

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

**TUESDAY, OCTOBER 11, 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, October 11, 2016.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Susie Cuka; Councilmember Jack Miller; Councilmember Corey Mendoza; Councilmember Lon Turner

Staff Town Manager Robert Smith; Assistant Town Manager Cecilia Grittmann; Town Attorney Susan

Present: Goodwin; Finance Director Joe Duffy; Police Lieutenant Vince Schaan; Public Works Director/Town Engineer Michael Lopez; Development Services Director Ruth Mayday; GIS/CAD/Web Technician Jan Mazy; Town Clerk Assistant Amy Pyeatt-Lansa; Town Clerk Jami Lewis (recorder)

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

Mayor Marley 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.

Janelle Riedl, State Training Specialist for the AARP Tax Aid Program, spoke about the free tax service for low-moderate income and elderly persons provided at the Senior Center, and a call for additional volunteers to expand the program to the 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, 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.

Councilmember Cuka, reported on an upcoming Economic Development Subcommittee meeting to develop a strategy to improve economic development.

Vice-Mayor Croft reported on the free dump day on October 21-22 at the Community Center.

Councilmember Turner clarified that the underfunding of a road project discussed at the last study session was due, not to a change of scope, but to enhancements and add-ins that raised the cost.

Mayor Marley read an email from anti-bullying ambassador Elizabeth Vicory encouraging Town residents to wear mismatched socks on October 21 as part of anti-bullying month observances.

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

Mr. Smith had nothing to report.

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 Jack Miller to approve consent agenda item (b) to accept the September 20, 2016 study session minutes.

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to accept the following two grants and authorize Town Manager, Robert Smith to sign the contracts between the AZ Governors Office of Highway Safety and the Town of Chino Valley on behalf of the Chino Valley Police Dept.:
- (i) Grant in the amount of \$20,283.00 for the purchase of two digital vehicle camera systems, two Lidar units, and to fund officer overtime to perform strategic traffic enforcement; and
 - (ii) Grant in the amount of \$11,000.00 for the purchase of two Portable Breath Testings devices and to fund officer overtime to perform DUI and impaired driving enforcement details. (Chuck Wynn, Police Chief)

Councilmember Mendoza asked about any ongoing costs associated with these grants. Lt. Schaan stated that there were none; and the Police Department had been using these grants for 15 years and had always received complete reimbursement for any funds spent on the programs.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to approve consent agenda item (a).

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action to accept the September 20, 2016 study session 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) Presentation by the Mayor's Ad Hoc Recreation Committee, discussion, and possible action regarding the motor sports proposal for use of land at Old Home Manor. (Mayor Marley)

Recommended Action: Direct staff regarding the motor sports proposal for use of land at Old Home Manor.

Mayor Marley reported that Mr. David Brinkley would give the presentation on this item.

Mr. Brinkley introduced his son, John, and spoke about his background and experience as a racing promoter, including Yavapai Downs. He then presented on the proposal for the motor sports facility:

- *Benefits to community:* He possessed everything needed to construct a facility, except the ground; he possessed a fully prepared ambulance that would be available to the community; the facility could be used as an emergency evacuation area; and it would provide recreation and family environment, up to 61 part-time positions per race, and economic development from the 700-1,000 participants and attendees.
- *Vision:* To provide a venue for racers in a cooler climate than the Valley; include cars of various classes; host a world class facility that could bring nationally touring teams; establish programs through the schools; be an asset to the community; and possibly grow to 5,000 in attendance in the future.
- *Mitigation:* Noise mitigation ideas and technologies included new mufflers, berms, curfews, dust mitigation, dark-sky compliant lighting, and an appropriate public announcement system. They would also perform a decibel study at the proposed location.
- *Schedule:* The facility schedule would be set and made available to the public in January; the season would run April through October, with race days on Saturdays and occasional holiday weekend series. Actual race times were about an hour per evening from 6:00 p.m. through curfew and the longest races were seven minutes long. Eventually, he hoped to include motorcycle racing during the off-season winter months.

Ms. Mayday reported on decibel (dB) levels: At the Arizona Speedway, a comparable facility to the proposed, the average dB level for warm ups, heats, and races with 12-15 cars was 75-82 dB. Mr. Brinkley added that a library environment was 65 dB, and 80 dB compared to standing outside Dulles Airport watching a 737 take off. With both, it was possible to have a normal conversation.

Public comment:

Public members speaking against the proposal were: Kirstin Husmati, president of Haystack Ranches HOA Committee; Sandra Thurman, Bright Star resident; Linda Walker, Bright Star resident; Harley Armentrout, Bright Star resident; and Susan Russitar, retired respiratory

therapist. Reasons for opposition were:

- bad location;
- many in Haystack were against it;
- devaluation of properties;
- spoiling the Town's identity as a horse community;
- disturbing the pronghorn;
- loss of serenity;
- noise levels, lights and odors;
- traffic and extra policing needed; and
- dust and CO2 pollution from cars accessing the facility.

Public members speaking in support of the proposal were: Jerry Brown, racer; Greg Gillum, Prescott Valley racer; Jason Nance, resident, Town business owner, and racer; Richard Johnson, resident and track chaplain; James McKellery, Prescott Valley racer; Ron Hull, resident; Gina Norbury; Theresa Collins, racer mom; Grady Clements, youth racer; Kevin Miner, Prescott Valley Raceway worker; Sam Gillum, youth racer; and Bob Mucha, racing parent. Reasons in favor were:

- good location;
- racetracks in other locations in close proximity to homes, including Prescott Valley, caused no devaluation;
- horses and racetracks co-existed well, including Prescott Valley, and San Tan;
- no ill effects on pronghorns and wildlife during races in similar locales;
- investment in community;
- other tracks were limited to 90 dB, and new mufflers maintained sound requirements;
- noise already existed at Old Home Manor (OHM) from the model aviators and shooting range;
- racers strictly adhered to given regulations and restrictions;
- safe activity for kids and families, with children as young as four years participating;
- visitors did not usually arrive at once;
- many participants and enthusiasts had lung issues, with no adverse effects, and track officials kept the dust down; and
- the Town could use the revenue.

Public members who supported racing or were neutral, but expressed concerns were: Sandra Thurman, Bright Star resident; Todd Austin, new Bright Star resident; Candace Sheridan, Prescott resident; and Julie Van Wuffen, Bright Star resident and Planning and Zoning Commissioner. Concerns were expressed about:

- location;
- noise and dust mitigation;
- conflicts with equestrian center use at same time;
- future expansion;
- use of track in off-season;
- Town officials reviewing possible studies about effects on property values; and
- Town officials investigating the proposal thoroughly.

Melissa Austin, Bright Star resident, commented that both sides were providing good information.

Donna Armstrong, resident and Parks and Recreation Advisory Board member, suggested that the Town include a lease provision, similar to the one in the Chino Valley Equestrian Association lease, reserving certain days for its own use. She also supported activities that included children.

Council, staff, and Msrs. Brinkley provided additional information about the following:

- *Use of Town's acreage in Paulden:* Mayor Marley and Mr. Smith noted that the Town's Paulden properties were purchased for water rights and, as disposition of the property was ruled by the financing to procure it, the Town could not sell it until the bonds were done.
- *Decibel levels:* Mr. Brinkley related that decibels were measures of sound pressure—the length of time sound was being produced—regardless of the number of cars. Racer Scott Kevner added that a telephone dial tone was 80 dB, city traffic inside a car was 85 dB, and 1983 OSHA monitoring requirements started at 90 dB.
- *Impacts on equestrian uses:* John Brinkley related that the entire time he operated in Prescott Valley next to Yavapai Downs, there was no effect on horses or riders with use of the pre-muffler.

Mayor Marley commended the public for their civility during this discussion, then reviewed the initial proposed talking points for a potential lease. He would then forward the talking points as revised by this discussion to Yavapai Community College for their input, pursuant to the Town's lease agreement with them.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to recess the meeting at 7:56 p.m.

Vote: 7 - 0 PASSED - Unanimously

Mayor Marley reconvened the meeting at 8:11 p.m.

Council discussed the proposal and commented on:

- the balance of not wanting to impact the Town's quality of life; growth and change being inevitable; and not wanting to miss an opportunity for the Town;
- discussions with the Chino Valley Equestrian Association (CVEA) and visits to Queen Creek racetrack that were behind the proposal;
- positive co-existence between racetracks and equine uses in other locales; and
- creating performance measures should the use be approved, such as strict adherence to noise limits.

Council, staff, town attorney, and Msrs. Brinkley reviewed and discussed the talking points. Key points were:

- The lease could restrict the hours beyond the noise ordinance, and include specific requirements for dates, times, and vehicle class restrictions. It could also include a provision for Council to negotiate and approve each year's regular and holiday schedule.
- Council asked Mr. Brinkley to provide a holiday schedule to propose to the college.
- This use, if approved, could be a good candidate for a recreational public lands Planned Area Development.
- It was important to not allow traffic bottlenecks and to work with Police personnel on

circulation.

- Signage on SR 89 and at OHM would be preferred; perhaps an ADOT sign or temporary sign could go on the highway.
- Performance standards built into the agreement will protect the Town and the lessee.

The talking points were revised as follows:

- *Location*: East side of square #12 on the OHM map, between the ballfield and Quonset hut/College.
- *Dates and times*: April-October season with the following days and times:

One week night (day to be determined)	Practices	6:00-9:30 p.m.
Saturdays	Junior Classes & quiet racing	9:00 a.m.-6:00 p.m.
Saturdays	General racing	6:00-10:30 p.m.
Sundays (on holiday schedule)	General racing	2:00-10:30 p.m.

- *Decibel ratings for mufflers*: 95 dB at 100 feet
- *Housekeeping*: Dust control of parking lot, track and access road; trash cleanup; neat appearance, per Brinkley's Speedway Proposed Contract Guidelines.
- *Traffic control*: The lessee would provide it, similar to the language that was in the CVEA lease.
- *Safety*: Brinkley's Speedway Emergency Action Plan as modified by Chino Valley Police Department and Fire District.
- *Good neighbor policy*: Conflicts between racetrack and other OHM lessees that are not resolved between the parties will be brought to Council.
- *Length of lease*: Up to 20 years with five-year performance measures.
- *Future expansion*: 26 acres, with any expansion needing Council approval.
- *Utilities*: (i) Waste—vault and haul (porta-potties first year) with mandatory sewer hookup when available; (ii) Water—Haul as needed (20,000-40,000 per day of operation); (iii) Power—Onsite generators; maybe house power later on.
- *Final Schedule*: Finalized schedule will be available January 1 of each year.

Mayor Marley stated that he would summarize the talking points in a letter and forward them to Yavapai Community College.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to take this process, smooth it out, put it in a letter, and forward it to the Community College for their approval.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve a Conditional Use Permit for an electronic LED (Light-Emitting Diode) gasoline price display sign at 995 S. State Route 89, Yavapai County Assessors Parcel No. 306-29-047C. (Ruth Mayday, Development Services Director)

Recommended Action: Approve a Conditional Use Permit for an electronic LED gasoline price display sign at 995 South State Route 89.

Ms. Mayday presented on this item:

- *Location:* Shell Station on the northeast corner of E. Road 2 South and SR 89.
- *Request:* To update signage and include an electronic message board to replace the manual gasoline pricing sign board.
- *Conformance:* The request was consistent with the nearby Maverik Station and conformed with the General Plan.
- *Public outreach:* The applicant followed the public process and held a public hearing, at which no one attended, except a person from the sign company.
- *Planning and Zoning Commission hearing:* The Commission recommended approval by unanimous vote.

Council asked about the pending new sign code regulations. Ms. Mayday stated that this was being done under the existing rules.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to approve action item 7b, approve a Conditional Use Permit for an electronic LED gasoline price display sign at 995 South State Route 89.

Vote: 7 - 0 PASSED - Unanimously

- c) Consideration and possible action to affirm or reschedule study sessions for the remainder of 2016 and schedule discussion topics. (Jami Lewis, Town Clerk)

Recommended Action: Affirm or reschedule study sessions for the remainder of 2016 and schedule discussion topics.

Council discussed the upcoming study sessions and discussion topics, and scheduled the study session dates and agenda items as follows:

- October 18: Agribusiness/Agritourism (one-hour timed item); manufactured home sales tax.
- November 15: Customer Service/Utilities code changes; UDO sign regulation amendments; dog ordinance revision.
- December 20: Cancel.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to schedule study sessions as discussed.

Vote: 7 - 0 PASSED - Unanimously

- d) Consideration and possible action to:
- (i) Accept Mayor Marley's resignation as Town representative to the Yavapai Regional Medical Center Board of Electors whenever it is offered; and
 - (ii) Appoint Mayor-Elect Darryl Croft as representative to the Yavapai Regional Medical Center Board of Electors upon acceptance of Mayor Marley's resignation from that position. (Mayor Marley)

Recommended Action:

- (i) Accept Mayor Marley's resignation as Town representative to the Yavapai Regional Medical Center Board of Electors whenever it is offered; and
- (ii) Appoint Mayor-Elect Darryl Croft as representative to the Yavapai Regional Medical Center Board of Electors upon acceptance of Mayor Marley's resignation from that position.

Council did not discuss the item.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to (i) accept Mayor Marley's resignation as Town representative to the Yavapai Regional Medical Center Board of Electors whenever it is offered; and (ii) Appoint Mayor-Elect Darryl Croft as representative to the Yavapai Regional Medical Center Board of Electors upon acceptance of Mayor Marley's resignation from that position.

Vote: 7 - 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 Darryl Croft, seconded by Councilmember Jack Miller to recess the regular meeting and hold an executive session at 9:26 p.m.

Vote: 7 - 0 PASSED - Unanimously

- a) An executive session pursuant to A.R.S. § 38-431.03(A)(1) for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, or resignation of Robert Smith, Town Manager. (Mayor Marley)
- b) An executive session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Town Attorney in order to consider its position and instruct the Town Attorney regarding the Town's position regarding a contract with Prescott Sportsmen's Club related to management of the Chino Valley Shooting Range Facility that is the subject of negotiations. (Mayor and Council)

9) ACTION ITEMS RESUMED

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

Mayor Marley reconvened the regular meeting at 11:19 p.m.

- a) Consideration and possible action to approve the Town Manager's Work Plan. (Mayor Marley)

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to approve town manager's work plan as suggested and modified by Town Council.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action regarding a contract with Prescott Sportsmen's Club related to management of the Chino Valley Shooting Range Facility. (Mayor and Council)

Council took no action on item 9b.

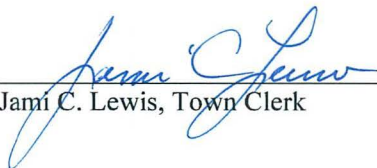
10) ADJOURNMENT

MOVED by Councilmember Susie Cuka, seconded by Councilmember Mike Best to adjourn the meeting at 11:19 p.m.

Vote: 7 - 0 PASSED - Unanimously


Chris Marley, Mayor

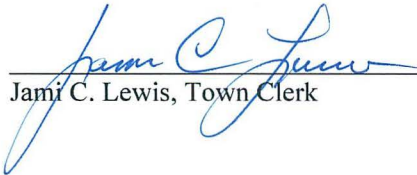
ATTEST:


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 11th day of October, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 8th day of November, 2016.


Jami C. Lewis, Town Clerk