

**TOWN COUNCIL OF DEWEY-HUMBOLDT
STUDY SESSION MEETING NOTICE**

Tuesday, August 8, 2017 6:30 P.M.

**COUNCIL STUDY SESSION MEETING
2735 S. HWY 69**

**COUNCIL CHAMBERS, TOWN HALL
DEWEY-HUMBOLDT, ARIZONA**

AGENDA AUMMARY

1. **Call To Order.** Vice Mayor McBrady called the meeting to order at 6:30 p.m.
2. **Roll Call.** Town Council Members Jack Hamilton, John Hughes, Amy Timmons, Doug Treadway, Victoria Wendt; Vice Mayor Mark McBrady were present. Mayor Terry Nolan was absent.
3. **Study Session.** No legal action to be taken.

3.1. Proposed amendments to the animal-related Ordinances: Review and direction on marked-up copy of the current Ordinance and research of other animal maintenance and care provisions. [As directed at the June 13, 2017, Study Session]

Vice Mayor McBrady introduced the agenda item and referred this to Councilmember Wendt for an overview of her CAARF. Councilmember Wendt recommended starting with the summary of the research conducted by Staff.

Town Manager Kimball referred this to Community Planner/Code Officer (CP) Steven Brown.

CP Brown reminded Council that on June 13, 2017, Council directed Staff to look at other local animal ordinances. Yavapai County, Prescott Valley and Chino Valley animal ordinances were reviewed. Yavapai County's ordinance is essentially the same as D-H's and deals strictly with dogs in that section, animals are dealt with in the zoning ordinances. Unsanitary conditions are dealt with under zoning and nuisance ordinances. They have no limits on domestic animals, livestock only, which is similar to D-H's zoning code and noted as accessory uses. Chino Valley's animal code deals strictly with dogs, it does not deal with other animals. Prescott Valley's ordinance deals only with dogs. There is a chapter that deals with wildlife, exotic animals, domestic other animals than dogs, that is under zoning. In conclusion, other jurisdictions in other local regions have gone towards amending their animal codes to mostly deal with dogs, sometimes dogs and cats. Prescott Valley is the only one that retained the code section dealing with other animals.

Councilmember Wendt asked that Debbie Pomeroy be allowed to come up to go over the Code changes, as she is the one who prepared these changes to the Ordinance.

Councilmember Hamilton objected noting that they already had her changes in the packet and Council now needed to go through and decide it. She is part of the public and has a chance to speak when the public does.

Councilmember Wendt disagreed and noted again Ms. Pomeroy's work on the project and that she needed to be included to give more detailed information.

Councilmember Timmons asked if there was an objection to Ms. Pomeroy participating from her seat. There was no objection.

Councilmember Treadway asked if the revised ordinance had been reviewed by the Town Attorney. Councilmember Wendt informed him it had not been through attorney review yet.

Councilmember Hamilton spoke of concern regarding the lack of coverage for nuisance.

There was Council discussion where this would be covered in the Ordinance and how it would be enforced. CP Brown was asked for his recommendation on this issue. He recommended adopting

the proposed ordinance as a dog ordinance and having a tangential ordinance for other animals. There was consensus to adopt this ordinance strictly for dogs and have other animals and nuisances covered under zoning. CP Brown spoke of the proposed tangential ordinance running parallel to the dog ordinance, such as a Section 100, covering other domestic animals that could cover some of the issues being dropped by the adoption of the dog ordinance. He would like to run by the Town Attorney as to the best way - incorporate into the Zoning or have a separate Ordinance.

There was further Council discussion noting the need to have a way to address a nuisance and to get the Code right to address these issues in the future. There was mention of residents struggling with the rural area lifestyle and how to prepare incoming residents.

Councilmember Wendt recommended that CP Brown investigate where they could affect the County zoning code or something simplistic, maybe a Section 100, that would cover a maintenance nuisance situation.

Councilmember Hamilton noted that he would like to see items dropped from the dog ordinance worked into the new one and noted that noise is not addressed anywhere. Councilmember Hughes spoke of it being very hard to control noise concerning livestock.

Councilmember Wendt reiterated that they are all in agreement to separate dogs from other animals. CP Brown will address the Attorneys of where the changes should be made, ordinance or zoning codes, and she would like to move on and go through these codes one at a time.

Public Comment

Leigh Cluff disagreed with Councilmember Hughes that when people complain to him that is not an official Town Complaint. She reminded Council that certain members were speaking without raising their hands.

There were minor revisions recommended such as changing animal control to dog control; remove the word "restrain" and use "physically under control", as there is a definition for that. There was extensive discussion over the term imminent danger vs. reasonable belief in the area of law enforcement becoming involved and entering property with alternating viewpoints amongst the Council.

Public Comment

Debbie Pomeroy spoke of Animal Control Officers and Police being trained as to what imminent danger is. It is danger that is happening, not a reasonable belief vs. what someone may believe is ongoing in her house, but they do not see it.

There was further Council discussion regarding "reasonable belief" vs. "imminent danger".

Public Comment

Debbie Pomeroy spoke of being a constitutionalist, believing that dogs are property, they do not have rights. A dog owner is obligated to take care of their animals. She supported the language "imminent danger". She spoke of Council having been sworn in and being obligated to read and know the constitution and advised them to stop trying to change it.

Councilmember Hamilton spoke of Council not getting anywhere on this, leave it like it is and move on.

Vice Mayor McBrady spoke that it would have been nice to hear from the Animal Control Officer and recommends their participation in the future.

Public Comment

Nancy Wright spoke of fixing the misspelling of the word “imminent” in the proposed revision.

Debbie Pomeroy spoke of constitutional rights being lessened with a “reasonable belief”. She endorsed the language “imminent danger”. She spoke of Enforcement Officers taking advantage of the softened “reasonable belief”, and that they will take advantage of this code language.

Leigh Cluff spoke of situation where Fish & Gave came on her property regarding a situation on a belief and that it was unfounded. She supports “imminent danger” and stated that no one has the right to come on her property unless they are invited.

Councilmember Hamilton asked to move on. He moved on to the dog barking time limit and asked that there be no time inserted, leave it as it is.

Councilmember Wendt spoke of the D-H Magistrate having helped with that language, which she felt was a conflict.

There was Council discussion regarding the time limit on barking ranging from five minutes to fifteen minutes, having no designated limit, as well as the pros and cons of bark collars.

Public Comment

Glendean Hamilton spoke of raising and showing poodles. She spoke of the proper usage of bark collars and not having witnessed any detriment if they are installed properly.

Leigh Cluff spoke against bark collars and being grateful for barking dogs as they notify you of danger.

Debbie Pomeroy spoke in support of having a time limit. She spoke against bark collars, noting they are not a good solution.

Nancy Wright spoke of Council not having addressed the hours of 9 p.m. to 6 a.m. She believes this should be enforced anytime of the day. She recommended going with the five-minute limit.

There was further Council discussion regarding the time limit, the hours of enforcement and bark collars.

There was Council consensus to make it a five-minute time limit on barking.

Councilmember Hamilton noted language on Page 10 under “Enforcement Citations - responsible person”. He recommended eliminating changing “County Code Enforcement Officer” to “County Animal Control Officer”. There was consensus for this change.

Councilmember Hamilton noted on Page 11 where it says the Court may order any person... the word livestock needed to be changed to dog. There was consensus for this change.

Councilmember Wendt asked for consensus to move this forward to the next Regular Council meeting for vote.

CP Brown clarified that Council direction was to changes would be forwarded to the Attorneys for compilation. This was confirmed by Council.

Councilmember Hamilton confirmed that CP Brown would forward to the attorney the first part they talked about, the other side of the ordinance, and this would be brought back to Council.

4. **Special Session.** Legal action can be taken.

4.1. Discussion and possible action to approve an employment contract with Lee Elliott for the Interim Town Manager position.

Councilmember Hamilton stated that he would like to see a copy of the contract. Town Manager Kimball noted that she forwarded the contract today to Council Members.

Vice Mayor McBrady asked Mr. Elliott to introduce himself to the public. Mr. Elliott introduced himself as the new Interim Town Manager and gave an overview of his municipal background. He has worked in administrative management, financial management, public utilities, and is currently working as a municipal consultant. He is excited to be here in this region and is honored to represent the Town and Council.

Councilmember Hughes made a motion to approve the employment contract, seconded by Councilmember Wendt. The motion passed unanimously.

TM Kimball noted that the contract was not part of the packet but was available at Town Hall for review.

TM Kimball noted the amendment of the start date commencing August 9th, not the 14th.

Councilmember Hamilton asked Mr. Elliott if he would be working the four ten-hour day or five eight-hour day schedule. Mr. Elliott believed he would work the 5 eight-hour day schedule.

Councilmember Wendt spoke in appreciation of TM Kimball's efforts through all these years. TM Kimball thanked Council and said she would miss them all.

4.2. Whether to hold additional special session(s) this month and whether to cancel the September 5, 2017, Regular Council Meeting. (Per the 12/20/16 Council Meeting.)

TM Kimball explained that Mayor brought this issue up last year and the notes suggested that it was to be brought back to be discussed amongst Council at this time. She shared what was on the agenda at this time. There was Council consensus to hold the September 5, 2017, Regular Council Meeting, with no other special meetings to be held.

Councilmember Hamilton made a motion not to hold any additional special sessions this month, but keep the September 5th session, seconded by Councilmember Wendt. The motion was approved unanimously.

5. **Adjourn.** The meeting was adjourned at 7:58 p.m.