

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

**TUESDAY, OCTOBER 25, 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 25, 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 Present: Town Manager Robert Smith; Assistant Town Manager Cecilia Grittman; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Police Sergeant Randy Chapman; Police Detective Amy Chamberlin; Police Officer Cody Johnson; Police Officer Josh McIntire; Civilian Operations Supervisor Laurie Whisenand; Public Works Director/Town Engineer Michael Lopez; Senior Services Administrator Cyndi Thomas; 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 6:01 p.m. and led the Pledge of Allegiance.

(Councilmember Turner arrived at 6:06 p.m.)

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Proclamation declaring November 2016 as "Charitable Tax Giving Month," sponsored by Yavapai Big Brothers Big Sisters.

Mayor Marley read the proclamation and presented it to Jeff Champ, who spoke about the Big Brothers Big Sisters program.

- b)** MATFORCE presentation to recognize all Police Officers throughout Yavapai County as Quarterly Game Changer Award Winners.

Marilee Fowler, MATFORCE Director, presented the Game Changer Award to Chief Wynn and the Chino Valley Police Department, and acknowledged several boy scout troops that wanted to express their appreciation, as well.

- c)** Presentation by Nancy Mitchell, president of the Senior Center Advisory Board, regarding activities at the Senior Center.

Assistant Town Manager Grittmann introduced Ms. Mitchell, Senior Center Advisory Board Chair, who spoke about:

- Meals On Wheels program;
- congregate meals;
- services relating to tax preparation, health and wellness, and veterans; and
- inhouse activities and field trips for all age groups.

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.

Kathy Rafters, resident; Rodney Rider, resident and combat veteran; Arnie Schwartz; Robin Schwartz; Tom Buvik, Haystack Ranch resident; and Susan Burnside, Antelope Ridge resident, spoke against the proposed racetrack, citing the following reasons:

- negative effects due to noise levels, dust, lights, water usage, loitering, litter, and traffic, resulting in loss of rural atmosphere and quality of life; reduced property values; problems for neighboring residents with PTSD or other conditions; and difficulty for first responders dealing with traffic;
- lack of highest and best use of property;
- lack of studies from Prescott Valley racetrack; and
- plan being rushed and not well thought out.

Michael Smith, resident and Recruitment Coordinator for Yavapai Big Brothers Big Sisters, spoke about program needs in Town.

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 Best reported on a recent Central Yavapai Metropolitan Planning Organization meeting and discussion topics: Road 1 North signal and SR 69 bottleneck between the mall and Frontier Village.

Mayor Marley spoke about:

- Volunteers being needed for certain public bodies.
 - The public's excellent decorum during the racetrack proposal on October 11.
 - The motorsports proposal not being on the Yavapai Community College Board's agenda until after November, giving the Town more time to vet the proposal.
 - The public encouraging and supporting the mayor-elect.
- b) Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming projects.

Mr. Smith asked Town Engineer/Public Works Director Lopez to provide an update on the following projects:

- new Road 4 South access to Peavine Trail;
- new Center Street mailboxes project;
- new reduced speed limit on Road 1 West south of Road 3 North for school;
- Library addition follow-up work;
- completed Public Works/Development Services/Customer Services remodel;
- implementation of iWorks in Fleet;
- installation of first 800 filters at the wastewater treatment plant resulting in better efficiency and electrical savings; and
- EDA and Center Street sewer bids.

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 Darryl Croft, seconded by Councilmember Mike Best to approve consent agenda items 6a and b.

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve Financial Report for the three months ending September 30, 2016. (Joe Duffy, Finance Director)
- b) Consideration and possible action to accept the September 27, 2016 regular meeting 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) Consideration and possible action to:
- (i) Hold a public hearing; and
 - (ii) Approve the Cable System License for the Town of Chino Valley and Cable One, Inc., effective 11/01/2016 for a 15-year period, expiring 10/31/2031. (Cecilia Grittmann, Assistant Town Manager)

Recommended Action:

- (i) Hold a public hearing;
- (ii) Approve Cable System License for the Town of Chino Valley and Cable One, Inc., effective 11/01/2016 for a 15-year period, expiring 10/31/2031.

Staff report summary: The Cable One License currently in effect will expire on October 31, 2016. Cable One requested that the Town renew its license to use the public streets for its cable operations. The proposed term was 15 years, and the License included provisions related to contract updates, programming, government access channel, cable service to government buildings, and license fees.

MOVED by Vice-Mayor Darryl Croft; seconded by Councilmember Mike Best to hold the public hearing.

Vote: 7 - 0 PASSED - Unanimously

Dennis Edwards, General Manager of Cableone Yavapai County, spoke about recent and upcoming infrastructure projects, speed upgrades, facility upgrades, and the company's support of local non-profits.

MOVED by Vice-Mayor Darryl Croft; seconded by Councilmember Jack Miller to close the public hearing.

Vote: 7 - 0 PASSED - Unanimously

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to approve Cable System License for the Town of Chino Valley and Cable One, Inc., effective November 1, 2016 for a 15-year period, expiring October 31, 2031.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action to select a pool of arbitrators in compliance with Town Personnel Policy No. 815. (Phyllis Smiley, Town Attorney)

Recommended Action: Appoint the following persons to the Town Personnel Policy No. 815 arbitrators pool:

1. Steven Guttell
2. Don Zavala, Jr.
3. Michele Feeney
4. Charles Herf
5. Harold Merkow

Ms. Smiley reported that:

- The Town had a request for arbitration pending. The Town's current policy provided that Council approve a pool of arbitrators, and upon request for arbitration, the human resources (H.R.) director would select one from the pool.
- The former arbitrators had not been approved every year per policy and they were no longer interested in being in the pool.
- The five proposed arbitrators were very familiar with employment issues.

In response to Council questions, Ms. Smiley provided additional details:

- The arbitrators' proposed wages were all at discounted rates.

- Mr. Guttell's affiliation with Gust Rosenfeld was several years in the past and would pose no conflicts with his services.
- There were no criteria in the policy for how the H.R. director should choose an arbitrator, but price, availability, and specific expertise would be some.

Council discussed removing Mr. Herf, as his fees were higher than the others.

MOVED by Councilmember Susie Cuka, seconded by Vice-Mayor Darryl Croft to select a pool of arbitrators in compliance with Town Personnel Policy No. 815, with removal of Charles Herf.

Vote: 7 - 0 PASSED - Unanimously

- c) Consideration and possible action to set a public hearing date for the proposed modification to the Town's Tax Code to decrease the transaction privilege tax rate for manufactured housing sales. (Joe Duffy, Finance Director)

Recommended Action: Set a public hearing on December 13, 2016 on the proposed modification to the Town's Tax Code to decrease the transaction privilege tax rate for manufactured housing sales and to direct Staff to publish a notice of hearing at least 15 days prior to the hearing as required by law.

Mr. Duffy recounted that Council reviewed this item during its October 18 study session. Council had the option to continue the matter by setting a public hearing.

Mayor Marley noted that some citizens were unhappy with the proposal. Mr. Duffy stated he would send Council a memo with some additional facts.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to set a public hearing on December 13, 2016 on the proposed modification to the Town's Tax Code to decrease the transaction privilege tax rate for manufactured housing sales and to direct Staff to publish a notice of hearing at least 15 days prior to the hearing as required by law.

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 Mike Best to adjourn into executive session for items 8a, b and c at 7:10 p.m.

Vote: 7 - 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 with Prescott Sportsmen's Club related to management of the Chino Valley Shooting Range Facility that is the subject of negotiations. (Mayor and Council)

- 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 in pending litigation or in settlement discussions conducted in order to resolve litigation in the matter of Town v. The Glenarm Land Company, Inc., et al. (Phyllis Smiley, Town Attorney)
- c) 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 and Council)

9) **ACTION ITEMS RESUMED**

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

Mayor Marley reconvened the regular meeting at 9:22 p.m.

- a) Consideration and possible action regarding employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of Town Manager, Robert Smith. (Mayor and Council)

Mayor Marley reported that Mr. Smith had agreed to resign from the Town, effective tomorrow.

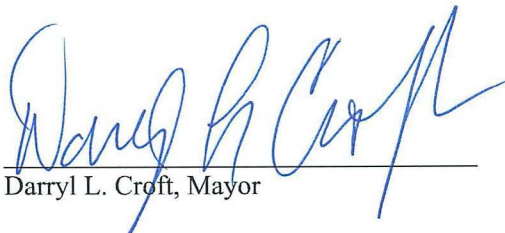
MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to accept agreement with Mr. Smith, effective tomorrow.

Vote: 7 - 0 PASSED - Unanimously

10) **ADJOURNMENT**

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to adjourn the meeting at 9:23 p.m.

Vote: 7 - 0 PASSED - Unanimously


Darryl L. Croft, Mayor

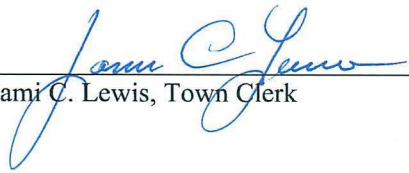
ATTEST:


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 25th day of October, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of December, 2016.



Jami C. Lewis, Town Clerk