

**Summary**  
**Town Council Work Session -March 22, 2016**

Agenda Items	Description	Action Taken	Public comment on item
1	Call to Order	2:02 p.m. - Vice Mayor Treadway presided.	
2	Roll Call	Council Members Arlene Alen; Jack Hamilton; Nancy Wright and Vice Mayor Doug Treadway were present. Mayor Terry Nolan; Council Members Mark McBrady and Dennis Repan were absent.	
3.1	Continued discussion of proposed Animal Ordinances(s) [as directed at February 23, 2016 Special Session].	Vice Mayor Treadway began the meeting by thanking the community for their interest and participation on today's session. VM Treadway recognized the attendance of Judge Catherine Kelley, Town Attorney Susan Goodwin, Officer Dean of Yavapai County Animal Control; and Steven Brown, D-H Community Planner/Code Officer. VM Treadway also acknowledged Debby Pomeroy's review of the animal ordinances. CP/CO Brown gave an overview of the direction given by Town Council at the February 23, 2016, Special Council Meeting.	
3.1		1. CP/CO Brown spoke to Council regarding their request that research be done on the current town code section regarding unclaimed, impounded dogs being considered abandoned at 72 hours, and what the implications would be of increasing this time period to 14 days. CP/PO Brown stated that research gleaned that 72 hours is the minimum state statute requirement. Captain Jeff Newnum, YCSO, deemed the 14-day hold period to be cost restrictive, at an estimated \$200,000 fiscal year cost, citing that the Board of Supervisors would not condone this.	

3.1		<p>2. Council directed staff to compare the proposed ordinance 16-124 to Yavapai County's ordinances regarding animals. The comparison (included in attachments) resulted in D-H and YC ordinances being consistent in enforcement actions while D-H provided more detail on care and maintenance. Additionally, D-H is more expansive in its addressing Dangerous Animals than YC.</p>	
3.1		<p>3. Council directed staff to research how other agencies in the County handle "allowed animal chart" comparing the town's quota to other agencies. (Memo attached) In conclusion, each jurisdiction has its own regulations, Prescott Valley provided for unlimited animals in AG district, but makes limitations within all other districts by simply stating that other than AG, they are limited to 2 per acre, and you must have a minimum 1 acre to have animals. In Chino Valley, it appears that animals are unlimited in all zoning districts with a requirement for a minimum of 1 acre. In Yavapai County, the districts and the animals allowed are identical to the Town except where they are more permissive with regard to swine.</p>	
3.1		<p>4. Council directed staff to come up with suggested language to clarify the enforcement authorities for animal control and property maintenance standards. Revision as follow: " 90:98 CITATION ISSUE TO OWNERS (A) For the purposes of this section and 90.50, the enforcement officer shall be the town code enforcement officer or designee and for the enforcement of all other sections, the enforcement officer shall be the Yavapai County Animal Control Officer other designated agent.</p>	

3.1		5. CP/CO Brown stated that the two proposed animal ordinances were posted online March 4, 2016 - attachment #4. The current ordinances were posted as well - attachment #5.	
3.1		6. Council and staff received written comments from Debby Pomeroy in regard to the proposed ordinances - attachment #6. Councilmember Wright has incorporated attachment #6 into the originally proposed ordinance amending Chapter 90 Animals - attachment #7.	
3.1		Councilmember Wright recommended reviewing the ordinance with Ms. Pomeroy's additional proposed changes, paragraph by paragraph, beginning with the Definitions - Pg. 35 of the agenda packet. Ms. Pomeroy's proposed revisions are highlighted in the packet. [Page numbers reference the Agenda Packet of 3/22/16.]	
3.1		1. Adequate Care - Council did not adopt Pg. 44	
3.1		2. At Large - Council kept the current definition Pg. 44	
3.1		3. Cruelly Mistreat - Accepted proposed version Pg. 44	
3.1		4. Cruelly Neglect - Council kept the current definition Pg. 44	
3.1		5. Dangerous Animal - Council kept current version. Pg. 45	
3.1		7. Dog - No Change-council kept current version Pg. 45	
3.1		Enforcement Officer & 6. Code Enforcement Officer - Council accepted definitions - YCACO - Yavapai County Animal Control Officer and CEO - Code Enforcement Officer Pg. 45	
3.1		Farm Animals - Council discussed and accepted as the definition - "Any animal other than household pets" Pg. 45 (pets (household) already in code. It will be changed to conform with direction given at this meeting)	
3.1		8. Micro Chip - Accepted Definition Pg. 45	
3.1		9. Nuisance - Council did not adopt Pg. 45 & 46	

3.1		10. Owner - Delete both definition versions Pg. 46	
3.1		11. Responsible Person - Council chose to delete term "Owner" and go with "Responsible Person" Pg. 46	
3.1		12. Vaccination - Accepted proposed definition adding "Rabies" to definition name Pg. 46	
3.1		13. Under Control - Council did not adopt Pg. 46	
3.1		14. Working Dogs - Accepted proposed definition with addition of "Guardian Dogs" and including "under supervision of a responsible person and while carrying out these purposes" Pg. 46	Debby Pomeroy spoke to the basis for her definition of "working dogs", that it is a substitute for all other terms, i.e. hunting, service, guardian..., more concise was the goal.
3.1		15. Move it to definitions (Town Attorney Goodwin excluded YCACO and CEO from definitions intentionally) Pg. 46	
3.1		90.02 General Provisions 2, 3 & 4 accepted Pg. 46	
3.1		6. At Large - (A) Council kept current this version substituting "Responsible Person's" for "owner's" Pg. 47	
3.1		7. Council did not accept this version. Pg. 47	
3.1		(B) Council accepted this version with the substitution of "a responsible person" instead of "owner" Pg. 47	
3.1		19. & 20. Council did not accept these versions Pg. 47	Lindsey Statler asked if micro-chips were a requirement. Council negated this assumption.
3.1		20. (C) Council did not accept this version Pg. 47	
3.1		26. Council accepted this version, and rejected (C) Pg. 47	Ulys Brooks spoke that limiting complaints to nearby neighbors within a reasonable distance being a good idea.
3.1		27. & 28. Council did not accept Pg. 48	
3.1		(D) Council accepted this version changing "owner" to "responsible person" Pg. 48	
3.1		(E) Council did not accept this version Pg. 48	
3.1		(F) ANIMAL CARE (1) Council did not accept this version Pg. 48	

3.1		22. Council accepted this version as follows: "No Responsible Person shall fail to provide his animals with sufficient food and water, proper shelter and protection from the weather, veterinary care when needed. Pg. 48	
3.1		(2.) Council accepted this version Pg. 48	
3.1		23. Same as #2 - Strike Pg. 48	
3.1		(3) Council accepted this version Pg. 48 & 49	
3.1		24. Council did not accept this version Pg. 49	
3.1		(4) Council accepted this version - Pg. 48	
3.1		Second 24. [A] [B] [C] Strike - Pg. 49	
3.1		90.03 Exemptions - Dogs Running at Large	
3.1		(A) Council accepted this version with the addition of "while under control of a responsible person" Pg. 49	
3.1		8. & 9. Council did not accept this version Pg. 50	
3.1		9. (B) Council accepted this version Pg. 50	
3.1		10. Council did not accept this version Pg. 50	
3.1		90.04 Enforcement - Running at Large	Zach Adams spoke to this discussion having been solely on dogs, now with 90.04 farm animals are worked in - "Where is that coming from?"
3.1		(A) Council accepted this version, with the strike of "farm animal" Pg. 50	
3.1		12. Strike - Pg. 50	
3.1		(B) Council did not accept this version Pg. 50	Elaine Carnes spoke on whether Enforcement would break down her gates if they are attempting to apprehend an animal on her property.
3.1		13. Council accepted this version Pg. 51	YCAC Officer Dean spoke that, if enforcement is in pursuit of an animal, they have the authority to go on private property, but that they do so, only if it is an extreme situation or vicious animal. They would not break down gates.
3.1		13. (C) Accept -should be part of (D) Pg. 51	
		16. struck - not addressed by council.	
		17. not addressed by council.	

3.1		90.05 Release of Impounded Dog or Farm Animal (strike Farm Animal)	Cheryl Taylor spoke on #17 on Pg. 51 regarding working dogs including guardian dogs.
3.1		A. Council did not accept this version Pg. 51	
3.1		50. Council accepted this version with the change from anti-rabies to rabies and striking the word "applicable" Pg. 51	
3.1		B. Council accepted this version striking "Farm Animals"; "applicable" and "anti" Pg. 51	
		51. struck	
3.1		90.16 Determination of Town Magistrate	
3.1		(A) Council accepted this version Pg. 52	
3.1		54. Council did not accept this version Pg. 52	
3.1		(B) Council accepted this version with the change of "owner" to "responsible person" Pg. 52	
3.1		55. No change Pg.52	
3.1		(C) Council accepted this version Pg. 52	
3.1		56. Council did not accept this version Pg. 52	
3.1		57. No change Pg. 52	
3.1		90.17 Control of Dangerous Animals	
		90.17 1st paragraph - Council did not accept this version Pg. 52	Debby Pomeroy spoke to the basis for the language regarding "responsible person", giving the example of a child not being physically able to control a vicious or dangerous animal.
3.1		42. Council accepted this version Pg. 52	
3.1		43. Council did not accept this version Pg. 52	
		Attorney Goodwin and Judge Kelley left the meeting at 4:07 p.m.	
3.1		90.18 Killing of Dangerous Animals Pg. 53 - Council kept this version	Mark Niebold spoke that anyone should be able to destroy a dangerous animal (not just law enforcement).
3.1		47. Council did not accept this version Pg. 53	
3.1		90.19 Biting Animals - Council accepted this version Pg. 53	YCACO Dean spoke to the statute saying you have the right to protect your family and property.
3.1		45. Council accepted this version Pg. 53	

3.1		90.50 Maintenance Standards - No Change Pg. 54	
3.1		31. Council did not accept this version Pg. 54	
3.1		(A) Council accepted this version Pg. 54	
3.1		33. Council rejected this version Pg. 54	
3.1		33. 2nd paragraph - Council accepted this version with the addition of "enclosures such as..."; struck the word "approved"; ended the paragraph after "ranch" Pg. 54	
3.1		34. Council did not accept this version Pg. 55	Cheryl Taylor spoke to having 5 acres without a flat inch of land and the difficulties removing animal waste, if this were required.
3.1		(B) Council did not accept this version Pg. 55	Jerry Brady spoke to established Arizona laws that cover the subject matter of these ordinances and also referred to the original D-H mission statement which cited revising the rural nature of this community. Mr. Brady also spoke to this ordinance containing 57 pages and challenged anyone to remember even one page.
3.1		35. Council accepted a revised version as follows: "Watering troughs shall be equipped with adequate drainage to allow for adequate run-off to prevent a health hazard." Pg. 55	
3.1		(C) Council did not accept this version Pg. 55 Council briefly discussed this section being covered under maintenance and not wanting to hold people to a daily requirement.	
3.1		37. Council did not accept this version Pg. 55 (Comment above (C) referred to this section as well).	
3.1		90.51 Nuisance Prohibited - This sub-chapter referred for Attorney Review Pg. 55	
3.1		90.98 Enforcement - Citation Issued to Owners - (A); 59.; (B); and 60. referred for Attorney Review Pg. 55	
3.1		(C) Council accepted this version Pg. 56	
3.1		61. Council did not accept this version Pg. 56	
3.1		(D) Council accepted this version Pg. 56	
3.1		63. Council did not accept this version Pg. 56	

3.1		64. Council did not accept this version Pg. 56 (already part of the process)	
3.1		(E) Accept this version Pg. 56	
3.1		65. Council did not accept this version Pg. 56	
3.1		(F) Council accepted this version Pg. 56	
3.1		66. Council did not accept this version Pg. 56	
3.1		90.99 Penalty Pg. 56	Debby Pomeroy spoke to #65 and replacing the word "shall" with "may", which she felt gave leeway. She urged the Council to consider this change. Council will defer to Judge Kelley.
3.1		(A) No change Pg. 56	Danny Tomerlin inquired about possible fines and Council's authority on this issue. CM Wright spoke to an available "fine" list, with penalties set by the Attorney and Judge.
3.1		(B) No change Pg. 56	Carole Wagner spoke to her Humboldt residency and her operation of a working cattle ranch, with the number of animals on site varying at times. She spoke to D-H being "America's Country Town".
3.1		(C) No change Pg. 56	Patrick McGill spoke to serving on the Planning & Zoning Commission. He pointed out that he was not speaking in that capacity, but personally. He spoke to any limits being put on his property by way of an ordinance is a restriction of his constitutional rights.
3.1		(D) No change Pg. 56	Kacie Tomerlin spoke on the length of the ordinance, appreciated CM Alen's comments regarding Chino Valley's ordinance, and encouraging Council to become familiar with who to call when there are farm animals at large.
3.1			Victoria Wendt spoke on miscommunication errors in the published ordinances, citing a staff problem and removal of non-ratified, non-codified language.

3.1			Cheryl Taylor spoke the length of the animal debate; maintaining the area's current lifestyle; animosity regarding animal debate; spoke against filing complaints on this matter.
3.1			Debby Pomeroy spoke to "Prosecution of Citation" on Pg. 9 citing and removal of six dog limit in code. She also spoke on 4th Amendment rights pertaining to Animal Control and needing warrants.
3.1			Victoria Wendt spoke on certain information not on the Town's website, but found elsewhere. She instructed staff to "do your job".
3.1			Kacie Tomerlin - Spoke for agriculture zonings and concerns with the proposed ordinances affecting this lifestyle.
3.1			Debby Pomeroy spoke on search and probable cause.
3.1			Zach Adams spoke to 90.05 Pg. 51 and whether the Council had stricken "Farm Animal" from this language. This was affirmed by the Council. Mr. Adams spoke to 90.50 (B) as it pertains to horticulture. Mr. Adams recommended Carole Wagner as a good resource in regard to horticulture.
3.1		Councilmember Alen explained the process for proposed ordinance: make the edits, proof it, send it to the Town Attorney and Magistrate for review, hold a meeting and review the revisions with public comment and post it on the website.	Kacie Tomerlin inquired asked about the process pertaining to posting the revised ordinances on the website. Ms. Tomerlin spoke in support of easing up on the animal number limit.
3.1			Carole Wagner spoke on agriculture use assigned by the assessor.

3.1		Town Manager Kimball spoke on the current zoning consisting of three zoning sections: residential; commercial and industrial putting forth Council pursuing the option of creating an agricultural zone and including it in the general plan. CP/CO Brown spoke of a zoning change possibly resulting in a down zone, causing a loss of revenue. CM Wright spoke to the state passing Proposal 217, and that the Town could be sued if zoning were changed and it affected property values.	Cheryl Taylor spoke in support of adopting residential/agricultural zoning for a rural lifestyle.
3.1			Zach Adams spoke to Pg. 55, (B) regarding watering troughs inquiring what was struck from the language.
4	Special Session	No legal action was taken.	
5	Adjourn	The meeting was adjourned at 5:32 p.m.	