

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

**TUESDAY JULY 23, 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, July 23, 2019.

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 Lon Turner

Absent: Councilmember Annie Perkins

Staff Town Manager Cecilia Grittmann; Attorney Gary Verburg; Public Works Director/Town

Present: Engineer Frank Marbury; Development Services Director Joshua Cook; Planner Alex Lerma; Community Services Director Scott Bruner; Economic Development Project Manager Maggie Tidaback; Water Consultant Mark Holmes; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Vickie Nipper (recorder)

Mayor Croft called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

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, Board of Supervisors, spoke about ADOT receiving a \$90,000,000 grant to work on Interstate 17 as a result of actions taken by Central Yavapai Metropolitan Planning Organization (CYMPO) Board Members, including Mayor Croft, Mike Best, and himself. The grant was applied for in 2015 and would cover 1/3 of the overall cost. Work will begin in 2021.

Beth Vicory, Eagle Level Frontier Girl, shared information on the grand finale of the Summer Fun Kids Program activities at the Chino Valley Library.

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.

Mayor Croft reported on the following:

- Congressman Gosar will host a round table in the Council Chambers on August 22 regarding the second amendment.
- Next Coffee with Cops will be July 31.
- Gun Range open house will be held August 10.

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

Town Manager Grittmann reported on the following:

- July employee anniversaries.
- The American Soccer Association, Region 1410 wrote a letter expressing thanks and gratitude to Town employees Jason Olson, Parks Supervisor and Steven Jones, Police Officer, for their work and dedication.
- Boys and Girls Club will be re-opening at the Community Center, with a ribbon cutting on August 8.
- Shooting Range will open August 1, Wednesdays through Sundays, 8:00 a.m.-4:00 p.m.
- The Pet Club closed all their stores. Employees were notified via email on Sunday that the store would be closed on Monday.

- c) Report regarding the master planning draft for Old Home Manor. (Frank Marbury, Public Works Director)

Mr. Marbury and Consultant Mark Holmes reported on the following:

- Utilities and water system integration at OHM and the Town system.
- The Utility Committee will advertise a Request for Qualifications (RFQ) for an Integrated Water Master Plan for Old Home Manor.
- The successful contractor will address several phases: (i) The first phase will be the Integrated Water Master Plan, which will be a combination of four master plans pertaining to water resources, water system, sewer system and reclaimed water system. (ii) The next phase pertained to infrastructure to be built for the Town's water, sewer, and reclaimed, and water resources master plan. (iii) A five-year capital improvement plan will be developed to prioritize project work for five years that includes costs. (iv) The final phase will address the drainage and landscape plan.
- The RFQ will be coordinated with the Town attorney and brought back to Council for consideration.

- d) Report regarding building permit and code compliance statistics, and Unified Development Ordinance updates. (Joshua Cook, Development Services Director)

Mr. Cook reported on the following, comparing fiscal year 2017/2018 and fiscal year 2018/2019:

- Residential building permits had declined, possibly due to the Mollie Rae subdivision being complete, and there were no new subdivisions.
- Commercial permits had declined.
- The total number of citations had quadrupled since a second code enforcement officer had been hired.
- UDO code amendments that were addressed in the previous fiscal year were the same ones currently being addressed.
- Rezones had increased from 15 to 18, lot splits had tripled, and site plan and engineering certificate reviews remained the same.
- Sign permits had doubled.
- The total homes built over the past two fiscal years equated to approximately 900 new people.
- New upcoming subdivision development had the possibility of adding 1,000 additional people to the Town.

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 Mike Best to approve the Consent Agenda Item a and b.

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

Vote: 6 - 0 PASSED - Unanimously

- a) Consideration and possible action to accept the June 25, 2019, regular meeting minutes. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to accept the July 9, 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.

Alex Lerma reported that:

- Staff had presented the draft language to the steering committee. The committee suggested new language, deletions and changes. Staff made the recommended revisions.
- During the citizen review process in February, only one resident commented and had no issues. The Planning and Zoning Commission reviewed the draft. In June, the Town Council wanted the draft to go through a study session, at which they made recommendations for further changes. The UDO subcommittee made additional changes and it went to another Council study session.
- Items addressed were the purpose statement and the term "excessive" related to water usage and air pollution. Excessive water usage was addressed in prohibited uses, by prohibiting businesses that did not recharge the aquifer. Language was added addressing air pollution using EPA air quality standard language.
- If the draft language was adopted, staff will continue to work on the language for the noise table. This was a living document and could be modified when necessary.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to 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.

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

NAY: Councilmember Corey Mendoza

Vote: 5 - 1 PASSED

- 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 2019-868 to rezone 200 acres of real property from PL (Public Land) zoning district to BP (Business Park) zoning district with the following condition: That Town Council adopt Ordinance 2019-867 in purview to this adoption of the BP (Business Park) rezone.

Alex Lerma reported that:

- Staff recommended that the 200 acres designated to the Business Park at Old Home Manor be rezoned from Public Land to the new Business Park zoning district that had just been adopted.
- The General Plan identified area use as employment park, commercial recreation, education, and public schools.
- The Planning and Zoning Commission recommended approval of the rezone to the Business Park Zone.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to adopt Ordinance 2019-868 to rezone 200 acres of real property from PL (Public Land) zoning district to BP (Business Park) zoning district with the following condition: That Town Council adopt Ordinance 2019-867 in purview to this adoption of the BP (Business Park) rezone.

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

NAY: Councilmember Corey Mendoza

Vote: 5 - 1 PASSED

- c) Consideration and possible action to: (i) Hold a Public Hearing regarding application from Gregory Collins for the Acquisition of Control of an existing Series 6 (Bar) Liquor License for Lucys Place, located at 3020 N Hwy 89, Chino Valley; and (ii) Take no action or protest the change of ownership to the Arizona Department of Liquor Licenses and Control. (Jami Lewis, Town Clerk)

Recommended Action: (i) Hold Public Hearing and (ii) Take no action on the Lucys Place acquisition of control.

MOVED by Vice Mayor Miller, seconded by Councilmember Kelly to open Item 7c to public hearing.

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

Vote: 6 - 0 PASSED - Unanimously

Kim Stam, Owner/Manager of Lucys Place, noted that this was only removing a name currently on the license and designating a new agent to the license.

MOVED by Councilmember Cloyce Kelly, seconded by Vice-Mayor Jack Miller to close Item 7c to public hearing and take no action.

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

Vote: 6 - 0 PASSED - Unanimously

- d) Consideration and possible action regarding a request for a Conditional Use Permit to allow the use of automotive repair and automobile sales within the CL (Commercial Light) zoning district. The one (1) acre property is located .33-mile north of the northeast corner of Road 2 North and State Route 89 at 1351 North State Route 89. (Alex Lerma, Planner)

Recommended Action: Approve a Conditional Use Permit to allow the use of automotive repair and automobile sales on a one (1) acre site within the CL (Commercial Light) zoning district with the conditions recommended by Council and staff.

Alex Lerma presented the following:

- The business abutted State Route 89 with several similar commercial uses surrounding the subject property. It was zoned Commercial Light and the General Plan area designation was in the commercial core with commercial and multifamily residential uses.
- Site improvements included a single-family residence to the rear, accessory building and a commercial building on the front of the lot. The last use of the commercial building was for a restaurant.
- Access to the property from State Route 89 (SR89) included an egress/ingress driveway to the north and an egress only access driveway to the south.
- The applicant's proposed activities would include onsite auto repair and onsite vehicle sales. The activities were only allowed through a conditional use.
- ADOT wanted both driveways to include ingress and egress and the applicant was working on that request. According to the applicant's site plan, the south driveway would be removed and the north driveway would be updated according to ADOT specs.
- Per Town Code, the applicant was required to build a three-foot wall for the property abutting SR89, and implement additional landscaping at the back of the commercial property that was abutting residential property.
- The well that was for esthetics only would be removed.
- Parking was provided for the commercial sale of vehicles and for customer parking.
- The Planning Commission was concerned about the repair business being open to the public but the applicant had clarified that the only vehicles repaired onsite would be those being sold onsite. They recommended approval of the conditional use permit with six conditions:

1. No more than ten (10) vehicles will be on site at any given time for sale or repair purposes.
2. Applicant will comply with all ADOT requirements.
3. Additional landscaping shall be located to the rear of the property abutting residential uses.
4. A three (3) foot wall shall be constructed along the front property line for street view screening purposes.
5. All vehicle repair shall be done within an enclosed building.
6. All vehicles not being displayed for sale shall be screened from public view.

Council and Mr. Lerma discussed the following:

- The three-foot wall on SR89 would obstruct the site of the vehicles for sale because that was what Town code required. There were other businesses with a three-foot wall, but not all businesses had a wall. The code dealt with cars that were parked facing SR89 for safety reasons.
- No residents attended the neighborhood meeting.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to approve a Conditional Use Permit to allow the use of automotive repair and automobile sales on a one (1) acre site within the CL (Commercial Light) zoning district with the conditions recommended by Council and staff.

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

Vote: 6 - 0 PASSED - Unanimously

- e) Consideration and possible action to adopt two ordinances relating to property maintenance matters in the Unified Development Ordinance (UDO) and Town Code as follows:

(1) Adopt Ordinance No. 2019-862 amending the UDO by deleting Sub-subsection 1.11.10 Abatement of Hazards to Public Health and Safety and Civil Sanctions Pursuant to A.R.S. § 9-499, and amending Sub-subsection 1.6.2. Powers and Duties [of the Zoning Administrator and Assistant Zoning Administrator], and deleting Section 6 Property Maintenance; and

(2) Adopt Ordinance No. 2019-864 declaring the document entitled "Town of Chino Valley Property Maintenance and Public Nuisance Town Code Amendments Dated July 23, 2019" as a public record; adopting said document; and amending Town Code Title V Public Works, Chapter 52 Removal of Rubbish, Trash and the Like, and Culvert Maintenance, repealing Title V Chapter 52 subchapter Removal of Rubbish, trash and the Like; Dilapidated Structures, adding new Title VIII Health and Safety, and amending Title XIII General Offenses. (Joshua Cook, Development Services Director)

Recommended Action: Adopt Ordinance No. 2019-862 and Ordinance No. 2019-864 to amend the Unified Development Ordinance and Town Code with regard to property maintenance matters.

Mr. Cook reported that this item was brought to staff in 2017, and after attorney review, it was publicly noticed in 2018. The Planning Commission reviewed the draft language in January 2019 and it was brought to Council in February. Council had concerns with certain sections of the code and asked that it be brought back at a later date. Staff modified the language to reflect the desires of Council.

Council and Mr. Cook discussed the fact that the amendments were not part of the UDO rewrite and had started long before the rewrite began.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Lon Turner to adopt Ordinance No. 2019-862 and Ordinance No. 2019-864 to amend the Unified Development Ordinance and Town Code with regard to property maintenance matters.

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

Vote: 6 - 0 PASSED - Unanimously

- f) Discussion and possible action regarding a proposal to develop land use engineering and development standards. (Joshua Cook, Development Services Director; Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Staff Recommends Council to discuss the issues related to the General Engineering Standards and provide direction so that Staff can prepare the appropriate Code amendments to incorporate the General Engineering Standards into the Town Code.

Mr. Marbury presented the following:

- Staffs' goal was to have unified standards for the Town and engineers and developers for Town projects and development projects, and to bring the Town in line with other area jurisdictions. This way, the Town would get better pricing and better quality for projects and would ensure the Town met all federal and state regulations. The UDO specified the Town's engineering standards in several sections but no standards were adopted by the Town.
- Three major components to development and engineering standards included design standards, construction specifications, and standard details. The Town currently used the Maricopa Association of Governments (MAG) standard details from 1992.
- There would be nine chapters: Grading Standards, Drainage Standards, Water and Wastewater Standards, Streets and Traffic Standards, Dry Utilities (Cable, Power and Phone) Standards, Survey Standards, Alterations and Appeals Standards and As-Builts Standards.
- Grading standards were currently based on the International Building Code appendices and the intention was to stay close to those standards with some clarifications.
- Drainage Standards were the current Town code for drainage standards focused on flood control and flood damage prevention. Staff recommended adoption of the County Drainage Manual that was used and vetted by several counties in Arizona with modifications. Some jurisdictions exempted single family residential lots of one acre or more from drainage requirements. The Town had many lots of one acre that were outside of developments that had drainage issues that could benefit from these standards.
- Water Standards are the State rules that set the engineer standards. The Department of Environmental Quality (ADEQ) had engineer guidelines for the water system, which would be followed closely. Water extension requirements had to be considered and needed consistency. In Arizona, water was considered more of a commodity than a utility.
- Wastewater Standards were considered more of a utility than water. Considerations include how wastewater affects the aquifer. Extensions, pipe sizes, and how the sewer system was built was regulated through State regulations and ADEQ, with clarifications to Town and UDO codes.
- Streets and Traffic Standards currently have no specifications in the code. References in different sections of the Code should be removed and made uniform under the engineering standards. Standards included lane widths, sidewalks, rights-of-way, parking, lighting, striping, and signing.
- Dry Utility Standards would be standard regulations and easy to work with.
- Survey Standards were based on state and federal regulations, but was important and needed to be addressed in code.
- Alterations and Appeals Standards and As-Builts Standards are needed to be kept forever. They were often overlooked, but were very important.

Council and Mr. Marbury discussed the following:

- This had been scheduled in two different study sessions but had not yet been addressed. Staff was looking for direction from Council, as to the review process.
- Council wanted staff to work on the standards, broken down into sections, and brought back to Council in a study session.
- The document may take Council time to review, so staff will provide it several weeks before a study session. Staff will work on getting something to Council for the September study session.

- g) Consideration and possible action to adopt the Council's Strategic Plan for the Town of Chino Valley for FY 2019 / 2020. (Cecilia Grittmann, Town Manager)

Recommended Action: Adopt the Council's Strategic Plan for the Town of Chino Valley for FY 2019 / 2020.

Cecilia Grittmann presented the following:

- The Plan's focus was on infrastructure, water, and economic development. The result of the recent election removed focus items for water company purchasing and street maintenance.
- Unfinished items from last year's strategic plan should be addressed and fulfilled with the addition of new staff members.
- The Focus Area list included 13 items.
 - Extension of sewer and water at Old Home Manor (OHM) Business Park
 - Extension of sewer and/or water to help promote economic development
 - Master Plan for municipal facilities
 - Economic Development Strategic Plan for OHM Business Park
 - Inventory of Town wells and production levels
 - Analysis of development agreements
 - Economic Development Strategic Plan, exclusive of the Business Park
 - Re-write of the Town's Unified Development Ordinance
 - Create a Planned Area Development for the Business Park
 - Exploration of an RV Park at OHM
 - With volunteers from the community, create activities to celebrate the Town's 50th birthday
 - Water Master Plan for OHM
 - Physical availability determination of water

Council and Ms. Grittmann discussed the following:

- Several items dealt with Old Home Manor.
- Councilmembers had concerns that the list did not include any road items. The Roads and Streets Committee needed feedback before they could make recommendations to the Council.
- Staff stated that the list could be updated once a determination of capital projects had been made by Council.

MOVED by Councilmember Lon Turner, seconded by Councilmember Cloyce Kelly to continue Item 7g to the October 8, 2019 council meeting.

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

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 Jack Miller, seconded by Councilmember Cloyce Kelly to adjourn to Executive Session at 7:18 p.m.

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

Vote: 6 - 0 PASSED - Unanimously

- a) 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 8:14 p.m. and reported that Council reached no decision on Item 8a) but gave direction to their attorney.

10) ADJOURNMENT

MOVED by Councilmember Lon Turner, seconded by Vice-Mayor Jack Miller to adjourn the meeting at 8:18 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,
Councilmember Cloyce Kelly, Councilmember Corey Mendoza, 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 23rd day of July, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of September, 2019.

Jami C. Lewis, Town Clerk