

**TOWN OF DEWEY-HUMBOLDT
TOWN COUNCIL
STUDY SESSION MINUTES
SEPTEMBER 13, 2016, 6:30 P.M. (SPECIAL TIME)**

A STUDY SESSION OF THE DEWEY-HUMBOLDT TOWN COUNCIL WAS HELD ON TUESDAY, SEPTEMBER 13, 2016, AT TOWN HALL AT 2735 S. STATE ROUTE 69, DEWEY-HUMBOLDT, ARIZONA. MAYOR TERRY NOLAN PRESIDED.

1. **Call To Order**. The meeting was called to order at 6:34 p.m. Mayor Terry Nolan presided.
2. **Roll Call**. Town Council Members Arlene Alen, Jack Hamilton, Mark McBrady, Dennis Repan, Nancy Wright; Vice Mayor Doug Treadway; and Mayor Terry Nolan were present.
3. **Study Session**. No legal action to be taken.
 - 3.1. **Planning and Zoning recommendation and continued discussion regarding draft ordinance amending Town Code Title XV Chapter 153 Zoning Regulation Ordinance.** (Continued from the June 21st meeting)

Community Planner/Code Officer Steven Brown gave an overview of the agenda item and reviewed the history of this to date. Planning & Zoning Commission recommended a definition for kennel but staff identified contradictory language, "solely and primarily". In addition, Household Pets definition was also included on the agenda as directed by Council to satisfy a citizen's request for further council discussion.

Town Attorney Susan Goodwin was present to answer Council's legal concerns and read the Household Pets definition explaining it was adopted among amendments to Chapter 90 and now in Section 153 to be consistent. Current recommendation includes the allowance of swine and limits to "under 100 lbs."

Council considered when and how frequently to take public comment. Some Council wanted it one time only, while others wanted to hear from the public on each consideration to be discussed under the proposed ordinance. There was discussion on whether to wait to discuss these issues once the new council was seated, which would occur December 6th, or to take public comment at this meeting and move forward on this now. Council reached consensus to take public comment at this time.

Public comment was taken on definitions.

Victoria Wendt spoke on the language "and other small animals under 100 lbs." being confusing; "For pleasure rather than commercial purposes" definition not being in the 22nd session but coming up later as part of the proposed ordinance; May 5th comment to P&Z told this portion was taken out; asked if "accidental puppies" is affected by this.

CP/CO Steven Brown responded he had made a mistake regarding the May 5th comment. He suggested council could consider a recommendation for amnesty for accidents.

Victoria Wendt suggested taking that proposed definition and leaving off "in the home for pleasure rather than commercial purposes". Leave off the "other small pets under 100 lbs."

Town Attorney Goodwin explained one-time selling of puppies is not commercial.

Victoria Wendt spoke on wording that makes any sale of an animal commercial. She recommended adding in pot belly pigs and using "primary" rather than "solely".

Councilmember Wright disagreed with Mr. Brown's interpretation. She doesn't think a litter or two is a commercial enterprise.

There was discussion on what makes breeding commercial or a hobby and defining the line between the two. CM Wright suggested defining under "Hobby Breeder" the number of litters per year allowed (1-2).

TA Goodwin suggesting changing boarding and training and removing breeding.

Amy Timmons spoke on kennel use as boarding and training rather than breeding; hobby breeders typically don't board but keep their dogs in their home. She asked if owning a livestock guardian would violate the "commercial" definition; keep the county ordinances as they are; stated this seems to be a revenue generating situation.

Ulys Brooks spoke on what he was told when zoning was brought to the area, that it wouldn't be enforced; comparison of zoning between D-H and other municipalities in the valley; don't micromanage citizens' lives; throw out that number.

TA Goodwin explained the ordinance does not prohibit dogs over 100 lbs. but refers to "other small animals under 100 lbs" as household pets.

Councilmember McBrady spoke on people who show their dogs and sell puppies and concern of complaints being done through advertising of puppies.

TA Goodwin suggested again removing "breeding" from the definition, which would make the ordinance silent as to breeding.

CM Alen spoke on breeding limits being put in to protect against puppy mills.

TA Goodwin explained legislation in place to prohibit puppy mills.

John Hughes asked to speak on Town Code Section 90.02. He was told it was not part of the discussion and had already been adopted.

Amy Timmons spoke on snakes as pets and some weighing over 100 lbs.

There was discussion on whether to remove the wording related to 100 lbs. limit.

Victoria Wendt asked whether the town needed an ordinance for hobby breeders; if there was a problem already within the town with hobby breeders.

There was discussion on how the animal code sections ended up for modifications with parts of codes missing. Currently code violations are addressed through complaints; misinformation in the public that has brought division amongst the community.

Lee Cloff spoke on frustration within the community and historically taking care of problems amongst neighbors.

Linda Horbath spoke in support of the current country environment and concerns with new laws pertaining to maintenance of animals.

Amy Timmons supported concentrating on puppy mill kennels, not other types of kennels.

Lori Crofutt spoke in support of encouraging "bed and biscuit" businesses in town.

Victoria Wendt spoke on having commercial kennel and household pet definitions. She recommended leaving the ordinance to the next council to decide.

Linda Horbath spoke on requiring business licenses and permits for Commercial Kennel

operations.

Amy Timmons spoke on different types of kennels, but training is not part of kennels.

Council reached consensus to move the agenda to 4.1.

3.2. "Household Pets" Definition. (As directed at the June 21st meeting)

4. Special Session. Legal action can be taken.

4.1. Official Canvass of Primary Election (August 30, 2016) Election Results.

Acceptance of the Canvass of results from Yavapai County Election Department.

There was discussion on the results pertaining to rejected ballots and reasons for rejection. Council recommended more voter outreach on this subject, including an article in the Town's newsletter.

Councilmember Hamilton made a motion to accept the Official Canvass of Results from Yavapai County Elections Department for the Primary (August 30, 2016) Election. The motion was seconded by CM Repan and approved unanimously.

4.2. Whether to hold additional special session(s) this month. This is an established agenda item for Council's discussion on whether to add an additional special study session and if so, to set the date.

Council determined it was not necessary to hold an additional session this month.

5. Adjourn.

The meeting was adjourned at 8:01 p.m.

Terry Nolan, Mayor

ATTEST:

Judy Morgan, CMC
Town Clerk