

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

TUESDAY, AUGUST 14, 2012

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, August 14, 2012.

Present: Mayor Chris Marley; Vice-Mayor Carl Tenney; Councilmember Mike Best; Councilmember Darryl Croft; Councilmember Dean Echols; Councilmember Linda Hatch; Councilmember Lon Turner

Staff Present: Interim Town Manager Robert Smith; General Services Director Cecilia Watts; Town Attorney Tom Kack; Finance Director Joe Duffy; Police Commander Mark Garcia; Town Engineer/Public Works Director Ron Grittman; Utilities Supervisor Chris Bartels; Town Clerk Assistant Liz Hart; Town Clerk Jami Lewis (recorder)

Attendees: Utilities Crew Leader Joe Grassi

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

Mayor Marley called the meeting to order at 6:03 p.m.

Mayor Marley gave the invocation and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Recognition of outgoing members of the Parks and Recreation Advisory Board, Senior Center Advisory Board, Roads and Streets Committee, and Municipal Property Corporation. (Mayor Marley; Jami Lewis, Town Clerk)

Mayor Marley presented Certificates of Appreciation to outgoing members of several Town public bodies.

- b) Recognition of Chino Valley Library volunteers. (Mayor Marley)

Mayor Marley acknowledged the Chino Valley Library volunteers, who had saved the Library a great deal of money through their efforts.

3) CALL TO THE PUBLIC

George Garewal, resident since 2011, spoke about problems with living next to Wade's Custom Meats, which he felt was an incompatible use for a residential area. He provided a DVD and pictures of his concerns.

Joe Iaccarino, resident, spoke about submitting two public records requests and staff's response to the first being that there were no records; he questioned the Town's policy, as he

believed citizens were entitled to such records. Councilmembers stated that the town attorney had already agreed to check into the matter, Council minutes addressed some of his concerns, and the Town did not hide its records.

Cara Brennion, resident, asked several questions about a Hell's Angels' event in Town relative to funding for extra duty officers, lack of event permit, drinking and riding in a motorcycle "parade," and Town regulations not being strict enough to keep such events from the Town. Police Commander Mark Garcia reported that:

- Funding for police coverage was coming out of the Police budget; all vacations and days off had been cancelled, and they will receive assistance from several other law enforcement entities.
- Per the Development Services Department, because Doreen's was a business, it did not need a permit, and Town regulations had no provisions for parades.
- Law enforcement personnel will make sure state liquor laws were followed, assist parade participants, and conduct DUI saturation patrols over the weekend.
- He agreed that this matter provided the Town an opportunity to review its ordinances.

Steve Chontos, owner of Chino Golf Range, spoke in opposition to plans to use raised medians on the highway widening project from Road 5 South to the airport, as the current medians in Town had hurt businesses and the Town did not receive promised uncurbed shoulders, resulting in a safety hazard. He suggested a wide center lane instead of medians for the future project and that Council appeal to the state engineer if they agreed with him.

Tom Payne spoke about the next Chamber of Commerce mixer at his print shop.

Ron Romley, resident, former councilmember, and former ADOT employee, spoke about the highway medians being built for drainage and safety; and his beliefs that the former Council made the right decision, the road was very safe now, and the medians did not run out businesses.

David Richardson, resident, spoke about a noise problem from a dog training business next door to his residence.

Todd League, Chair of the Parks and Recreation Advisory Board, spoke about the Board's opposition to the Town's plans to change the current recreation activity center building to other uses, especially since the Town had closed down the skate park and rodeo grounds.

4) RESPONSE TO THE PUBLIC

Mayor Marley had nothing to report.

5) CURRENT EVENT SUMMARIES AND REPORTS

Mayor Marley reported that Council will hold a special meeting on August 23 and a study session on September 6.

General Services Director Cecilia Watts recognized Utilities Supervisor Chris Bartels, Utilities Technician Joe Grassi, and Building Official Dan Trout for re-establishing a Safety Committee, which had been inactive since 2005. The group intended to perform a facility assessment, job analysis, and employee training over the next year for all departments.

Councilmember Hatch reported that the Appointments Committee was meeting on the 16th to review applications for several public body positions.

- a) Status report regarding HB 2826 "Consolidated Elections." (Jami Lewis, Town Clerk)

Town Clerk Jami Lewis reported on the status of HB 2826. Key points were:

- HB 2826 mainly required that all municipal candidate elections move to the fall of even-numbered years starting in 2014. The bill's sponsor indicated a willingness to sponsor a cleanup bill to address issues such as term lengths and home rule matters.
- In light of this, the League of Arizona Cities and Towns will request that the Legislature determine whether term lengths should be shortened or lengthened or give the municipalities legal coverage to make that choice. Once the Legislature acted, the League will then draft implementation guidelines and forward them to the municipalities, hopefully in mid-Spring 2013.
- Thus, the League, as well as Yavapai County Elections Department, were now recommending that municipalities with Spring 2013 elections, especially those with a Home Rule election, proceed as usual and not implement any changes.

- b) Report on the Council Study Session held on August 6, 2012 regarding strategic financial planning. (Mayor Marley)

Mayor Marley stated that he had been asked to report on the timelines for enactment of a sales tax increase, and primary and secondary property tax. Starting today, a sales tax increase could be effective about March 1, 2013. A primary property tax could only be approved by the voters on the third Tuesday of May; a tax approved on May 21, 2013 would be effective between 2013-2014. A secondary property tax/bond election would take about a year and could be on a ballot in November 2013. All three were long and involved processes.

6) CONSENT AGENDA

Council set down item 6c to send it back to committee for further review on August 23.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve Consent Agenda items 6a, b, d and e.

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to cancel the December 25, 2012 Council meeting and authorize the Mayor to cancel the November 27, 2012 Council meeting should there be no items needing attention. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to accept the Charter for the Mayor's Ad Hoc Revenue Options Committee. (Mayor Marley)
- c) Consideration and possible action to adopt Resolution No. 12-999, declaring as a public record that certain document filed with the Town Clerk and entitled "Chino Valley Town Code, Chapter 90: Animals," adopt Ordinance No. 12-760 adopting the same by reference, and amend the Town Code by replacing Town Code Chapter 90 in its entirety. (Public Safety Committee)

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Mike Best to refer item 6c to the Council Public Safety Committee for review.

Vote: 7 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve the June 12, 2012 Regular Meeting minutes. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to approve the June 19, 2012 Special Meeting minutes. (Jami Lewis, Town Clerk)

7) **ACTION ITEMS**

- a) Financial report by Ed Steinback regarding Chino Valley Transit System operations. (Robert Smith, Town Manager)

Mayor Marley reported that Mr. Steinback was unable to attend tonight's meeting.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to postpone item 7a to August 23.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve the Chino Valley Transit Advertising Policy and Procedures, and Transit Advertising Contract.

Ron Romley, Chair, Transit Advisory Committee (TAC), reported that at Council's request, TAC researched other transit entities and prepared these documents. Nine entities had already indicated an interest in advertising, and funds received for this will be used to keep the system budget neutral.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve Chino Valley Transit Advertising Policy and Procedures, and Transit Advertising Contract.

Vote: 7 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve Letter of Interest and Ground Lease Agreement Amendment from SBA Structures, Inc. regarding cell site lease and lump sum payment of rents, in the amount of \$300,000. This item was budgeted as a one time Revenue in Fiscal Year 2012/2013.

Mr. Smith reported that through negotiations with SBA, the Town could secure a lump sum payment in lieu of monthly rents for SBA's continued use of the site.

Mayor Marley pointed out that the dollar amount in the agenda item title was incorrect and should be \$330,000.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to approve Letter of Interest and Ground Lease Agreement Amendment to accept a lump sum payment from SBA in the amount of \$330,000.

Vote: 7 - 0 PASSED - Unanimously

- d) Consideration and possible action to establish and accept a Charter for the Ad Hoc Program Review Committee. (Mayor & Council)

Town Clerk Jami Lewis reported that during the August 6, 2012 study session, the Council discussed forming two new committees, the Mayor's Ad Hoc Revenue Options Committee and an Ad Hoc Program Review Committee, to assist with researching issues for the strategic financial plan.. The Program Review Committee will review the Town's current programs for impacts on the general fund and submit their findings to the Finance Committee, who will then combine the data with that of the other committees and report back to Council.

Councilmember Turner added that he met with staff to identify discussion topics for the committee, which will hold its first meeting soon.

Councilmember Hatch requested that staff include the strategic financial plan meetings in the Council Quorum Notices in case additional councilmembers wanted to attend the meetings.

Vice-Mayor Tenney invited the public to help the Town find ways to manage its budget.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to establish and accept Charter for the Ad Hoc Program Review Committee.

Vote: 7 - 0 PASSED - Unanimously

- e) Discussion and possible direction to staff regarding mandatory connection to the Town of Chino Valley sewer system. (Ron Gritman, Town Engineer)

Mr. Gritman reported that:

- Per Town Code Section §51.155 (A), "When the town's sanitary sewer mains are extended to within 400 feet of the property, property owners with existing businesses or residences requiring sewer service are required to connect to the town's sewer system within 120 days of written notice by the town that the service is available."
- Over the last several years, at the direction of previous councils, staff had interpreted the 400-foot distance to be measured from the sewer main to the septic system rather than the property line.
- Recently, after staff re-issued letters to 39 residents whose properties met the code requirement to tie into the sewer system, the town manager directed staff to delay further efforts to implement the current code until staff received further direction from Council.

Mayor Marley added that although Council wanted to pay the Town's debts, they wanted to be as fair to the citizens as possible.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Darryl Croft to refer this item to the Utilities Committee for further discussion and recommendations to Council.

Vote: 7 - 0 PASSED - Unanimously

- f) Consideration and possible action to approve the right-of-way abandonment and the settlement terms for the abandonment of nine feet (9') of right-of-way for Perkinsville Road across the frontage of Assessor's Parcel Number 306-20-006B. (Owner: Sally Brown) (Ron Gritman, Town Engineer)

Acronym used in this item:

ROW (Right of Way)

Mr. Gritman reported that:

- Assessor's Parcel No. 306-20-006B had two ROW dedications along Perkinsville Road: one dedication for nine feet, executed on December 8, 1994 and one for 25 feet on December 23, 1994. Staff found no documentation as to why these dedications occurred, and the nine-foot dedication encroached on the structure located on this property by approximately four to seven feet.
- This encroachment created a "nonconforming use," which disallowed any building permits from being issued, resulting in the current property owner, Sally Brown, not being able to refinance the residence.
- Ms. Brown purchased the property during the time between the dedications, and neither she nor her title company, First American Title, were aware of the December 8, 1994 dedication. Upon learning of it, she entered into litigation with the title company.
- In 2007, the Town had some negotiations with Ms. Brown to acquire the additional ROW and compensate her for the property by paying for demolition of the existing home. She, in turn, could construct a new home that met all setback requirements. These negotiations were never finalized.
- In 2011, the office of Musgrove, Drutz, and Kack, P.C., the town attorney, who also represented First American Title, met with staff several times to discuss a resolution.
- The resolution that seemed most acceptable to all parties was that First American Title will pay the Town of Chino Valley \$10,000 for the value of the ROW due to the belief that at some point in the future, another more significant ROW dedication for Perkinsville Road will be required. Because of the location of Ms. Brown's home, in all likelihood, a taking of the complete home will be required.
- The \$10,000 will also compensate the Town for giving up the rights that it already had to the nine-foot dedication and these funds could be used as compensation to Ms. Brown for the future ROW acquisition. It must be noted that no appraisal was performed to determine the exact cost to cure for acquisition of the structure.

Council asked about problems with utility extensions. Mr. Gritman stated that staff will make sure utility lines were within the 25 feet.

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to approve the abandonment of nine feet of right-of-way at Perkinsville Road and approve the settlement outline across the frontage of Assessor's Parcel Number 306-20-006B.

Vote: 7 - 0 PASSED - Unanimously

8) EXECUTIVE SESSION

Council held no executive sessions.

9) **ADJOURNMENT**

MOVED by Vice-Mayor Carl Tenney, seconded by Councilmember Linda Hatch to adjourn the meeting at 7:20 p.m.

Vote: 7 - 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 14th day of August, 2012. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of November, 2012.


Jami C. Lewis, Town Clerk