

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY, JANUARY 10, 2017
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, January 10, 2017.

Present: Mayor Darryl Croft; Councilmember Susie Cuka; Councilmember Annie Lane; Councilmember Corey Mendoza; Councilmember Jack Miller; Councilmember Lon Turner

Absent: Vice-Mayor Mike Best

Staff Interim Town Manager Cecilia Grittmann; Town Attorney Phyllis Smiley; Finance Director Joe

Present: Duffy; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Public Works Director/Town Engineer Michael Lopez; Development Services Director Ruth Mayday; IT Specialist Spencer Guest (videographer); Town Clerk Assistant Amy Pyeatt-Lansa; Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER, PLEDGE OF ALLEGIANCE; ROLL CALL

Mayor Croft called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Proclamation declaring January 23-28, 2017 as "Stand With Me, Be Drug Free Week," sponsored by MATFORCE.

Mayor Croft read the proclamation and presented it to Chief Wynn, who was accompanied by several Boy Scouts that had participated in a MATFORCE study group.

- b)** Proclamation declaring January 22-28, 2017 as School Choice Week, sponsored by National School Choice Week.

Mayor Croft read the proclamation.

- c)** Presentation by ADOT District Engineer Alvin Stump regarding the results of a recent Transportation Study of State Route 89 from Road 3 North to the Forest Boundary north of Paulden. (Cecilia Grittmann, Interim Town Manager)

Mr. Stump introduced Tricia Lewis, Senior Community Relations Officer, and Dan Gabiou, Project Manager for the study. He then presented on:

- Study location and purpose.
- Traffic/accident data used in the study.
- Proposed improvements and schedule of improvements.
- Potential funding sources.

Mr. Stump provided further details and responded to questions from Council and citizens, Gary

Beverly, Haryaksha Knauer, and John Almay.

- *Study location:* Road 3 North to forest boundary north of Paulden. Projects funded by federal safety dollars were selected based on benefit costs.
- *Study purpose:* To assess roadway improvements necessary for growth, accident mitigation, and access management for corridor preservation.
- *Improvements:* A Road 5 North roundabout was in the plan, but was not yet funded. Whereas traffic circles had too many conflict points, too many accidents and were inefficient, modern roundabouts reduced conflict points from 32 for a signal to eight in a roundabout. They were more efficient and reduced accident severity. Most of the corridor study area was already 200 feet, except in the Paulden area.
- *Local roads paving and maintenance:* ADOT only paved and maintained SR 89 in the Town.
- *Plans for I-40:* There was one pavement project last year and more coming up. The state could easily spend \$50 million on I-40, but did not have the funds.

- d) Quarterly presentation by Arlene Alen, CEO/President of the Chino Valley Area Chamber of Commerce (CVACC).

Ms. Alen presented on the Chambers' new community-oriented mission; membership and board members; Visitor Center, advertising, and social media reports and statistics; programs, services, and advocacy; Small Business Resource Center and entrepreneurship program; and Citizen's Academy and community events.

3) **CALL TO THE PUBLIC**

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

Ron Romley, resident and Chair of Yavapai Regional Transit, announced a ribbon cutting on January 26 for the Transit's new Chino Valley offices.

Tim Davis, local business owner, asked if the Town was benefitting from the tax break for manufactured housing. Mayor Croft stated that he will respond to the question at the next meeting.

Haryaksha Knauer, resident, expressed surprise about the Town giving a tax break to a large corporation.

Gary Warren, local business owner, spoke about other local businesses also having to compete with Prescott and Prescott Valley.

4) **RESPONSE TO THE PUBLIC**

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

- a) Comments regarding loss of the Library Conference Room for public use.

Mayor Croft reported that the Library Conference Room was being turned into offices so that Human Resources personnel would be more accessible to the majority of Town employees.

5) CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

- a) Status reports by Mayor and Council regarding current events.

Councilmember Cuka reported on Economic Development Subcommittee topics: Old Home Manor industrial park; Center Street connector road between the Town and Williamson Valley; branding; and development on the Community Core at SR 89 and Road 2 North.

Councilmember Turner reported that the new filters being installed at the wastewater treatment plant would be complete in three to four weeks.

- b) Status report by Interim Town Manager Cecilia Grittmann and/or Town staff members regarding Town accomplishments, and current or upcoming projects.

Ms. Grittmann reported on current staffing changes:

- The Town had made offers to candidates for Associate Planner and Permit Technician.
- The Code Compliance vacancy was filled by an internal candidate.
- The position for Town Engineer/Public Works Assistant was still open.

- c) Recognition of the Town's Finance Department and its employees: Joe Duffy, Cindy Sandlin, and Kat Lordi for receiving the Town's fourth Distinguished Budget Presentation Award, presented by Government Finance Officers Association (GFOA). (Mayor Croft)

Mayor Croft recognized the Town's Finance Department and presented the Award to Finance Director Duffy.

- d) Report on recently corrected scrivener's error pursuant to Town Code § 10.20 Authority to Correct Scrivener's Errors. (Jami Lewis, Town Clerk)

Mrs. Lewis reviewed the code requirement and reported on a correction to a parcel number on Ordinance No. 16-827.

6) CONSENT AGENDA

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

Council set down item 6a.

MOVED by Councilmember Jack Miller, seconded by Councilmember Lon Turner to accept consent agenda items 6b, c, d and e.

Vote: 6 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve Concessionaire Management Agreement for the Chino Valley Shooting Range with Prescott Sportsmen's Club, Inc. (Phyllis Smiley, Town Attorney)

Councilmember Cuka recommended postponing this item as certain information had recently came to the Town's attention regarding lead abatement.

MOVED by Councilmember Susie Cuka, seconded by Councilmember Lon Turner to table to another meeting.

Vote: 6 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve Water and Wastewater Rate Schedule Modifications to clarify the method of calculating multi-family wastewater user and connection rates. (Joe Duffy, Finance Director)
- c) Consideration and possible action to approve Resolution No. 17-1097 repealing Resolution 16-1096 and authorizing acquisition of certain right-of-way by the Town for Road 1 East. (Phyllis Smiley, Town Attorney)
- d) Consideration and possible action to update appointments and assignments to the Public Safety Retirement Board. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to accept the December 13, 2016 Regular Meeting minutes. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a) Consideration and possible action to approve the First Amendment to Equestrian Facility Lease between the Town of Chino Valley and Chino Valley Equestrian Association to move and use fixtures and equipment from the Town owned property at the Cameron Ranch located in Paulden, AZ to the property leased by the Chino Valley Equestrian Association located at Old Home Manor.(Chris Bartels, Public Works Manager)

Recommended Action: Approve the First Amendment to Equestrian Facility Lease between the Town of Chino Valley and Chino Valley Equestrian Association to move and use fixtures and equipment from the Town owned property at the Cameron Ranch located in Paulden, AZ to the property leased by the Chino Valley Equestrian Association located at Old Home Manor.

Mr. Bartels presented on this item:

- On October 24, 2016 Council entered into an agreement with Chino Valley Equestrian Association (CVEA) to lease property at Old Home Manor (OHM) for equestrian-related activities.
- Subsequently, CVEA requested to use some equipment and infrastructure currently located at the Town's Cameron Ranch property in Paulden.
- The proposed amended lease agreement included a description of the equipment to be moved from Paulden to the OHM location.

Council asked about the provision in the original agreement that the Town would take ownership of any permanent improvements at the end of the Lease. Sergio Martinez with CVEA added that paragraph 8.3 might be in error as it did not state that. Town Attorney Smiley clarified that the provision in question did not change from the original agreement; and paragraph 8.3 in the amended agreement was a standard provision that any personal property owned by CVEA, such as chairs and tables, would remain their property at the end of the lease.

MOVED by Councilmember Jack Miller, seconded by Councilmember Lon Turner to approve the First Amendment to Equestrian Facility Lease between the Town of Chino Valley and Chino Valley Equestrian Association to move and use fixtures and equipment from the Town owned property at the Cameron Ranch located in Paulden, AZ to the property leased by the Chino Valley Equestrian Association located at Old Home Manor.

Vote: 6 - 0 PASSED - Unanimously

- b) Consideration and discussion only regarding a proposed development plan for Hawksnest at Chino Valley and provide comments regarding same to Staff. (Ruth Mayday, Development Services Director)

Ms. Mayday presented on this item:

- The *Planned Area Development (PAD) Overlay* provision in the UDO existed to allow for more flexibility and design creativity than the strict compliance of hard zoning.
- *Background:* Hawksnest, located behind Walgreens, was zoned SR-0.16 in 2006 through Ordinance 06-663. Resolution 06-803 approved a preliminary plat of 94 acres, divided into no more than 150 lots. A Certificate of Assured Water Supply (CAWS) was issued in 2007.
- *Proposal:* As the current market demand was for rental property, especially multi-family, the developer now proposed a zone change from SR-0.16 to Multi-Family-PAD for apartments. Ms. Mayday presented the development plan, elevations, landscaping plan, phasing, density and lot coverage, and site averages.
- *General Plan:* The subject location was within the Community/Downtown Core.
- *Water concerns:* Rental properties were not required to provide a CAWS and there was no notice to serve requirement from the Town.
- *Traffic impacts:* The Road 2 North/SR89 intersection was maxed out. Per a 2006 study, the original development would have no significant impact, but the study recommended several improvements.
- *Proposed stipulations* related to traffic impact analysis and standards for improvements; underground electric; sidewalk continuation; sewer and water connection; and right-of-way dedication.
- *Public concerns* included water, traffic on West Road 2 North, and sidewalks for school access.
- *Commission hearing:* The Commission discussed the above public concerns; and

modifications to density, landscape, and open space amenities.

Staff provided further details in response to questions from Council:

- *Traffic impact analysis:* Another analysis would be required before a Certificate of Occupancy was issued. The developer was responsible to mitigate traffic impacts, but the Town also needed to address traffic issues overall, especially alternate routes.
- *School bus and emergency vehicle access:* Bus access was worked out between school transportation staff and developer. Access widths were acceptable for emergency equipment and the Fire District had to approve the design.
- *Water use and landscaping:* The plan was underlandscaped. While buffering was important, the developer was being a little more cognizant of water use.
- *Economic analysis:* Council asked Finance Director Duffy for an economic analysis with regard to rental tax. Mr. Duffy stated that he would need the developers projected gross income.

- c) Consideration and possible action to adopt Ordinance 16-819, amending the Unified Development Ordinance ("UDO"), Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms; repealing Chapter 4.21 Sign Regulations, and adopting new Chapter 4.21 Sign Regulations, consisting of Sections 4.21.1 Purpose, 4.21.2 Permits Required, 4.21.3 General Sign Regulations, 4.21.4 Measurement of Signs, 4.21.5 Sign Standards, 4.21.6 Temporary Signs, 4.21.7 Prohibited Signs, 4.21.8 Non-Conforming Signs, and 4.21.9 Violations; Removal, all as set forth in the "Amendments to the Unified Development Ordinance of the Town of Chino Valley Related to Signs, dated July 26, 2016". (Ruth Mayday, Development Services Director)

Recommended Action: Approve Ordinance 17-819, declaring the "Amendments to the Unified Development Ordinance of the Town of Chino Valley related to Signs, dated July 26, 2016" to be a public record and adopting the "Amendments to the Unified Development Ordinance of the Town of Chino Valley, Arizona, Related to Signs, dated July 26, 2016", by reference.

Ms. Mayday noted that the ordinance date referenced in the agenda item title should be January 10, 2017 and the correct Ordinance number should be 17-819. She then presented on the following topics:

- Purpose of amendments;
- Public input process; and
- Overview of the new provisions.

Council, Ms. Mayday, and Town Attorney Smiley discussed the following in more detail:

- *Purpose of amendments:* To comply with Supreme Court case, *Reed v. Gilbert*, which set new limitations on signage regulations; remedy current regulations which did not allow for adequate signage; and create proportional allowance for signs based upon speed limits and frontages.
- *Flags:* The proposed amendment exempted government signs and non-commercial flags from any limitations, while the staff report offered suggestions should Council prefer to regulate them, such as requiring a permit for certain flags above a certain size. Staff recommended striking flags completely.
- *Banners:* While flags were not defined in the amendment, banners were, and allowed for increased sizes.
- *Roof mounted signs:* The current prohibition was for visual, not structural, reasons. Staff proposed to allow them as long as they did not exceed the original roofline.

- *New challenges:* *Reed* was now being challenged in Ohio and certain organizations were looking for opportunities to sue.

Council comments:

- Support was expressed for striking flags completely and all non-commercial flags being exempt.
- Concern was expressed about no limits possibly allowing ridiculous flags.

Town Attorney Smiley believed that staff took care of Council's previous concerns in the proposed amendment by including no limitations on flags.

Mayor Croft recessed the meeting at 7:56 p.m. and reconvened it at 8:09 p.m.

Councilmember Turner commented on some confusion that occurred during this discussion and what needed to be done to straighten out the matter.

MOVED by Councilmember Lon Turner, seconded by Councilmember Jack Miller to table this this evening, make these adjustments; possibly run it through the committee that worked on it before; and polish and bring it back.

Vote: 6 - 0 PASSED - Unanimously

- d) Consideration and possible action to authorize the Mayor to execute the Standard Application Form (SF-424) for a \$485,000 congressional appropriation from the Environment Protection Agency (EPA) for the purpose of water and wastewater improvements. (Ruth Mayday, Development Services Director)

Recommended Action: Authorize the Mayor to sign the SF-424 application.

Ms. Mayday presented on this item:

- In 2010 congress appropriated \$500,000, through the EPA Clean Water Program, to the Town for water and wastewater improvements. As the EPA kept 4%, the Town could receive \$485,000.
- The EPA project would loop from the Town's Bright Star well to Perkinsville Road and connect with the EDA project to provide the constant supply of water needed to meet the purposes of the EDA program.
- If the Town did not use the funds soon, it would lose them, and staff requested authorization to submit the application.

MOVED by Councilmember Jack Miller, seconded by Councilmember Lon Turner to authorize the Mayor to sign the SF-424 application.

Vote: 6 - 0 PASSED - Unanimously

- e) Consideration and possible action to update the Council Subcommittee roster. (Jami Lewis, Town Clerk)

Recommended Action: Appoint Councilmembers, liaisons, and other representatives to Council Subcommittees.

Mrs. Lewis reported that after every election, Council needed to update its subcommittee roster. Mayor Croft was recommending that Councilmember Lane fill vacancies on the Finance and Public Safety Subcommittees. Staff also recommended that the subcommittee roster specify the subcommittees' staff liaisons.

MOVED by Councilmember Jack Miller, seconded by Councilmember Susie Cuka to appoint Councilmembers, liaisons, and other representatives to Council Subcommittees.

Vote: 6 - 0 PASSED - Unanimously

- f) Consideration and possible action to update the appointment of Councilmembers and staff to various regional and state entity committees. (Jami Lewis, Town Clerk)

Recommended Action: Appoint Councilmembers and/or staff to fill vacant positions on various entity committees and update existing appointments, as applicable.

Mrs. Lewis reported that that after every election, Council needed to update its appointments to various entities and Mayor Croft had made several recommendations. She pointed out that former mayor Chris Marley had expressed an interest in remaining the Town's representative to three water-related committees.

MOVED by Councilmember Jack Miller, seconded by Councilmember Susie Cuka to appoint Councilmembers and/or staff to fill vacant positions on various entity committees and update existing appointments, as applicable.

Vote: 6 - 0 PASSED - Unanimously

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

MOVED by Councilmember Lon Turner, seconded by Councilmember Corey Mendoza to go into executive session at 8:17 p.m.

Vote: 6 - 0 PASSED - Unanimously

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation for legal advice with the Town Attorney in order to consider the Town's position and instruct the Town Attorney regarding the Town's position in settlement discussions conducted in order to avoid litigation in the matter of the termination of Daniel Trout and Mr. Trout's appeal thereof. (Cecilia Grittman, Interim Town Manager)

9) ACTION ITEMS RESUMED

After the Executive Session, Council will reconvene the Regular Meeting.

Mayor Croft reconvened the regular meeting at 8:36 p.m.

- a) Consideration and possible action to approve a settlement agreement with Daniel R. Trout related to his employment by the Town. (Trish Stuhan, Town Attorney)

Recommended Action: Approve the settlement agreement with Daniel R. Trout.

MOVED by Councilmember Lon Turner, seconded by Councilmember Corey Mendoza to approve a settlement agreement with Dan R. Trout related to his employment by the Town and authorize the Town Manager to sign the agreement.

Vote: 5 - 0 PASSED

Other: Councilmember Annie Lane (ABSTAIN)

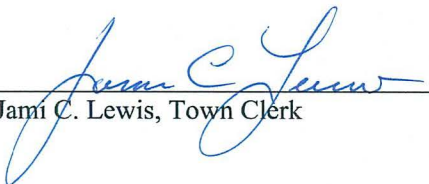
10) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Councilmember Annie Lane to adjourn the meeting at 8:37 p.m.

Vote: 6 - 0 PASSED - Unanimously


Darryl L. Croft, Mayor

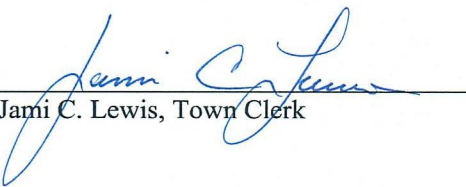
ATTEST:


Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 10th day of January, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of February, 2017.


Jami C. Lewis, Town Clerk