

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

**TUESDAY, MAY 22, 2018
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, May 22, 2018.

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

Absent: Councilmember Jack Miller

Staff Town Attorney Andrew McGuire; Economic Development Project Manager John Coomer; Finance

Present: Director Joe Duffy; Police Chief Chuck Wynn; Public Works Director/Town Engineer Frank Marbury; Assistant Town Engineer Steven Sullivan; Development Services Director Jason Sanks; Associate Planner Alex Lerma; Administrative Technician Kathy Frohock (videographer); Town Clerk Jami Lewis (recorder)

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

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Proclamation declaring May 25-26, 2018 as "Poppy Days," sponsored by the American Legion Auxiliary. (Mayor Croft)

Mayor Croft read the proclamation and presented it to Liz Piper with the Auxiliary, who spoke about the fundraiser for veterans.

- b)** Introduction of new Assistant Town Engineer Steven Sullivan. (Frank Marbury, Public Works Director/Town Engineer)

Mr. Marbury introduced Steven Sullivan and spoke about how much he had contributed since starting with the Town.

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.

Craig Brown, Yavapai County District 4 Supervisor, commended Town staff for their assistance with the Viewpoint Fire.

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.

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 Lane congratulated graduating seniors and 8th graders being promoted.

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

- c)** Report regarding the Town's response and actions taken during the Viewpoint Fire. (Chuck Wynn, Police Chief)

Chief Wynn, speaking on behalf of Town Manager Grittmann, commended everyone who helped with the Viewpoint Fire, which came to the Town's back door, and spoke about how the agencies worked well together.

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 Vice-Mayor Lon Turner, seconded by Councilmember Mike Best to accept consent agenda b and c.

Vote: 6 - 0 PASSED - Unanimously

- a)** Consideration and possible action to revise and renew Tow Company Contracts with ACT Towing, Custom Towing, Tri-City Towing and TNT Towing, effective July 1, 2018 through June 30, 2019. (Chuck Wynn, Police Chief)

Councilmember Mendoza asked about changes in the contracts since last year. Chief Wynn related that there was a minor change requested by the town attorney. Town Attorney McGuire explained that all contract amendments going forward will need a standard estoppel provision, affirming that there were no outstanding claims as of the date of the amendment. Council could still approve the contracts tonight and he will forward the amended versions to staff.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Cloyce Kelly to accept consent agenda a.

Vote: 6 - 0 PASSED - Unanimously

- b) Consideration and possible action to adopt Resolution No. 18-1122, approving the proposed statements and estimates of expenses of the Town of Chino Valley Street Lighting Improvement Districts for fiscal year 2018/2019, pursuant to Section 48-616, Arizona Revised Statutes, as amended; setting a date for public hearing on the proposed statements and estimates as approved; and providing for notice of the hearing and publication of the proposed statements and estimates of the expenses of the districts which shall be provided for by the levy and collection of ad valorem taxes on the assessed value of all the real and personal property in the districts. (Joe Duffy, Finance Director)
- c) Consideration and possible action to accept the May 8, 2018 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 adopt a Conditional Use Permit (CUP18-003) for approximately 4.55 acres of real property located approximately 1,000 feet south of the southwest corner of East Road 2 North and North Road 1 East at 784 North Road 1 East, to allow the applicant to continue the operation and maintenance of a well drilling business consisting of storage of vehicles, machinery and supplies in the AR-5 (Agricultural/ Residential-5 acre minimum) zoning district. (Alex Lerma, Associate Planner)

Recommended Action: Postpone this item to the June 12, 2018 Regular Council Meeting per the applicant's request.

Mr. Sanks reported that the applicant, who was unable to attend tonight, had asked for a postponement until June 12. Staff supported that request.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Mike Best to postpone item 7a until June 12, 2018 Regular Meeting.

Vote: 6 - 0 PASSED - Unanimously

- b) (i) Consideration and possible action to adopt Resolution No.18-1120, for a Minor General Plan Amendment to change the land use designation of approximately 9.49 of 15.9 acres of real property generally located approximately 0.25 miles west of the northwest corner of North Road 1 West and West Road 4 North intersection at 1460 West Road 4 North from Medium Density Residential land use designation to Commercial/Multi-Family Residential land use designation.
- (ii) Consideration and possible action to adopt Ordinance No. 18-848 to rezone 15.9 acres from CL/MR-PAD (Commercial Light/Multi-Family Residential with a Planned Area Development overlay) to 6.42 acres of SR-1 and 9.49 acres of CL (Single Family Residential-1 acre minimum and Commercial Light, respectively); and rezone the remaining 59 acres from AR-5 (Agricultural/Residential-5 acre minimum) to SR-1. Owner: La Vacara Trust (Jason Sanks, Development Service Director)

Recommended Action:

- (i) Adopt Resolution No.18-1120, for a Minor General Plan Amendment to change the land use designation of approximately 9.49 of 15.9 acres of real property generally located approximately 0.25 miles west of the northwest corner of North Road 1 West and West Road 4 North intersection at 1460 West Road 4 North from Medium Density Residential land use designation to Commercial/Multi-Family Residential land use designation.
- (ii) Adopt Ordinance No. 18-848, to rezone Assessor's Parcel Nos. 306-05-030R, 306-05-031V and 306-05-031T, approximately 75 acres of real property as follows: 15.9 acres from CL/MR-PAD to 6.42 acres of SR-1 and 9.49 acres of CL; and the remaining 59 acres from AR-5 to SR-1, with the conditions as recommended and discussed.

(i) Minor General Plan Amendment

Mr. Sanks reported that when this property was rezoned several years ago to Commercial/Multi-Family Residential, the General Plan Land Use Map should have also been amended prior to the rezoning approval, but it was not. When the owners initiated the current rezoning case, staff spoke with them about taking this opportunity to clean up the map.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Mike Best to approve 7b item (i) to adopt to adopt Resolution No.18-1120, for a Minor General Plan Amendment to change the land use designation of approximately 9.49 of 15.9 acres of real property generally located approximately 0.25 miles west of the northwest corner of North Road 1 West and West Road 4 North intersection at 1460 West Road 4 North from Medium Density Residential land use designation to Commercial/Multi-Family Residential land use designation.

Vote: 6 - 0 PASSED - Unanimously

(ii) Rezone

Mr. Sanks presented on the rezone request:

- *History:* In 2015, Council approved Multi-Family Residential (MR-1) zoning with a Planned Area Development (PAD) overlay on a portion of the subject property near the Windmill House, but the proposed development was not initiated.
- *Current condition:* Other than the MR-1 PAD, the remainder of the subject property was zoned AR-5.
- *Proposal:* The owner desired to downzone some of the commercial area to SR-1, leaving only 6.4 acres of the event center as commercial, and rezoning all the AR-5 to SR-1. The proposed project will consist of 52 total one-acre lots.

- *Infrastructure:* Water would be provided by Appaloosa Water. The lots would use septic tanks, as there was no sewer line nearby. The subdivision would have two points of access.
- *Recommendation:* The Planning and Zoning Commission recommended approval with conditions related to water, sewer, streets, sidewalks, drainage, and grading. Further discussion was needed on sidewalks and a request for a wall on two lots. Due to concerns about noise and lights impacting two neighboring properties, neighbors asked for a six-foot wall across two of the lots. Staff recommended that the ordinance be modified to specify the two lots. Staff also recommended removing the MR-1 zoning since none was being proposed.

Staff and Council discussed the following in more detail:

- *Wall:* A wall was not required for the whole development as walls were not typically required for larger lot subdivisions and residents of large lots had not asked for them in the past.
- *Site plan condition:* Council could attach the site plan to the ordinance, but it could still be changed afterwards. Council had less latitude with a straight rezoning than they did with a PAD. However, with a straight rezoning, all the conditions of the Code would apply. Council could impose nominal conditions to mitigate negative impacts through the zoning case process.

Public comment:

- Wayne Moyer, resident, spoke in favor of the wall, as the proposed development's property line was within 25 feet of his buildings and the wall would keep his property from depreciating.
- Robert Schoon, resident, spoke in favor of the wall, as walls had been used in cases when new development impacted existing residences, the current landscaping buffer was not being well maintained and would not block noise and light, and the wall will not require maintenance.

Tony Cordovana, representing the applicant, stated that the current landscaping was planted 15-20 years ago before anyone lived there. The developer will be required to develop a landscape plan and they believed that they could address the concerns of the residents with a mix of fencing and landscaping, and changing the angle of the driveway. As such, they requested that the wall stipulation be removed from the Ordinance and the issue be addressed through the plat approval process.

Council and staff discussion:

- *Wall stipulation:* While something might be needed to protect the two existing lots, the wall might not be the only option. They discussed retaining the stipulation for a wall in the ordinance versus addressing it during the plat phase. Town Attorney McGuire advised that, while the Town could stipulate conditions up through the building permit phase, the Town's discretion was greatest during the rezoning phase. Mr. Sanks added that staff initially did not recommend the wall. The Commission added it as a stipulation due to public response. If Council desired to strike the requirement in the ordinance, but their intent was to continue to work with the neighbors, they could stipulate that staff will continue to work to straighten the roadway and enhance landscaping to mitigate impacts of traffic, light, and noise.

- *Sidewalks stipulation:* This requirement matched the Town's street standards and should be retained.
- *Generally:* While Council supported SR-1 zoning, there were some concerns to address going forward.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Mike Best to adopt Ordinance No. 18-848, to rezone Assessor's Parcel Nos. 306-05-030R, 306-05-031V and 306-05-031T, approximately 75 acres of real property as follows: 15.9 acres from CL/MR-PAD to 6.42 acres of SR-1 and 9.49 acres of CL; and the remaining 59 acres from AR-5 to SR-1, with the conditions as recommended and discussed, except for the portion that requires a six-foot wall across 600 feet and have the applicant work with Development Services to use some type of fencing and landscaping to provide a barrier for light and sound.

Vote: 6 - 0 PASSED - Unanimously

- c) Consideration and possible action to adopt Ordinance No. 18-849 rezoning Assessors Parcel No. 306-21-004C, approximately 5.71 acres of real property generally located approximately 1,000 feet west of the northwest corner of West Road 1 North and North Road 1 West at 1190 West Road 1 North, from AR-5 (Agricultural Residential—5 acre minimum) zoning district to SR-1 (Single Family Residential—1 acre minimum) zoning district. Owner/Applicant: Charles & Debbie Harper. (Alex Lerma, Associate Planner)

Recommended Action: Adopt Ordinance No. 18-849 rezoning APN 306-21-004C, approximately 5.71 acres of real property addressed as 1190 West Road 1 North, from AR-5 zoning district to SR-1 zoning district.

Mr. Lerma presented on this item:

- *Proposal:* The owner proposed to split the property into three parcels. Legal access would be through a 50-foot easement abutting Poco Lane. There was an issue with regard to power lines, but the owner was working with APS on it. The middle acre would have two points of access, while the two one-acre parcels would have one each.
- *Current condition:* The property contained a single family residence, guest home, and workshop. Its General Plan designation was medium density residential. Most of the surrounding properties were zoned SR-1.
- *Public comment:* During the neighborhood meeting, most of the discussion revolved around a description of the proposal. During the Planning and Zoning Commission public hearing, there was a question about the split creating a landlocked parcel. Mr. Lerma clarified that the 50-foot easement would provide access to all three parcels.
- *Recommendation:* The Commission and staff recommended approval.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Mike Best to adopt Ordinance No. 18-849 rezoning APN 306-21-004C, approximately 5.71 acres of real property addressed as 1190 West Road 1 North, from AR-5 zoning district to SR-1 zoning district.

Vote: 6 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve the Third Amendment to Accountability Contract and Scope of Services between the Town of Chino Valley and the Chino Valley Area Chamber of Commerce for FY 18/19 in the amount of \$55,000 of general support, a match up to \$3,000 if approved for an Arizona Office of Tourism Grant, and split the costs of a second year of the Vista volunteer program as described in the Third Amendment. (John Coomer, Economic Development Project Manager)

Recommended Action: Approve the Third Amendment to Accountability Contract and Scope of Services between the Town of Chino Valley and the Chino Valley Area Chamber of Commerce for FY 18/19 in the amount of \$55,000 of general support, a match up to \$3,000 if approved for an Arizona Office of Tourism Grant, and split the costs of a second year of the Vista volunteer program as described in the Third Amendment.

Mr. Coomer reported that Council had reviewed the contract during a previous meeting. Council did not discuss it further.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Cloyce Kelly to approve the Third Amendment to the Accountability Contract and Scope of Services between the Town of Chino Valley and the Chino Valley Area Chamber of Commerce for FY 18/19 in the amount of \$55,000 of general support, a match up to \$3,000 if approved for an Arizona Office of Tourism Grant, and split the costs of a second year of the Vista volunteer program as described in the Third Amendment.

Vote: 6 - 0 PASSED - Unanimously

- e) Consideration and possible action to approve Resolution No. 18-1121, approving a Tentative Budget for the fiscal year 2018-2019 and proposed expenditure limitation for the same year, in the amount of \$24,525,200 and setting a public hearing date of June 26, 2018 on the tentative budget and adoption of the final budget. (Joe Duffy, Finance Director)

Recommended Action: Approve Resolution No. 18-1121, approving a Tentative Budget and proposed expenditure limitation for FY 2018-2019, in the amount of \$24,525,200 and setting June 26, 2018 as the date for the public hearing on the tentative budget and for adoption of the final budget for FY 2018-2019.

Mr. Duffy reported that this action would set the expenditure limit, which, after approval, could be reduced, but not increased. The public hearing will be on June 26. Staff recommended adoption of the tentative budget.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Mike Best to approve Resolution No. 18-1121, approving a Tentative Budget and proposed expenditure limitation for FY 2018-2019, in the amount of \$24,525,200 and setting June 26, 2018 as the date for the public hearing on the tentative budget and for adoption of the final budget for FY 2018-2019.

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.

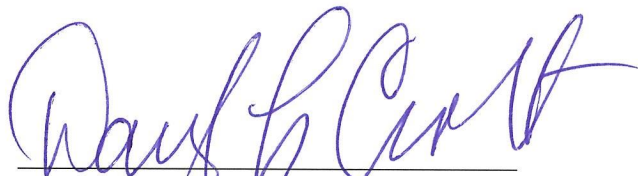
9) **ACTION ITEMS RESUMED**

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

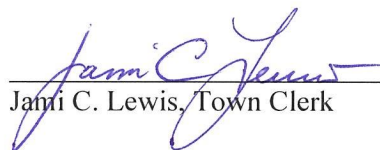
10) **ADJOURNMENT**

MOVED by Councilmember Annie Lane, seconded by Councilmember Mike Best to adjourn the meeting at 7:00 p.m.

Vote: 6 - 0 PASSED - Unanimously


Darryl L. Croft, Mayor

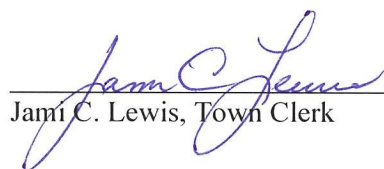
ATTEST:


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 22nd day of May, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of June, 2018.


Jami C. Lewis, Town Clerk