

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

**TUESDAY, JUNE 11, 2019
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, June 11, 2019.

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

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

Absent: Councilmember Mike Best

Staff Town Manager Cecilia Grittman; Town Attorney Andrew McGuire; Finance Director Joe Duffy;

Present: Police Chief Chuck Wynn; Lieutenant Randy Chapman; Police Officer Tiffany Farmer; Police Officer Jay Murray; Public Works Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Planner Alex Lerma; Community Services Director Scott Bruner; Customer Service Manager JoAnn Brookins; Economic Development Project Manager Maggie Tidaback; Town Clerk Jami Lewis (recorder); Administrative Technician Kathy Frohock (videographer)

Mayor Croft called the meeting to order at 6:02 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Proclamation in Support of the *Yavapai Promise* program sponsored by Yavapai College.

Mayor Croft read the proclamation and presented it to Katherine Anderson, Programs Specialist with Yavapai College Regional Economic Development Center. Ms. Anderson reported that there were currently 356 students enrolled in the program and thanked the Council for their support.

- b) Presentation by Trey Ely regarding his Eagle Scout project at the Chino Valley Cemetery.

Trey Ely spoke about his Eagle Scout project at the Chino Valley Cemetery. He received donations for a new flag pole after meeting with cemetery representatives who expressed interest in erecting a new pole with a cement slab. Donations were received from American Concrete, Chino Rentals, and the Town of Chino Valley.

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.

Beth Vicory, an Eagle Level Frontier Girl, spoke about the weekly Summer Fun Kid Club program that she was sponsoring at the Library. Volunteers and sponsors were still needed.

Suzanne Vicory spoke about the Arizona Sunshine Health Clinic, a free healthcare clinic being held June 13-14 in 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.

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 Perkins reported on the Seventh Annual Wade Parker Memorial Baseball Tournament being held June 22-23, from which proceeds went toward scholarships for Tri-City students pursuing careers in public service, as well as Little League teams.

- b)** Status report by Town Manager Cecilia Gritman regarding Town accomplishments, and current or upcoming projects.

Town Manager Gritman reported on:

- The Town employee and Council food drive donating 39 bags of food to the school district.
- Kathy Schultz with the Yavapai Trails Association acquiring a grant from the Arizona Community Foundation of Yavapai County for Peavine Trail signage and improvements in the amount of \$5,000.
- Upcoming Council subcommittee meetings and a Council study session next week.
- Her absence the end of June.

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.

Councilmember Perkins requested Item 6(c) be removed from the consent agenda for discussion.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to approve Consent Agenda items (a), (b), (d), (e) and (f).

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

Vote: 6 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve Second Amendments to Agreements for Towing Services between the Town of Chino Valley and ACT Towing, Custom Towing, and Tri City Towing, effective through June 30, 2020. (Chuck Wynn, Police Chief)
- b) Consideration and possible action to accept right-of-way dedication from Prescott Thirty-Eight, LLC, in the vicinity of the north-west corner of West Center Street and North Road 1 West, known as Assessor's Parcel Numbers 306-21-011C, 306-21-0011F, and 306-21-011J. (Frank Marbury, Public Works Director/Town Engineer)
- c) Consideration and possible action to approve funding request from Yavapai Family Advocacy Center in the amount of \$4,326.00. (Chuck Wynn, Police Chief)

Councilmember Perkins requested raising the amount to an even \$4,500.00 because of the services provided by the Center to the community. Staff reported that the funding would come from the outside agency funding line item in the general fund and the funding request amount came from a formula based on population. Staff and councilmembers generally supported the proposal.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to approve the funding request from Yavapai Family Advocacy Center in the amount of \$4,500.00.

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

Vote: 6 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve application from Gregory Collins for a Liquor License Permanent Extension of Premises for Danny B's Fish-N-Chips, located at 501 N State Route 89 in Chino Valley. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to appoint applicants to the Board of Adjustment, Parks and Recreation Advisory Board, Roads and Streets Committee, Senior Center Advisory Board, Industrial Development Authority, and Municipal Property Corporation per recommendation of the Appointments Subcommittee. (Jami Lewis, Town Clerk)
- f) Consideration and possible action to accept the May 14, 2019 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 Ordinance No. 2019-867 amending the Town of Chino Valley Unified Development Ordinance, by Amending Section 3, by adding Subsection 3.19: BP (Business Park) zoning district. (Alex Lerma, Planner)

Recommended Action: Adopt Ordinance No. 2019-867 to amend the Town of Chino Valley Unified Development Ordinance by amending Section 3, by adding Subsection 3.19: BP (Business Park) zoning district with the modifications recommended by the Planning and Zoning Commission.

Planner Lerma presented the following:

- The original vision, goals and plan for the 200-acre industrial park had been officially named as the Chino Regional Business Park at Old Home Manor (“The Park”). Staff had been working on The Park zoning area.
- The original zoning classification of the acreage was Public Lands, to which staff had initially planned to add a Planned Area District (PAD) overlay with additional regulations. Based on the goals the Town set, staff concluded it was better to create a new zoning district that would specifically meet the goals and objectives of The Park.
- A staff-organized steering committee developed a draft zoning district similar to other zoning districts with allowed and prohibited uses and business performance standards. The steering committee’s main goal was to have all business be indoors, resulting in outdoor uses being eliminated and other uses added to the zoning area.
- Staff conducted a neighborhood meeting in February with only one community attendee who liked the Town’s approach.
- The Planning and Zoning Commission reviewed the item in May. The Commissioners voted 5-2 to recommend an amended version with the two changes listed below. The opposing Commission members supported the original staff version of the draft zoning district.
 1. Include veterinary clinics and animal hospitals with outside open areas added as a conditional uses (Item 8); and
 2. Remove commercial outdoor kennels from prohibited uses and add as Item 9 under conditional uses.
- An additional amendment included a noise variable table that was removed from the performance standards because it conflicted with Town Code language. It will be added through an amendment at a later date.
- Staff recommended that Council adopt the ordinance as it was originally presented to the Council in the staff report with veterinary clinics and animal hospitals as indoor uses only and commercial outdoor clinics as a prohibited use.

Council, Town Attorney, and Staff discussed the following:

- A typo regarding the entrance being on E. Perkinsville Road and E. Perkinsville Road needed to be corrected.
- *Marijuana facilities:* While permitted uses included commercial greenhouses, accessory

uses and onsite sales, medical marijuana dispensary and cultivation facilities were prohibited. Council discussed changing the language to include wording that would address recreational marijuana use that could be passed in the future. Town Attorney McGuire didn't think the Town would be prohibited from doing that, but it could leave it open to interpretation issues and prohibiting a use that was illegal was duplicative. If the Town wanted to get rid of any agricultural use in the Business Park, prohibiting or requiring a conditional use for greenhouses in general would cause less confusion and interpretational issues.

- *Proposed zoning district:* The zoning district was not exclusive to The Park, but could be used in other areas of Town. The proposed property development standards required that others interested in developing a business park within the Town must have at least 20 acres and would require a 50-foot landscaping buffer around the entire perimeter of a business park and existing residential areas. Staff would have to do an analysis to determine the impact of the surrounding properties before such was approved.
- *Proposed district and General Plan:* Town Attorney McGuire pointed out that zoning districts had to conform to the Town's General Plan. A business park would be compatible with some areas of Town but not all areas, including residential. The Town could amend the General Plan to designate allowed use areas for business parks. Staff related that if a request came in for a business park that fell into the General Plan land use designation of business/multifamily, the request would not need to come before Council, but a rezone request that did not conform would need to come before Council. Near the north portion of The Park was a strip of land that was designated for business in the General Plan.
- *Large-scale businesses:* The definition of large-scale businesses needed to be clarified. Council discussed having plenty of other property in Town for small businesses, not competing with private property owners, and encouraging large businesses that would generate revenue for the Town and employ multiple people.
- *Business Park purpose:* The group discussed the foundational ideas and purpose of the business park and the zoning district guidance, and whether or not the businesses listed reflected the Town's intent for a business park. Staff stated that the zone was a mixture of commercial and industrial uses and should be considered a mix use zone.
- Some suggested further review at a study session.

Vice-Mayor Miller MOVED to adopt Ordinance No. 2019-867 amending the Town of Chino Valley Unified Development Ordinance, by Amending Section 3, by adding Subsection 3.19: BP (Business Park) zoning district with the modification recommended by the Planning and Zoning Commission including moving Items B11 to C8.

Town Attorney McGuire clarified that there were two versions for the Council to consider, a staff recommended version and a Commission recommended version. Councilmembers also wanted a basic description of what constituted a business park and if the Town wanted a business park classification with a follow up second consideration on what would be allowable within that business park.

Town Attorney McGuire explained that the question on the table was approval of the Ordinance that adopted the Business Park zoning category, which would add section 3.19 to the zoning code. The two recommended versions of the Business Park text were either the staff version or the Commission version. Part two of the discussion was what to do with commercial greenhouses. The Council had to determine which version they would vote on with an amendment moving greenhouses as was discussed.

Council discussed whether to vote on the ordinance or table it to a future meeting. Staff

requested that the ordinance be continued specifically to the next meeting to continue the public hearing and that staff will provide the version that Council preferred.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Annie Perkins to table Ordinance No. 2019-867 to the next meeting and bring back the staff recommended version with the changes discussed.

AYE: Councilmember Cloyce Kelly, Councilmember Annie Perkins

NAY: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Corey Mendoza, Councilmember Lon Turner

Vote: 2 - 4 FAILED

Council discussed possibly making another motion on the item. Town Attorney McGuire explained that, as the motion was not substantive, it was acceptable for Council to make another motion. If the Council wanted to make a motion to continue the item with other changes to the next meeting, they could do that.

Councilmembers preferred that the item go to either a study session or a committee meeting before hearing the item again.

- b) Consideration and possible action to adopt Ordinance No. 2019-868 rezoning 200 acres of real property located north of Perkinsville Road and east of Jerome Junction from PL (Public Land) zoning district to BP (Business Park) zoning district. (Alex Lerma, Planner)

Recommended Action: Adopt Ordinance No. 2019-868 to rezoning 200 acres of real property from PL (Public Land) zoning district to BP (Business Park) zoning district with the condition that the Town Council adopt Ordinance No. 2019-867 in purview to this adoption of the BP (Business Park) rezone.

Town Attorney McGuire advised that without the Business Park text amendment, Council could not take action on the rezone.

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 Jack Miller, seconded by Councilmember Cloyce Kelly to go into executive session at 7:03 p.m.

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

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 development standards.

- b) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with attorneys for the Town in order to consider the Town's position and instruct the attorneys for the Town regarding the Town's position regarding a potential intergovernmental agreement with the City of Prescott relating to water service.

9) ACTION ITEMS RESUMED

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

Mayor Croft reconvened the meeting at 8:21 p.m. and reported that Council reached no decision on Items 8(a) or (b) and gave instruction to their attorney on both issues.

10) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Vice-Mayor Jack Miller to adjourn the meeting at 8:21 p.m.

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

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 11th day of June, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of June, 2019.

Jami C. Lewis, Town Clerk