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

TUESDAY, APRIL 25, 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, April 25, 2017.

Present:	Mayor Darryl Croft; Vice-Mayor Mike Best; Councilmember Annie Lane; Councilmember Corey Mendoza; Councilmember Jack Miller; Councilmember Lon Turner
Staff Present:	Town Manager Cecilia Grittman; Town Attorney Phyllis Smiley; Police Officer Dominic Gillo; Interim Public Works Director/Town Engineer Richard Straub; Development Services Director Ruth Mayday; Library Director Scott Bruner; Senior Services Administrator Cyndi Thomas; GIS/CAD/Web Technician Jan Mazy (videographer); 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 recognizing the 242nd Anniversary of the United States Army. (Mayor Croft)

Mayor Croft read the proclamation and presented it to Sgt. Thrasher, U.S. Army recruiter from Prescott, who spoke about serving overseas and Chino Valley recruits.

b) Presentation regarding Head Start programs and services, by Family Advocacy representatives Nancy Meek and Veronica Jarquin.

Mayor Croft reported that the presenters had requested to postpone this item to May 9, 2017.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to move the presentation from Head Start until May 9.

Vote: 6 - 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.

No one from the public spoke.

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.

The Mayor had nothing to report.

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.

No one had anything to report.

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

Ms. Grittman reported on:

- the Court and Finance Departments helping the Town of Clarkdale to set up their new Court;
- making an offer on the deputy town clerk position; and
- current openings on the Council and other public bodies.

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 Mike Best, seconded by Councilmember Lon Turner to accept consent agenda items 6a and b.

Vote: 6 - 0 PASSED - Unanimously

a) Consideration and possible action to accept Nonrevocable Offer for Dedication of Public Roadway from Adam Schuster on property identified as Assessor's Parcel Numbers 306-23-028V, T and W, generally located on Road 1 West between Center Street and Road 1 North. (Ruth Mayday, Development Services Director)

b) Consideration and possible action to accept the April 11, 2017 regular meeting minutes.

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) (i) Hold Public Hearing regarding notice of intent to increase admission fees for the Town of Chino Valley Aquatic Facility, located at 1615 North Road 1 East, Chino Valley.
(ii) Consideration and possible action to recommend approval to increase admission fees for the Town of Chino Valley Aquatic Facility. (Chris Bartels, Public Works Manager)

Recommended Action:
(i) Hold Public Hearing.
(ii) Recommend approval to increase admission fees for the Town of Chino Valley Aquatic Facility.

Town Manager Grittman reported that there was an error in the Notice of Intent to increase the fees. Staff was now recommending that Council cancel the public hearing and intent and consider it again in the fall for the next swim season.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to cancel the public hearing.

Vote: 6 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to cancel the agenda item (a) that was intended to raise fees.

Vote: 6 - 0 PASSED - Unanimously

b) Consideration and possible action to approve a Conditional Use Permit (CUP17-001) for approximately 2.7 acres of real property located at 868 East Road 4 North (APN 306-04-010U) to allow a medical research facility within the CH (Commercial Heavy) zoning district, subject to conditions. (Ruth Mayday, Development Services Director)

Recommended Action: Approve a Conditional Use Permit for approximately 2.71 acres of real property location at 868 East Road 4 North to allow a medical research facility within the CH Zoning District, subject to the conditions indicated in the Use Permit Letter.

Councilmember Mendoza declared a conflict of interest, recused himself, and left the dais at 6:14 p.m.

Ms. Mayday presented on this item:

- *Proposal:* Applicant Corey Mendoza was requesting to allow Perry Stone the use of a portion of Mr. Mendoza's property for a medical marijuana pharmaceutical research facility. The project involved developing specific strains with low THC levels and high CBDs—the part that provided medicinal benefits and sending the product out for testing. The product would not be distributed or sold in any manner.
- *UDO regulations:* The UDO did not designate a zoning district for any type of research and development, thus allowing the zoning administrator latitude as to determine where

such uses could be best placed.

- *Stipulations:* As a condition of the CUP, all testing and growing would be in a completely enclosed locked facility, with no visible signs on the outside. Pharmaceutical research was typically found in a commercial heavy zoning district; medical marijuana added another layer. After discussing the project with the applicant, Mr. Stone, and the town attorney, the CUP stipulated that the facility would need a federal license, as well as compliance with state law.
- *General Plan conformance:* The subject property was within a land use designation of commercial/multi-family residential and was in a potential community core for commercial and industrial uses.

Applicant Mendoza told Council that he was the landlord in this case. His building became vacant several months ago, and Mr. Stone, his neighbor, approached him about using it. He recounted that he had publicly spoken against medical marijuana in the past, believing that its harm to society outweighed the positives. However, in vetting a potential tenant, he researched the matter further, learned about the medical progress, and believed it was substantial to the point that he could rent the building for that purpose with a clear conscience. He still opposed smokable marijuana, and believed the medical marijuana laws were easily abused, but he would not ignore the facts about its medical benefits.

Mr. Stone stated that also opposed recreational marijuana. He spoke about his own experience with medical marijuana and showed a video supporting the science behind medical applications. His operation would be funded from private parties and would not be for profit, but to standardize the product within the state. He agreed to follow state, federal, and local laws.

Councilmember Lane spoke about how medical marijuana had helped some people she knew and she applauded research to reduce THC and concentrate on CBD.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to approve a Conditional Use Permit for approximately 2.71 acres of real property location at 868 East Road 4 North to allow a medical research facility within the CH Zoning District, subject to the conditions indicated in the Use Permit Letter.

Vote: 6 - 0 PASSED - Unanimously

Councilmember Mendoza returned to the dais at 6:30 p.m.

c) Consideration and possible action to adopt Resolution No. 17-1098 authorizing the acquisition of certain real property in the Town for right-of-way and easement purposes for re-construction of the intersection of Road 1 West and Road 2 North, authorizing the Mayor, Town Manager, and Town Attorney to acquire title to such real property on behalf of the Town by donation, eminent domain or purchase for an amount not to exceed fair market value of the property, plus acquisition and closing costs. (Richard Straub, Assistant Public Works Director/Town Engineer)

Recommended Action: Adopt Resolution No. 17-1098 to authorize the acquisition of certain real property in the Town for right-of-way and easement purposes for re-construction of the intersection of Road 1 West and Road 2 North, authorizing the Mayor, Town Manager, and Town Attorney to acquire title to such real property on behalf of the Town by donation, eminent domain or purchase for an amount not to exceed fair market value of the property, plus acquisition and closing costs.

Mr. Straub presented on this item:

- *Background:* About four years ago, the Town started negotiations with the school district ("District") to widen the subject intersection to accommodate safer turns for school buses.
- *Proposal:* Staff was requesting authorization to purchase land on the northwest side of the intersection. Land would also need to be purchased on the southwest side as well.
- *Project status:* The intersection needed to be redesigned before going out for bid next fiscal year. Some other work on the school grounds had to be postponed due to funding. Staff will be back before Council for additional engineering to change the plans.

John Scholl, District Superintendent, added that the School Board, which will be considering this item on May 2, appeared to be supportive.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to adopt Resolution No. 17-1098 to authorize the acquisition of certain real property in the Town for right-of-way and easement purposes for re-construction of the intersection of Road 1 West and Road 2 North, authorizing the Mayor, Town Manager, and Town Attorney to acquire title to such real property on behalf of the Town by donation, eminent domain or purchase for an amount not to exceed fair market value of the property, plus acquisition and closing costs.

Vote: 6 - 0 PASSED - Unanimously

d) Consideration and possible action to approve and authorize Mayor Croft to sign the Second Amendment to Wireless Communications Site Lease and Second Amendment to Memorandum of Lease Agreement, both related to a revised legal description for the Town Hall Lease and Landlord Estoppel Certificate and Agreement related to a transfer of ownership of the Town Hall Wireless Communications Tower. (Phyllis Smiley, Town Attorney)

<u>Recommended Action:</u> Approve and authorize Mayor Croft to sign the Second Amendment to Wireless Communications Site Lease and Second Amendment to Memorandum of Lease Agreement, both related to a revised legal description for the Town Hall Lease and Landlord Estoppel Certificate and Agreement related to a transfer of ownership of the Town Hall Wireless Communications Tower.

Ms. Smiley reported that the second amendment related to changing the footprint of the leased property at the Town Hall site by moving the fence back; and the estoppel agreement acknowledged that the tower was sold to the same owners under a different corporate name and that there were no outstanding lease payments.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to authorize Mayor Croft to sign the Second Amendment to Wireless Communications Site Lease and Second Amendment to Memorandum of Lease Agreement, both related to a revised legal description for the Town Hall Lease and Landlord Estoppel Certificate and Agreement related to a transfer of ownership of the Town Hall Wireless Communications Tower.

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 Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to go into executive session at 6:38 p.m.

Vote: 6 - 0 PASSED - Unanimously

a) An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding enforcement of Zoning Ordinance No. 13-772 and pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position in contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matter of right-of-way dedication and roadway improvements required from Martin and Pamela Messenger.

9) ACTION ITEMS RESUMED

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

Mayor Croft reconvened the regular meeting at 8:16 p.m. and reported that Council gave direction to its attorney during the executive session.

10) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Vice-Mayor Mike Best to adjourn the meeting at 8:17 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 24th day of April, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 9th day of May, 2017.

Jami C. Lewis, Town Clerk