

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

**TUESDAY JANUARY 28, 2020
6:00 P.M.**

The Town Council of the Town of Chino Valley met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, JANUARY 28, 2020.

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

Present: Mayor Darryl Croft; Vice-Mayor Jack Miller; Councilmember Mike Best; Councilmember Cloyce Kelly; Councilmember Corey Mendoza; Councilmember Annie Perkins; Councilmember Lon Turner

Staff Present: Town Manager Cecilia Grittman; Town Attorney Andrew McGuire; Finance Director Joe Duffy; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Public Works Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Assistant Planner Will Dingee; Administrative Technician Kathy Frohock (videographer); Town Clerk Jami Lewis (recorder)

Mayor Croft called the meeting to order at 6:01 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Presentation and update by Deborrah Miller, Community Relations Project Manager with ADOT, regarding the traffic signal at the Road 1 North / State Route 89 intersection and public outreach efforts. (Cecilia Grittman, Town Manager)

Deborrah Miller, Community Relations Project Manager for Arizona Department of Transportation, presented the following:

- The new Road 1 North and State Route (SR) 89 intersection traffic signal will have traffic detection sensors. There will be a new right turn lane installed on northbound SR 89 to East Road 1 North, construction of left turn lanes, and widening of SR 89 at Road 1 North.
- The purpose of the project was to relieve the traffic congestion at the intersection and to improve the turning movements.
- Community outreach had included meetings with business stakeholders in the area to discuss impact of the project and right of way issues. In May and June of the current year, there will be informational open house meetings open to the public, with detailed maps, and ADOT and Town staff will be available to answer questions.
- Project updates and information could be found on the ADOT government webpage under northwest district projects. Since federal funds were involved, there will be a 30-day comment period and comments can be left through the website. Traffic alerts will also be on the website or can be delivered directly to personal emails.

John Litterer, project Development Engineer, presented the following:

- The project design was at 95% completion, in the final stages of design.

- They were currently working with utility companies and right of way group for acquisition. Right of way clearance should happen at the end of March 2020, at which time utility relocations will begin. They were currently coordinating with APS on the overhead relocations of the high-powered line in the area.
- The current cost estimate was approximately \$1.1 million dollars, with funding as a joint project between ADOT, Chino Valley, Yavapai County, and CYMPO.
- Project construction will be advertised in June and construction could start as soon as October 2020.
- While the construction contract will require no daytime lane closures on SR 89, there will be intermittent closures on Road 1 North, from a couple of days to a week. There will be intermittent night work required. The contract will ensure access to the local businesses will be maintained throughout the construction period. The majority of road work will be on the east and west legs of Road 1 North and there will be work on SR 89 to widen it to include the north bound right turn lane.
- The City of Prescott was improving their access to their well site, east of this project, on Road 1 North. Their project was at 90% design and the majority of their work will be on the well site property. The two projects were being coordinated so that there would be only one construction project going on at one time.

Council asked about having a medical center right turn only. The ADOT representatives stated that there will not be a right turn only out of the medical center. They had considered posting a sign that would restrict left turns, but they were expecting to evaluate that after the signal was installed to see if there were improvements.

Public Works Director Marbury commented that there had been questions about the Town not going to the end of Road 1 North during the Town's road project. He explained that the ADOT project would cover the portion of road the Town had not addressed, and the Town did not want to spend money on a project that would be addressed by the upcoming traffic signal project.

b) Presentation of architect's rendering for the 9/11 memorial upgrades at the Shooting Range.(Cecilia Grittmann, Town Manager)

Police Chief Chuck Wynn reported that there was an effort to move towards improving the 9/11 memorial monument located at the shooting range. Larry Holt was leading the effort and Celia Vanderbilt had donated her time for the architectural design.

Larry Holt introduced his project partners, Regina Pecoraro and John Stankewics, and presented photos of the site before and after a community work day, and a rendering of the future improvements. He spoke about the project as follows:

- To fund further improvements, the group was selling memorial bricks through the Police Foundation. Each brick will be used to help pave the way into the memorial site. Bricks were \$75 each, which included engraving. No Town dollars were being used to fund the project. The goal was to have it complete by the 9/11 20th Anniversary in 2021 for a rededication ceremony.
- Two benches had been donated by ACE Hardware and there were already brick orders made that were from outside the Town. He explained the construction process and stated that the first pavers will be laid in the upcoming week.
- Anyone wanting to contribute or help should contact him.

- c) Presentations by Lorette Brashear, Director, Chino Valley Area Chamber of Commerce, regarding:
- Business of the Quarter
 - Chino Valley job fair
 - Quarterly report to Council

Business of the Quarter

Dr. Karla Phillips, Chamber Board Chair, introduced Board Members Chair-Elect Rhonda Smith, Advisory Board Member Kay Jones, Past Chair Wendy McManigal, and Mayor Croft, and related that the Chamber was partnering with the Town to recognize businesses, regardless of Chamber membership, that had been a strong community contributor. She presented the current quarter award to Olsen's Grain, which was represented by Michelle Gronek, Kathy Barnes, Mike Olsen and Joram Ross.

Mike Olsen thanked everyone for the award, stated that Olsen's was in its 41st Year of business in Town, and thanked his employees for continuing the business services as he scaled back his time.

Chino Valley Job Fair

Katherine Anderson with Yavapai College Regional Economic Development Center, reported that:

- The Job fair will be held February 21 at Chino Valley High School from 11:00-2:00, with early admission being provided to veterans, job seekers over 55, and people with disabilities.
- The cost was only \$65 and 44 companies had signed up to attend thus far. Last year there had been 55 companies participating, 231 people that attended, and 32 people who got a job as a result. Last year there had been the job fair and at least 32 people got a job as a result.
- A job fair preparation class will be held by Arizona At Work on February 18 to teach job fair resume, interview, and job search skills.

Chamber Quarterly Report

Lorette Brashear presented the Quarterly Report:

- The Chamber had 260 members and was averaging four to five new members per month. After years of absence, previous Chamber members were returning to membership.
- The Chamber began a podcast in conjunction with the Town last April, launched a YouTube channel that runs ads for local businesses, and was going to launch a new website in February.
- The ambassador program that had become extinct was restarted last week with 17 new ambassadors in attendance at the first meeting.
- New events were Men in Business and a family mixer night to be held in June.
- Chamber Road Trips included Cottonwood and Verde Valley to obtain new ideas. The next trip will be to Payson, which had a great volunteer program.

Ms. Brashear introduced Stephen Mize, the new Community Volunteer Program Manager, who reported that his main objective was to coordinate with local businesses and partners that were in need of volunteers and set them up with the Chamber volunteers.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

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.

The following spoke in opposition to the Brook Apartments:

- Ms. McFadzen spoke about the history of the parcel with regard to a conditional use permit (CUP) granted to Matthew and Rebecca Bates on the subject property in May 1996 for operation of an assisted living care facility in the MR-1 zoning district. She asked: (i) if the conditional use permit 06-669, which had a 10-year limit, had expired in 2016; (ii) if the CUP was part of the warranty deed conveyed by the Bates' to the LLC in 2007, and did expire in 2017; and (iii) the Town's Development Director and the Planning and Zoning Commission to help the public find out if all the documents that related to what became the Brook Apartments had been satisfied. She did not believe the apartments would it resemble what the General Plan lined out for the area.
- Larry Holt commented on possible false advertising by the developers on their website; the developer moving the property lines so that the property could be subdivided to build more apartments; fire-fighting apparatus for a three-story structure being 25 minutes away; and possible liability to the Town. He requested Council consider an emergency ordinance to prevent all three-story structures.
- Caroline Strickroth thanked Council for supporting the Grove neighbors during hearings on this project. She also asked about documentation with regard to the previously-approved assisted living CUP, as to granting the Bates' the original 99 units and when it became Brooke Apartments.
- Cindy Cole opposed the project due to density, noise and traffic. She did not believe apartments should be in a custom neighborhood where developers had certain criteria to keep the neighborhood above average and felt the neighborhood would be ruined.

James Brumbaugh spoke about a problem with 22 cats attacking and ruining his front porch and no standards to help him. He believed cats should be regulated like dogs were.

Regina Pecoraro spoke about the upcoming Desert Brutality competition at the shooting range and noted that the public range would still be open to the public.

Ryan Roberts spoke about clearing his name after being accused of doing illegal splits. Regarding lot splits in general, he disagreed with the Town using the State's definition of subdivision by creating a street, as that definition referred to a duly recorded plat, not a lot split, which was recorded on a land survey. Such a standard would be the first time it was used in the Town or any town in the state because it was not true. He felt the Town was trying to find

loopholes to stop the land splits, which was a property owners right, and people might sue the Town to act on their rights.

Beth Vicory, Eagle Level Frontier Girl, spoke about her current project, a fundraiser for the 9/11 Memorial plaque, donors thus far, participation by the Arizona Cardinals, design of the plaque, and an upcoming fundraiser. She hoped to have the plaque completed within the next year.

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 certain lot splits and associated regulations.

Mayor Croft reported that staff had placed all lot split applications on hold to evaluate what appeared to be a violation of the subdivision ordinance. Multiple property owners were acting in concert to split their land in series of lot splits that would have created the first nine blocks of a 32-lot development. These lots lacked the necessary subdivision infrastructure including streets, curbs, gutters, sidewalks, draining and drainage plans or any connection to the utilities located at Center Street adjacent to the development. The Town had invested taxpayer money in providing and extending water and sewer throughout the Town. These serial lot splits undermined the Town's ability to connect lots to existing utilities and to ensure purchasers that lots have safe and reliable streets and all-weather access for vital public safety services. After evaluating all the pending applications, the Town has processed those applications that did not create new subdivisions, while those that were part of the group that created an improved subdivision were denied. Going forward, the Town would require all lot splits that create a street, including an easement, to go through the subdivision process. This would help protect the infrastructure investment made by taxpayers and personal investments of purchasers of the lots.

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. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

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

Councilmember Best reported that the completed 50th Town Anniversary book was available for \$30 at the Town Library, Senior Center, Town Hall and Chamber of Commerce.

- b)** Status report by Town Manager Cecilia Grittmann regarding Town accomplishments, and current or upcoming projects.
- c)** Status report by Development Services Director Joshua Cook regarding building permit statistics and Unified Development Ordinance updates.

Mr. Cook reported that, during the second quarter of 2020, building permits were down from the first quarter, but the total valuation increased by more than \$1 million. The number of citations had gone up, but the total number of code cases opened had decreased.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

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.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to approve consent agenda items 6(a), (b) and (c).

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve the Professional Services Agreement with Civiltec Engineering, Inc. for engineering services related to the improvements of Rodeo Drive in the amount of \$89,643.00. (Frank Marbury, Public Works Director/Town Engineer)
- b) Consideration and possible action to remove Policy #815 Binding Arbitration, revised April 2, 2003, from the Town of Chino Valley Personnel Policy and Administrative Guideline Manual. (Laura Kyriakakis, Human Resources Director)
- c) Consideration and possible action to approve the Financial Report for the six months ending December 31, 2019. (Joe Duffy, Finance Director)

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 amend the Unified Development Ordinance Section 2 (Definitions), Subsection 3.15(D) (CL–Light Commercial; Temporary Uses) and Section 4.21 (Sign Regulations), by adding modifying definitions and modifying provisions relating to temporary signs (the “Text Amendment”). (Joshua Cook, Development Services Director)

Recommended Action: Adopt Ordinance 2020-878 to amend the Unified Development Ordinance Section 2 (Definitions), Subsection 3.15(D) (CL–Light Commercial; Temporary Uses)

and Section 4.21 (Sign Regulations), by adding modifying definitions and modifying provisions relating to temporary signs (the “Text Amendment”).

Mr. Cook reported that:

- This was presented at a study session in October and was based on Council recommendations. Legal counsel and staff drafted the text changes as proposed and recommended by the Town Council. On December 10, Council reviewed it again and advised staff to proceed on the language that was presented.
- At the public hearing before the Planning Commission on January 7, the Commission made minor changes, and based on conversations with Mr. Tom Payne, words were added or deleted for clarity. This included pennants and banners in auxiliary signage, with sign banners being temporary or auxiliary. The Commission recommended unanimously to forward the item to Council with their minor changes.
- The process for signs was as follows: A new business would apply for a temporary sign, which was good for up to six months, at which time a permanent sign was required. The allowable size was based on zoning. Once the permanent sign was in, the business was automatically allowed to have the auxiliary sign.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Annie Perkins Town Clerk Jami Lewis explained the original motion had to be amended. The Council had received a memo with a recommended updated motion because the ordinance had to be restructured.

Vice-Mayor Miller and Councilmember Perkins withdrew their motion and second.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Annie Perkins to adopt Ordinance 2020-878, adopting by reference the “Amendments to the Town of Chino Valley Unified Development Ordinance (Temporary Sign Provisions), Dated January 28, 2020”; and amending the Chino Valley Town Code Title XV Land Usage, Chapter 154 Unified Development Ordinance, to replace portions of the UDO relating to temporary signs.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Annie Perkins, Councilmember Lon Turner

7 - 0 PASSED - Unanimously

**The motion was amended to adopt Ordinance 2020-878, adopting by reference the “Amendments to the Town of Chino Valley Unified Development Ordinance (Temporary Sign Provisions), Dated January 28, 2020”; and amending the Chino Valley Town Code Title XV Land Usage, Chapter 154 Unified Development Ordinance, to replace portions of the UDO relating to temporary signs.*

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.

9) **ACTION ITEMS RESUMED**

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

10) **ADJOURNMENT**

MOVED by Councilmember Lon Turner, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 7:02 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember
Annie Perkins, Councilmember Lon Turner

7 - 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 28th day of January, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 28th day of February, 2020.



Jami C. Lewis, Town Clerk