

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

**TUESDAY, APRIL 12, 2016  
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, April 12, 2016.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Susie Cuka; Councilmember Corey Mendoza; Councilmember Lon Turner

Absent: Councilmember Jack Miller

Staff Present: Town Manager Robert Smith; Assistant Town Manager Cecilia Grittmann; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Human Resources Director Laura Kyriakakis; Police Officer Gary Bruso; Acting Public Works Director/Town Engineer Michael Lopez; Associate Planner James Gardner; Library Director Scott Bruner; GIS/CAD/Web Technician Jan Mazy; Deputy Town Clerk Liz Hart; Town Clerk Jami Lewis (recorder)

## **1) CALL TO ORDER, INVOCATION\*; PLEDGE OF ALLEGIANCE; ROLL CALL**

*\*An invocation will be given at the beginning of the meeting by a member of Council. Persons who do not wish to participate may remain in the lobby during the invocation and will be notified by Town staff when the invocation is finished. The Council will pause briefly to allow those in the lobby to enter before proceeding with the Pledge of Allegiance and the rest of the meeting.*

*The invocation is solely the expression of the religious belief of the speaker and is not an endorsement of those beliefs by other Council members or by the Town of Chino Valley. Religion is a personal matter, independent of the function of government. The purpose of the invocation is to solemnize the legislative proceedings of the Council. It is not intended to advance, proselytize, disparage, or denigrate any other religion, belief, or non-belief or to coerce others to participate. No stigma or different treatment of persons who choose to participate or who choose not to participate will be tolerated.*

Mayor Marley called the meeting to order at 6:02 p.m.

Councilmember Best gave the invocation; Mayor Marley led the Pledge of Allegiance.

## **2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**

- a)** Presentation by Phil Goode regarding the Prescott Courthouse Veteran's Memorial update and memorial service. (Robert Smith, Town Manager)

Mr. Goode spoke about the Veterans Memorial Plaque Project and the plaque rededication June 14, 2016.

- b) Proclamation for the Honor and Remember organization, supporting efforts to establish a recognizable symbol to honor our Military fallen and their families. (Cecilia Grittman, Assistant Town Manager)

Paulette and Augie Martone, Gold Star parents, spoke about the Honor and Remember flag and an upcoming Memorial Day celebration.

Vice-Mayor Croft read the proclamation and presented it to the Martones.

- c) Proclamation declaring April 21, 2016 as "PowerTalk 21® Day," sponsored by Mothers Against Drunk Driving Arizona. (Mayor Chris Marley)

Mayor Marley read the proclamation.

- d) Proclamation declaring April 2015 "Fair Housing Month." (Cecilia Grittman, Assistant Town Manager)

Mayor Marley read the proclamation.

### 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.*

Cloyce Kelley and Bob Ingram with the Chino Valley VFW Post 40 spoke about the VFW's service to veterans and the organization's 40th anniversary.

### 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 Public Record Request inquiry.

Mayor Marley reported on the process and completion of the subject request.

### 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.

Mayor and Council had nothing to report.

- b) Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming projects.

Mr. Smith reported on:

- First quarter development permits and valuation.
- Comparisons to first quarter 2015.
- Code enforcement cases.

**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 Darryl Croft, seconded by Councilmember Mike Best to approve consent agenda items (6a) and (b).

**Vote:** 6 - 0 PASSED - Unanimously

- a) Consideration and possible action to accept the March 8, ~~2015~~2016 regular meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to accept the March 15, ~~2015~~2016 study session 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 modify the invocation portion of the Council meeting. (Mayor Chris Marley)

Recommended Action: Modify the invocation as directed.

(This item was heard after item 8a but is retained here for clarity.)

Mayor Marley reported that:

- Per a recent Supreme Court case, the Town could allow invocations given by members of the public. The Town's discussion centered around citizens giving up free exercise under the First Amendment while serving as elected officials.
- Councilmembers received lots of communication from the community on the matter, both positive and negative.
- Council had reviewed a number of options, and while financial repercussions were considered, they were not the only deciding factor. The most compelling argument was in defense of the letter and spirit of the Establishment Clause, in which an individual of a

different culture and religious background coming before Council with a request could be given the impression that the local government was endorsing a specific religion.

Councilmembers spoke about the difficult decision surrounding this matter, the threat of lawsuits, the various options available, and their desire to serve the Town regardless of religion.

MOVED by Mayor Chris Marley, seconded by Councilmember Corey Mendoza that in order to preserve the sanctity of the invocation, move the location of our invocation to our executive chambers for Council only prayer immediately preceding the Council meetings, followed by the Call to Order and Pledge of Allegiance after we come back out, and to modify our existing agenda to reflect such change: (i) Private invocation held in executive chambers (Council only); (ii) the Council enters the Council chambers; (iii) Call to Order, Pledge of Allegiance; Roll Call; and then the rest of the agenda.

**Vote:** 6 - 0 PASSED - Unanimously

Town Attorney Smiley advised that such notice was preferable to have on the agenda prior to the Call to Order.

- b) PUBLIC HEARING regarding Resolution No.16-1078, proposing an extension of the alternative expenditure limitation—home rule option. (Joe Duffy, Finance Director)

Recommended Action: Hold public hearing.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to hold the public hearing.

**Vote:** 6 - 0 PASSED - unanimously

Mr. Duffy reviewed the ballot measure, including:

- History and purpose of the 1980 expenditure limitation initiative.
- Expenditure Limitation options and those used by other Arizona municipalities.
- State-imposed limit versus Home Rule.

Key points were:

- Chino Valley citizens had approved the Alternative Expenditure Limitation—Home Rule Option every four years from 1985 through the present.
- For the next four fiscal years, under the state limit, the Town could spend only approximately \$9 million to provide services to the community, while under Home Rule, the Town could spend approximately \$20 million.
- A "yes" vote will continue the Home Rule option for the next four years; a "no" vote will place the Town under the state-imposed limit for the next two years.

No one from the public spoke.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to close the public hearing.

**Vote:** 6 - 0 PASSED - unanimously

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to recess to the special meeting at 7:39 p.m.

**Vote:** 6 - 0 PASSED - Unanimously

Mayor Marley reconvened the regular meeting at 7:42 p.m.

- c) Consideration and possible action to adopt Ordinance 16-814, to rezone approximately 2.31 acres of real property, located at 868 Adams Dr., Chino Valley, Arizona, consisting of a portion of the North half and the Northeast quarter of Section 15, Township 16N, Range 02W, Gila and Salt River Base and Meridian (Yavapai County Assessor's Parcel number 306-20-103) from Single Family Residential, 2.5-acre minimum (SR-2.5) to Single Family Residential, 1-acre minimum (SR-1) zoning district. (Applicant: Jeb Merlyn) (James Gardner, Associate Planner)

Recommended Action: Approve Ordinance No. 16-814, changing the zoning on approximately 2.31 acres of real property generally located at 868 Adams Drive from Single Family Residential 2.5-acre minimum (SR-2.5) to Single Family Residential, 1-acre minimum (SR-1) zoning district.

Mr. Gardner presented the proposal:

- *Purpose of zone change:* To add an additional manufactured home on the property.
- *Current conditions:* An existing home and mother-in-law quarters were on-site.
- *General Plan conformance:* The proposal did not strictly conform, but was closer to conformance than currently, and would have no effect to community core planning.
- *Planning and Zoning Commission recommendation:* Unanimously recommended approval.

Council asked about building setbacks. Mr. Gardner stated they were 10 feet on either side.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to approve Ordinance No. 16-814, changing the zoning on approximately 2.31 acres of real property generally located at 868 Adams Drive from Single Family Residential 2.5-acre minimum (SR-2.5) to Single Family Residential, 1-acre minimum (SR-1) zoning district.

**Vote:** 6 - 0 PASSED - Unanimously

- d) Consideration and possible action to:
1. Review and conceptually approve a proposal by the Friends of the Library to construct an addition to the Library of approximately 400 square feet, for which the Friends of the Library will bear all costs of design and construction, unless otherwise authorized by the Town Council; and
  2. Authorize the Town of Chino Valley Public Works Department to facilitate the relocation of existing utilities (gas and water) prior to the construction of the Library Expansion in an amount not to exceed \$7,500.00. (Michael Lopez, Acting Public Works Director/Town Engineer)

Recommended Action:

1. Approve in concept the Friends of the Library's proposal to construct an addition to the Library of approximately 400 square feet with the Friends to pay all design and construction costs except as otherwise authorized by the Town Council; and

2. Authorize the Town of Chino Valley Public Works Department to facilitate the relocation of existing utilities for the construction of the Library Expansion in an amount not to exceed \$7,500.00.

Library Director Bruner spoke about the Friends contributing to the Library over \$175,000 in the last two years and 6,420 service hours last year. The Friends intended to pay for this project, which they had been working on since last year, and only needed some help with moving gas and water. The contractor was ready to begin work as soon as the utilities were moved.

Cindy Larson with the Friends spoke about having to use staff and public space for their book sales and other activities, and their desire to place their operations as much as possible in one location.

Mr. Lopez reported that:

- Staff had worked with the Friends to find the best location for the building. Staff proposed to provide overall oversight on the project, as well as relocate the gas line and water meter; and preferred that the contractor move the drainage pipe to resolve a drainage issue that was identified late in the process.
- The Friends had secured a contractor and staff was revising the contract language to ensure the Town's protection.
- Staff supported the proposed addition and was asking Council to approve the concept of moving forward and making the funds available.

Council generally supported the project and asked staff to hold off on moving utilities until the paperwork was done, but preliminary work on the utilities would be okay.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to approve in concept the Friends of the Library's proposal to construct an addition to the Library of approximately 400 square feet with the Friends to pay all design and construction costs except as otherwise authorized by the Town Council.

**Vote:** 6 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to authorize the Town of Chino Valley Public Works Department to facilitate the relocation of existing utilities for the construction of the Library Expansion in an amount not to exceed \$7,500.00.

**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.*

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position in pending litigation or settlement discussions conducted in order to resolve litigation in the matter of Hatch v. Town of Chino Valley. (Phyllis Smiley, Town Attorney)

(This item was heard prior to item 7a but is retained here for clarity.)

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to move executive session item 8a before action items to accommodate the schedule of the attorney representing the Town in the matter of Hatch v. Town at 6:34 p.m.

**Vote: 6 - 0 PASSED - Unanimously**

Mayor Marley reconvened the regular meeting at 7:10 p.m. and returned to item 7a.

- b) An executive session pursuant to A.R.S. § 38-481.03(A)(1) for discussion or consideration of employment, assignment, salaries, or disciplining of Town Manager Robert Smith. (Mayor Marley; Vice-Mayor Croft)

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to postpone executive session item (b) until the April 26 Council meeting.

**Vote: 6 - 0 PASSED - Unanimously**

**9) ACTION ITEMS RESUMED**

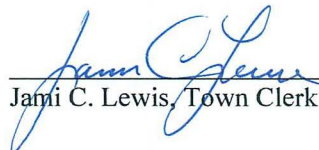
*After the Executive Session, Council will reconvene the Regular Meeting.*

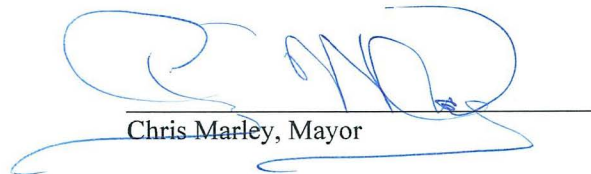
**10) ADJOURNMENT**

MOVED by Councilmember Corey Mendoza, seconded by Councilmember Lon Turner to adjourn the meeting at 8:13 p.m.

**Vote: 6 - 0 PASSED - Unanimously**

ATTEST:

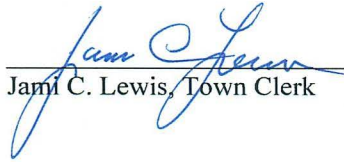
  
Jami C. Lewis, Town Clerk

  
Chris Marley, Mayor

**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 12th day of April, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of May, 2016.

  
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Jami C. Lewis, Town Clerk