

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

**TUESDAY, OCTOBER 24, 2017
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 24, 2017.

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

Absent: Councilmember Annie Lane

Staff Town Manager Cecilia Gritman; Town Attorney Phyllis Smiley; Finance Director Joe Duffy;
Present: Human Resources Director Laura Kyriakakis; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Public Works Director/Town Engineer Frank Marbury; Acting Development Services Director Jason Sanks; Associate Planner Alex Lerma; Community Services Director Scott Bruner; Deputy Town Clerk Michelle Greenstreet (videographer); Deputy Town Clerk Vickie Nipper; Town Clerk Jami Lewis (recorder)

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

Mayor Croft called the meeting to order at 6:01 p.m. and led the pledge of allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Presentation by Juliana Goswick, President and CEO, Yavapai Big Brothers Big Sisters, and proclamation declaring November 2017 as "Charitable Tax Giving Month".

Ms. Goswick spoke about the organization's new "Bigs in Blue" program, school liaison program, children served in the last year, the need for more "bigs" and keeping dollars local through the tax credit process. Mayor Croft then read the proclamation and presented it to Ms. Goswick.

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.

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.

Mayor Croft eulogized the late Lee Paul, a local veteran who often offered humorous anecdotes during Call to the Public.

Councilmember Mendoza reported on the recent Arizona Rural Transportation Summit and the Town's state representatives' efforts to bring the Town's and area's needs to the State.

b) Status report by Town Manager Cecilia Gritman and/or Town staff members regarding Town accomplishments, and current or upcoming projects.

Community Services Director Scott Bruner reported that the Community Center remodel was complete, the Recreation team had moved back in to the facility, and Boys and Girls Club will start moving in next week. Staff will host an informational meeting for user groups on November 16. Manager Gritman added that staff intended to begin leasing the facility to user groups in January.

c) Report by Public Works Director/Town Engineer Frank Marbury regarding Old Home Manor Industrial Park improvements.

Mr. Marbury reported that the Old Home Manor improvements were nearly complete and staff hoped to open the new road in the next couple weeks.

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.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to accept consent agenda item a.

Vote: 6 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve Arizona Governor's Office of Highway Safety (GOHS) Contracts No. 2018-PTS-012 and 2018-AI-001, authorizing grants to the Town of Federal 402 funds in the amounts of \$23,430 and \$5,855, respectively, to be used for (1) STEP Enforcement and Enforcement Related Material and Supplies and (2) Accident Investigation Related Material and Supplies; and to authorize Chief Charles Wynn and Town Manager Cecilia Gritman to sign the contracts on behalf of the Town of Chino Valley. (Chuck Wynn, Police Chief)

7) **ACTION ITEMS**

The Council may vote to recess the public meeting and hold an Executive Session on any item on this agenda pursuant to A.R.S. § 38-431.03(A)(3) for the purpose of discussion or consultation for legal advice with the Town Attorney. Executive sessions are not open to the public and no action may be taken in executive session.

- a) Consideration and possible action to approve Agreement for Professional Consulting Services between the Town of Chino Valley and Mark A. Holmes, P.G. for the purpose of providing professional water consultation, in the amount not-to-exceed \$10,000. (Laura Kyriakakis, Human Resources Director)

Recommended Action: Approve Agreement for Professional Consulting Services between the Town and Mark A. Holmes, P.G., not to exceed \$10,000.

Staff Report Summary Only: On occasion, the Town required expert consultation with issues, negotiations, or proposals that often included water right details. Mark Holmes had previously served the Town in this capacity as an employee and consultant.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to approve the Agreement.

Vote: 6 - 0 PASSED - Unanimously

- b) (i) Public Hearing regarding application from Hot Pizzas LLC for a new Series 12 (Restaurant) Liquor License for Pizza Hut, located at 312 Market Place Drive in Chino Valley.
(ii) Consideration and possible action to recommend approval for a new Series 12 Liquor License for Pizza Hut. (Jami Lewis, Town Clerk)

Recommended Action:

- (i) Hold Public Hearing.
- (ii) Move to recommend approval for a new Series 12 Liquor License for Pizza Hut.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to open the public hearing.

Vote: 6 - 0 PASSED - Unanimously

No one from the public spoke.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Cloyce Kelly to close the public hearing.

Vote: 6 - 0 PASSED - Unanimously

Staff Report Summary Only: Pizza Hut currently had a liquor license and had applied for a new one due to changes in ownership from a corporation to an LLC. The Police and Planning Departments reviewed the application and recommended approval with no comments. Staff received no written arguments in favor of or in opposition to the application.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to recommend approval for a new Series 12 Liquor License for Pizza Hut.

Vote: 6 - 0 PASSED - Unanimously

- c) Consideration and possible action to approve Financial Report for the three months ending September 30, 2017. (Joe Duffy, Finance Director)

Recommended Action: Approve Financial Report for the three months ending September 30, 2017.

Mr. Duffy presented the financial report. Highlights were:

- *Fund Balance:* Fiscal Year 2016/2017's fund balance ended higher than estimated.
- *General Fund:* Total sales tax revenues were down about 1%, but construction sales tax was up 69%. Staff will need direction on how to use these extra funds, such as for special projects, paying down debt, or paying down the PSPRS liability.
- *HURF:* Revenues were up 10% and expenditures were up 63% due to extra chip seal projects completed this fiscal year.
- *Water and Sewer:* The Town had received a large influx of cash due to new construction and utility connections, and these funds will be able to continue paying down their current \$1,250,000 debt to the General Fund.
- *Major Revenues:* All other major revenues were up as projected.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Cloyce Kelly to approve Financial Report for the three months ending September 30, 2017.

Vote: 6 - 0 PASSED - Unanimously

- d) Consideration and possible action to approve Ordinance No. 17-840, approving a zone change from AR-5 (Agricultural Residential- 5 acre minimum) to SR-2 (Single Family Residential- 2 acre minimum) zoning district for approximately 5.78 acres of real property, generally located 744 feet south of the southeast corner of East Center Street and South Road 1 East at 185 South Road 1 East, and identified as Yavapai County Assessor's Parcel Number 306-25-002S. (Owner Jeffry Wilson; Applicant Mayday Consulting, PLLC) (Alex Lerma, Associate Planner)

Recommended Action: Approve Ordinance No. 17-840, approving a zone change from AR-5 (Agricultural Residential- 5 acre minimum) to SR-2 (Single Family Residential- 2 acre minimum) zoning district for approximately 5.78 acres of real property identified as

Assessor's Parcel Number 306-25-002S.

Mr. Lerma presented on this item:

- *Purpose:* The owner desired to split the property.
- *Current condition:* The existing land use was a single family residence.
- *Conformance:* The request conformed to the General Plan land use designation of medium density residential; surrounding properties, which were mostly low density residential; and lot split regulations with regard to flag lots.
- *Recommendation:* On October 3, 2017, the Planning and Zoning Commission voted to recommend approval. Staff also recommended approval.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to approve Ordinance No. 17-840, approving a zone change from AR-5 (Agricultural Residential- 5 acre minimum) to SR-2 (Single Family Residential- 2 acre minimum) zoning district for approximately 5.78 acres of real property identified as Assessor's Parcel Number 306-25-002S.

Vote: 6 - 0 PASSED - Unanimously

- e) Consideration and possible action to approve Ordinance No. 17-839 approving the Development Plan for the Chino Valley Town Center Planned Area Development and rezoning approximately 25.63 acres of real property generally located 450 feet east of State Route 89, adjacent to and north of Road 1 South, from CL (Commercial Light) zoning district to CL (Commercial Light) zoning district with a Planned Area Development (PAD) overlay zoning district, 13.58 acres of which will be an active adult 55+ Park Model Community. (Owner Jim Fletcher; Applicant Granite Basin Engineering, Inc.) (Jason Sanks, Acting Development Services Director)

Recommended Action: Approve Ordinance No. 17-839 approving the Development Plan for the Chino Valley Town Center Planned Area Development and rezoning approximately 25.63 acres of real property generally located 450 feet east of State Route 89, adjacent to and north of Road 1 South, from CL (Commercial Light) zoning district to CL (Commercial Light) zoning district with a Planned Area Development (PAD) overlay zoning district.

Mr. Sanks presented on this item:

- *Purpose:* The request was to add a Planned Area Development Overlay to the existing CL zoning to allow for the RV Park and Park Model portion, both allowed uses under the subject zoning.
- *History:* As part of the rezone on the property from about a decade ago, the owner received a retail tax incentive rebate for Chino Valley sewer and other right-of-way improvements. Water would be provided by the City of Prescott. The original conceptual plan included commercial uses and apartments, which the owner was not able to accomplish.
- *Proposal:* The current proposed development plan, which was more viable than the original, will provide a 'continuum of care', including an RV park, park model concept, and an assisted living facility, as well as amenities such as community center, pool, and tennis and/or pickle ball courts. The owner will retain ownership of the property and manage it, while those purchasing park models will

rent space. The commercial lots to the west of the property will not change and will be marketed for commercial purposes.

- *Recent history:* There had been some movement on the request since the study session before Council regarding the RV and park model portions pertaining to boundaries, unit count, and initiation of a phasing plan. Site improvements had been made around the perimeter. A six-foot wall was being proposed as a buffer between the site and neighboring properties.
- *Current condition:* The property was vacant. Surrounding properties were mostly low density residential and commercial light.
- *Public comment:* At the neighborhood meeting, neighbors asked about a wall. The Commission added mitigation requirements with regard to a six-foot wall on the northeast and south property lines; reducing park model units from 240 to 200; and a small adjustment to the wall along Road 1 South to increase visibility.
- *Recommendation:* The Commission recommended unanimous approval.

Councilmember Mendoza asked about recharge credits for Prescott's water and sales taxes on the development. Mr. Sanks and Ms. Gritman believed the Town would receive the credits. Finance Director Duffy related that the tax rate for stays under 30 days was 4% while the tax rate for long term rentals was 3%. In addition to sales taxes, the Town would receive sewer payment revenues from the development.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Corey Mendoza to approve Ordinance No. 17-839 approving the Development Plan for the Chino Valley Town Center Planned Area Development and rezoning approximately 25.63 acres of real property generally located 450 feet east of State Route 89, adjacent to and north of Road 1 South, from CL (Commercial Light) zoning district to CL (Commercial Light) zoning district with a Planned Area Development (PAD) overlay zoning district.

Vote: 6 - 0 PASSED - Unanimously

- f) Consideration and possible action to approve Ordinance No. 17-834 amending the Chino Valley Town Code, Title IX General Regulations, Chapter 90 Animals by amending the following sections: 90.02 Definitions, 90.03 Injury by Vehicle, 90.04 Stray Dogs, 90.05 Dogs at Large; Designation as Aggressive Dog, 90.06 Impoundment of Dogs; Destruction; Emergency Assistance, 90.07 Powers and Duties of the Animal Control Officer, 90.08 License Fee for Dogs; Issuance of Tags; Records; Penalties, 90.09 Anti-Rabies Vaccinations; Vaccination and License Standards, 90.10 Wearing License Tags, 90.11 Handling of Biting Dogs; Responsibility for Reporting Dog Bites, 90.12 Nuisance Barking, 90.13 Unlawful Interference with Officers, 90.14 Keeping of Aggressive Dogs, 90.15 Adequate Exercise Space for Dogs, 90.99 Violation; Penalty; and (2) by adopting new Section 90.16 Animal Cruelty, all as set forth in that document entitled the "Town of Chino Valley Animal Regulations Amendments, Dated October 24, 2017," which document is adopted and incorporated into Ordinance No. 17-834 by reference. (Chuck Wynn, Police Chief)

Recommended Action: Approve Ordinance No. 17-834 amending the Chino Valley Town Code, Title IX General Regulations, Chapter 90 Animals as set forth in the "Town of Chino Valley Animal Regulations Amendments, Dated October 24, 2017", which is adopted by reference.

Lt. Vince Schaan recounted that numerous meetings had been held on this item, including last week's study session. If any of these proposed revisions did not work out, staff will be back to Council for further amendments, and Council could amend the ordinance any time they chose to do so.

Mayor Croft reported that Council had received public input and had asked staff to consider them. He thanked staff and the citizens involved in putting the item together.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to approve Ordinance No. 17-834 amending the Chino Valley Town Code, Title IX General Regulations, Chapter 90 Animals as set forth in the "Town of Chino Valley Animal Regulations Amendments, Dated October 24, 2017", which is adopted by reference.

Vote: 6 - 0 PASSED - Unanimously

- g) Consideration and possible action to appoint candidates to the Board of Adjustment, Municipal Property Corporation, and Industrial Development Authority. (Jami Lewis, Town Clerk)

Recommended Action:

- (i) Re-appoint Gwen Rowitsch as Alternate to the Board of Adjustment for a one-year term starting August 1, 2017.
- (ii) Appoint Beverly Duffy to the Municipal Property Corporation for a three-year term starting July 1, 2017.
- (iii) Appoint Councilmember _____ to the Municipal Property Corporation to complete a three-year term that started July 1, 2015.

Ms. Lewis reported that these were the last public body positions to fill from this year's recruitment. The current Board of Adjustment Alternate had recently agreed to serve another year. Staff had been needing to schedule meetings for the Industrial Development Authority ("IDA") and Municipal Property Corporations ("MPC"), both of which were short on members. As the town attorneys strongly advised to have full membership for the MPC meeting, staff had approached IDA member, Beverly Duffy about serving on the MPC and the bylaws also allowed a member of the Council to be appointed.

Town Attorney Smiley explained that both the IDA and MPC were separate entities from the Town, yet related to the Town. The IDA was a funding mechanism for private industry. The MPC was a funding mechanism that could hold property, and use it, for example, to issue bonds and obtain funding from Rural Development for sewer plants or sewer infrastructure, and lease it to the Town. Both entities generally held annual meetings only.

Ms. Lewis added that the last working meeting for the MPC was in 2010 and as the bonds were retired in 2015, it had no activity since then. The IDA had been formed in 2002 to bring a pipeline from Paulden to the Town, but due to the recession, nothing ensued.

Councilmember Miller stated he was interested in serving on the MPC.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Jack Miller to re-appoint Gwen Rowitsch as Alternate to the Board of Adjustment for a one-year term starting August 1, 2017; appoint Beverly Duffy to the Municipal Property Corporation for a three-year term starting July 1, 2017; and appoint Councilmember Jack Miller to the Municipal Property Corporation to complete a three-year term that started July 1, 2015.

Vote: 6 - 0 PASSED - Unanimously

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

MOVED by Vice-Mayor Mike Best, seconded by Councilmember Lon Turner to go into executive session at 6:58 p.m.

Vote: 6 - 0 PASSED - Unanimously

- a) 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 (concessionaire management agreement) with Prescott Sportsmen's Club related to management of the Chino Valley Shooting Facility that is the subject of negotiations. (Cecilia Grittmann, Town Manager)
- b) An executive session pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion or consultation with the Town Attorney for legal advice and in order to consider the Town's position and instruct the Town Attorney regarding the Town's position in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation in the matter of Demand from Jay L. Willmore for the Town to level his property. (Cecilia Grittmann, Town Manager)

9) ACTION ITEMS RESUMED

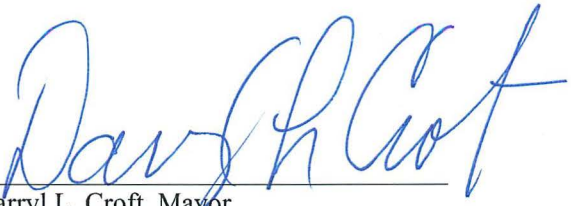
After the Executive Session, Council will reconvene the Regular Meeting.

Mayor Croft reconvened the regular meeting at 8:00 p.m. and reported that Council discussed matters with and gave direction to its attorney.

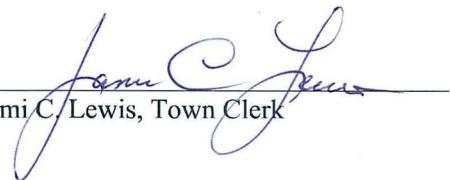
10) ADJOURNMENT

MOVED by Councilmember Cloyce Kelly, seconded by Vice-Mayor Mike Best to adjourn the meeting at 8:00 p.m.

Vote: 6 - 0 PASSED - Unanimously


Darryl L. Croft, Mayor

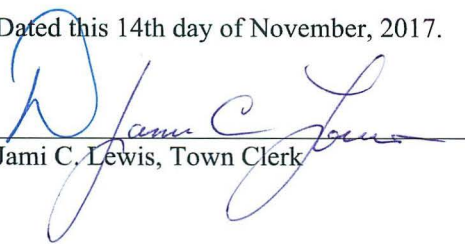
ATTEST:


Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 24th day of October, 2017. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of November, 2017.


Jami C. Lewis, Town Clerk