

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

**TUESDAY, OCTOBER 24, 2023
6:00 P.M.**

**CHINO VALLEY COUNCIL CHAMBERS
202 N. STATE ROUTE 89, CHINO VALLEY, AZ**

Present: Mayor Jack Miller; Councilmember Annie Perkins; Councilmember Tom Armstrong;
Councilmember John McCafferty; Councilmember Sherri Phillips; Councilmember Robert
Schacherer

Absent: Vice-Mayor Eric Granillo

Staff Town Manager Cindy Blackmore; Town Attorney Andrew McGuire - remote; Officer Sean Snyder
Present: (Sgt. at Arms); Assistant to the Town Manager Terri Denemy; Development Services Director
Laurie Lineberry; Assistant Development Services Director Will Dingee; Senior Planner Jessica
Barragan; Administrative Services Director Joe Duffy; Public Works Director/Town Engineer Frank
Marbury; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town
Clerk Erin N. Deskins

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

Mayor Miller 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- Individuals requesting to speak, please complete a Speaker
Comment Card and return to the Clerk.**

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 at the discretion of the Council and not required by law. Individuals are limited to speak for three (3) minutes, yielding of time will not be permitted. 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. Disrespectful behavior will not be tolerated; this includes loud outbursts, profanity and disruptive discussions among our audience.

Vickie Niesley presented the following:

- She discussed the aggregate mine off Road 5 North. One of her neighbors lived on top of the hill near the mine and was very ill. She was concerned for him because of his location, and he was trying but had been unable to sell his home to be closer to medical services because of the mine. She was also concerned about access for emergency

vehicles as some areas of the road were only 12 feet wide.

Jerri Bullins presented the following:

- She discussed why Town residents, and the Council should care about the mine. She stated it would bear the Town's name. She discussed the potential road damage, traffic, and safety issues. She stated that a lot of attention had recently been given to Road 5 North and would quickly be damaged by the aggregate loaded trucks. There was no roundabout on Road 5 North which would make the area dangerous with large mining trucks. She questioned where the trucks would go when that road flooded during monsoons. She offered various routes the trucks might take which would affect many residential streets used by pedestrians, bicyclists, and school children. She had read about the widening of State Route 89, from Road 3 North to Road 5 North and questioned where trucks would go during that construction. She stated there would be expensive road damage, the cost of which would be passed on to residents.

Jim Bonetti presented the following:

- He had been in touch with the Town since June to get a neighbor to mow his weeds that were now six feet high. Development Services said the neighbor would be getting a citation tomorrow, but he questioned how long the neighbor would have to get the job done from that point, and what effect the citation would have. He was hoping the Town would modify the rules as he stated they weren't working. He was hoping someone would put pressure on the neighbor to take care of the problem.

Paul Lenhardt presented the following:

- He discussed the mine and how it would affect the Town residents. He stated the residents would be exposed to crystalline silica and he outlined the health dangers produced by such mines. He discussed the roads that would be used for the mine and how the increased traffic would affect the air quality of nearby residents. He discussed noise and nuisance concerns for the nearby residents as the mine planned to operate 24 hours per day. He suggested steps the Town could take to prevent or curtail the mine.

Chris Johnson presented the following:

- He was a resident of Chino and his primary occupation was as an environmental engineer for mining companies and his specialty was dust. He was currently responsible for 27 mine sites. One of his most important jobs was to help the industry work with the public to provide wind screening, high pressure water spray on equipment, surfactants for water spray, etc. He was offering himself to the public and Council if there was something he could do to be of help.

4) 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. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

- a) Status reports by Mayor and Council regarding current events.

Councilmember Armstrong presented the following:

- He had just attended the Rural Transportation Summit in Yuma. Chino remained a priority, and the Central Yavapai Metropolitan Planning Organization was putting forth its first project to the state for completion to be the widening of Highway 89 from Road 3 North to Road 5 North including a safe intersection at Road 5 North.
- He asked everyone to exit the south entrance after the meeting to view the new flag memorial.

Councilmember McCafferty presented the following:

- He was happy to see Terri Denemy, Assistant to the Town Manager, was back to work.

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

Cindy Blackmore, Town Manager, presented the following:

- The Town Clerk would be hosting a Potential Candidate Open House on Wednesday, October 25th at 5:30 p.m.
- There would be a meeting with Attorney General Mayes on Friday, October 27th at Heritage Middle School from 5:30 to 7 p.m. regarding the proposed mine.
- The Town's Trick or Treat event would be held at Memory Park on October 28th from 2:00 to 6:00 p.m.

5) **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 Councilmember Tom Armstrong, seconded by Councilmember John McCafferty to approve Consent Agenda item a.

AYE: Mayor Jack Miller, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

6 - 0 PASSED - Unanimously

- a) Consideration and possible action to acknowledge scrivener's correction on Council minutes dated August 22, 2023, pursuant to Town Code § 10.20 Authority to Correct Scrivener's Errors.

6) **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) Public hearing, consideration, and possible action regarding the "Homestead" Subdivision Preliminary Plat located at the Northeast corner of West Road 3 South and South Road 1 West from applicant Jay Bates, on behalf of Right Homes.

Recommended Action:

- i) Hold Public Hearing
- ii) Approve the Homestead Subdivision Preliminary Plat with conditions in Attachment 1

Jessica Barragan, Senior Planner, presented the following:

- This item was brought to the Council earlier in the year with a recommendation of approval from the Planning & Zoning (P&Z) Commission. The Council's motion to approve the preliminary plat received a tie vote and therefore died.
- The applicant was in attendance and returning with minor changes to increase landscaping along Road 1 West, and providing evidence of the Assured Water Supply Certificate.
- The 20-acre property was located on the northeast intersection of West Road 3 South and South Road 1 West and was just south of an existing slaughterhouse.
- The property was rezoned in January of this year from AR5 to SR1 under Ordinance No. 2023-931.
- The surrounding area was AR5 with Yavapai County to the west and multiple family residential and mobile home park to the north.
- The project was 15 one-acre parcels to be serviced by well and septic.
- Notices were posted and sent by mail to the properties surrounding the site within a 400-foot radius.
- The applicant would include odor and noise disclaimers to be acknowledged by buyers regarding the slaughterhouse to the north.
- P&Z forwarded a recommendation of approval in October of this year, subject to the conditions of approval provided by staff.
- Staff supported P& Z's recommendation.
- Conditions included adhering to town codes and rules, disclaimers, waiver of claims, technical review prior to bringing the final plat to the Council, and slaughterhouse disclaimers to be signed by new buyers.

Council and staff discussed the following:

- Council inquired if the south boundary would be a dedicated easement?
 - Staff stated that was part of Public Work's comments.
 - The dedication was for the potential for a future road, but there were no plans at this time to make connections. The dedication would give the Town the opportunity for future use.
- Council inquired if one way in and out was unusual.
 - Staff stated that it was not unusual for a development with a small number of lots such as this one. Staff would always prefer to have two entrances, no matter the size, because there was always the potential for a blocked entrance. Several other areas around Town were like this. Usually more than 30 lots require two ways in and out as Fire Code would then be applicable.
- Council inquired about the utility poles along the entrance and whether they should be underground?
 - Staff stated this question had come up at P&Z, but staff was not sure, at the time, if they were transmission lines. They did turn out to be transmission lines, and they

would only be required to be moved if they interfered with the roadway improvements. Transmission lines were very expensive to move and that would be the developer's expense (either to redesign the entrance, or to work with APS to relocate the polls).

Council, staff, and Jim Holt, Water Resources Manager for the applicant, discussed the following:

- Council inquired about the Assured Water Supply certificate.
 - Mr. Holt stated that it had been acquired.
- Council inquired about the results of water quality testing.
 - Mr. Holt stated that the water quality was good, except that arsenic was at 11 ppb and the EPA limit was 10 ppb. Mr. Holt stated the developer would test each well during drilling and if there were any overages of arsenic or other chemicals, the lot would receive a whole house filtration system. The condition was in the CC&Rs. Any stipulations for certification would need to be followed as well.
 - Staff stated that Mark Holmes, Town Water Consultant, was under the assumption that the state was aware of the arsenic, and required treatment if it exceeded 10 ppb. Mr. Holmes also thought there was a requirement from the state that an HOA would need to be formed to perform an annual inspection and certification of the treatment systems as long as they exceeded the limits. Staff would verify that information.
- Council inquired if a disclaimer could be added about the high arsenic levels and that the builder would be complying with all ADWR recommendations.
 - Andrew McGuire stated that the Council could make that stipulation.
 - Staff stated that the applicant confirmed that he would be installing filtration systems on each of the homes and that it would be stipulated in the final plat.

Mayor Miller opened the Public Hearing

Jim Bonetti presented the following:

- He was concerned about the project's proximity to a slaughterhouse and thought it was misplaced as it would smell bad. He wondered if the homeowners would be charged for cleaning the water.

Chris Johnson presented the following:

- Regarding the slaughterhouse, he knew of an Arizona company in Phoenix that had special fogging systems to stop the smell and it was very effective. He had done some testing on such systems that showed really good results.

Jay Bates, applicant, presented the following:

- He had failed to mention that when they did the test on the well and then put it through the filtration system, it mitigated the arsenic to zero. The filtration systems would be put on all the houses, regardless of testing, at no cost to the owners.

Mayor Miller closed the Public Hearing.

MOVED by Councilmember Tom Armstrong, seconded by Councilmember John McCafferty to approve the Homestead Subdivision Preliminary Plat with the conditions in attachment 1 and that the installation of whole home water filtration systems will be stipulated on the final plat.

AYE: Mayor Jack Miller, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

6 - 0 PASSED - Unanimously

- b) Public hearing, consideration, and possible action regarding application from Maria Danielle Burgess, Circle K, for a new Series 010 Liquor License located at 828 East Road 4 South, Chino Valley.

Recommended Action:

- (i) Hold Public Hearing
- (ii) Recommend approval for a new Series 010 Liquor License for Circle K

Erin Deskins, Town Clerk, presented the following:

- This application had been applied for through the state, was non-transferable, and would allow a retail store to sell beer and wine.
- The police, fire, and planning departments had all reviewed the application and offered no comments.
- Staff posted the vacant lot with the necessary notices to meet the required 20-day period and had not received any written arguments in favor of or in opposition to the application.
- Tom Myers was a representative for Circle K and was available via Zoom for any questions from Council.

Council and staff discussed the following:

- One Councilmember inquired as to how many liquor licenses the Town had.
 - Staff did not know that information off-hand.
 - The Councilmember stated that there were 24 in a five-mile stretch from Lucy's to Gabby's, seven of them being carry-out.
 - The Councilmember asked if there was a limit as to how many licenses the Town could have.
 - Staff stated that would be up to the State as the State actually issued the licenses. The Town Council was a recommending body to the liquor board. There was no limit the Town had.

Mayor Miller opened the Public Hearing.

There were no requests to speak on this item.

Mayor Miller closed the Public Hearing.

MOVED by Councilmember Tom Armstrong, seconded by Councilmember John McCafferty to approve the Series 010 Liquor License.

AYE: Mayor Jack Miller, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips

NAY: Councilmember Robert Schacherer

5 - 1 PASSED

7) **ADJOURNMENT**

MOVED by Councilmember Sherri Phillips, seconded by Councilmember Tom Armstrong to adjourn the meeting at 6:38 p.m.

AYE: Mayor Jack Miller, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

6 - 0 PASSED - Unanimously



Jack W. Miller, Mayor

ATTEST:



Erin N. Deskins

Erin N. Deskins, 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, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of November, 2023.

Erin N. Deskins

Erin N. Deskins, Town Clerk