

MINUTES OF THE STUDY SESSION OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY

**TUESDAY, OCTOBER 15, 2019
5:00 P.M.**

The Town Council of the Town of Chino Valley met for a Study Session in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, October 15, 2019.

Present: Mayor Darryl Croft; Vice-Mayor Jack Miller; Councilmember Mike Best; Councilmember Cloyce Kelly; Councilmember Corey Mendoza; Councilmember Annie Perkins; Councilmember Lon Turner

Staff Town Manager Cecilia Grittmann; Town Attorney Andrew McGuire; Finance Director Joe Duffy;

Present: Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Public Works Director/Town Engineer Frank Marbury; Development Services Director Joshua Cook; Planner Alex Lerma; Economic Development Project Manager Maggie Tidaback; GIS Technician Will Dingee; Deputy Town Clerk/Records Technician Erin Deskins; Administrative Technician Kathy Frohock (videographer); Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER; ROLL CALL

Mayor Croft called the meeting to order at 5:13 p.m.

2) Consideration and discussion regarding Temporary Sign Ordinance options. (Joshua Cook, Development Services Director)

Mayor Croft advised the public that he intended to run the meeting professionally, without any grandstanding or personal attacks. At the conclusion of the meeting, Council would give direction to Staff to draft a temporary sign ordinance to be presented to the Planning and Zoning Commission and the Town Council for consideration. The meeting objective was to reach an agreement on temporary signs, even if it was the only agenda item discussed.

Mr. Cook presented the following:

- In a May 2019 study session, Staff brought to the Council's attention that insufficient language in the temporary sign ordinance made it difficult to enforce without creating problems.
- Staff met with the Unified Development Ordinance (UDO) Subcommittee four times from June to August of 2019 to discuss Staff's initial revisions, after which Staff further revised the draft language based on the input received from the Subcommittee.
- A request for a zoning interpretation was given to Staff and the zoning administrator drafted the interpretation with the help of legal counsel. The interpretation was appealed and a Board of Adjustment meeting was held the previous week.
- Current sign code options included: Adopt the UDO Subcommittee's draft language from August; adopt Staff's initial proposal; add in language allowing a revolving door to issue permits for semi-permanent temporary signage; or create an SR 89 overlay that would grandfather current businesses allowing them to have their temporary signs on a rotating basis.
- Fee schedule options included: Leave the fee schedule as it was; update the cost to a flat

fee; update the cost to a flat fee along with a refundable deposit if the business owners police themselves and remove the temporary signs as required; update the cost to a total refund if the signs were removed when required; or exempt temporary signs.

Mayor Croft added that Staff had provided a list of issues that required Council input in order to draft language. Council discussed the questions as follows:

What was a temporary sign (material or time limit)?

- *Definitions:* One definition was that temporary signs were there until a permanent sign could be erected. Changing out signs every six months did not constitute a temporary sign, and those type of signs should be called something else. Temporary signs did not necessarily lead to a permanent sign. Churches and business signs were used to announce temporary events. Staff stated that real estate signs did not fall under the temporary sign category.
- *Material and duration:* The material of the sign should not matter but there should be some type of allowances for temporary signs for certain events. That had been discussed at the UDO meeting, and the ideas included allowing 15-day per quarter for any business, church or entity for temporary special event signs. The size would be based on the square footage of the property. The time limit duration needed to be limited so that the Town did not look like a circus with the number of temporary signs, but until that time, the Town needed to work with the businesses.
- *Fabric signs:* The highway needed to look nice and presentable when people were driving through. Concerns were expressed about keeping fabric signs in good condition with the extensive wind in the area, signs in disarray not attracting customers off the highway, and businesses policing themselves without needing code enforcement officer involvement.
- *Sign code purpose:* This included reasonable regulations that were meant to promote public welfare and safety, economic vitality, and protect and enhance the Town's aesthetics and promote high quality signs.
- *Supporting businesses:* The economic hardships in the area were second to safety and if temporary signs were to promote local businesses, then the Town needed to support those efforts.

Did the Council favor making the distinction between temporary signs and special event signs?

Staff's question added that many communities distinguish between special event signs and temporary signs as a way of focusing on the nature of the use instead of the sign material. Temporary signs were limited in duration and used for new businesses and were removed when the permanent sign was in place. Special event signs were used to draw attention to specific events or times, such as sales or festivals. Special events could be reoccurring but were limited on the number of times per year.

Council agreed there should be a distinction.

Should there be limits on special event signs?

Town Attorney McGuire explained that special events were reoccurring for certain types of businesses but were one-time events for others. For businesses that had events on a periodic basis, the Council needed to decide if it was appropriate to have some type of limit. Other communities had a range of requirements that included certain number of days within a quarter or a month, a consecutive day limit, or total number of days limit. The Council needed to decide if it was appropriate to have some type of limit.

Staff explained that the allowed square footage of signs was broken down by sign types and was based on the speed of the road that the business fronted. Temporary signs were based on the zone where the business was located.

Council discussed the following:

- *Issues to consider:*
 - Options were some type of limit or allow a free-for-all to allow putting up signs wherever and whenever they wanted. A free-for-all should have a size limitation and include rotating sign option.
 - Businesses like the Chamber of Commerce had multiple monthly events that was part of their business model.
 - Event advertisement could be endless unless there was some type of limit on the number of days.
 - New businesses may decide against a permanent sign because the temporary signs could be replaced every six months for less money. There needed to be an incentive for a permanent sign or a disincentive for the temporary signs. They could narrow down the allowed square footage for signs to 75/25 with three quarters of the sign needing to be permanent instead of a rotating sign.
- *Appearance:* Councilmembers commented on the trashy look of some temporary signs and the Town looking like a circus when the feather flags were not limited. There needed to be a balance where the businesses and the Town came together.
- *Sign survey:* The UDO Subcommittee had reviewed a community temporary sign survey that was split 50/50 within the business community. Some respondents thought the signs made the Town look trashy and others stated they were needed for business promotion.
- *Self-policing:* If the Town let businesses do whatever they want, the business community would need to police themselves. If they did not do that and the Town looked trashy, the Town would readdress the issue. The Town did not have enough code enforcement officers to police the signs.

Council asked Tom Payne, owner of Tom's Sign and Printing about his allowed temporary sign space and sign costs. Mr. Payne stated he had 24 square feet of allowed space. He estimated a 48 square-foot permanent sign at \$700 and a 2x12 flag sign at \$170-\$190. There were less expensive signs with cheaper material that could be purchased elsewhere for approximately \$75.

Staff explained that a feather flag was typically 24 square feet. In Mr. Payne's case, he was allowed a wall sign, a free-standing sign, monument sign, and an awning sign. Many businesses were not utilizing their permanent signage space.

Councilmembers generally agreed that an event sign was not a temporary sign. A temporary sign would be removed when the permanent sign was put in place.

Public comment:

Tom Payne, Tom's Print & Sign owner, stated that he did not think there ever was a sign issue in Town, even though there were some that were not maintained. That was because the Town had not had any Staff and now the Town Staff had done a good job of clearing out all the signs. The Town needed to encourage maintenance of the signs. There had been great community and Town collaboration in the last couple of years. Most of the current Council had been on the Planning and Zoning or the Council when the last ordinance was adopted. When the new Staff was hired,

they struggled with the sign ordinance wording. As a long-time sign committee member, he tried to help. Last week, the Board of Adjustment (BOA) agreed with him and fellow sign committee members that temporary sign permits were renewable. Town Staff reports from 2016 show that clear intention and longstanding practice. He liked the portion of the sign ordinance read by Council that referenced Town economic vitality for business or services. Every business he spoke to wanted the ability to advertise products and events. Since Chino was a drive through town, it was important to capture those dollars by making people aware of the services. He wanted clarity on the fee schedule and stated that Staff had changed the wording on the Council's adopted fee schedule from \$5 per month to \$5 per sign. The change would be a big expense and burden on businesses, specifically the small businesses. Staff's changes could make the permit fee more expensive than the sign itself. Local businesses were losing business because of the changes. He had 300 signatures and only two people did not like the signs.

William Nichols with CBD Connection related that the feather flags were a landmark. He had to open a shop in Prescott Valley to stay afloat. A customer came into his new store location and had been off the product for three months because he could not find the Chino store. He could not see the marquee sign and the landlord would not allow a larger sign. Business was hurting and with the Town's current methodology, they would go under. He replaced his signs on a regular basis to keep them sharp, clean and attractive because he knew a trashy looking sign would not bring in business.

Molly Schneider, Associate Broker at A Casa Realty, stated that her office sat back from Highway 89 and sometimes people missed it. They had purchased two of the feather signs to get attention and it worked. The signs were always in motion with the Town's winds. She understood why the Town did not want flags on Town property or the highway easements, but everyone paid a license fee to do business in Town. A picture was worth a thousand words and when that picture was in motion, it got more attention. It brought more business to her company and when they made more money so did the Town. New residents became a source of income for the Town and the feather signs got people's attention. She wanted the Town to reconsider their thoughts on the issue. She agreed each business owner needed to be responsible to keep them looking good.

Wendy McManigal with Tom's Print and Sign related that recently, they put up a feather flag advertising t-shirts and shortly after, a gentleman that had an Uber company that spanned from Phoenix to Flagstaff stopped in because he saw they did shirts. When he was in the store, he saw they also did vehicle graphics and business cards. It was now an ongoing sale for their business. There were 24,000 cars going up and down the highway on any given day and if the Town could not capture that business as a thoroughfare to other destinations, the Town was missing a lot of opportunities. Not only were temporary signs not being handled correctly, but in the last three months they had three new business customers come to the store for signage, but had been told by Staff that they do not need a permit because there was an existing fixture. She questioned how the Town monitored compliance if the permit process was not being used. They had not made signs for customers because they went against Town code of the dark sky ordinance but now there were several signs up and down the highway that did not have to go through the process and were against code. Businesses were asking to be able to utilize items to bring in more business to Town.

Rob Valenzuela with Insurgent Brewing Company reported that approximately a year ago, Arizona Department of Transportation (ADOT) told him his sandwich board was on the right-of-way. He stated that the sign had been there for two years and ADOT officials told him the Town had called in regarding the sign. The sandwich board brought in a lot of business because the storefront did not face the highway. They kept the sign up and advertised weekly

specials and events and not having the ability to do that would not work for his business. He did not know about the right-of-way aspect, but there was an easement between the parking lot and the highway that was dirt where he put his sign and it did not block the sidewalk or cause safety concerns.

Todd League, Pastor of the Word of Life Assembly, told Council that they owned Overflow Coffee and Life Pregnancy Center. He was at the BOA hearing the previous week and he thought they made the right decision by what was presented. They were going to make a recommendation to the Council to rewrite the code and he struggled with that because everything that was talked about was covered in one aspect or another by the code. There was no way to legislate for every contingency and over legislation made him nervous. This had hurt the coffee shop and he was afraid it would affect the church as well. There needed to be common sense when decisions were being made. If the church was limited to the number of days they could have temporary event signs, it would limit what the church and the coffee shop did. The current code worked and he liked the idea of every six month requirement a new sign permit would be completed and a new feather flag went up and the old one removed.

David Roe with Clayton Homes related that their business was far off the highway and people thought their business was a storage yard. They did whatever they could to grab attention. In other locations, they had financed banners showing what they could do to help people.

Wayne Ballard, Pastor of Grace Church, stated that they just went through a name change and a month and a half ago, they changed their sign, but no one had seen it. The church put banners out for all the various programs, with multiple programs per quarter and his concern was that if they were limited to five days, most cars would not notice the sign in that five-day period. He understood the Council was working for the best interest of the Town and the balance they were trying to strike, and thanked the Council for their time and energy.

The Mayor asked the community members present how many would be happy to have feather signs back on a six-month basis. Most people in attendance raised their hands in support. Mayor Croft then asked for any input on a possible resolution to the problem.

Gary Warren, Warren's Hay and More owner, told Council that he believed temporary signs were for a new business getting started, but signs for advertising events and specials was a whole different thing and the two needed to be separated. Renewal costs needed to be kept down, because they would be expensive. Six months was appropriate and if a flag was not maintained at the end of six-months, the permit would not be renewed. That gave zoning enforcement and Council a way to stop maintenance issues. The County was setup on a complaint basis. Upon a complaint, they had recourse to fix the problem. The flags were important. He mentioned that Chino Glass and El Charro sat way off the highway and since there were no offsite signs allowed, the Council should consider what they could do for those businesses.

Jeff Van Well, A2Z Home Center, stated that if people did not take the time to get their permanent sign, they should not be allowed to have the flag banner signs until a permanent sign was in place. He did not agree with using temporary flags as a permanent sign. Maybe businesses could not get a permit for a flag sign until they had a permanent sign and a business could have a temporary sign with the intention of getting their permanent sign. He did not like having to get a renewal permit every six months because it was difficult for a business to remember when to do that and it was already expensive to get the signs. Businesses needed a way to get people driving down the highway to stop, and every dollar spent in Town became more money for the Town. Save the Town personnel time by not having to do permits for temporary

banner signs once the permanent sign was in place. Let the other businesses police the signs around the Town. The Town needed to get every dollar it could into the Town. It took time and money for both the Town and the business owner to process temporary sign permits. If the businesses could police the signage themselves it would save money. If a business had a permanent sign or if a permit was required for a temporary flag sign, they were on the Town's radar and if they violated the rules, something could be in the code that helped regulate the condition. The banner signs would have to be changed after six months and if it was not changed, then the opportunity would be lost to have one in the future.

(Councilmember Kelly arrived at 5:58 p.m.)

Council, Staff, and the public commented further on the following issues:

- *Self-policing*: One downside was that businesses might not do it. Last year, the Town had to hire a person to clean the streets because business owners had not performed well in the past. The upside was that the Town would be free from policing it.
- *Flag sign issues*: There were 30,000 plus cars per day that used the highway through Town. There was a major difference between Lantana Plaza with 15 flags than there was with individual businesses. While the Lantana Plaza was not cluttered and drew in business, the flags were all frayed and not one business could be seen. While these appeared to help businesses, perhaps businesses in a plaza or strip could work together for advertisement, in order to avoid there being too many feather flags on the highway to advertise all their events at one time. Flag signs needed to be maintained.
- *Suggested regulations*: A total of the 48 square feet of flag sign (two flags) could be whatever they wanted on a six-month rotation. There needed to be some type of permit so that if they were not following the rules, the permit could be pulled. Having a legally permitted permanent sign could result in fees being waived for flag signs. Flag signs should not be used as temporary signs. Businesses should have a permanent sign before being permitted to use banner flags. Permanent versus feather flags could be allocated 50/50 per square footage. Event flags should not be part of the 50%.
- *Fees*: Staff interpreted the fee schedule as requiring \$5 per month per sign, while Mr. Payne and others disagreed, stating that the fee was a \$5 application fee for a temporary sign and \$100 for a permanent sign.
- *Special event signs*: The Town should not be in the business of constituting what was or was not an event, as it was difficult to differentiate between all the various types of events. These could be limited to 5 days per quarter with a permit and fee. The more event opportunities there were in Town, the better it was for the community. It was hard for a church to get permission from the Town for all of their events. This needed to be addressed in a better way.
- *Off-site businesses*: Something needed to be done for these businesses, but signs would have to follow development standards and could not cause accidents. Renting locations off the highway was a decision business owners knowingly made.
- *Temporary signs*: Temporary signs should only be used to announce something coming soon. There should be a time limit to get a permanent sign erected.
- *Strip mall businesses*: These businesses were under the rules of their landlord, but Town needed to focus on provisions for individual businesses in a strip mall. They did not have enough room for two feather flags per business and Council needed to clarify what was allowed.

Town Attorney McGuire explained that there were provisions for building signage for the entire building and tenants, but they were treated as two different categories. The total signage was

usually aggregated and the landlord had to figure how to allocate it, and then they had a comprehensive permanent sign package with the Town, but they did not have that in terms of a temporary sign package. The allocation of temporary signage among the individual users in a strip mall scenario was not addressed in the current code. The code did not address temporary event signs.

One Councilmember asked about churches being exempt because of the Reed case. Mr. McGuire explained that it was important to remember that Reed v. Gilbert was not a commercial sign case, and that subsequent cases have confirmed that the Supreme Court cases on commercial signs that were decided before Reed are still in place, so the permissible time, place and manner restrictions in the prior cases were still applicable to commercial signs. The discussion this evening was not addressing the church signs; they would be discussed at a future time.

Mr. McGuire related that he understood the Council's intention was that temporary signs would be used for business startups. Once a permanent sign was in place, two feather signs would then be allowed without further permits as long as they were maintained. The special event signs would be subject to a time limit and number of events, and all signs could overlap at the same time or as two feather or banner signs at one time that could be whatever the business owner wanted, including events for a total of 48 square feet of feather signs.

Mayor Croft asked the business members about Mr. McGuire's recap. Most agreed it was a good idea. Community members discussed the allowed permanent and temporary sign footage their businesses had allotted. Councilmembers agreed that the flag signage should be limited to two flags no more than 48 square feet.

The group discussed what to call flag signs. Ms. McManigal suggested auxiliary signs. There was a concern that permanent banners looked worse than permanent flags, but most believed the overall condition of the sign was the important factor.

Mayor Croft suggested that 24 months after the regulations were approved, Council would review if the business owners were doing what was required and if it worked for the Town as a whole.

Mr. Cook then recapped the discussion, which included:

- Two feather flags by right, without a permit, once the permanent sign was installed.
- Feather flags or auxiliary signage could be swapped out, as long as they did not exceed 48 square feet, which could include banners and special event announcements without a permit.
- Temporary signage would only be in reference to a sign erected prior to the permanent sign.
- If the business exceeded the allowable six-month timeframe for the temporary sign, it would need to be removed regardless of whether the permanent sign was erected or not. There would be no renewal period.
- Any draft would also include definitions for everything, including permanent sign, temporary sign, and auxiliary signs.

Staff would try to get the new draft language to the Planning Commission by November, so it could be addressed at the December Council meeting. Mr. McGuire thought it was best to get the language together, work through it, bring it back to a study session to ensure the intended language was expressed clearly and then go through the Commission and Council process.

Council questioned the regulations that would be followed during the time period before the new language was approved. Mr. McGuire thought that clarifying the fee schedule would solve one large issue, as to whether it was \$5 per business per month or per sign per month. Council preferred \$5 per business per month. Until the code was changed, what was permitted could not be changed. The businesses would be allowed to erect the flags during the rewrite as long as it was permitted and they paid the \$5 per business per month fee.

Staff asked about offsite signage being addressed in the new language. Council thought the two issues were separate and should be addressed at a future meeting. The fee schedule would be modified with the new language.

Town Manager Gritman pointed out that there was an extra Tuesday in October. The Council could use that for an additional study session to address any issues not covered during their current meeting.

Council recessed the meeting at 7:12 p.m. and reconvened it at 7:22 p.m.

- 3) Consideration and discussion regarding various signage projects within the Town: (Maggie Tidaback, Economic Development Project Manager)
 - a) Wayfinding Sign Plan with ADOT, including professional services agreement between the Town of Chino Valley and Civiltec Engineering for research and planning.
 - b) Municipal Building Signage Project.
 - c) Grand Canyon State Logo Signs pertaining to commercial business signage.

(Item 3c was heard after Item 4 but is retained here for clarity.)

Ms. Tidaback presented the following:

- The Grand Canyon State Logo sign project was an ADOT program through which people paid for advertisement. It included gas, food, camping, lodging, and attractions. ADOT put in the signs that cost \$15,000 each and then they sold logo spots to the local businesses. It was a one-time fee of \$500 to buy the logo sign and then \$46 per month. That money went back into the state road system.
- There were predetermined locations, with seven identified locations shown approximately every mile or at every major crossroad. The locations may be subject to change.
- The only cost to the Town was her time for putting together a spreadsheet of information.
- Road 4 North was specified as it was the location of El Charro, Windmill Farms, and the entrance to the Town's business park. El Charro would need a trailblazer sign, which cost \$19 per month and was provided by the same program.
- The placement of trailblazer signs would be up to the Town.

Mr. Marbury had concerns about ADOT making a monthly fee off the Town right-of-way. Ms. Tidaback stated she would clarify that information.

Council preferred to move forward with the program.

- 4) Consideration and discussion regarding Memory Park bathrooms and Utility Shop projects. (Frank Marbury, Public Works Director/Town Engineer)

(Item 4 was heard after Item 2 but is retained here for clarity.)

Mr. Marbury and Finance Director Duffy presented the following:

- The design was 60% complete. The layout and cost numbers were provided in the Council packet.
- The Memory Park Restrooms were above his preliminary estimates because Staff thought a family restroom accommodating the new changing station rules and being ADA accessible should be included. The Town budgeted \$154,000 for this project. As the estimates came in at \$187,000, \$40,000 could be used from Contingency.
- The Utility Building was metal with a finished interior and rooms. Its height was 20' with 14'-16' standard doors that would fit a full-sized truck. It also came in over the estimate. There were a couple options, but Staff would like to go ahead and finish the building. The public procurement process was expensive and Staff cut the cost as much as possible by trimming \$100,000 off the 30% estimate.
- The original budget was \$320,000. The Town had also budgeted \$120,000 for the drying beds that realistically would not be built in the current fiscal year, which left the project \$126,000 short. The funding for the project was the enterprise fund, so it was possible to go over the budget and then budget the extra amount the next fiscal year. There were sufficient reserves to cover the overage. His recommendation was to complete the project. The 4,000 square-foot steel structure was approximately \$75,000 delivered. The complete installed price was \$132,800. The whole project estimate was \$536,000. The current price was still an estimate and would still need to go through the procurement process.
- Other cost saving measures included removing the evaporative coolers out of the bay area and putting them in at a later time as the budget allowed. The exterior slab around the building would be done inhouse or by other contractors separate from the current contract.
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Council and Staff discussed lab costs and site work.

- *Lab costs:* Staff explained that currently, lab work was done in the mobile kitchen. The new one's cost was higher than anticipated, not because of lab equipment, but due to plumbing for the sink, fixtures, and vent work being up to appropriate standards.
- *Sitework and parking:* Staff related that these would need to be budgeted the next year. The Town was required to follow the same rules as a private citizen, but would complete the work in separate budget cycles. Occupation of the building would be up to the Building Department and the Town was bound by the same permits as any private person.

Council preferred that Staff move forward with the project.

- 5) Consideration and discussion regarding the Design Concept Reports (DCRs) for West and East Road 2 North. (Frank Marbury, Public Works Director/Town Engineer)
- 6) Consideration and discussion regarding a Request for Qualifications (RFQ) related to the Police facility. (Chuck Wynn, Police Chief; Joe Duffy, Finance Director)
- 7) ADJOURNMENT

Mayor Croft adjourned the meeting at 7:43 p.m.

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 Study Session of the Town Council of the Town of Chino Valley, Arizona held on the 15th day of October, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 10th day of December, 2019.

Jami C. Lewis, Town Clerk