be that complicated. There was also the suggestion that an amendment allowing a portion of the community to violate the existing Code would amount to selective enforcement and sends the wrong message to the rest of the community.

#### **PUBLIC INPUT**

(Comments from the following individuals are summarized.)

**Jerry Tobish** said his understanding from a previous meeting was that an A-frame sign could be 3 feet high by "X" amount, a \$15 fee paid, and they had to be approved, and that was it; he said he had not heard anything about P&Z meetings that changed what he had understood originally. Mr. Tobish said that some of the business owners should have been involved and were not; those sandwich signs are what catch the tourists. This is no time to weaken support for the businesses that are trying to hang on in spite of the economy. Invite the merchants into the meetings for their input. *Mayor Gioia responded that the meeting agendas are always posted in public places.*

**Dave Freeman**, Chairman of the P&Z Commission, said that the Commission did not ever see the latest item from the Town Engineer; an earlier memo from him was very restrictive but vague. Freeman said that he personally found only three or four businesses on Main Street that could possibly qualify with the limitations. Most business on Main Street have no place to put a sign except in their right-of-way which starts right at their doors, and the Commission had agreed on the

merchant simply placing the sign where it would be safe. Mr. Freeman recommended that the whole issue go back to P&Z with the new information, and with the Town Engineer in attendance so that he can be aware of the situation that the Commission is faced with in a very small but important part of the Town.

**Carol German**, a member of the P&Z Commission, listed the public hearings held by the Commission with approximately two business people who were mostly concerned with the A-frame signs; they were informed and did attend the meetings, the Commission listened to their concerns and have worked hard on the issue. The Town Engineer is concerned with the liability to the Town, and is trying to work that into the regulations in order to protect the Town. *Mayor Gioia discussed with Ms. German briefly whether the Commission had discussed the Town Engineer's restrictions; she confirmed they had.*

There was no further public input.

The members discussed the recommendation made by P&Z Chairperson Freeman, suggesting that individual notices be sent to each of the business owners on Main Street; Buckel strongly objected to the Council adding more and more tasks on an already over-burdened staff who are doing the best they can in spite of the lack of sufficient manpower. Following further discussion, the Council expressed further concern and suggested that a further public hearing is needed, particularly in regard to the latest restrictions in the memo from the Town Engineer. Buckel said she will take the issue back to the Commission as suggested.

Town Attorney Sims was asked whether liability can be shifted from the Town to business owners who have liability insurance that would extend to their signs, in order to help them. Sims responded that unless the Town policed up the financial strength of the business owner, and ensured that the Town is covered by their insurance, the Town will always be sued and will always be the entity of last resort. The proposed indemnity agreement would be sufficient only if the Town made sure the business owner had sufficient assets and/or sufficient insurance, with \$1 million being a good first layer of protection.

The discussion continued with general agreement on the wish to find a simple process; a suggestion was made that the Town consider allowing a perpendicular overhead sign that might project into the right-of-way easement, an option that would also fit the Western/Rural look. Town Manager Scannell agreed that the Commission should be given the opportunity to again speak to the issue; the suggestion for perpendicular signs should be explored, it is important to help the downtown businesses, full disclosure must be made and the public process should be honored.

**A recess was called at 8:18 p.m.; the meeting was called back to order at 8:28 p.m.**

10. **Discussion, consideration, and possible approval of Ordinance 2008A-348, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Section ~~118-D~~ 108D 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 109. Staff Resource: Nancy Buckel**  
A motion by Smith, seconded by Garrison, to approve Ordinance 2008A-348, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Section 108D 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 109, adding the word "district" after "density" in Section 1.D. ANIMALS, **was withdrawn after further discussion.**

On a motion by Elmer, seconded by German, the Council by a **vote of 5-1** approved Ordinance 2008A-348, an ordinance of the Mayor and Common Council of the Town of Camp Verde, Yavapai County, Arizona, amending Section 108D 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 109, **with the addition of Paragraphs 1) and 2) under Section 5.a. from the FFA Advisor Changes, and "member" revised to "Youth Organization member" in Section 5.a.2); adding the word "district" after "density" in Section 1.D. ANIMALS;; with a 'no' vote by Garrison.**

Buckel explained that the latest draft was as a result of direction from Council following a previous meeting to work further with the FFA Youth Advisor, Cody Carter; this draft incorporates the further input from Mr. Carter and represents what staff is now recommending for approval. Buckel said that the ordinance is intended to limit or exclude swine in town, which is the only issue left outstanding between the Youth Advisor and staff. The goal is to support our youth, but also give the neighbors the opportunity to support or oppose the activities that have been done by their neighbors in the past. Buckel added that the public has had their opinions be heard, and she believes that the majority support the proposed amendment. Buckel outlined changes that had been recommended by the attorneys, and explained that the Temporary Youth Organization Use Permit would support and encourage the FFA activities while providing supervision of those activities.

The Council reviewed with Buckel the changes outlined, and the issues of permitting swine depending on what size properties, including the terms set forth in the proposed agreement with the Youth Advisor and the Temporary Youth Organization Use Permit, which would be granted administratively. The question of allowing a pig, or pigs, on a ½-acre parcel or less in a residential neighborhood was debated at length, including one reminder that the onus is placed directly on the FFA Director regarding whether or not that would work. During the discussion and review of the draft amendment, the members suggested clarifying language that was agreed to and will be incorporated into the final document.

#### **PUBLIC INPUT**

(Comments from the following individuals are summarized.)

**Cody Carter**, FFA Youth Advisor, explained the restrictions on smaller lots required by the setbacks, that the goal was to try to find the best options expressed from Council and P&Z; the final responsibility for each project will be shared with the community. *The members further discussed the points reviewed by Mr. Carter, and the safety factors limiting the number of swine allowed per parcel.*

**Irene Peoble** questioned whether some activities would be grandfathered in because they have been conducted for some time; they feel that the 4-H sign on their property gives them the authority. *Mr. Carter responded that there is a provision that addresses that; the sign will have to display evidence that a community permit was issued. Buckel said that a 4-H sign does not exempt anyone.*

**Brian Ritzenthaler**, a resident in Fort River Caves, described one incident in his area that was in violation of their CC&Rs; he recommended that the Town prohibit swine in Camp Verde; for youth activities, leave obtaining approval from the majority in the neighborhood up to those people who are trying to train the children. Mr. Ritzenthaler asked whether liability from a swine problem would be shared by the Town or another agency, perhaps with an IGA.

**Linda German**, referring to the agreement to work with an employee of the School District, asked if the liability will be shared with another agency, has it been discussed with the School Board, and whether an IGA is required. *Attorney Sims responded if he is acting in the scope of his employment the District would be liable in the first instance and the Town in the second instance.*

**Kristi Mulcaire** said that she is stepping into an FFA Advisor position, and does not feel she has

been involved in the whole process during several meetings; the idea of completely eliminating pigs in Camp Verde is a very wrong decision. Don't limit the kids to just one pig; put the points back on the books.

**Russell Moore** said he owns over an acre, and that for anybody to tell him what he can and cannot have on his property is asinine; he has children involved in FFA, and to limit the animals is wrong.

**Ella Guy** said she moved to Camp Verde specifically because she thoroughly researched and understood she could raise animals; her children are in the FFA program and she asked the Council not to limit her rights.

There was no further public input.

During the public input, the members also discussed the provision in the proposed amendment that will include allowing one swine on a parcel of 1 acre or more; there was some objection expressed to allowing even one swine and the issue of that causing a possible nuisance. Buckel said that a provision has been included that mandates proper husbandry of animals so as not to create a problem for neighbors; Town Attorney Sims said that in addition to deed restrictions and CC&Rs, there is a common law provision in A.R.S. Title 13 that would be applicable and entirely separate from the Town ordinance, enforceable by the Superior Court.

Following the original motion made by Smith, the members again reviewed with Buckel the changes noted in the final draft together with the agreement with the FFA Youth Advisor; that motion was subsequently withdrawn, after further clarification a second motion was made and approved.

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

There was no public input.

**12. Advanced Approvals of Town Expenditures**

**There are no advanced approvals.**

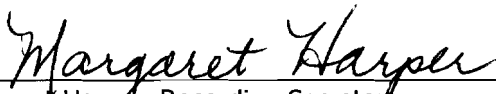
There were no advanced approvals.

**13. Manager/Staff Report**

There was no Manager/Staff report.

**14. Adjournment**

On a motion by Smith, seconded by Kovacovich, the meeting was adjourned at 9:54 p.m.



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 28<sup>th</sup> day of May 2008. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 20 day of June, 2008.



Debbie Barber, Town Clerk