



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**SPECIAL MEETING
TUESDAY, AUGUST 29, 2017
6:00 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

AGENDA

- 1) **CALL TO ORDER; ROLL CALL**
- 2) Presentation by Arlene Alen, Chino Valley Area Chamber of Commerce President/CEO, regarding the Community Volunteer Program (CVP) and introduction of Sarah Haber, AmeriCorps Vista, CVP Coordinator. (Cecilia Grittmann, Town Manager)
- 3) (i) Public Hearing regarding application from Shemsi Atipi for a new Series 12 (Restaurant) Liquor License for Auroma Pizza, LLC, located at 850 S. Highway 89, Chino Valley.
(ii) Consideration and possible action to recommend approval for a new Series 12 Liquor License for Auroma Pizza, LLC. (Jami Lewis, Town Clerk)

Recommended Action:

- (i) Hold Public Hearing and
- (ii) Recommend approval for a new Series 12 Liquor License for Auroma Pizza.

- 4) Consideration and possible action to award the bid for the Community Center Flooring To KT Interiors, Inc. in the amount of \$24,883.50. (Joe Duffy, Finance Director)

Recommended Action: Award KT Interiors, Inc. the bid for the Community Center Flooring in the amount of \$24,883.50.

- 5) Overview of budgeted recreation events and parks maintenance expenses for the current fiscal year. (Scott Bruner, Community Services Director)

- 6) Consideration and possible action to approve Resolution No. 17-1112, authorizing the acquisition of a right-of-way for roadway and public utility easement purposes along East Road 2 North, east of North Road 1 East to Pepper Tree Place; Pepper Tree Place from East Road 2 North south to Juniper Drive; Juniper Drive from Pepper Tree Place west to North Road 1 East. (Phyllis Smiley, Town Attorney)

Recommended Action: Approve Resolution No. 17-1112, authorizing the acquisition of a right-of-way for roadway and public utility easement purposes from Bonnie Plants, Inc. on portions of East Road 2 North, Pepper Tree Place, and Juniper Drive.

- 7) Consideration and possible action to appoint applicants to the Board of Adjustment and Planning and Zoning Commission. (Jami Lewis, Town Clerk)

Recommended Action: Accept the resignation of Gwen Rowitsch as Planning and Zoning Commission Alternate; appoint Welles Geary as Planning and Zoning Commission Alternate to term ending January 31, 2018; and appoint Welles Geary and Marcus Walker to the Board of Adjustment to terms ending July 31, 2019 and July 31, 2018, respectively.

8) **ADJOURNMENT**

Dated this 24th day of August, 2017.

By: ***Jami C. Lewis, Town Clerk***

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/agendacenter>, and in the Public Library and Town Clerk's Office.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Special Meeting

3)

Meeting Date: 08/29/2017
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Item Type: Action-Presentation
Estimated length of staff presentation: 5 minutes
Physical location of item: Auroma Pizza, 850 S Highway 89

Information

AGENDA ITEM TITLE:

- (i) Public Hearing regarding application from Shemsi Atipi for a new Series 12 (Restaurant) Liquor License for Auroma Pizza, LLC, located at 850 S. Highway 89, Chino Valley.
- (ii) Consideration and possible action to recommend approval for a new Series 12 Liquor License for Auroma Pizza, LLC. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

- (i) Hold Public Hearing.
- (ii) Recommend approval for a new Series 12 Liquor License for Auroma Pizza, LLC.

SITUATION AND ANALYSIS:

Issue Statement

A.R.S. § 4-201 provides that a person desiring a new or amended liquor license shall apply with the State Liquor Board. Upon receipt of such application, the State forwards the application to the local governing body (Council), which is tasked with making a recommendation to the Board for granting or denying the license. A recommendation for disapproval requires a statement of the specific reasons containing a summary of the testimony or other evidence supporting the recommendation for disapproval. The attached Arizona Administrative Code, Rule R19-1-702 provides guidelines for determining whether to grant a license for a certain location.

Applicable "Policy"

A.R.S. § 4-201 Licensing; application procedure in city, town or county; burden of proof

Satisfaction of "Policy"

Upon reviewing the material provided by the Department of Liquor Licenses and Control, and conducting a public hearing, the Council will meet the statute's requirements by recommending that the state liquor board grant or deny the license.

Summary of Issues and Staff Rationale

Shemsi Atipi has applied with the state for a new Series 12 (Restaurant) Liquor License for Auroma Pizza, LLC. This non-transferable, on-sale retail privileges liquor license allows the holder of a restaurant license to sell and serve all types of spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food. Failure to meet the 40% food requirement may result in revocation of the license.

Auroma currently has a liquor license and is requesting a new one due to changes in ownership from a sole proprietorship or partnership to an LLC.

Findings of Fact

- The Police and Planning Departments reviewed the application and recommended approval with no comments.
- Staff posted the establishment with the necessary notices to meet the required 20-day period from July 26, 2017 through August 29, 2017.
- As of the date of this report, staff has not received any written arguments in favor of or in opposition to the application.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Liquor License Application

Acceptable reasons to protest liquor license type applications

R19-1-702. Determining Whether to Grant a License for a Certain Location



Arizona Department of Liquor Licenses and Control
800 W Washington 5th Floor
Phoenix, AZ 85007-2934
www.azliquor.gov
(602) 542-5141

DLLC USE ONLY

License #	12133684
Date Accepted:	7-11-17
CSR:	AP

Application for Liquor License
Type or Print with Black Ink

APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE
A service fee of \$25 will be charged for all dishonored checks (A.R.S. § 44-6852)

SECTION 1 Type of License

- ☒ Interim Permit
☒ New License
☐ Person Transfer
☐ Location Transfer (series 6, 7 and 9)
☐ Probate/ Will Assignment/ Divorce Decree (No Fees)
☐ Seasonal

SECTION 2 Type of Ownership

- ☐ J.T.W.R.O.S.
☐ Individual
☐ Partnership
☐ Corporation
☒ Limited Liability Co
☐ Club
☐ Government
☐ Trust
☐ Tribe
☐ Other (Explain) _____

SECTION 3 Type of license

- ☐ Add Sampling Privilege for Series 9 and 10 only (Complete Sampling Privilege application)
A.R.S. § 4-206.01 (G), (H), (I) & (L)
☐ Add Growler privileges (restaurant, series 12, license only. 300-foot restriction applies)
A.R.S. § 4-207(A) & (B)

1. Type of License (restaurant, bar etc.): RESTAURANT 2. LICENSE # (if issued): 12133684

SECTION 4 Applicants

1. Agent's Name: ATIP1 SHEMSI P1004082
Last First Middle
2. Applicant/Licensee Name: AUROMA PIZZA LLC B1059189
(Ownership name for type of ownership checked on section 1)
3. Business Name (Doing Business As-DBA): AUROMA PIZZA B1043759
4. Business Location Address: 850 S HWY 89 CHINO VALLEY AZ 85086 YAVAPAI
(Do not use PO Box) Street City State Zip Code County
5. Mailing Address: 850 S HWY 89 CHINO VALLEY AZ 85086
(All correspondence will be mailed to this address) Street City State Zip Code
6. Business Phone: 928 636 3770 Daytime Contact Phone: 928 636 3770
7. Email Address: ASHLEY ATIP1 @YAHOO.COM
8. Is the Business located within the incorporated limits of the above city or town? ☒ Yes ☐ No
If you checked no, in what City, Town, County or Tribal/Indian Community is this business located? _____

Fees:	<u>100</u>	<u>100</u>	Department Use Only <u>50</u>	<u>35 X 2</u>	\$ <u>320</u>
	Application	Interim Permit	Site Inspection	Finger Prints	Total of All Fees
Is Arizona Statement of Citizenship & Alien Status for State Benefits complete?					☒ Yes ☐ No

Type of Application		Acceptable Protest
1	New License	May Protest Person and Location
2	Person Transfer	May Protest "ONLY" Person
3	Location Transfer	May Protest "ONLY" Location
4	Location and Person Transfer	May Protest Person and/or Location

Types of Liquor License Applications and Acceptable Reasons to Protest



**Arizona Laws and Regulations Relating to
Granting a Liquor License for a Certain Location
(pursuant to Arizona Revised Statute §4-201(I))**

R19-1-702. Determining Whether to Grant a License for a Certain Location

- A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:
1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
 2. Number and types of licenses within one mile of the proposed premises;
 3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
 4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
 5. Residential and commercial population density within one mile of the proposed premises;
 6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
 7. Effect on vehicular traffic within one mile of the proposed premises;
 8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
 9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
 10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;
 11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and
 12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.
- B. This Section is authorized by A.R.S. § 4-201(I).

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Special Meeting

4)

Meeting Date: 08/29/2017
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Item Type: Consent
Estimated length 5 minutes
of staff presentation:
Physical location of item: N/A

Information

AGENDA ITEM TITLE:

Consideration and possible action to award the bid for the Community Center Flooring To KT Interiors, Inc. in the amount of \$24,883.50. (Joe Duffy, Finance Director)

RECOMMENDED ACTION:

The Building and Recreation Departments reviewed the bids received and are recommending KT Interiors, Inc. be awarded the bid in the amount of \$24,883.50.

SITUATION AND ANALYSIS:

The Town of Chino Valley went out to bid for the Community Center Flooring.

A mandatory pre-bid conference was held on July 27, 2017. Five companies attended the conference.

Bids were received until August 10, 2017.

Fiscal Impact

Fiscal Impact?: Yes

If Yes, Budget Code: 05-90-5524

Available: 24,883.50

Funding Source:

The amount was included in the FY 2017/2018 budget.

Attachments

KT Interiors Bid
Final Bid Summary

Town of Chino Valley
 Bid Specs - Community Center Commercial Vinyl Flooring
BID FORM
 Bid # 2018-01

Bidder KT Interiors, Inc Bid # 2018-01 Bid Description Commercial Grade Vinyl Flooring

Complete all that are applicable for each bid.

Bid Item Paradigm Long Board
 Construction vinyl plank
 Finish urethane CB wear layer
 Style water proof core
 Embossing N/A
 Gauge 8.5 mm
 Wear Layer 20 mil
 Warranty 1 year Commercial
 Colors Available*

Description vinyl waterproof
click to gether floor (plank)
(floating) 4 sided locking
system
Heat + Cold resistant

*Attach color samples for each bid

BIDDER'S BID

4.1 **Bidder's Bid:** For the bid opening August 10, 2017 for commercial grade vinyl flooring.

4.2 **Conditions Accepted:** The undersigned Bidder declares that before preparing this bid, he or she has read the Bid Documents carefully, and that this bid is made with full knowledge of the kind, quality and quantity of supplies to be furnished by signing this bid. Bidder agrees to all conditions contained in the Bid Documents.

4.3 **Bid Price:**

Item Description	Number of Units	Unit Price	Total
1) Paradigm LB 20mil	3745 #	\$5.90 #	\$22,095.50
2) Tear out vct	757 #	1.25 #	945.00
3) Tear out cpt.	320 yd.	1.85 yd	594.00
4) Black 4" covr Base	360 LF	2.00 LF	720.00
5. Black 6" covr Base	60 LF	2.15 LF	129.00
6) R/R 4 toilets			200.00
7) Floor prep	4 hr.		200.00
		Bid Total	50.00
		Sales Tax	
		Total Bid Plus Tax	\$24,883.50

Town of Chino Valley					
Community Center Flooring #2108-01					
Bids Received 8/10/17 3:00 p.m.					
Company	Address	Construction	Wear Layer	Warrenty	Bid Amount
KT Interiors, Inc	48 N State Rte 89, Chino Valley Az 86323	Paradium Long BoardVinyl Plank	20 mil	15 year	\$24,883.50
KT Interiors, Inc	48 N State Rte 89, Chino Valley Az 86323	Paradium vinyl planking	12 mil	10 year	\$22,962.40
At Your Service Companies	9226 North 5th Avenue, Phoenix, Az 85021	Katarin 532		15 year	\$29,796.21
At Your Service Companies	9226 North 5th Avenue, Phoenix, Az 85021	Advantage Luxury Vinyl Plank	12 mil	5 year	\$20,441.56
At Your Service Companies	9226 North 5th Avenue, Phoenix, Az 85021	AZ Rock VCT		5 year	\$17,366.01
Continental Flooring Company	9319 N 94th Way, suite 1000m /Scottsdale, Az 85258	Luxury Vinyl Tile Armstrong Parallel 20	20 mil	15 year	\$19,533.27
Continental Flooring Company	9319 N 94th Way, suite 1000m /Scottsdale, Az 85258	Luxury Vinyl Tile Philadelphia Personality 20	20 mil	10 year	\$18,825.66
Continental Flooring Company	9319 N 94th Way, suite 1000m /Scottsdale, Az 85258	Luxury Vinyl Tile Shaw Crete and Jeogori 20	20 mil	10 year	\$21,073.34
Continental Flooring Company	9319 N 94th Way, suite 1000m /Scottsdale, Az 85258	Luxury Vinly Tile Mohaw Select Step 20	20 mil	10 year	\$19,491.64
Sebago Flooring, Inc	PO Box 12740 Prescott, Az 86304	MS Advantage Layered	12 mil	7 year	\$16,103.82
Sebago Flooring, Inc	PO Box 12740 Prescott, Az 86304	MS Pinnacle Layered	22 mil	10 year	\$18,498.94



Parks, Recreation & Community Events

Town of Chino Valley, Arizona | Parks & Recreation Department

August 29, 2017



PARKS & RECREATION INVENTORY :

❑ Memory Park & North Campus

- 15 Acres

❑ South Campus

- 4.85 Acres

❑ Community Center Park

- 37 Acres

❑ Center Street Park

- 2.17 Acres

❑ Peavine Trail System

- 3 Miles/ 18 Acres

❑ Appaloosa Meadows Park

- 5.38 Acres

❑ Old Home Manor

- 40 Acres

PARKS DEPARTMENT:

Current Stats



❑ 130 + Acres – Maintained by the Town Parks Department

- 2 full time employees
- 2 seasonal employees
- \$40,000 Parks Maintenance Budget

RECREATION DEPARTMENT:

Current Stats



- ❑ **12+ Annual Events, Aquatics Facility, Rentals, Youth Sports Programs**
 - 2 full time Recreation Coordinators
 - \$15,000 Recreational Programs Budget



ANNUAL TOWN EVENTS: Overview

- | | | | |
|----|-----------|---|---|
| 01 | January | ➤ | Polar Plunge (new) |
| 02 | February | ➤ | Valentine's Day, Ice Cream Social (new) |
| 03 | March | ➤ | Event Planning & Preparation Month |
| 04 | April | ➤ | Easter |
| 05 | May | ➤ | Chino Grinder |
| 06 | June | ➤ | Wade Parker Memorial Tournament |
| 07 | July | ➤ | 4 th of July |
| 08 | August | ➤ | Chino Mudder |
| 09 | September | ➤ | Territorial Days |
| 10 | October | ➤ | Halloween |
| 11 | November | ➤ | Event Planning & Preparation Month |
| 12 | December | ➤ | Chino Family Christmas |

JANUARY:

Polar Plunge Fundraising Event

Location:



Aquatics Center

Department(s):



Recreation, Aquatics

Cost of Event



+/- \$500





FEBRUARY:

Ice Cream Social & Sweetheart Dance

Location:



Senior Center

Department(s):



Recreation

Cost of Event



+/- \$500



MARCH:

Event Planning & Preparation Month

Location:  Community Center Building

Department(s):  Recreation

Cost of Event  N/A



APRIL: Easter

Location: ➡ Community Center Park

Department(s): ➡ Recreation & Parks/Word of Life

Cost of Event ➡ +/- \$500



MAY: Chino Grinder

Location:



Community Center Park

Department(s):



Recreation & Parks/AZ Gravel Rides

Cost of Event



+/- \$500



JUNE: Wade Parker Memorial Tournament

Location:



Community Center Park

Department(s):



Recreation & Parks/W.P. Foundation

Cost of Event



+/- \$500



JULY: **4th of July Celebration**

Location:



Community Center Park

Department(s):



Recreation & Parks + Volunteers

Cost of Event



\$5,000 Entertainment/ \$10,300 Fireworks



AUGUST: Chino Mudder

Location:	➤	Old Home Manor
Department(s):	➤	All + Volunteers
Cost of Event	➤	\$3,500 (moving forward)



SEPTEMBER:

Territorial Days, with “Drool in the Pool”

Location:



Memory Park

Department(s):



Recreation, Parks/Chamber & Lions

Cost of Event



\$8,500



OCTOBER: Halloween

Location: ➡ Memory Park

Department(s): ➡ Recreation, Parks

Cost of Event ➡ \$3,500



NOVEMBER:

Event Planning & Preparation Month

Location:  Community Center Building

Department(s):  Recreation

Cost of Event  N/A



DECEMBER: Chamber's Chino Family Christmas & CV Tree Decorating/Lighting

Location:	➤	Del Rio Elementary/ Memory Park
Department(s):	➤	Recreation, Parks/Chamber & Volunteers
Cost of Event	➤	\$500



PROPOSED ADDITIONS: Territorial Days to be Chino's signature event? 2018 goals...

Maintain 2017 Additions:

- ☐ "Kick-Off to Territorial Days" football game
- ☐ Free carnival
- ☐ Band/live music
- ☐ Food & vendors

Make it an full weekend event:

- ☐ 3-Day softball tournament
- ☐ Riding lawn mower races
- ☐ Street dance

Close Pool Labor Day Weekend:

- ☐ "Drool in the Pool" fundraiser
 - Dog park improvements
 - Animal Shelter





OTHER: Aquatics

Important Dates:

☐ **April**

- Pool preparation & general start-up maintenance
- Staff interviews
- Lifeguard training

☐ **May**

- Private rentals from schools
- Opening day: Memorial Day Weekend

Possible Changes in 2018:

- ☐ Longer open swim time session(s)
- ☐ Longer season: keep open until Labor Day Weekend/Territorial Days?

OTHER: Chino Mudder Update

Great event, thanks to all involved:

- ☐ New water line = **MUD**
 - Public Works, Community Service Directors, Turner Pump
- ☐ PRAB Members
 - 100's of hours of on-site volunteer time
- ☐ Local sponsors
- ☐ Parks & Recreation Departments
- ☐ IT Department/Marketing

Results:

- ☐ Nearly 300 participants
- ☐ +\$8,500 in registration revenue



RECREATION DEPARTMENT: Summary

Current 2017/2018 Budget:

- ☐ \$15,000 -Recreational Programs
- ☐ \$10,300 -Fireworks (\$8,000 Territorial Days)

Proposed 2018/2019 Budget:

- ☐ \$15,000 -Recreational Program
- ☐ \$10,300 -Fireworks
- ☐ \$8,500 -Territorial Days



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Special Meeting

6)

Meeting Date: 08/29/2017
Contact Person: Phyllis Smiley, Town Attorney
Department: Town Attorney
Item Type: Action Item
Estimated length of staff presentation: None
Physical location of item: N/A

Information

AGENDA ITEM TITLE:

Consideration and possible action to approve Resolution No. 17-1112, authorizing the acquisition of a right-of-way for roadway and public utility easement purposes along East Road 2 North, east of North Road 1 East to Pepper Tree Place; Pepper Tree Place from East Road 2 North south to Juniper Drive; and Juniper Drive from Pepper Tree Place west to North Road 1 East. Owner: Bonnie Plants, Inc., Assessor's Parcel No. 306-24-002C. (Phyllis Smiley, Town Attorney)

RECOMMENDED ACTION:

Move to approve Resolution No. 17-1112, authorizing the acquisition of a right-of-way for roadway and public utility easement purposes from Bonnie Plants, Inc. on portions of East Road 2 North, Pepper Tree Place, and Juniper Drive.

SITUATION AND ANALYSIS:

Issue Statement

Because of staff turnover, the exact circumstances for this right-of-way acquisition are not known. What is known is that the property owner, Bonnie Plants, Inc., through its surveyor contacted the Planning Department stating that the "original intent" was to transfer the right-of-way along East Road 2 North, east of North Road 1 East to Pepper Tree Place; Pepper Tree Place from East Road 2 North south to Juniper Drive; Juniper Drive from Pepper Tree Place west to North Road 1 East to the Town, but that the transfer of ownership had not been completed. In reviewing the associated documents, staff found an Amendment to a Development Agreement between the Town and Alabama Farmers Cooperative (the owner at the time) that was executed in October, 2006 (the "Amendment") regarding the purchase by the Cooperative of 10 Assured Water Supply credits for development of the 36 acre parcel that is bounded by the rights-of-way being dedicated. Although not mentioned in the Amendment, attached to it as an Exhibit was a Record of Survey showing the roadway dedications along Road 2 North, Pepper Tree Place, Juniper Drive, and Road 1 East. The Road 1 East dedication was accepted by Resolution No. 15-1064 in July, 2015.

Staff has been working with the property owner for the past year to finalize the legal description and deeds and is now ready to proceed with process to acquire the right-of-way. A resolution of Council authorizing the acquisition is required to proceed with escrow and finalize the acquisition.

Fiscal Impact

Fiscal Impact?: none

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Bonnie Plants Reso 17-1112

RESOLUTION NO. 17-1112

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE TOWN FOR RIGHT-OF-WAY PURPOSES; AUTHORIZING AND DIRECTING THE MAYOR, TOWN MANAGER AND TOWN ATTORNEY TO ACQUIRE TITLE TO SUCH REAL PROPERTY ON BEHALF OF THE TOWN BY DONATION, EMINENT DOMAIN OR PURCHASE FOR AN AMOUNT NOT TO EXCEED FAIR MARKET VALUE OF THE PROPERTY, PLUS ACQUISITION AND CLOSING COSTS.

WHEREAS, the continued growth and development of the Town of Chino Valley requires the acquisition of certain real property for roadway improvements to East Road 2 North, east of North Road 1 East to Pepper Tree Place; Pepper Tree Place from East Road 2 North south to Juniper Drive; Juniper Drive from Pepper Tree Place west to North Road 1 East (“the Project”), which is the property adjacent to and surrounding the parcel owned by Bonnie Plants, Inc., also known as Yavapai County Assessor’s Parcel No. 306-24-002C, which real property is generally described in Exhibit A, attached hereto and made a part hereof (the “Property”); and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley find that acquisition of the Property is necessary for public right-of-way purposes for the Project and it is in the public interest to acquire the Property; and

WHEREAS, the Mayor and Common Council of the Town of Chino Valley have considered alternatives available, have balanced the public good and the private injury resulting from the acquisition of the Property, and have determined that locating the public improvements on the Property results in the greatest public good and the least private injury.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Chino Valley, Arizona:

1. That the Mayor, Town Manager and Town Attorney are hereby authorized and directed to acquire title to and possession of the real property generally described in Exhibit A, plus any additional real property required for completion of the Project, as determined by the final engineering plans, by donation, eminent domain or purchase for an amount not to exceed fair market value, plus acquisition and closing costs; and

2. That the Mayor, Town Manager and Town Attorney are authorized to perform all acts necessary to acquire said property for the purposes described in this resolution on behalf of the Town.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 29th day of August, 2017.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Phyllis L.N. Smiley, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Resolution No. 17-1112 was duly passed by the Council of the Town of Chino Valley, Arizona, at a regular meeting held on _____, 2017, and that quorum was present thereat and that the vote thereon was _____ ayes and _____ nays and _____ abstentions. _____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

The following exhibits are attached hereto and incorporated herein:

1. Exhibit A – Legal Description of Property to be acquired

EXHIBIT A

(Yavapai County Assessor's Parcel No. 306-24-002C)

All that portion of the Northwest quarter of Section 23, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona, more particularly described as follows:

COMMENCING at the Northwest corner of said Section 23;

Thence, South 02° 21' 18" West, along the west line of said Section, for a distance of 49.44 feet;

Thence, South 89° 46' 15" East for a distance of 25.01 feet to a ½ inch rebar with cap LS53890, and the POINT OF BEGINNING;

Thence, North 01° 38' 31" East for a distance of 25.01 feet to a ½ inch rebar with cap LS37930;

Thence, South 89° 46' 05" East (North 89° 56' 20" East of record), along the South Right of Way Road 2 North, for a distance of 1295.14 feet to a ½ inch rebar with cap LS37930;

Thence, South 01° 16' 29" West, along the West Right of way Peppertree Place, for a distance of 1294.74 feet to a 1 inch pipe with cap LS53890;

Thence, North 89° 50' 23" West, along the South Right of way Juniper Drive, for a distance of 1303.86 feet to a ½ inch rebar with cap LS53890;

Thence, North 01° 35' 31" East for a distance of 50.00 feet to a ½ inch rebar with cap LS37930;

Thence, South 89° 50' 25" East, along the North Right of way Juniper Drive, for a distance of 1293.58 feet to a ½ inch rebar with cap LS53890;

Thence, North 01° 16' 29" East for a distance of 517.28 feet to a ½ inch rebar with cap LS53890;

Thence, North 01° 16' 36" East for a distance of 702.52 feet to a ½ inch rebar with cap LS37930;

Thence North 89° 46' 15" West a distance of 1285.32 feet to the POINT OF BEGINNING;

Said described parcel contains 109,707 square feet (2.52 acres), more or less, subject to any and all easements, reservations, restrictions and conveyances of record.

EXCEPT all coal, oil, gas and other minerals as reserved from said land.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Special Meeting

7)

Meeting Date: 08/29/2017
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Item Type: N/A
Estimated length of staff presentation: None
Physical location of item: N/A

Information

AGENDA ITEM TITLE:

Consideration and possible action to appoint applicants to the Board of Adjustment and Planning and Zoning Commission. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the resignation of Gwen Rowitsch as Planning and Zoning Commission Alternate; appoint Welles Geary as Planning and Zoning Commission Alternate to term ending January 31, 2018; and appoint Welles Geary and Marcus Walker to the Board of Adjustment to terms ending July 31, 2019 and July 31, 2018, respectively.

SITUATION AND ANALYSIS:

The Council Appointments Subcommittee met on July 11 to review applications for several public bodies. Staff also informed them that due to the recent resignation of two members, the Board of Adjustment (BOA) lacked a quorum. During the subcommittee's review of the applications, they directed staff to:

- Contact Welles Geary, Haryaksha Knauer, and Marcus Walker about serving on the BOA;
- Contact Gwen Rowitsch about her status as Alternate Planning and Zoning (P&Z) Commissioner; and
- Contact Welles Geary about serving as Alternate P&Z Commissioner.

Staff reviewed those applications and found that as Mr. Knauer lived outside the Town limits, he did not qualify for the BOA. Staff contacted Mr. Geary, Mr. Walker, and Ms. Rowitsch. As Ms. Rowitsch had previously stated that she desired to step down should another person be interested in the position, she was amenable to doing so now. Mr. Geary expressed interest in where the Council saw fit to appoint him, and Mr. Walker was amenable to being appointed to the BOA.

As there had been a question about one person serving on both the BOA and P&Z Commission, the Town Attorney stated that as the two bodies typically did not hear the same matters, there would be no

conflict. Should the rare issue arise that would come before both bodies, Mr. Geary would have to recuse himself from one of them.

Based on the subcommittee's direction and staff's discussions with the applicants, staff, on behalf of the subcommittee, recommends that Council:

- Accept the resignation of Gwen Rowitsch as Planning and Zoning Commission Alternate;
- Appoint Welles Geary as Planning and Zoning Commission Alternate to term ending January 31, 2018; and
- Appoint Welles Geary and Marcus Walker to the Board of Adjustment to terms ending July 31, 2019 and July 31, 2018, respectively.

Other Pertinent Documents Available Upon Request:

Fiscal Impact

Attachments

No file(s) attached.
