

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

**TUESDAY, JULY 26, 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, July 26, 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 Town Manager Robert Smith; Assistant Town Manager Cecilia Grittmann (recorder); Town Attorney

Present: Phyllis Smiley; Finance Director Joe Duffy; Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Public Works Director/Town Engineer Michael Lopez; Development Services Director Ruth Mayday; Associate Planner James Gardner

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

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Proclamation declaring July 2016 as "Police Appreciation Month," sponsored by the Chino Valley Town Council.

Mayor Marley read the proclamation and presented it to Police Chief Wynn and Lieutenant Schaan.

- b) Status Report by Scott Freitag, Fire Chief, Central Arizona Fire and Medical, regarding the Joint Powers Authority between the Chino Valley and Central Yavapai Fire Districts.

Chief Freitag reported on:

- The organization's purpose and strategic plan;
- Reasons for forming the joint powers authority;
- Cost savings resulting from this action;
- Elected boards' structure;
- Budget and bonding authority;
- Management structure;
- Operations, services, and training provided; and
- Partnerships.

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.

Pamela Gibbs, resident, commented on the trash situation in Town. Mayor Marley asked staff to contact Ms. Gibbs to obtain clarity on the issue.

Cheri Romley, resident, spoke about a problem with political signs being removed unlawfully.

Lillian Morales, resident, citing a newspaper article, asked about benefits the Town negotiated with local marijuana farms. She also suggested that the Town look into providing transportation to the polls for voters without transportation.

Police Chief Chuck Wynn announced the third annual National Night Out event on August 2; and introduced the department's new patch.

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) Suggestion that the Town observe a Police Appreciation Day.

Mayor Marley reported that Council read a proclamation to that effect earlier in this 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.

Mayor Marley read a Mayor's Report pertaining to the alternative expenditure limitation–Home Rule Option on the 2016 primary election ballot.

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

Mr. Smith ceded his time to Public Works Director Lopez, who reported on the status of inhouse projects:

- Old Home Manor EDA project;
- Center Street project;
- EPA water project;
- RFQ for MBR filters;
- Septage receiving;
- Library addition;
- Road 1 North signal;
- Center Street box culvert;
- Chino Meadows 5 Center Street paving;
- Reed and Center Street cluster mail boxes; and
- Reed and Road 1 North and Road 2 South cluster mailboxes.

Council asked about the MBR filter bids and timeframes. Mr. Lopez related that the difference between the highest and lowest bid was \$25,000 and staff hoped to complete installation between January and March.

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 Darryl Croft, seconded by Councilmember Mike Best to approve Consent Agenda items b, c, d, e and f.

Vote: 6 - 0 PASSED - Unanimously

- a) Consideration and possible action to: (i) approve a Cooperative Purchase Agreement with Berge Ford for the purchase of a new Animal Control Officer (ACO) truck in the amount of \$32,771.17; and (ii) approve the purchase of a cage from Jones Trailer Co. in the amount of \$6,142.55, for a total amount of \$ 38,913.72. (Chuck Wynn, Police Chief)

In response to questions from the Council:

- Finance Director Duffy explained that this item was approved in the FY 16/17 budget under the Capital Asset Replacement Fund for up to \$40,000. Mayor Marley added that Police Chief Wynn had asked other fabrication shops to bid and none could beat that price.
- Lt. Schaan clarified that although the current truck frame had experienced cracking, it could still be used safely by Facilities staff, as the previous issues had been caused by the box, and without the box there would be no stress on the frame.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to approve consent agenda item a.

Vote: 6 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve the Modification to Intergovernmental Agreement between the State of Arizona and Town of Chino Valley related to collection of transaction privilege taxes, extending the existing agreement for an additional year and providing for automatic renewals, effective from and after July 1, 2016. (Joe Duffy, Finance Director)
- c) Consideration and possible action to accept the June 14, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to accept the June 21, 2016 study session minutes. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to accept the June 28, 2016 regular meeting minutes. (Jami Lewis, Town Clerk)
- f) Consideration and possible action to accept the July 12, 2016 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 16-819, amending the Unified Development Ordinance ("UDO"), Chapter 2 Definitions, Section 2.1 Meanings of Words and Terms; repealing Chapter 4.21 Sign Regulations, and adopting new Chapter 4.21 Sign Regulations, consisting of Sections 4.21.1 Purpose, 4.21.2 Permits Required, 4.21.3 General Sign Regulations, 4.21.4 Measurement of Signs, 4.21.5 Sign Standards, 4.21.6 Temporary Signs, 4.21.7 Prohibited Signs, 4.21.8 Non-Conforming Signs, and 4.21.9 Violations; Removal, all as set forth in the "Amendments to the Unified Development Ordinance of the Town of Chino Valley Related to Signs, dated July 26, 2016". (James Gardner, Associate Planner)

Recommended Action: Approve Ordinance 16-819, declaring the "Amendments to the Unified Development Ordinance of the Town of Chino Valley related to Signs, dated July 26, 2016" to be a public record and adopting the "Amendments to the Unified Development Ordinance of the Town of Chino Valley, Arizona, Related to Signs, dated July 26, 2016", by reference.

Mr. Gardner reviewed the following:

- Purpose of proposed amendments.
- U.S. Supreme Court case *Reed v. Gilbert*.
- Public participation process over the past seven months.
- Results of survey sent to all business license holders in the Town with an email address.
- Existing regulations as compared to proposed regulations.
- Details of the proposed changes.

Key points were:

- *Purpose of amendments:* To bring the code into compliance with the U.S. Supreme Court case *Reed v. Gilbert*, and to make the code more business-friendly overall.
- *Reed v. Gilbert:* Case changed how all municipalities in the nation regulated signs. The

case left size, location, and time in the hands of local government, but ruled on a new standard that sign content could not be regulated, except for compelling government interest, such as vulgarity. For example, real estate and political signs were currently regulated differently, but such differences were no longer allowed to be enforced. As *Reed* was a relatively new case, there will be some refining as a result of subsequent cases.

- *Survey to businesses:* Survey responses were incorporated into the proposed amendments.
- *Overall changes:* The proposed amendment reduced regulations, made them less restrictive and easier to understand, and were *Reed* compliant.

Council questioned and staff responded to the following:

- *Flags on residential property:* Since the Town could not regulate by content, regulating by size was one way to reduce an over proliferation of flags.
- *Residential property signs:* Four square feet was the limit.
- *Vehicle signs:* The intent of this provision was to curtail using vehicles as a permanent sign, not prohibit signage on vehicles being used in the course of business. Staff could move this from the prohibited section to the sign regulation section and add a permit process, maximum size, and placement restrictions.
- *Off-site signs:* The current and proposed code prohibited these and would require a conditional use permit. Under *Reed*, the Town must either restrict or allow them completely. The Town already had difficulty keeping up with enforcement of such signs installed illegally. Also, as SR 89 was a federal highway, complete allowance could violate the federal Highway Beautification Act (HBA), which could result in the federal government withholding federal funds from ADOT until the Town came into compliance. Staff and the business owners who worked on this had to juggle all these laws while trying to provide a benefit to the businesses with regard to their signage.
- *ADOT sign program:* ADOT offered a fee program, exempt from the Town's sign regulations, which allowed off-highway businesses to place their business name and logo on a blue traffic sign on the highway.
- *Temporary signs:* Classifying signs, such as "event" sign, required one to read the content and conflicted with *Reed*.
- *Billboards:* Per the UDO, these were off-site signs and prohibited, but legal non-conforming uses still applied.
- *Garage sale signs:* These could not be regulated based on content, but they were of little concern to staff, since most people took them down after the sale and they did not create a lot of clutter.
- *Authority of staff to remove signs:* The intent was for situations, such as yard sale signs left up too long, or signs posing a danger as a result of damage. Other situations would require written notice to the owner and following the UDO's due process prior to removal. Any appeal of the zoning administrator's decisions would go through the Board of Adjustment.

Town Attorney Smiley advised that:

- Per *Reed*, if one had to read a sign to know if a particular regulation applied to it, it was not permitted.
- She would need to review the HBA and provide more information to Council.
- There was no urgency to vote on this tonight.

Council expressed concern about:

- Requiring permits for flags on residential property;
- Prohibitions on vehicle signs; and
- Prohibitions on off-site commercial signs.

Mayor Marley recessed the meeting at 7:56 p.m. and reconvened the meeting at 8:12 p.m.

Public comment:

Gary Denney with El Charro Norte spoke in favor of placing tenant signs at major highway intersections that would allow multiple off-site businesses/entities to purchase space as a way of allowing off-site signs within *Reed* and HBA compliance.

Tom Payne with Tom's Print and Sign spoke in favor of staff's outreach plan, but still had several questions and saw some possible conflicts within the proposed provisions, and asked for an opportunity to speak with staff.

Ron Romley with Yavapai Regional Transit spoke about vehicle signs and a requirement as part of their federal grant match to sell window sign space on their buses.

Council commented that the proposed changes were excellent for a first pass, some fine tuning was needed, and they recommended that staff take as much time as needed to get it right.

Council directed staff to:

- Work with Mr. Payne on his questions;
- Revise vehicle sign provision per discussion;
- Bring more information on the HBA and further research off-site signage; and
- Bring other options for residential flags.

Town Manager Smith suggested that there were other issues with larger impacts than just signage, including home occupations, that should be discussed by the public and Planning and Zoning Commission before coming back to Council.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to postpone item 7a to a future date and that the item go back through Planning and Zoning once the changes have been brought forward.

Vote: 6 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve pre-qualification list of Professional Engineering Consultants. (Joe Duffy, Finance Director)

Recommended Action: Approve pre-qualification list of Professional Engineering Consultants.

Mr. Duffy reported on results of the Request for Qualifications (RFQ) process:

- *Purpose:* To develop a list of engineers to use for future projects.
- *Process:* The Town published an RFQ and received 32 proposals. The proposals were reviewed and rated for 10 categories and the review team selected up to five firms for each category. Staff was now asking Council to approve the recommended firms for the pre-qualification list.
- *Pricing:* The RFQ process did not allow the Town to consider pricing at this stage; this was done when staff entered into negotiation for a project contract.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to approve pre-qualification list of Professional Engineering Consultants.

Vote: 6 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve increasing the Mayor's annual compensation to \$4,800, to be paid in 12 consecutive monthly installments of \$400, and to approve increasing each Council member's annual compensation to \$2,400, to be paid in 12 consecutive monthly installments of \$200, with the first installment being paid in December 2016. (Laura Kyriakakis, Human Resources Director)

Recommended Action:

- (i) Approve Ordinance 16-822, repealing Ordinance 35, dated February 10, 1983, setting compensation of Mayors and Council members at \$2,400 per year and \$1,200 per year, respectively.
- (ii) Approve Resolution 16-1088, fixing and setting the compensation of Mayors and Council members at \$4,800 per year and \$2,400 per year, respectively.

Ms. Kyriakakis presented on this item:

- *Purpose:* It had been 33 years since the Town reviewed compensation for the Mayor and Council. In that time, the consumer price index had risen approximately 37%.
- *Findings:* Compared to several like entities, the Town's compensation was currently the lowest, except for Paradise Valley. The new figures would raise the Town to the 22nd percentile. Councilmembers committed to attend Council meetings, subcommittee meetings, other entity meetings; attend meet and greets and ribbon cuttings; and interacting with the public.
- *Effective date:* If approved, this will go into effect after the November election.

Councilmember Mendoza noted that they were on Council as a public service, not for the money, but this would help with their out-of-pocket expenses.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Susie Cuka to approve Ordinance 16-822, repealing Ordinance 35, dated February 10, 1983, setting compensation of Mayors and Council members at \$2,400 per year and \$1,200 per year, respectively.

Vote: 6 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve Resolution 16-1088, fixing and setting the compensation of Mayors and Council members at \$4,800 per year and \$2,400 per year, respectively.

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.

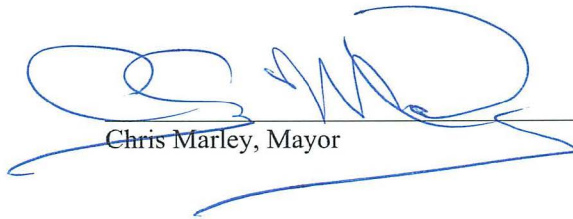
9) ACTION ITEMS RESUMED

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

10) ADJOURNMENT

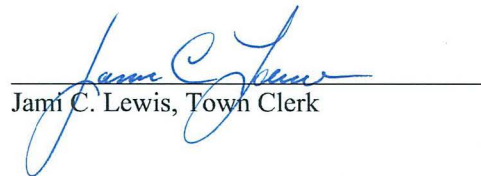
MOVED by Councilmember Mike Best, seconded by Mayor Chris Marley to adjourn the meeting at 8:47 p.m.

Vote: 6 - 0 PASSED - Unanimously



Chris Marley, Mayor

ATTEST:

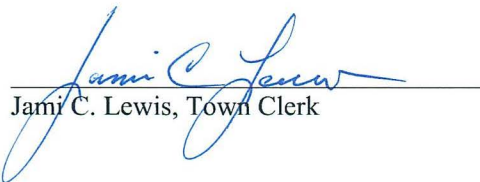


Jami C. Lewis, Town Clerk

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 26th day of July, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of September, 2016.



Jami C. Lewis, Town Clerk