



Town of Chino Valley

MEETING NOTICE TOWN COUNCIL

**REGULAR MEETING
TUESDAY NOVEMBER 13, 2018
6:00 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

A majority of the Councilmembers may attend a private invocation in the Council Conference Room immediately prior to the Council meeting. No Town business will be discussed.

AGENDA

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

2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a.** Proclamation acknowledging Veterans Day, November 11, 2018. (Mayor Croft)
- b.** Presentation by Laura Norman with West Yavapai Guidance Clinic regarding an update on the clinic's Crisis Stabilization Unit and its impacts on the community.

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.
- b. Status report by Town Manager Cecilia Grittmann and/or Town staff members regarding Town accomplishments, and current or upcoming projects.
- c. Update on Council's 2017/18 Strategic Plan.

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.

- a. Consideration and possible action to adopt Ordinance 18-855 to rezone Assessor's Parcel No. 306-23-101B, 1.74 acres of real property generally located on the northeast corner of North Road 1 West and Reyes Road at 920 Reyes Road, from AR-5 (Agricultural Residential-5 Acre Minimum) zoning district to SR-1.6 (Single Family Residential-1.6 Acre Minimum) zoning district. (Owner: Roger & Sharon Fillebrown) (Alex Lerma, Planner)
- b. Consideration and possible action to adopt Ordinance No. 18-857 to rezone Assessor's Parcel No. 306-27-108Z, 2 acres of real property located approximately 612 feet north of the northeast corner of Red Cinder Road and Kachina, from AR-5 (Agricultural Residential-5 Acre Minimum) zoning district to SR-2 (Single Family Residential-2 Acre Minimum) zoning district. (Owner: Thomas & Princess Romanek) (Alex Lerma, Planner)
- c. Consideration and possible action to approve Financial Report for the three months ending September 30, 2018. (Joe Duffy, Finance Director)
- d. Consideration and possible action to adopt Ordinance 18-859, amending Chino Valley Town Code Title VII Traffic Code, Chapter 71 Traffic Rules by adding a new section 71.14 Use of portable communication devices and texting while operating a motor vehicle.
- e. Consideration and possible action to accept the October 16, 2018 study session minutes. (Jami Lewis, Town Clerk)
- f. Consideration and possible action to accept the October 23, 2018 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. Public Hearing and consideration and possible action to recommend approval of an application from Kimberly Stam for a new Series 12 (Restaurant) Liquor License for Kim's Diner Bisquits Burgers N More, located at 1120 S. State Route 89, Chino Valley. (Jami Lewis, Town Clerk)

Recommended Action:

- (i) Hold Public Hearing.
- (ii) Recommend approval for a new Series 12 Liquor License for Kim's Diner.

- b. Consideration and possible action to transfer contingency funds in the amount of \$20,000 to complete the Memory Park Library expansion project. (Scott Bruner, Community Services Director)

Recommended Action: Authorize transfer of contingency funds in the amount of \$20,000 to complete the Memory Park Library expansion project.

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.

- 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) for discussion or consultation for legal advice with the Town Attorney regarding a proposed development. (Andrew McGuire, Town Attorney)
- c. An executive session pursuant to A.R.S. § 38-431.03(A)(3) for discussion or consultation for legal advice with the Town Attorney regarding a letter filed with the Attorney General with regard to a previous Council action pertaining to Proposition No. 127. (Andrew McGuire, Town Attorney)

9. ACTION ITEMS RESUMED

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

10. ADJOURNMENT

Dated this 8th day of November, 2018.

By: *Jami C. Lewis, Town Clerk*

The Town of Chino Valley endeavors to make all public meetings accessible to persons with disabilities. Please call 636-2646 (voice) or 711 (Telecommunications Arizona Relay Service) 48 hours prior to the meeting to request a reasonable accommodation to participate in this meeting.

Supporting documentation and staff reports furnished to the Council with this agenda are available for review on the Town website at <http://www.chinoaz.net/agendacenter> and in the Public Library and Town Clerk's Office.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of this notice was duly posted at Chino Valley South Campus, Chino Valley Post Office, and Chino Valley North Campus in accordance with the statement filed by the Town Council with the Town Clerk.

Date: _____ Time: _____ By: _____
Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

2.a.

Meeting Date: 11/13/2018
Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208
Department: Council
Estimated length 5 minutes
of Staff Presentation:
Physical location of item: N/A

AGENDA ITEM TITLE:

Proclamation acknowledging Veterans Day, November 11, 2018. (Mayor Croft)

Attachments

Proclamation-Veterans Day

PROCLAMATION

Veterans Day - November 11, 2018



Whereas, at the 11th hour on the 11th day of the 11th month of 1918 marked the end of the 'War to End All Wars,' so named because of the great slaughter and destruction; and

Whereas, on June 1, 1954, Congress declared that Armistice Day should be Veterans Day to honor all who had served in all wars to preserve world peace and on October 8, 1954, President Dwight D. Eisenhower issued the first Veterans Day Proclamation; and

Whereas, the recurring anniversary of this date should be commemorated with thanksgiving and prayer for those who have served freedom's cause; we salute the members of our Armed Forces who are confronting our adversaries; and we honor the men and women who left America's shores but did not live to be honored as Veterans; and

Whereas, to protect the Nation they love, our Veterans stepped forward when America needed them most in answering the Nation's call with honor, decency and resolve; our Veterans have shown the power of liberty and earned the respect and admiration of a grateful Nation;

Now, Therefore, I, Darryl Croft, Mayor of the Town of Chino Valley, on behalf of the Chino Valley Town Council, do hereby acknowledge November 11, 2018 as "Veterans Day" and urge all citizens of the Town to recognize the valor and sacrifice of our Veterans through ceremonies and prayers.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Town of Chino Valley to be affixed this 13th day of November, 2018.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

2.b.

Meeting Date: 11/13/2018
Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208
Department: Council
Estimated length 5 minutes
of Staff Presentation:
Physical location of item:

AGENDA ITEM TITLE:

Presentation by Laura Norman with West Yavapai Guidance Clinic regarding an update on the clinic's Crisis Stabilization Unit and its impacts on the community.

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

5.c.

Meeting Date: 11/13/2018
Contact Person: Cecilia Grittman, Town Manager
Department: Town Manager
Estimated length of Staff Presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Update on Council's 2017/18 Strategic Plan.

SITUATION & ANALYSIS:

In July of 2018 Council adopted its Strategic Plan for this fiscal year. There are 18 items in this year's strategic plan, and staff will give Council an update about the status of all 18 items.

Attachments

No file(s) attached.

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.a.

Meeting Date: 11/13/2018

Contact Person: Alex Lerma, Associate Planner
Phone: 928-626-4427 x-1295

Department: Development Services

Item Type: Consent

**Estimated length
of staff presentation:** 5 minutes

Physical location of item: Northeast corner of North Road 1 West and Reyes Road at 920 Reyes Road

AGENDA ITEM TITLE:

Consideration and possible action to adopt Ordinance No. 18-855 to rezone 1.74 acres of real property generally located on the northeast corner of North Road 1 West and Reyes Road at 920 Reyes Road from AR-5 (Agricultural Residential-5 Acre Minimum) zoning district to SR-1.6 (Single Family Residential-1.6 Acre Minimum) zoning district. (Owner of Record: Fillebrown Living Trust & Fillebrown Roger & Sharon Trustees) (Alex Lerma, Planner)

RECOMMENDED ACTION:

Adopt Ordinance No. 18-855 to rezone Assessor's Parcel No. 306-23-101B, 1.7 acres of real property, from AR-5 (Agricultural Residential-5 acre minimum) to SR-1.6 (Single Family Residential-1.6 acre minimum).

SITUATION AND ANALYSIS:

See attached Staff Report.

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Fillebrown Rezone Staff Report
Fillebrown Rezone Site Plan
Ordinance 18-855



TOWN COUNCIL STAFF REPORT

APPLICATION SUMMARY

File Number:	Z18-000020
Assessor's Parcel Number:	306-23-101B
Site Location:	Located on the northeast corner of North Road 1 West and Reyes Road at 920 Reyes Road.
Property Owner:	Fillebrown Living Trust & Fillebrown Roger & Sharon Trustees
Applicant:	Fillebrown Living Trust
Request:	Request to rezone approximately 1.7 acres from AR-5 (Agricultural Residential–5 Acre Minimum) zoning district to SR-1.6 (Single Family Residential–1.6 Acre Minimum) zoning district.

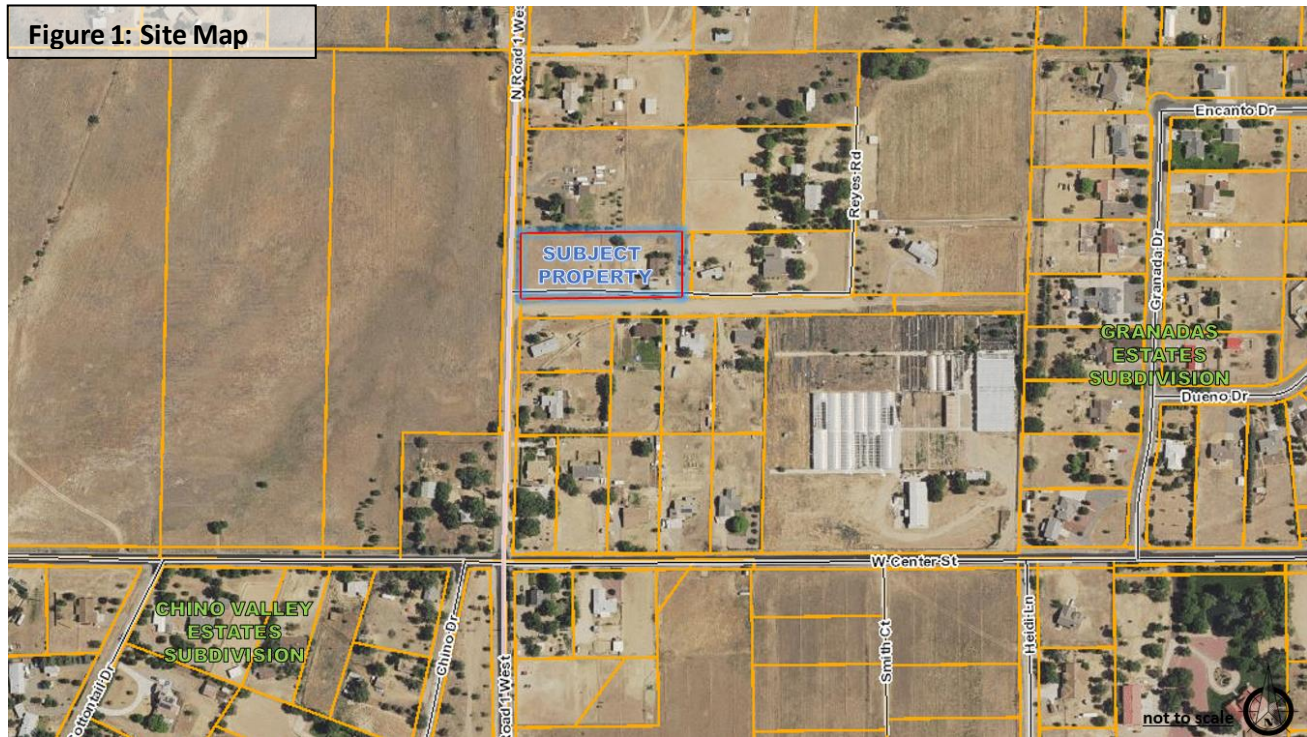
SITE DATA

Existing Zoning	AR-5 (Agricultural Residential-5 Acre Minimum)
Lot Size	1.74 acres (approx. 75,794 sq. ft.)
Subdivision	N/A
General Plan Land Use Designation	Medium Density Residential (2 acres or less)
Existing Land Use	Single Family Residence w/ accessory structures

BACKGROUND

SITE DESCRIPTION

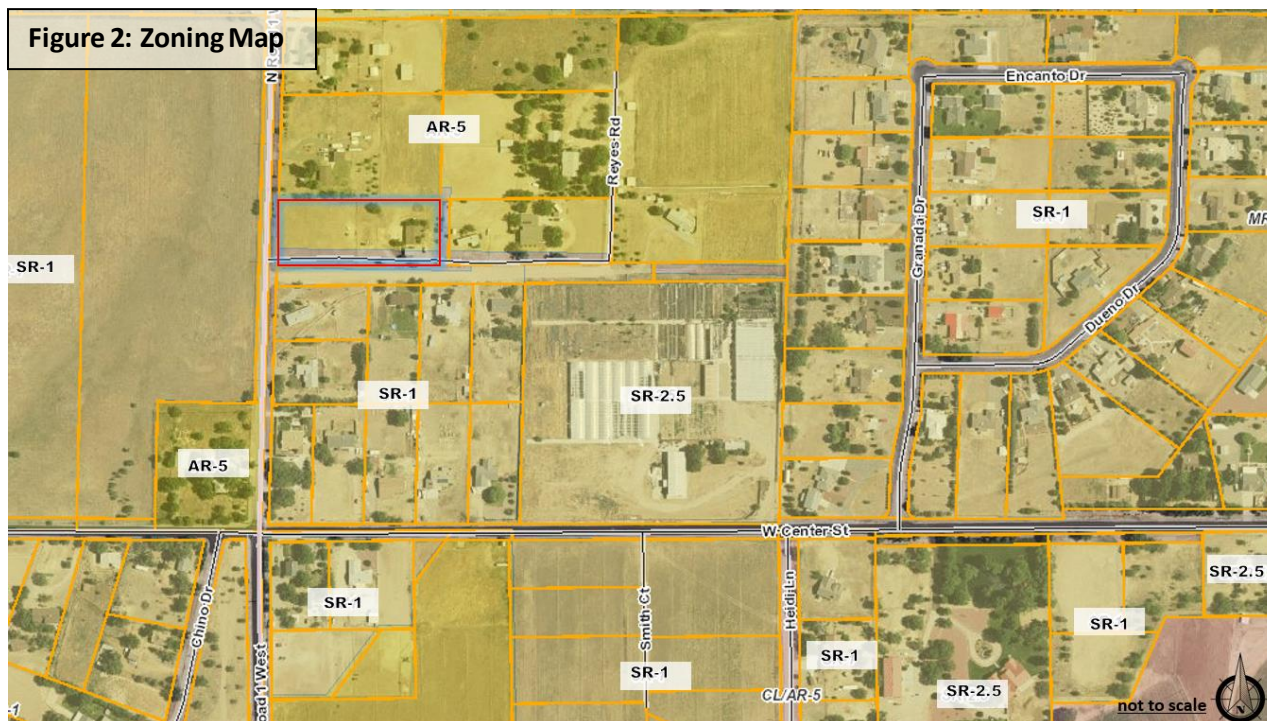
The subject property is located on the northeast corner of North Road 1 West and Reyes Road at 920 Reyes Road. The property is accessed by Reyes Road. The site has a zoning classification of AR-5 (Agricultural Residential -5 Acre Minimum) under the Town of Chino Valley Unified Development Ordinance. The parcel is identified with a Land Use Designation of Medium Density Residential (2 acres or less) under the Town of Chino Valley General Plan Potential Land Use Map. Property improvements include a single family residence and accessory structures. **See Figure 1.**



SURROUNDING PROPERTIES ZONING AND LAND USES

The area is predominantly low/medium density single family residential. The properties directly north are zoned AR-5 (Agricultural Residential- 5 Acre Minimum) with single family residential homes. To the east, properties are zoned AR-5 (Agricultural Residential- 5 Acre Minimum) with agricultural land, further east of the subject property lots are zoned SR-1 (Single Family Residential- 1 Acre Minimum) with medium density single family residential properties within Granadas Estates Subdivision. Directly south, properties are zoned SR-1 (Single Family Residential- 1 acre minimum) and SR-2.5 (Single Family Residential- 2.5 acres minimum). To the west, properties are zoned AR-5 (Agricultural Residential- 5 Acre Minimum) and SR-1 (Single Family Residential- 1 Acre Minimum) with a single family residence and vacant land. **See Figure 2**

AREA	ZONING	GENERAL PLAN LAND USE DESIGNATION	LAND USE
North	AR-5	Medium Density Residential (2 ac or less)	Single Family Residence
East	AR-5, SR-1	Medium Density Residential (2 ac or less)	Agricultural Land, Granadas Estates Subdivision
South	SR-1, SR-2.5	Medium Density Residential (2 ac or less)	Single Family Residence, Vacant Green Houses
West	AR-5, SR-1	Medium Density Residential (2 ac or less)	Single Family Residence, Vacant

Figure 2: Zoning Map

PROJECT DESCRIPTION

Staff has interpreted the subject property as a legal non-conforming lot based on the current zoning classification. Records show that along with the subject property, properties to the north and west were subdivided without first rezoning the parent parcel. The area has resulted in six separate properties which Staff defined as legal non-conforming with an AR-5 zoning classification but with a lot sizes of 2.5 to 1.5 acres.

The applicant has request to rezone approximately 1.74 acres from AR-5 (Agricultural Residential–5 Acre Minimum) zoning district to SR-1.6 (Single Family Residential–1.6 Acre Minimum) zoning district. The SR-1.6 zoning district is the closest zoning district based on the property’s lot size, the requested zoning district will give the property the correct classification.

CITIZENS REVIEW & PUBLIC HEARING PROCESS

Town Staff notified property owners within a 300’ radius, resulting in thirteen (13) notices for the neighborhood meeting and public hearings. Property owners received information regarding the applicants request for a zone change. To date, Staff has not received a request for this application.

The neighborhood meeting was held on October 15, 2018 at Town Hall. There were no attendees at said meeting.

The item will before the Planning and Zoning Commission on November 6, 2018. The Commission received information regarding the history of the parcel. Staff noted that the general area had several properties that were considered legal non-conforming lots based on the zoning classification and the actual lot size. Staff informed the Commission that the applicant initiated the process and that he simply desired to have

the right zoning classification on his property. The Commission nor the public did not have any issues with the applicant's request.

Vote: **7-0 Passed**

STAFF ANALYSIS AND RECOMMENDATION

GENERAL PLAN CONFORMANCE

The proposed zoning request of SR-1.6 (Single Family Residential- 1.6 Acre Minimum) will continue to be in conformance with the Medium Density Residential (2 acres or less) General Plan land use designation. The Medium Density Residential Land Use designation will continue to focus on the Land Use Goals and Strategies by protecting existing residences in low/medium density areas as new development comes in.

ZONING

The properties to the north and east of the subject property are legal-nonconforming lots with an AR-5 zoning classification but the size of these lots are less than five (5) acres. The surrounding area is that of medium-density single-family residential lots. The applicant's request of the SR-1.6 zoning district will allow the property to have the right zoning classification. The SR-1.6 zoning district will not have a negative impact on surrounding properties. The property will continue to be that of a residential land use.

STAFF AND PLANNING AND ZONING COMMISSION RECOMMENDATION

Staff and Planning and Zoning Commission recommends that Town Council adopt Ordinance 18-855 to rezone 1.7 acres of real property from AR-5 (Agricultural Residential- 5 acre minimum) to SR-1.6 (Single Family Residential- 1.6 acre minimum) for APN 306-23-101B.



Property Description

APN:	306-23-101B
Site Address:	920 Reyes Road
Lot Size:	1.74 Acres (approx. 75,794 sq. ft.)
Existing Zoning:	AR-5 (Agricultural/Residential- 5 Acre Minimum)
Proposed Zoning:	SR-1.6 (Single Family Residential- 1.6 Acre Minimum)
General Plan Designation:	Medium Density Residential (2 ac or less)
Existing Land Use:	Single Family Residence

ORDINANCE NO. 18-855

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY 1.74 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF NORTH ROAD 1 WEST AND REYES ROAD, AT 920 REYES ROAD, FROM THE AR-5 (AGRICULTURAL RESIDENTIAL – 5 ACRE MINIMUM) ZONING DISTRICT TO THE SR-1.6 (SINGLE FAMILY RESIDENTIAL – 1.6 ACRE MINIMUM), ZONING DISTRICT.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Town of Chino Valley Official Zoning Map for a ± 1.74 acre parcel zoned AR-5 (Agricultural Residential – 5 acre minimum) to SR-1.6 (Single Family Residential – 1.6 acre minimum); and

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission recommended approval of the rezoning; and

WHEREAS, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. The Official Zoning Map is hereby amended for property consisting of approximately 1.74 acres, described in Exhibit 1 and as shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by this reference, to rezone it from AR-5 (Agricultural Residential – 5 acre minimum) to SR-1.6 (Single Family Residential – 1.6 acre minimum). The Property described herein shall be used in accordance with the Town of Chino Valley Unified Development Ordinance.

Section 3. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 13th day of November, 2018.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 18-855 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on November 13, 2018, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

EXHIBIT 1
TO
ORDINANCE NO. 18-855

[Legal Description]

See following pages.

All that portion of the Southwest Quarter of the Southwest Quarter of Section 22, Township 16 North, Range 2 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, described as follows: BEGINNING at the southwest corner of said Section 22; thence North 01°38'03" East, 662.41 feet along the West line of Said Section 22 to the TRUE POINT OF BEGINNING;

Thence North 01°38'03" East, 193.97 feet, along the West line of said Section 22;

Thence North 89°39'45" East, 450.27 feet,

Thence South 01°41'15" West, 193.79 feet;

Thence South 89°38'25" West, 450.10 feet to the TRUE POINT OF BEGINNING.

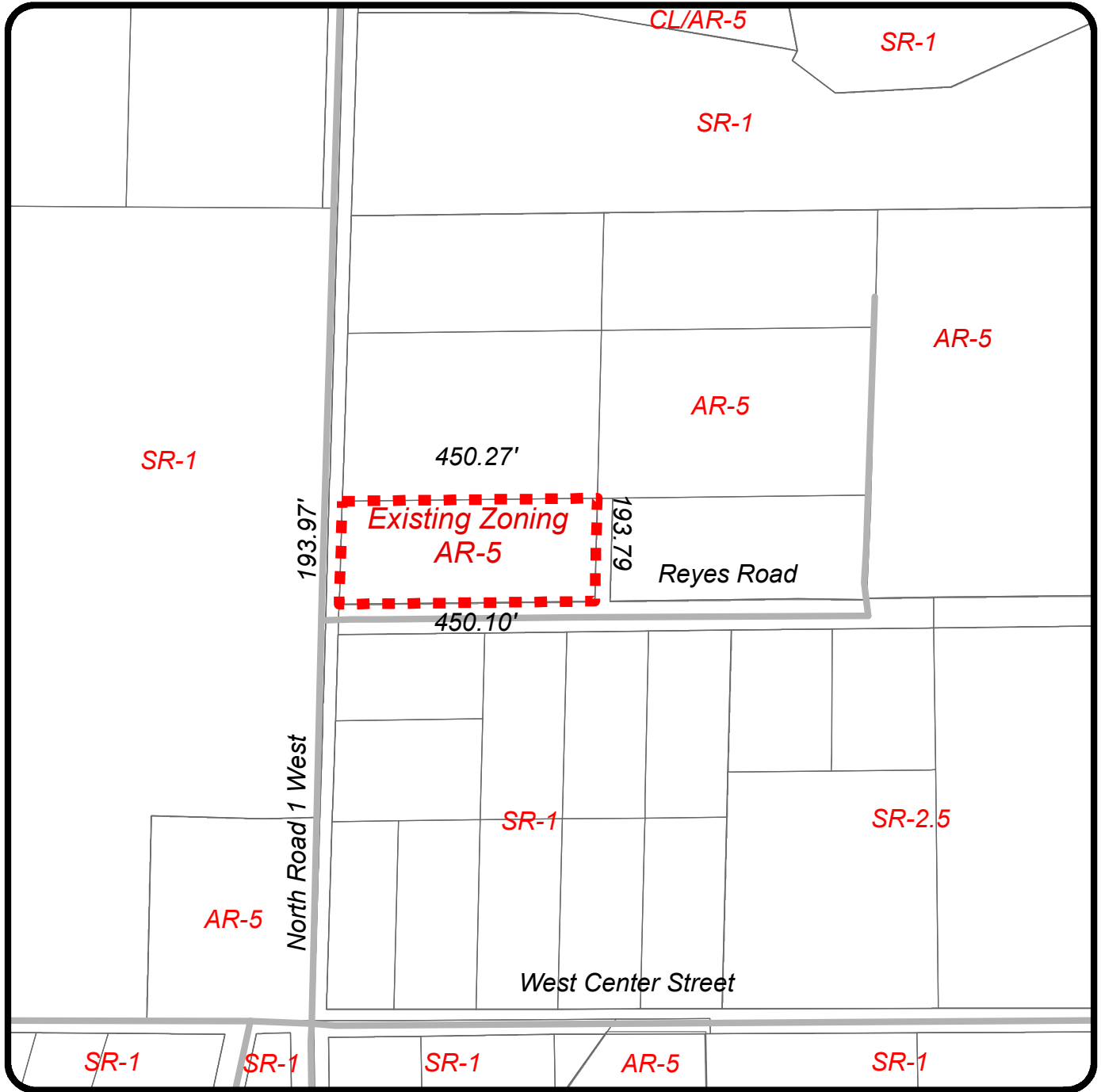
EXCEPT and undivided on-half interest in and to all oil, gas, petroleum, naphtha, etc., as contained in DEED recorded in BOOK 184 Deeds, page 216 and reserving on-half of all existing and remaining rights in and to all oil, gas, petroleum, naphtha, other hydrocarbon substances and minerals, etc., from an beyond a depth of Fifty (50) feet below and under the surface, as contained in instrument recorded in Book 247 of Official Records, page 182, records of Yavapai County, Arizona.

EXHIBIT 2
TO
ORDINANCE NO. 18-855

[Zoning Exhibit]

See following pages.

Zoning Exhibit



Z18-000020: FILLEBROWN

■ ■ ■ Subject Property

Applicant: Fillebrown Living Trust

Request: Rezone 1.74 acres from AR-5 zoning district to SR-1.6 zoning district.

Location: 920 Reyes Road Chino Valley, Arizona, 86323

APN: 306-23-101B



Not to Scale



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.b.

Meeting Date: 11/13/2018
Contact Person: Alex Lerma, Associate Planner
 Phone: 928-626-4427 x-1295
Department: Development Services
Item Type: Consent
Estimated length of staff presentation: 5 minutes
Physical location of item: Approximately 612 feet north of the northeast corner of Red Cinder Road and Kachina

AGENDA ITEM TITLE:

Consideration and possible action to adopt Ordinance No. 18-857 to rezone Assessor's Parcel No. 306-27-108Z, 2 acres of real property located approximately 612 feet north of the northeast corner of Red Cinder Road and Kachina, from AR-5 (Agricultural Residential-5 Acre Minimum) zoning district to SR-2 (Single Family Residential-2 Acre Minimum) zoning district. (Owner of Record: Thomas G. Romanek and Princess C. Romanek) (Alex Lerma, Planner)

RECOMMENDED ACTION:

Adopt Ordinance No. 18-857 to rezone 2 acres of real property from AR-5 (Agricultural Residential- 5 acre minimum) zoning district to SR-2 (Single Family Residential- 2 acre minimum) zoning district for APN 306-17-108Z.

SITUATION AND ANALYSIS:

See attached Staff Report

Fiscal Impact

Fiscal Impact?: None

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Romanek Staff Report

Romanek Site Plan

Ordinance 18-857



TOWN COUNCIL STAFF REPORT

APPLICATION SUMMARY

File Number: Z18-000021

Assessor's Parcel Number: 306-17-018Z

Site Location: Located approximately 612 feet north of the northeast corner of Red Cinder Road and Kachina.

Property Owner: Thomas G. Romanek and Princess C. Romanek

Applicant: Tom Romanek

Request: Request to rezone 2 acres of real property from AR-5 (Agricultural Residential–5 Acre Minimum) zoning district to SR-2 (Single Family Residential–2 Acre Minimum) zoning district.

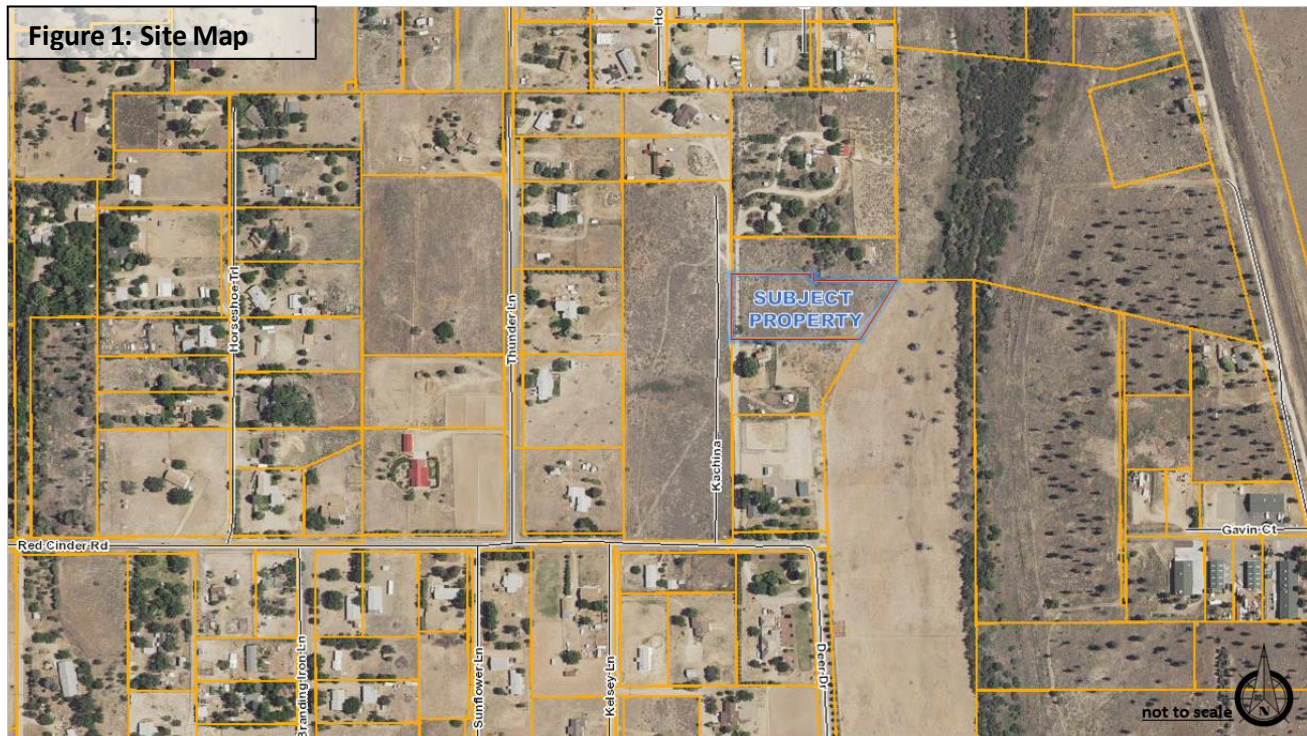
SITE DATA

Existing Zoning	AR-5 (Agricultural Residential-5 Acre Minimum)
Lot Size	2 acres (approx. 87,120 sq. ft.)
Subdivision	N/A
General Plan Land Use Designation	Medium Density Residential (2 acres or less)
Existing Land Use	Vacant

BACKGROUND

SITE DESCRIPTION

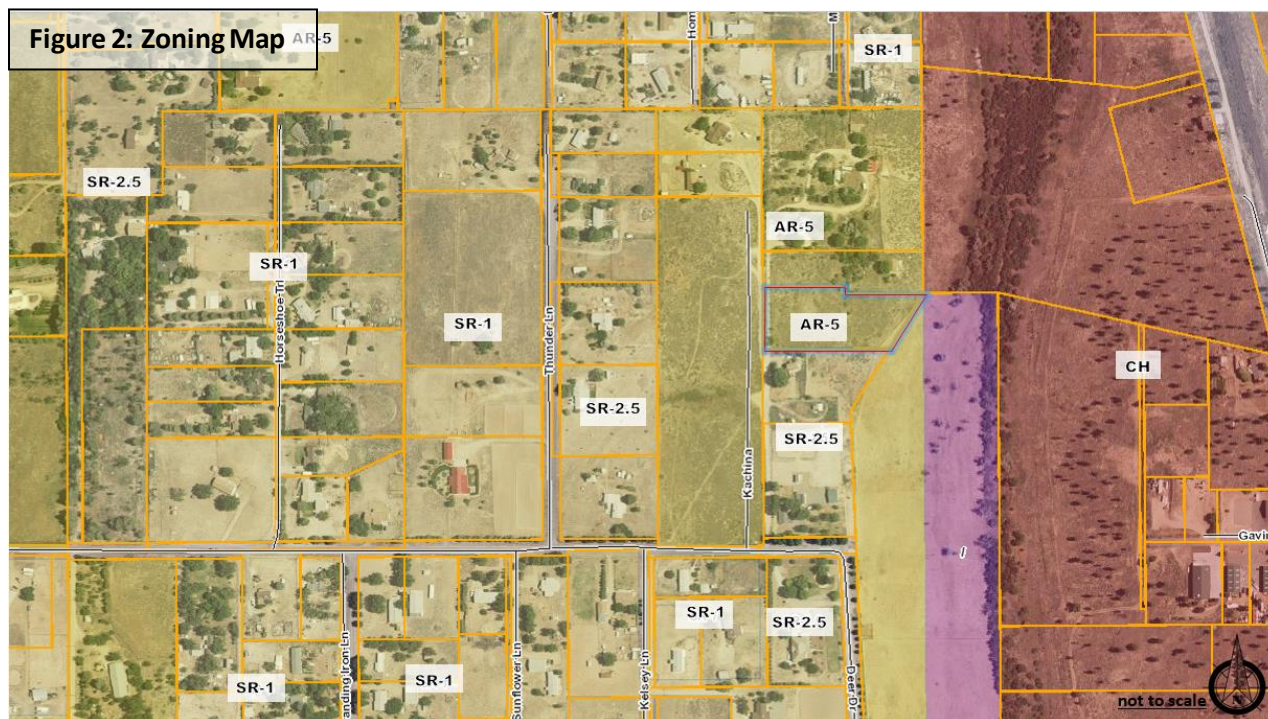
The subject property is located approximately 612 feet north of the northeast corner of Red Cinder Road and Kachina. The property is accessed by Kachina. The site has a zoning classification of AR-5 (Agricultural Residential-5 Acre Minimum) under the Town of Chino Valley Unified Development Ordinance. The parcel is identified with a Land Use Designation of Medium Density Residential (2 acres or less) under the Town of Chino Valley General Plan Potential Land Use Map. There is currently no property improvements. **See Figure 1.**



SURROUNDING PROPERTIES ZONING AND LAND USES

The area is predominantly identified with low/medium residential uses and commercial uses further east. The properties directly north are zoned AR-5 (Agricultural Residential- 5 Acre Minimum) with single family residential homes and a vacant property. To the east, properties are zoned CH (Commercial Heavy), I (Industrial) and AR-5 (Agricultural Residential- 5 Acre Minimum). These properties are currently vacant. Directly south, properties are zoned SR-2.5 (Single Family Residential- 2.5 Acre Minimum) with single family residential development. To the west, properties are zoned AR-5 (Agricultural Residential- 5 Acre Minimum) and SR-2.5 (Single Family Residential- 2.5 Acre Minimum) with vacant land and single family residential development. **See Figure 2**

AREA	ZONING	GENERAL PLAN LAND USE DESIGNATION	LAND USE
North	AR-5	Medium Density Residential (2 ac or less)	Single Family Residence, Vacant
East	I, AR-5, CH	Medium Density Residential (2 ac or less)	Vacant
South	SR-2.5	Medium Density Residential (2 ac or less)	Single Family Residence, Vacant
West	AR-5, SR-2.5	Medium Density Residential (2 ac or less)	Vacant, Single Family Residence



PROJECT DESCRIPTION

The subject property is a legal non-conforming lot based on the current zoning classification. Records show that along with the subject property, other surrounding lots to the north, south and west were subdivided without first rezoning the parent parcel. The area has resulted with several legal non-conforming lots with AR-5 and SR-2.5 zoning classifications but with the actual lot sizes being below the classified acreage.

The applicant has requested to rezone approximately 2 acres from AR-5 (Agricultural Residential—5 Acre Minimum) zoning district to SR-2 (Single Family Residential—1.6 Acre Minimum) zoning district. The SR-2 zoning district will give the property the correct classification and will make the lot into conformance.

CITIZENS REVIEW & PUBLIC HEARING PROCESS

Town Staff notified property owners within a 300' radius, resulting in ten (10) notices for the neighborhood meeting and public hearings. Property owners received information regarding the applicants request for a zone change. To date, Staff has not received any request for this application.

The neighborhood meeting was held on October 17, 2018 at Town Hall. There were no attendees at said meeting.

The item went before the Planning and Zoning Commission on November 6, 2018. Staff gave a brief overview of the parcel history and staff findings. Staff informed the Commission that the general area consisted of several legal non-conforming lots. Staff further explained the manner in which these lots are treated, meaning that these legal non-conforming lots need to abide by the development standard set

forth by zoning classification on the property. The Commission nor the public did not have any issues with the applicant's request.

Vote: **7-0 Passed**

STAFF ANALYSIS AND RECOMMENDATION

GENERAL PLAN CONFORMANCE

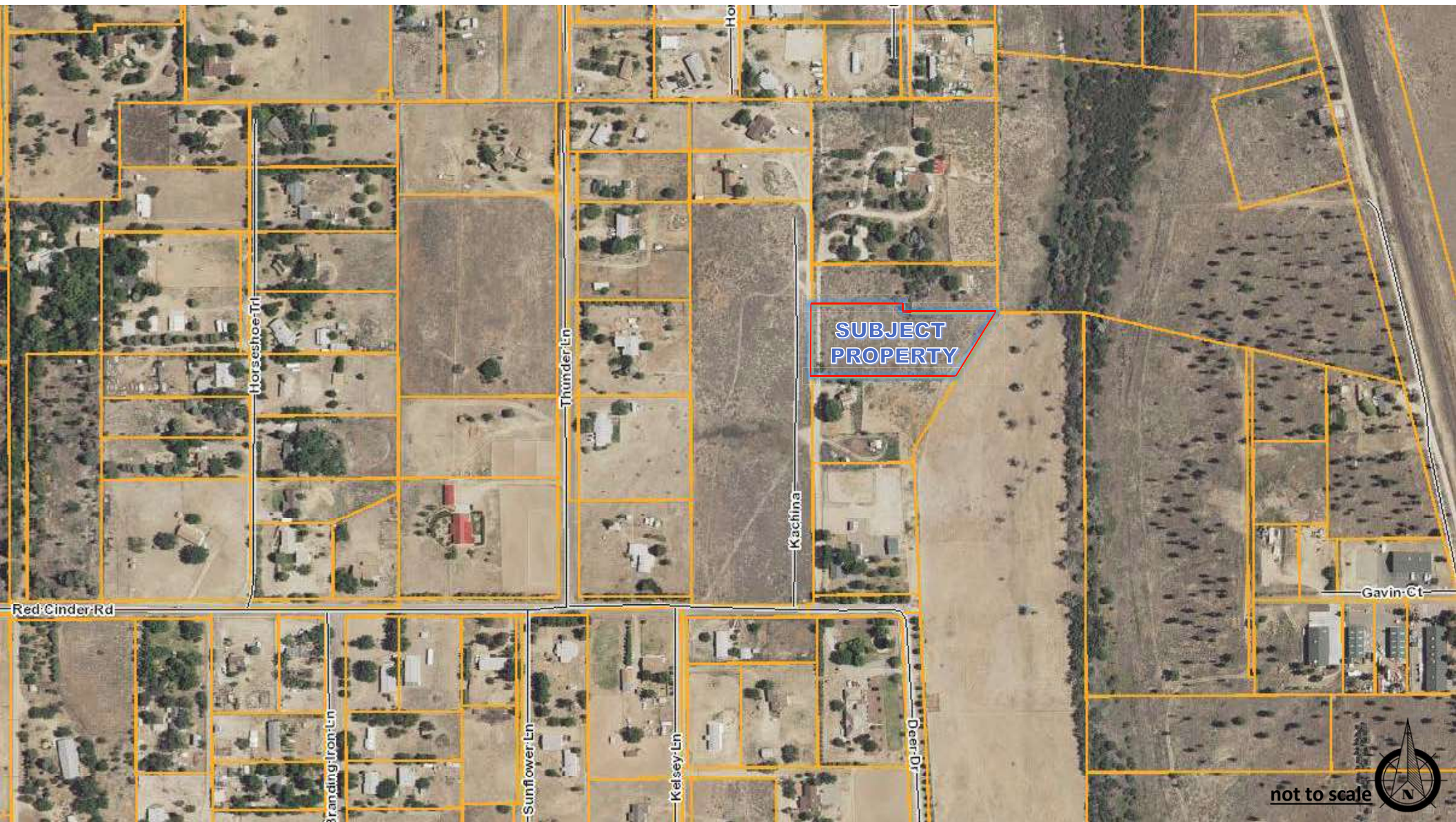
The proposed zoning request of the SR-2 (Single Family Residential- 2 Acre Minimum) zoning district will continue to be in conformance with the Medium Density Residential (2 acres or less) General Plan land use designation. The Medium Density Residential Land Use designation will continue to focus on the Land Use Goals and Strategies by protecting existing residences in low/medium density areas as new development comes in.

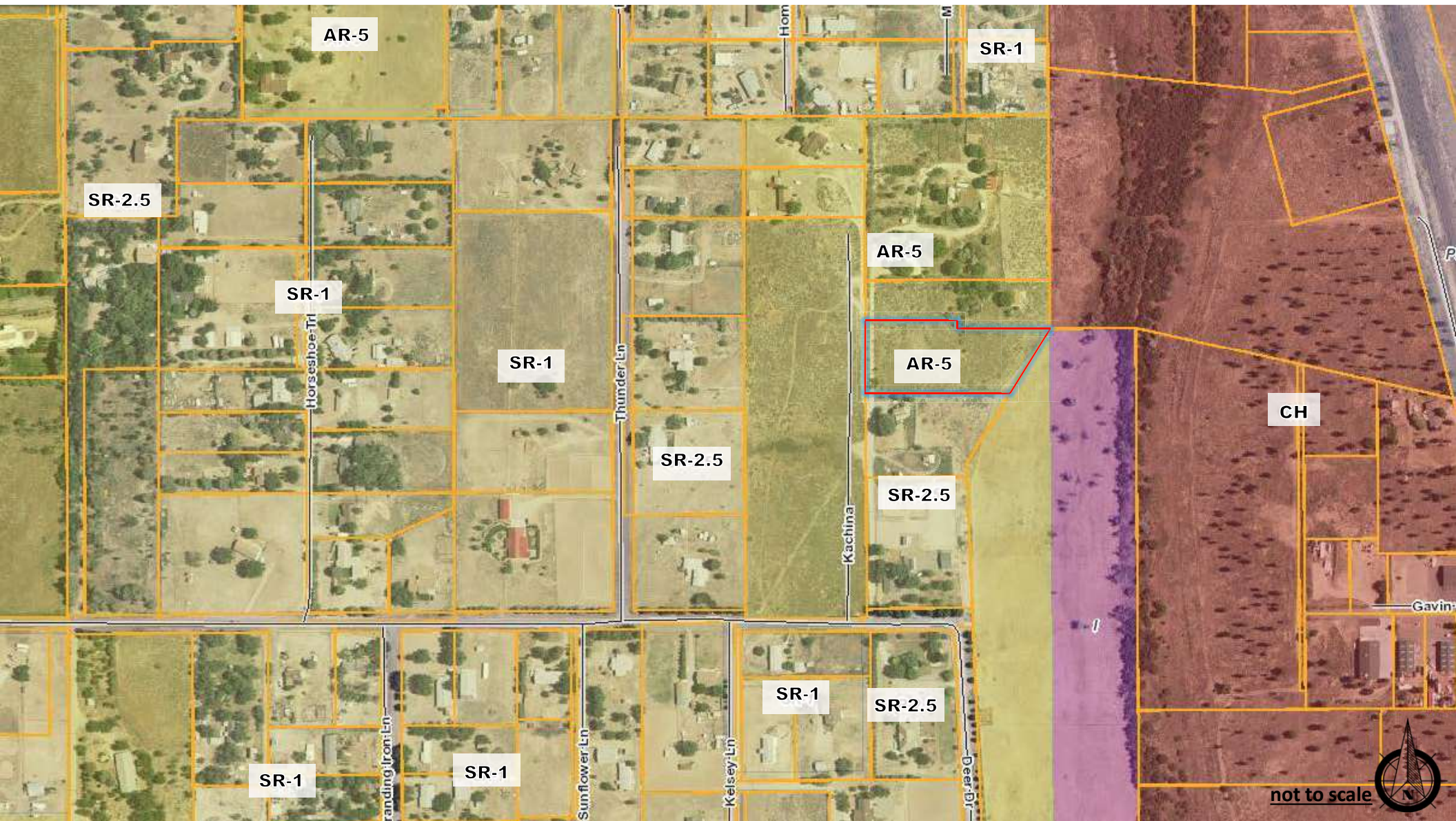
ZONING

Several of the properties located to the north, south and east of the subject parcel are interpreted as legal-nonconforming lots with lot sizes less than what the zoning district indicates. The surrounding area is that of medium-density single-family residential lots. The applicant's request of the SR-2 zoning district will allow the property to have the right zoning classification. The SR-2 zoning district will not have a negative impact on surrounding properties. The property's land use will continue to be that of a residential use. The SR-2 zoning district will serve as a transitional zoning between the SR-2.5 zoning district to the south and the AR-5 zoning district to the north.

STAFF AND PLANNING AND ZONING COMMISSION RECOMMENDATION

Staff and the Planning and Zoning Commission recommends that Town Council adopt Ordinance 18-857 to rezone 2 acres of real property from AR-5 (Agricultural Residential- 5 acre minimum) zoning district to SR-2 (Single Family Residential- 2 acre minimum) zoning district for APN 306-17-108Z.







Property Description

APN: 306-17-118Z

Site Address: N/A

Lot Size: 2 Acres
(approx. 87,120 sq. ft.)

Existing Zoning: AR-5 (Agricultural/Residential-
5 Acre Minimum)

Proposed Zoning: SR-2 (Single Family Residential-
2 Acre Minimum)

**General Plan
Designation:** Medium Density Residential
(2 ac or less)

Existing Land Use: Vacant

not to scale



ORDINANCE NO. 18-857

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, APPROVING A CHANGE OF ZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP FOR APPROXIMATELY TWO ACRES OF REAL PROPERTY GENERALLY LOCATED APPROXIMATELY 612 FEET NORTH OF THE NORTHEAST CORNER OF RED CINDER ROAD AND KACHINA LANE, FROM THE AR-5 (AGRICULTURAL RESIDENTIAL – 5 ACRE MINIMUM) ZONING DISTRICT TO THE SR-2 (SINGLE FAMILY RESIDENTIAL – 2 ACRE MINIMUM), ZONING DISTRICT.

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the “Town Council”) desires to amend the Town of Chino Valley Official Zoning Map for a ± 2 acre parcel zoned AR-5 (Agricultural Residential – 5 acre minimum) to SR-2 (Single Family Residential – 2 acre minimum); and

WHEREAS, the Town Council has determined that this amendment to the Official Zoning Map conforms with the Town of Chino Valley General Plan and any applicable specific area plan, neighborhood plan, or other plan, and any overlay zoning district; and

WHEREAS, all required public notice was provided and all required public meetings and hearings were held in accordance with applicable state and local laws; and

WHEREAS, the Planning and Zoning Commission recommended approval of the rezoning; and

WHEREAS, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. The Official Zoning Map is hereby amended for property consisting of approximately two acres, described in Exhibit 1 and as shown on the Zoning Exhibit (map) in Exhibit 2, both attached hereto and incorporated herein by this reference, to rezone it from AR-5 (Agricultural Residential – 5 acre minimum) to SR-2 (Single Family Residential – 2 acre minimum). The Property described herein shall be used in accordance with the Town of Chino Valley Unified Development Ordinance.

Section 3. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Ordinance.

[SIGNATURES ON FOLLOWING PAGE]

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 13th day of November, 2018.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 18-857 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on November 13, 2018, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk

EXHIBIT 1
TO
ORDINANCE NO. 18-857

[Legal Description]

See following pages.

All that portion of Tract 40, lying in Section 11, Township 16 North, Range 2 West of the Gila and Salt River Base and Meridian, Yavapai County, Arizona;

BEGINNING at a point that lies South 0 degrees 06' East, 552.92 feet from the Northeast corner of said Tract 40 being the TRUE POINT OF BEGINNING;

Thence South 89 degrees 49' West 250 feet to a point;

Thence North 0 degrees 16' 45" West 23.51 feet to a point;

Thence South 89 degrees 49' 41" West 246.65 feet to a point;

Thence South 0 degrees 15' 45" East 208.16 feet to a point;

Thence North 89 degrees 49' 41" East 381.88 feet more or less to a point;

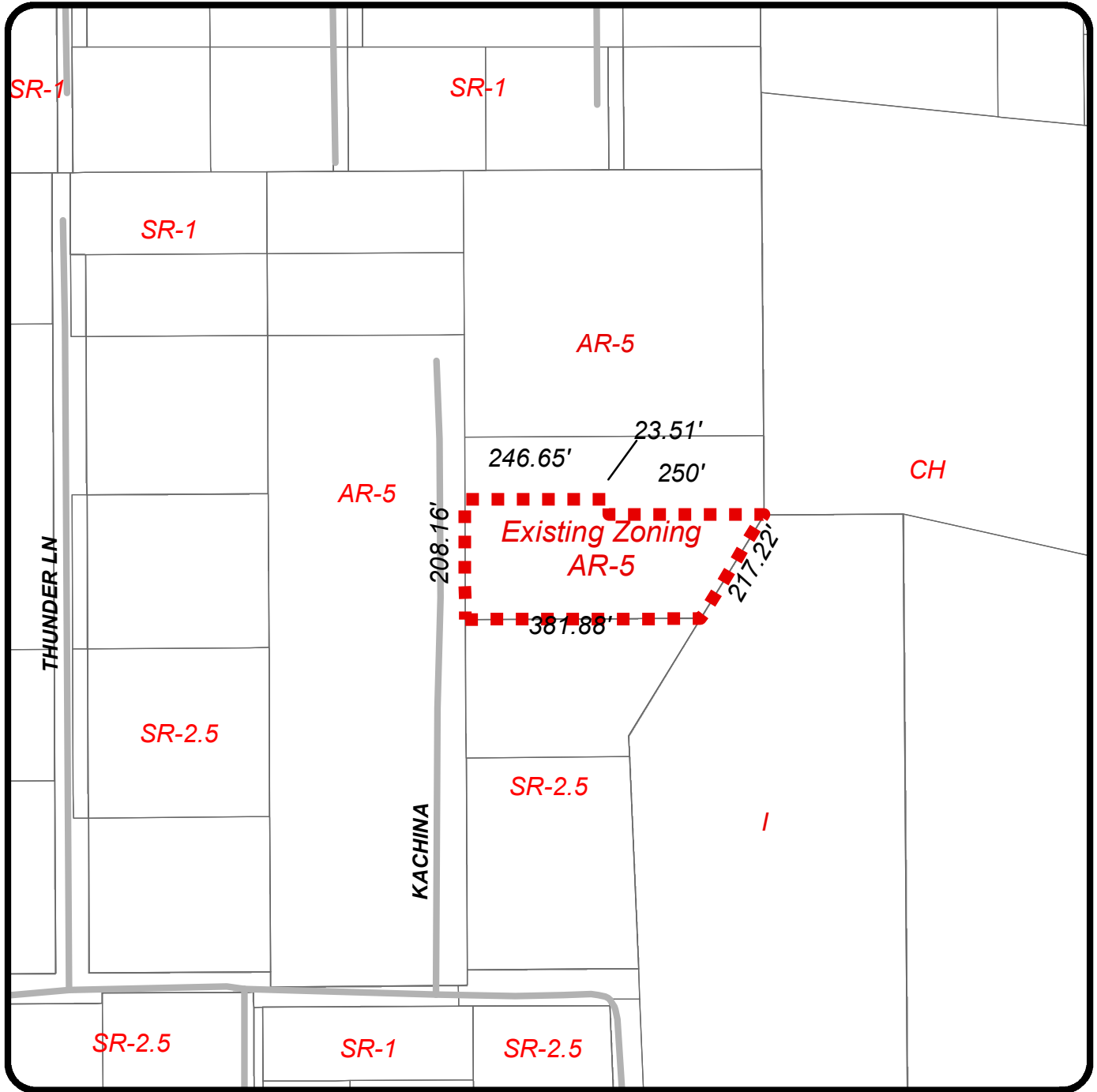
Thence North 31 degrees 36' 44" East 217.22 feet to the true point of beginning;

EXHIBIT 2
TO
ORDINANCE NO. 18-857

[Zoning Exhibit]

See following pages.

Zoning Exhibit



Z18-000021: ROMANEK

■ ■ ■ Subject Property

Applicant: TOM ROMANEK

Request: Rezone 2 acres from AR-5 zoning district to SR-2 zoning district.

Location: Approximately 620' N from the intersection of Kachina & Red Cinder Road to the SE corner of the property.

APN: 306-17-018Z



Not to Scale



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.c.

Meeting Date: 11/13/2018
Contact Person: Joe Duffy, Finance Director
 Phone: 928-636-2646 x-1211
Department: Finance
Item Type: Consent
Estimated length of staff presentation: None
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to approve Financial Report for the three months ending September 30, 2018. (Joe Duffy, Finance Director)

RECOMMENDED ACTION:

Approve Financial Report for the three months ending September 30, 2018.

SITUATION AND ANALYSIS:

The Finance Department prepares Financial Reports for the Mayor, Council, Staff and Community.

Upon Council approval, the reports will be posted on the Town's website.

The report includes the following sections:

Revenue and Expense Summary - This section details the Revenues and Expenditures of each fund. Comparing the year to date figures to the current year's annual budget and the prior year's month to date figures.

Major Revenue Summary - This section details the year to date figures for the Town's eight major revenue sources that account for 60% of the Town's Revenue.

Other Information - This section details other pertinent financial and statistical information including the Impact Fee Fund balance and the amount of General Fund Contingencies that have been allocated this fiscal year and a debt summary.

The Finance Director will supplement these reports with periodic presentations and other information throughout the fiscal year.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Council Report September 2018

Town of Chino Valley

Arizona

Financial Report



To The Town Council

For the Three Months Ending September 30, 2018 25% of the Fiscal Year*

*** Tentative and Preliminary prior to annual audit**

Town of Chino Valley						
Revenue and Expense Summary						
For the Three Months Ending September 30, 2018 25% of the Fiscal Year*						
			Actual vs Prior Year			
	Actual Year to Date FY 2017-18	Actual Year to Date FY 2018-19	Amount	% FY 2018-19/ FY 2017-18	Annual Budget FY 2018-19	% of Budget YTD
GENERAL FUND						
General Fund Revenues by Category						
Franchise Taxes	\$ 8,202	\$ 9,245	\$ 1,043	13%	\$ 121,500	8%
Tax Revenues	\$ 1,148,283	\$ 1,355,753	\$ 207,470	18%	\$ 4,611,000	29%
Licenses & Permits	\$ 154,101	\$ 127,173	\$ (26,928)	-17%	\$ 579,000	22%
Intergovernmental	\$ 803,238	\$ 842,457	\$ 39,219	5%	\$ 3,466,500	24%
Charges for Services	\$ 36,529	\$ 40,415	\$ 3,886	11%	\$ 120,500	34%
Fines and Forfeitures	\$ 41,453	\$ 45,456	\$ 4,003	10%	\$ 187,500	24%
Other Revenues	\$ 296	\$ 9,639	\$ 9,343	3156%	\$ 3,500	275%
Contributions and Donations	\$ 195	\$ 1,454	\$ 1,259	646%	\$ 2,500	58%
Investment Earnings	\$ 3,439	\$ 26,132	\$ 22,693	660%	\$ 30,000	87%
Transfers In	\$ 100,000	\$ 100,000	\$ -	0%	\$ 400,000	25%
Total Revenues	\$ 2,295,736	\$ 2,557,724	\$ 261,988	11%	\$ 9,522,000	27%
Total Revenues for the General Fund are up \$261,988 or 11% over the previous fiscal year. Total Tax Revenues are up 18% primarily due to increased construction sales tax collections. Licenses and Permits are down 17% due to a decrease in Building Permits and Plan Check Fees.						

Town of Chino Valley						
Revenue and Expense Summary						
For the Three Months Ending September 30, 2018 25% of the Fiscal Year*						
			Actual vs Prior Year			
	Actual Year to Date FY 2017-18	Actual Year to Date FY 2018-19	Amount	% FY 2018-19/ FY 2017-18	Annual Budget FY 2018-19	% of Budget YTD
General Fund Expenditures by Department						
Prosecutor	\$ 24,425	\$ 28,008	\$ 3,583	15%	\$ 119,800	23%
Town Clerk	\$ 36,383	\$ 51,288	\$ 14,905	41%	\$ 247,600	21%
Town Manager	\$ 60,233	\$ 87,600	\$ 27,367	45%	\$ 383,500	23%
Human Recourses	\$ 49,943	\$ 56,243	\$ 6,300	13%	\$ 252,200	22%
Municipal Court	\$ 62,788	\$ 64,741	\$ 1,953	3%	\$ 275,900	23%
Finance	\$ 93,448	\$ 95,291	\$ 1,843	2%	\$ 372,600	26%
Management Information Systems	\$ 51,955	\$ 46,728	\$ (5,227)	-10%	\$ 275,900	17%
Mayor and Council	\$ 7,533	\$ 14,022	\$ 6,489	86%	\$ 50,200	28%
Planning	\$ 35,927	\$ 43,909	\$ 7,982	22%	\$ 207,200	21%
Building Inspection	\$ 59,848	\$ 47,447	\$ (12,401)	-21%	\$ 193,600	25%
Police	\$ 838,310	\$ 903,564	\$ 65,254	8%	\$ 3,423,000	26%
Animal Control	\$ 25,351	\$ 26,459	\$ 1,108	4%	\$ 124,800	21%
Recreation	\$ 42,808	\$ 29,947	\$ (12,861)	-30%	\$ 132,900	23%
Library	\$ 79,410	\$ 80,389	\$ 979	1%	\$ 350,700	23%
Senior Center	\$ 56,066	\$ 68,464	\$ 12,398	22%	\$ 303,300	23%
Parks Maintenance	\$ 147,325	\$ 146,647	\$ (678)	0%	\$ 491,600	30%
Aquatic Center	\$ 86,010	\$ 73,450	\$ (12,560)	-15%	\$ 235,700	31%
Facilities Maintenance	\$ 85,305	\$ 105,709	\$ 20,404	24%	\$ 508,500	21%
Fleet Maintenance	\$ 48,429	\$ 56,635	\$ 8,206	17%	\$ 279,100	20%
Engineering	\$ 65,298	\$ 82,883	\$ 17,585	27%	\$ 373,300	22%
Customer Service	\$ 22,049	\$ 52,683	\$ 30,634		\$ 295,400	18%
Non Departmental	\$ 245,721	\$ 246,116	\$ 395	0%	\$ 1,325,000	19%
Total Expenditures	\$ 2,224,565	\$ 2,408,223	\$ 183,658	8%	\$ 10,221,800	24%
Total Revenue Over (Under) Total Expenditures	\$ 71,171	\$ 149,501	\$ 78,330		\$ (699,800)	
GENERAL FUND (Continued)						
Total General Fund Expenditures are up \$183,658 or 8% compared to last fiscal year. All the departments should be at or below 25% of their annual budget. Parks Maintenance is over due to increased maintenance expenses and watering the fields during the summer months. The Aquatic Center is over due to the seasonality of expenses. In total the General Fund Departments are slightly below budget year to date.						

Town of Chino Valley						
Revenue and Expense Summary						
For the Three Months Ending September 30, 2018 25% of the Fiscal Year*						
				Actual vs Prior Year		
	Actual Year to Date FY 2017-18	Actual Year to Date FY 2018-19	Amount	% FY 2018-19/ FY 2017-18	Annual Budget FY 2018-19	% of Budget YTD
HIGHWAY USER REVENUE FUND						
Total Revenues	\$ 267,786	\$ 289,308	\$ 21,522	8%	\$ 977,500	30%
Expenditures						
Road Maintenance	\$ 361,878	\$ 262,161	\$ (99,717)	-28%	\$ 1,322,700	20%
Total Revenue Over (Under) Total Expenditures	\$ (94,092)	\$ 27,147	\$ 121,239		\$ (345,200)	
Total Fund Revenues are up 8% over the prior fiscal year due to the budgeted increase in HURF fund distributions. Expenditures are down 28% due , but will be up next quarter after the annual chip seal projects have been paid for.						
WATER ENTERPRISE FUND						
Water Revenues	\$ 247,186	\$ 234,047	\$ (13,139)		\$ 2,886,000	
Transfers In	\$ 6,250	\$ -	\$ (6,250)		\$ -	
Total Revenues	\$ 253,436	\$ 234,047	\$ (19,389)	-8%	\$ 2,886,000	8%
Expenditures						
Water Utility Operations	\$ 110,291	\$ 143,404	\$ 33,113		\$ 827,600	
Debt Service/Reserve	\$ 11,681	\$ -	\$ (11,681)		\$ 2,069,800	
Total Expenditures	\$ 121,972	\$ 143,404	\$ 21,432	18%	\$ 2,897,400	5%
Total Revenue Over (Under) Total Expenditures	\$ 131,464	\$ 90,643	\$ (40,821)		\$ (11,400)	
Total Water Enterprise Fund Revenues are down 8% due to a slight decrease in water service fees and a decrease in water buy in fee compared to last fiscal year. Total Expenditures are up 18% this fiscal year compared to last fiscal year.						
SEWER ENTERPRISE FUND						
Total Revenue	\$ 692,349	\$ 607,456	\$ (84,893)	-12%	\$ 2,393,000	25%
Expenditures						
Sewer	\$ 196,072	\$ 176,164	\$ (19,908)		\$ 1,038,700	
Debt Service/Reserve/Capital	\$ 132,148	\$ -	\$ (132,148)		\$ 1,399,000	
Total Expenditures	\$ 328,220	\$ 176,164	\$ (152,056)	-46%	\$ 2,437,700	7%
Total Revenue Over (Under) Total Expenditures	\$ 364,129	\$ 431,292	\$ 67,163		\$ (44,700)	
Total Sewer Enterprise Fund Revenues are down 12% due a decrease in Sewer Buy In fees year over year. Sewer Service Fees are up 4% reflecting the additional homes added last year, even with the \$2.00 per month rate decrease. Operating Expenses are down so far this fiscal year.						

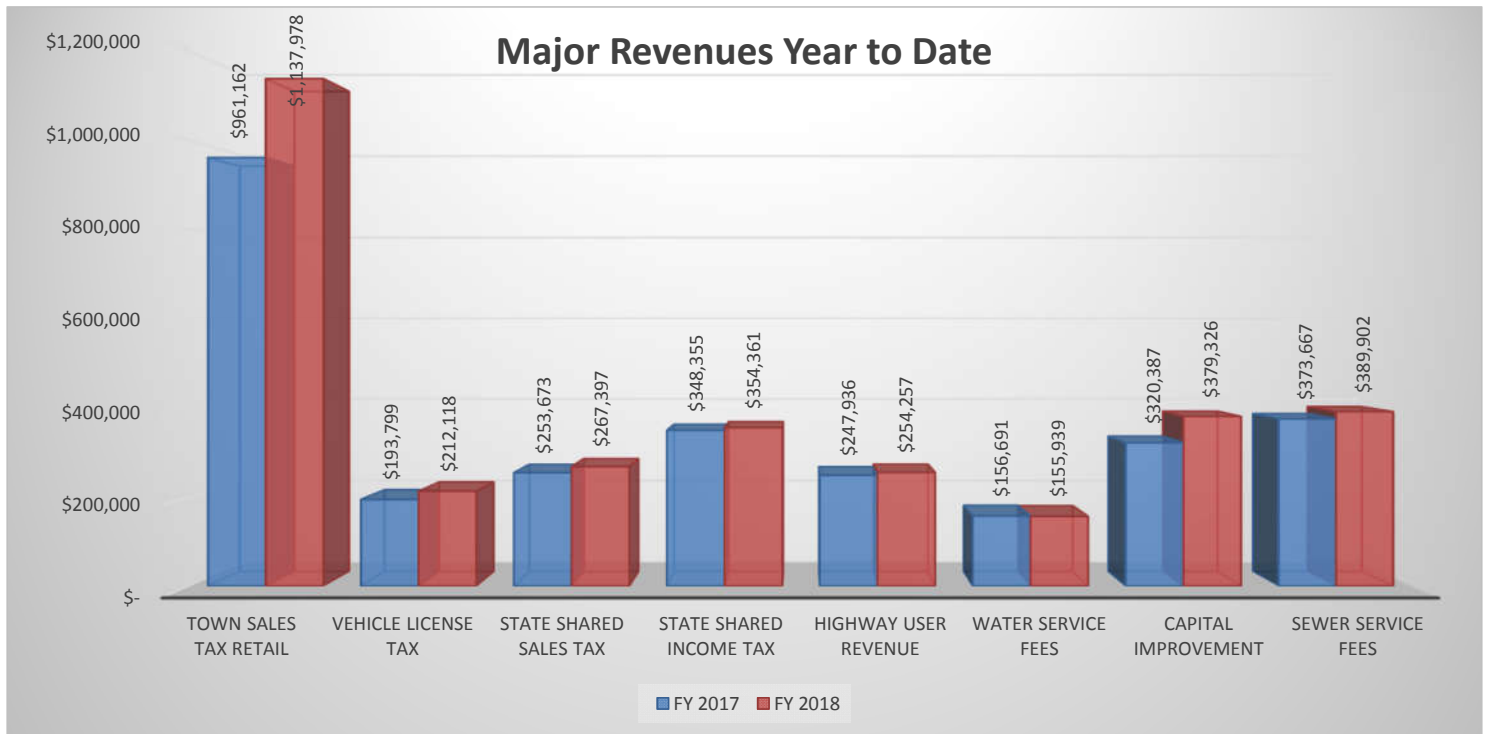
Town of Chino Valley						
Revenue and Expense Summary						
For the Three Months Ending September 30, 2018 25% of the Fiscal Year*						
				Actual vs Prior Year		
	Actual Year to Date FY 2017-18	Actual Year to Date FY 2018-19	Amount	% FY 2018-19/ FY 2017-18	Annual Budget FY 2018-19	% of Budget YTD
CAPITAL IMPROVEMENT FUND						
Total Revenues	\$ 382,760	\$ 411,073	\$ 28,313	7%	\$ 3,564,000	12%
Yavapai Drainage District	\$ -		\$ -		\$ 120,000	
Road Impact Fees	\$ -				\$ 320,000	
Capital Improvements	\$ 33,776	\$ 163,283	\$ 129,507		\$ 2,889,000	
Transfers	\$ 280,750	\$ 312,250	\$ 31,500		\$ 1,249,000	
Total Expenditures	\$ 314,526	\$ 475,533	\$ 161,007	51%	\$ 4,138,000	11%
Total Revenue Over (Under) Total Expenditures	\$ 68,234	\$ (64,460)	\$ (132,694)		\$ (134,000)	
Capital Improvement Fund Tax Revenues are up 7% over the prior fiscal year primarily due to an increase in construction sales tax collections. Capital Improvements and Transfers are in line with the amount budgeted this fiscal year.						

Town of Chino Valley						
Revenue and Expense Summary						
For the Three Months Ending September 30, 2018 25% of the Fiscal Year*						
			Actual vs Prior Year			
	Actual Year to Date FY 2017-18	Actual Year to Date FY 2018-19	Amount	% FY 2018-19/ FY 2017-18	Annual Budget FY 2018-19	% of Budget YTD
OTHER MINOR FUNDS						
Other Minor Funds -Revenues						
CDBG Grant	\$ -	\$ -	\$ -		\$ 325,000	
Grants Fund	\$ 1,127,851	\$ 18,487	\$ (1,109,364)		\$ 3,500,000	
Special Revenue Fund Court	\$ 2,850	\$ 1,250	\$ (1,600)		\$ 14,900	
Capital Asset Replacement	\$ 322	\$ 1,023	\$ 701		\$ 61,000	
Parks/Rec Impact Fee Funds	\$ 28		\$ (28)		\$ -	
Roads Impact Fee Funds	\$ 678	\$ 2,151	\$ 1,473		\$ -	
Special Revenue Fund PD	\$ 10,284	\$ 10,305	\$ 21		\$ 55,000	
CVSLID Districts	\$ -		\$ -		\$ 4,000	
Total Revenues	\$ 1,142,013	\$ 33,216	\$ (1,108,797)	-97%	\$ 3,959,900	1%
CDBG Grant	\$ -		\$ -		\$ 325,000	
Grants Funds	\$ 725,622	\$ 41,518	\$ (684,104)		\$ 3,500,000	
Special Revenue Fund - Court	\$ 911	\$ 8,661	\$ 7,750		\$ 38,500	
Capital Replacement Fund	\$ -		\$ -		\$ 60,000	
Police Impact Fee Funds	\$ -		\$ -		\$ -	
Library Impact Fee Funds	\$ -		\$ -			
Parks/Rec Impact Fee Funds	\$ -		\$ -		\$ -	
Roads Impact Fee Funds	\$ -		\$ -		\$ 498,000	
Special Revenue Fund PD	\$ 3,058	\$ 4,610	\$ 1,552		\$ 55,000	
CVSLID Districts	\$ 970	\$ 988	\$ 18		\$ 4,000	
Total Expenditures	\$ 730,561	\$ 55,777	\$ (674,784)	-92%	\$ 4,480,500	1%
Total Revenue Over (Under) Total Expenditures	\$ 411,452	\$ (22,561)	\$ (434,013)		\$ (520,600)	
TOTAL ALL FUNDS						
Total Revenue All Funds	\$ 5,034,080	\$ 4,132,824	\$ (901,256)	-18%	\$ 23,302,400	18%
Total Expenditures All Funds	\$ 4,081,722	\$ 3,521,262	\$ (560,460)	-14%	\$ 25,498,100	14%
Total Revenue Over (Under) Total Expenditures All Funds	\$ 952,358	\$ 611,562	\$ (340,796)		\$ (2,195,700)	
(1) Budget does not include Carryover Amounts from Prior Fiscal Years						
(2) Year to date amounts include actual expenditures paid to date.						

Town of Chino Valley
Major Revenue Summary
For the Three Months Ending September 30, 2018 25% of the Fiscal Year*

					Actual vs Prior Year	
	Actual Year to Date FY 2017-18	Annual Budget FY 2018-19	Actual Year to Date FY 2018-19	% of Budget YTD	Amount	%
Town Sales Tax Retail	\$ 961,162	\$ 4,132,000	\$ 1,137,978	28%	\$ 176,816	18%
Vehicle License Tax	\$ 193,799	\$ 784,000	\$ 212,118	27%	\$ 18,319	9%
State Shared Sales Tax	\$ 253,673	\$ 1,117,000	\$ 267,397	24%	\$ 13,724	5%
State Shared Income Tax	\$ 348,355	\$ 1,381,000	\$ 354,361	26%	\$ 6,006	2%
Highway User Revenue	\$ 247,936	\$ 899,000	\$ 254,257	28%	\$ 6,321	3%
Water Service Fees	\$ 156,691	\$ 503,000	\$ 155,939	31%	\$ (752)	0%
Capital Improvement	\$ 320,387	\$ 1,399,000	\$ 379,326	27%	\$ 58,939	18%
Sewer Service Fees	\$ 373,667	\$ 1,574,000	\$ 389,902	25%	\$ 16,235	4%
Major Revenues Y.T.D.	\$ 2,855,670	\$ 11,789,000	\$ 3,151,278	27%	\$ 295,608	10%
Total Revenue All Funds	\$ 5,034,080	\$ 23,302,400	\$ 4,132,824	18%	\$ (901,256)	-18%
	57%	51%	76%			

The Major Revenues are up \$295,608 or 10% over the prior fiscal year slightly exceeding the budget projections. Town Sales Tax Retail is up 18% this fiscal year. Water Service Fees are flat and Sewer Service Fees are up 4%.



Contingency Funds Budget					
For the Three Months Ending September 30, 2018 25% of the Fiscal Year*					
	Actual Year to Date FY 2018-19	Annual Budget FY 2018-19			
General Fund Budget	\$ -	\$ 475,000			
General Fund Balance	\$ -	\$ 475,000			
HURF Fund Budget	\$ -	\$ 56,000			
Water Fund Budget	\$ -	\$ 33,000			
Sewer Fund Budget	\$ -	\$ 51,000			
Total Contingency Fund	\$ -	\$ 615,000			
Town of Chino Valley					
Annual Debt Service Summary By Fund					
Fiscal Year Ended June 30, 2019					
Debt Issue	Date Issued	Original Amount	Outstanding Amount as of June 30, 2018	FY 2019 Principal	FY 2019 Interest
General Government					
National Bank GADA Refi	7/1/2016	\$ 3,346,000	\$ 3,037,000	\$ 320,000	\$ 50,386
US Bank Series 2010	12/15/2010	\$ 7,280,000	\$ 7,280,000	\$ 150,000	\$ 325,638
		\$ 10,626,000	\$ 10,317,000	\$ 470,000	\$ 376,024
Water Enterprise Fund					
US Bank Series 2010	12/15/2010	\$ 745,000	\$ 520,000	\$ 50,000	\$ 19,812
Sewer Enterprise Fund					
WIFA 2007	1/10/2007	\$ 1,580,000	\$ 932,369	\$ 84,510	\$ 21,116
WIFA 2008	1/11/2008	\$ 4,853,000	\$ 3,247,075	\$ 263,160	\$ 76,764
WIFA 2014	12/30/2014	\$ 2,963,671	\$ 2,717,515	\$ 129,350	\$ 49,474
WIFA 2015	11/23/2015	\$ 4,259,646	\$ 4,109,465	\$ 157,304	\$ 89,036
WIFA 2016	11/23/2015	\$ 50,354	\$ 40,492	\$ 10,070	\$ 214
WIFA 2017	2/27/2017	\$ 327,500	\$ 327,500	\$ 11,398	\$ 6,502
		\$ 14,034,171	\$ 11,374,416	\$ 655,792	\$ 243,106
Total Town of Chino Valley Debt		\$ 25,405,171	\$ 22,211,416	\$ 1,175,792	\$ 638,942



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.d.

Meeting Date: 11/13/2018
Contact Person: Chuck Wynn, Police Chief
 Phone: 928-636-2646 x-1258
Department: Police
Item Type: Consent
Estimated length of staff presentation: 5 minutes
Physical location of item: N/A

AGENDA ITEM TITLE:

Consideration and possible action to adopt Ordinance 18-859, amending Chino Valley Town Code Title VII Traffic Code, Chapter 71 Traffic Rules by adding a new section 71.14 Use of portable communication devices and texting while operating a motor vehicle.

RECOMMENDED ACTION:

Adopt Ordinance 18-859 pertaining to distracted driving.

SITUATION AND ANALYSIS:

Per Council discussion and direction to staff on October 23, 2018, the proposed Distracted Driving Ordinance is attached. Yavapai County Board of Supervisors has approved a Distracted Driving Ordinance for the unincorporated parts of Yavapai County. The Police Department is requesting Town Council to approve the attached ordinance for the Town of Chino Valley.

Effective November 2nd, it will be against County Ordinance to drive while using a cell phone or other electronic device, other than hands-free devices. However, it will still be acceptable within the Town of Chino Valley. Due to the number of accidents and fatal accidents due to distracted driving, we believe it is in the best interest of public safety for the Town to adopt an ordinance against distracted driving also.

Fiscal Impact

Fiscal Impact?: No
If Yes, Budget Code:
Available:
Funding Source:

Attachments

Ordinance 18-859

ORDINANCE NO. 18-859**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CHINO VALLEY, ARIZONA, AMENDING THE CHINO VALLEY TOWN CODE TITLE VII, TRAFFIC CODE, CHAPTER 71, TRAFFIC RULES, BY ADDING A NEW SECTION 71.14, USE OF MOBILE COMMUNICATION DEVICES AND TEXTING WHILE OPERATING A MOTOR VEHICLE.**

WHEREAS, the Mayor and Common Council of the Town of Chino Valley (the "Town Council") has a substantial and compelling interest in promoting safe driving and the safety of its residents and visitors; and

WHEREAS, ARIZ. REV. STAT. § 28-626(B) authorizes the adoption of additional traffic regulations that are not in conflict with existing state traffic or transportation regulations, penalties or procedures; and

WHEREAS, there is currently no state law regulating the use of mobile communication devices by drivers; and

WHEREAS, the use of mobile communication devices and texting while driving a motor vehicle have increased in recent years and have contributed to the increase in injuries, deaths, property damage, health care cost and auto insurance rates; and

WHEREAS, motorists who operate hand-held mobile communication devices or text while driving a motor vehicle are statistically more likely to become involved in traffic accidents; and

WHEREAS, to promote the safety and welfare of its citizens and visitors, the Town Council finds it necessary to adopt this Ordinance regulating the use of hand-held mobile communication devices while driving in the Town of Chino Valley, Arizona.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Chino Valley, Arizona, as follows:

Section 1. The recitals above are incorporated as if fully set forth herein.

Section 2. The Chino Valley Town Code Title VII (Traffic Code), Chapter 71 (Traffic Rules), is hereby amended to add a new Section 71.14 (Use of Mobile Communication Devices and Texting While Operating a Motor Vehicle) to read as follows:

71.14 Use of mobile communication devices and texting while operating a motor vehicle.**(A) Definitions.**

(1) "Hands-free use" means the use of a mobile communication device without the use of either hand.

(2) "Mobile communication device" means a wireless communication device that is designed to engage in calls, and/or receive and transmit text, images, and/or data.

(3) "Operating a motor vehicle" means being in actual physical control of a motor vehicle on a highway or street and includes being temporarily stopped because of traffic, a traffic control device or otherwise, but excludes operating a motor vehicle when the vehicle has pulled over to the side of the road or off a roadway and has stopped at a location in which the vehicle can safely remain stationary.

(B) Prohibited Use. No person shall, except as otherwise provided in this section, use a mobile communication device while operating a motor vehicle upon a street or highway, unless that device is specifically designed or configured to allow hands-free use and is used in that manner while operating a motor vehicle. A law enforcement officer may stop a motor vehicle or motor driven cycle if the officer has reasonable suspicion to believe a violation of this section is occurring.

(C) Exemptions. This section shall not apply to:

(1) The use of a mobile communication device for the sole purpose of communicating with any of the following regarding an immediate emergency situation, safety hazard or criminal activity:

- (a) An emergency response operator;
- (b) An ambulance company;
- (c) Fire department and rescue service personnel;
- (d) Law enforcement personnel;
- (e) A hospital; or
- (f) A physician's office or health clinic.

(2) The activation, initiation or deactivation of hands-free use while operating a motor vehicle.

(3) The use of a mobile communication device by law enforcement, public safety personnel and persons operating authorized emergency vehicles while performing official public safety duties.

(4) The use of a mobile communication device while driving on private property.

(5) A person driving a school bus or transit vehicle that is the subject to Arizona Revised Statutes or United State Department of Transportation regulations.

(D) Affirmative Defense. It is an affirmative defense to a violation of this section if the driver was not operating the vehicle in a careless manner and was:

(1) A driver (a) using a two-way radio or a private Land Mobile Radio System, within the meaning of Title 47 Code of Federal Regulations Part 90, while in the performance and scope of work-related duties and (b) who is operating fleet vehicles or who possess a commercial vehicle license; or

(2) A driver holding a valid amateur radio operator license issued by the federal communications commission and using a half-duplex two-way radio.

(E) Penalties. In addition to all other penalties authorized under the Chino Valley Town Code, a person found to be in violation of this section is subject to a base civil penalty of \$125.00. A

person found to be in violation of this section and involved in a motor vehicle accident is subject to a base civil penalty of \$250.00, in addition to any other penalties or assessments authorized by law.

Section 3. If any provision of this Ordinance is for any reason held by any court of competent jurisdiction to be unenforceable, such provision or portion hereof shall be deemed separate, distinct and independent of all other provisions and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to take all steps necessary to cause the execution of the Agreement and to take all steps necessary to carry out the purpose and intent of this Ordinance.

Section 5. This Ordinance shall become effective on January 1, 2019.

PASSED AND ADOPTED by the Mayor and Common Council of the Town of Chino Valley, Arizona this 13th day of November, 2018.

Darryl L. Croft, Mayor

ATTEST:

Jami C. Lewis, Town Clerk

APPROVED AS TO FORM:

Andrew J. McGuire, Town Attorney
Gust Rosenfeld, PLC

I hereby certify the above foregoing Ordinance No. 18-859 was duly passed by the Council of the Town of Chino Valley, Arizona, at a meeting held on November 13, 2018, and that quorum was present, and that the vote thereon was ____ ayes and ____ nays and ____ abstentions. ____ Council members were absent or excused.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.e.

Meeting Date: 11/13/2018

Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the October 16, 2018 study session minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the October 16, 2018 study session minutes.

Attachments

October 16, 2018 minutes

DRAFT

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

**TUESDAY OCTOBER 16, 2018
6:00 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 16, 2018.

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

Staff: Town Manager Cecilia Grittman; Economic Development Project Manager John Coomer;
Present: Development Services Director Jason Sanks; Planner Alex Lerma; Customer Service Manager JoAnn Brookins; Public Works Director/Town Engineer Frank Marbury; Town Clerk Jami Lewis (recorder)

1) CALL TO ORDER; ROLL CALL

Mayor Croft called the meeting to order at 6:01 p.m.

2) Presentation and discussion regarding community outreach to local news media, department of commerce, and other outlets regarding the Town's plan to improve the appearance of commercial properties, comply with local ordinances, and encourage ongoing commercial development primarily along State Route 89. (Jason Sanks, Development Services Director)

Mr. Sanks reviewed the following:

- The new Code Enforcement Officer, hired to work on improving the appearance of the commercial properties along Highway 89, was working with staff and business owners to clean up the commercial properties and illegal signage. The goal of cleaning up Highway 89 was to encourage economic development.
- Staff preferred to work with the business community to clean up properties in a collaborative manner. The focus of the cleanup was on outdoor storage, signage, and screening of outdoor items. Staff had also been inspecting properties on the weekend to catch the weekend popup businesses.
- To help get the word out, staff had tentatively scheduled a Chino Valley Review interview with the new compliance officer, Ms. Brookins and Mr. Sanks. The Chamber of Commerce was assisting with business outreach and staff member Matt Santos will do a brief interview to be posted on the Town's website.
- Staff was working with legal counsel to change from a citation process to an administrative process to avoid the slowdown of court cases.

Ms. Brookins reviewed the following:

- She complimented the new code enforcement officer for her knowledge, demeanor and mannerisms.
- Staff had been visiting the business owners directly to review with them signage requirements and permits for both the Town and ADOT. The enforcement took a great

deal of research for each property.

- Staff was requesting businesses to apply for temporary sign permits for banners, flags, and the like. The current code made it difficult to enforce temporary signs. Most business owners had responded positively, but some had been upset at the enforcement of sign requirements.
- Staff had been focusing on the north end of Highway 89 and had been looking at contractors' yards, screening, fencing, business licenses, and zoning uses. They had found several issues that they were working on resolving, but it would not be simple in several instances. Staff had found businesses without business licenses and property parcels zoned incorrectly for the business licenses. The next step will be to notify the property owners of their findings.

Council and Staff discussed the following:

- *Sign Code*: The sign code, especially the temporary sign code needed to be updated, as the current code: (i) did not define the length of time for a temporary sign; (ii) did not address if a person could reapply for a temporary sign permit; (iii) did not address if the temporary sign fee was per sign or per parcel; (iv) was vague and did not always address actual issues. It took some adjustment to get business signage in place for some businesses because of the way the code was written.
- *Contractors' yards*: Some were grandfathered from current code regulations. In the past, contractors' yards only needed a fence if located next to residential property; now they must be fenced regardless of location.
- *Standardization*: The code needed to be standardized so that all businesses were following the same requirements. The Town could create a standard to transition legal non-conforming uses to a conforming status. Staff could make a recommendation for this type of regulation.
- *Complaints*: Council members had received complaints from some long-time business owners upset at the citation or warning they had received. Council members needed to forward citizen complaints to staff so that the issues could be dealt with properly.
- *Business licensing and land uses*: When business licenses came up for renewal, the code compliance officer should be matching up uses with the business license. One business had been in the wrong zoning for the business, but went through the process of a rezone and was now properly licensed and operating legally. That type of process needed to be focused on and used for other businesses. The Town could consider changing the business licenses renewal date to the anniversary date of the original license.
- *Citation process*: Upon a complaint, staff inspected the property. If the property was in violation, the Town sent a letter to the business owner providing 15 days for the property owner to comply. If the owner did not comply, the Town sent a second notice with the same time limit. Third notices were sent to the court, giving the owner an additional 30 days to comply. If the owner still did not comply, the Court could fine the property owner.
- *Compliance*: It was important to inform property owners that these regulations had been in the code, but had not been enforced and that the Town was now focusing on implementing the regulations. The Town needed to have a plan and be clear on what grandfathered rights they wanted to eliminate without over complicating the issues.
- *Compliance plan*: This was the first of many phases for enforcement issues and staff would not be entering any buildings. The current focus was a beautification program and correcting business license issues. Code compliance could get extensive, but there was not enough staff to pursue that type of enforcement nor the proper code language to enforce the rules.
- *Business signage*: Staff had approached businesses that were out of compliance with

signage, giving them two days to come into compliance and apply for the signage permit. If they did not submit the proper permit application within the two-day timeframe, staff would send a warning letter.

- *UDO rewrite*: The original intent of the rewrite was to help clean up the town and update areas of the code that were contradictory.
- *Outreach*: Staff should work with the local paper to write a public service announcement that could explain to the public the Town's goals to clean up the community and the process staff would be following.
- *Code compliance cases*: Currently, there were 176 cases; last year, staff had approximately 197 cases in the entire year.

Council indicated that their priorities were:

- Cleaning up unkempt or trashy properties on Highway 89.
- Keeping a positive initial impression for people driving through on Highway 89.
- Signage was not the priority, but it needed consistency when new businesses opened.
- Remain focused on illegal businesses, wrong zoning, and no business licenses.

- 3) Presentation and overview of the intent and purpose of Conditional Use Permits, Planned Area Developments, and the general development process as related to rezoning cases and other entitlement applications related to new development. (Jason Sanks, Development Services Director)

Mr. Sanks related that every property was zoned and had a particular set of development standards. If a use did not conform with the standards, a property owner could go about using different mechanisms to get to the proper use and development standards desired. The Town then would decide to support or not support the use and/or mechanism. Such mechanisms included rezones, CUPs, PADs and general plan amendments to the map or text.

Conditional Use Permits (CUP)

- CUPs provided additional discretion on uses in a particular zone. They were granted only by ordinance once the Planning and Zoning Commission ("Commission") made a recommendation to the Council and the Council found that the use:
 - Would not be detrimental to neighboring properties.
 - Was reasonably compatible with uses in the surrounding area.
- CUPs could have a timeline placed on them or no expiration date at all. Some current CUPs had expired, but staff was trying to fix those issues as they were found. CUPs were not permanent, but could have more regulations attached than a zone change. Conversely, zone changes were permanent and did not expire or revert to the previous zoning.
- CUPs were tied to the land, not property ownership. If a CUP was not initiated within a year, it became null and void. There was no cost or time difference between a zone change and a CUP.

Protected Development Rights (PDR). PDRs could be transferred to a different owner but not to a different property. Those rights did have an expiration date; they had sunset and were no longer available.

Planned Area Developments (PAD)

- PADs provided a specific time to complete the development; however, the property owner was locked into what was approved. If development did not occur during the timeframe, staff would go through the Town's compliance process with the property owner.
- PADs were a zoning action and were adopted by ordinance. They made the base code more malleable for larger projects. PADs offered the applicant the opportunity to diverge from zoning standards, change up uses and development standards, and could even make a property more restrictive to accomplish what the property owner wanted to accomplish. It also allowed the Council to lock in certain restrictions and uses.
- While a prospective use could change with a zone change only, PADs must be followed as written. People tended to use PADs when a code became outdated with the current development trends. The Town was currently updating the code so that PADs were not as necessary.

- 4) Review and discussion regarding the proliferation of Conex style storage containers, primarily on commercial property, and how those should be regulated for location and screening on properties. Discussion may also include how these containers may be adapted as structures, such as offices. (Jason Sanks, Development Services Director)

Mr. Sanks reported that:

- Staff needed direction from the Council on how to handle the Conex containers that were being used throughout the Town and that the current code did not address.
- Conex boxes were repurposed cargo containers that were about eight feet wide, eight feet tall and up to forty feet long. People were using the containers for storage containers, offices, workshops, residential space or any useable space.
- Issues to consider included level of regulation, restrictions on location, screening, painting, permitted quantities, temporary versus permanent uses, design standards, and permitting. Upon becoming aware of a Conex being placed on a property, staff had already been asking owners to paint them the same as the building it served.

Council and staff discussed their preferences:

- The containers did not technically require a building permit because they were not a building. Containers could fall under a land use permit which could regulate where it was located. Modifying the container for storage purposes only was not a staff concern.
- Paint color should be the same color as the building it served and fences should not be required around a Conex.
- If placed on a property adjacent to Highway 89, the Conex should be hidden from sight. If not hidden behind a building, the container should be placed on a side lot of the building and not in front of the building.
- There should be a square foot ratio to the building the Conex would serve. Commercial and residential ratios should be different.
- A Conex was appropriate when new construction, a remodel, or a large store delivery was taking place; and it could have a temporary use permit.
- Council was not equipped, without getting expert advice, as to whether the containers were appropriate for use for anything besides storage containers. There were strict code regulations for converting the containers to working or livable spaces. The Town could implement a design review for applicants that wanted to use a Conex box as an apartment.
- Staff would bring back suggestions for regulations to Council. Staff could use policy in place of a code amendment during the UDO rewrite.

5) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Councilmember Annie Perkins to adjourn the meeting at 7:33 p.m.

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

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 Study Session of the Town Council of the Town of Chino Valley, Arizona held on the 16th day of October, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of November, 2018.

Jami C. Lewis, Town Clerk



TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

6.f.

Meeting Date: 11/13/2018

Contact Person: Jami Lewis, Town Clerk
Phone: 928-636-2646 x-1208

Department: Town Clerk

Item Type: Consent

AGENDA ITEM TITLE:

Consideration and possible action to accept the October 23, 2018 regular meeting minutes. (Jami Lewis, Town Clerk)

RECOMMENDED ACTION:

Accept the October 23, 2018 regular meeting minutes.

Attachments

October 23, 2018 minutes

DRAFT

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

**TUESDAY OCTOBER 23, 2018
6:00 P.M.**

The Town Council of the Town of Chino Valley met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, October 23, 2018.

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

Absent: Councilmember Annie Perkins

Staff Town Manager Cecilia Grittman; Town Attorney Andrew McGuire (electronically); Economic

Present: Development Project Manager John Coomer; Finance Director Joe Duffy; Police Chief Chuck Wynn; Public Works Director/Town Engineer Frank Marbury; Development Services Director Jason Sanks; Planner Alex Lerma; Community Services Director Scott Bruner; Administrative Technician Kathy Frohock (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 6:00 p.m. and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Proclamation declaring November 2018 as "Charitable Tax Credit Giving Month," sponsored by Yavapai Big Brothers Big Sisters. (Mayor Croft)

Mayor Croft read the proclamation and presented it to Cheryl Main with Yavapai Big Brother Big Sisters, who thanked the Town for its support.

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.

Anita DeMello and Mary Racchio spoke about an upcoming family dance at the Senior Center on October 25.

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.

- a) Comments regarding the Town's code compliance processes and signage for small businesses.

Mayor Croft reported that code compliance staff had undergone additional training and guidance on dealing with issues in a different way; and sign code changes would be addressed and reworked as necessary.

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 Kelly announced that the American Legion collected \$300 worth of socks for the schools' Socktober and canned food drive.

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

Ms. Grittmann reported that:

- During Customer Service Week, staff members nominated fellow employees for customer service recognition. The winner of the drawing and a gift card was Technical Services Librarian Stacey Johnson, who was nominated for her ability to reach out and help people.
- Approximately 20 people attended the last community outreach meeting with she and the Mayor. They had a good discussion about the Road Maintenance Program.
- The public outreach for the Road Maintenance Program will begin this week.

- c) Quarterly status report on residential and commercial building permits, code compliance matters, and UDO rewrite. (Jason Sanks, Development Services Director)

No report was given.

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.

Mayor Croft explained that item 6b had been placed on the Consent Agenda, as it was a very simple rezone request with no contest, but if there were any issues, it could be removed. No councilmembers objected.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Cloyce Kelly to accept the consent agenda items.

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

PASSED - Unanimously

- a) Consideration and possible action to approve the Notice of Intent to call an election for the purpose of requesting authorization to levy a primary property tax for the purpose of funding a Roads Maintenance Program. (Jami Lewis, Town Clerk)
- b) Consideration and possible action to adopt Ordinance 18-854, rezoning 5 acres of real property from AR-5 (Agricultural Residential-5 acre minimum) zoning district to SR-1 (Single Family Residential-1 acre minimum) zoning district. The property, Assessor's Parcel No. 306-29-111A, is located 625 feet south of the southeast corner of West Center Street and South Road 1 West. (Owner/Applicant: Jeff Lira) (Alex Lerma, Planner)
- c) Consideration and possible action to accept the September 25, 2018 regular meeting minutes. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to accept the October 9, 2018 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) Presentation by Prescott Council Member Alexa Scholl, and consideration and possible action to appropriate funds for the Granite Mountain Hotshots Memorial Partnership for a memorial at the Courthouse Square in the City of Prescott, in an amount to be determined by the Council. (Cecilia Grittman, Town Manager)

Recommended Action: Authorize appropriation of \$ _____ toward the Granite Mountain Hotshots Memorial Partnership for a memorial honoring the Hotshots at the Courthouse Square in the City of Prescott.

Ms. Scholl, Board Member of the Granite Mountain Hotshots Memorial Partnership, introduced Board Members Bruce Martinez and Danny and Michelle Parker, and presented the following:

- The Board had been in existence for four and a half years, representing a broad cross section of Yavapai County, and was in the process of commissioning a physical memorial for the 19 fallen Granite Mountain Hotshots that would be located on the southeast corner of the Yavapai County Courthouse Plaza in downtown Prescott.
- A Request for Proposals process resulted in the selection of Deborah Fellows, a bronze artist from Sonoita, Arizona, who was most known for her Barry Goldwater statue at the

U.S. Capitol, and who had another statue in Prescott.

- The Board was requesting a donation from the Town for the memorial. The City of Prescott had donated \$50,000; the Town of Dewey Humboldt donated \$2,500; and the Town of Prescott Valley would be voting on a \$50,000 donation.
- They had currently raised \$200,000 of a desired \$500,000 and hoped to unveil the memorial on June 30, 2019, but would take whatever time was necessary to make sure it was done right.

Finance Director Duffy related that the Town's contingency budget was intended for this type of expense. He and Mayor Croft had determined that \$10,000 would be appropriate based on the Town's population.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Jack Miller to authorize appropriation of \$10,000 toward the Granite Mountain Hotshots Memorial Partnership for a memorial honoring the Hotshots at the Courthouse Square in the City of Prescott.

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

PASSED - Unanimously

- b) Consideration and possible action to adopt Ordinance 18-852, rezoning 7.06 acres of real property from AR-5 (Agricultural Residential-5 acre minimum) zoning district to SR-2 (Single Family Residential-2 acre minimum) zoning district. The property, Assessor's Parcel No. 306-21-119, is generally located approximately 900 feet east of Sycamore Vista Drive and 638 feet north of West Center Street. (Owner: Horst Gempe; Applicant: Gesine Gempe) (Jason Sanks, Development Services Director)

Recommended Action: Adopt Ordinance 18-852, rezoning 7.06 acres of real property from AR-5 (Agricultural Residential-5 acre minimum) zoning district to SR-2 (Single Family Residential-2 acre minimum) zoning district.

(This item was addressed after Item 2a but is retained here for clarity.)

Mayor Croft reported that he would like to postpone Agenda Item 7b to the first meeting in December.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Jack Miller to remove item 7b and continue it to the first meeting in December.

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

PASSED - Unanimously

- c) Presentation, discussion, and possible action regarding Yavapai County Ordinance 2018-2: Regulating Portable Communication Devices and Texting While Operating a Motor Vehicle. (Chuck Wynn, Police Chief)

Recommended Action: Discuss the ordinance and provide input to staff.

Chief Wynn reported that:

- Yavapai County, the City of Prescott, and several towns and cities in Arizona had passed ordinances on hand held devices and texting.
- Distracted driving was a danger to all citizens on the roadway as well as pedestrians. Nine people were killed and 1,000 injured per day due to distracted driving, and teenagers at a higher rate than adults.
- Currently, Chino Valley officers could cite under the Yavapai County ordinance, but the officer and the ticketed person would need to appear in court in Prescott.
- Under a Town ordinance, a citation would be a primary offense and there was no other reason necessary to pull someone over. The probable cause would be an officer seeing any handheld device in the hands of a driver. The offense would be a civil violation with no points and would fit into the Town's fee schedule. There would be a base fine plus surcharges.
- There would be an education campaign and phased-in enforcement. Staff would also be looking at posting signs that it was a violation.

Craig Brown, Yavapai County Supervisor, added that:

- The County had ordered 46 signs to be placed on County roads. The hope was that the State and ADOT would make it a state-wide regulation.
- The new County law will be effective November 2. A citizen could still be cited by a county sheriff or a local law enforcement officer within the Town limits under the county law.
- There would be a division of fines for whatever law was cited, so the Town would need to cite under the Town's provisions to get the fee.

MOVED by Vice-Mayor Lon Turner, seconded by Councilmember Jack Miller to direct law enforcement to go forward with regulating portable communication devices and texting while operating a motor vehicle.

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

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.

9) ACTION ITEMS RESUMED

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

10) ADJOURNMENT

MOVED by Councilmember Jack Miller, seconded by Mayor Darryl Croft to adjourn the meeting at 6:32 p.m.

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

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 23rd day of October, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of November, 2018.

Jami C. Lewis, Town Clerk

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.a.

Meeting Date: 11/13/2018
Contact Person: Jami Lewis, Town Clerk
 Phone: 928-636-2646 x-1208
Department: Town Clerk
Item Type: Action
Estimated length of staff presentation: 5 minutes
Physical location of item: 1120 S. State Route 89, Chino Valley

AGENDA ITEM TITLE:

Public Hearing and consideration and possible action to recommend approval of an application from Kimberly Stam for a new Series 12 (Restaurant) Liquor License for Kim's Diner Bisquits Burgers N More, located at 1120 S. State Route 89, Chino Valley.

RECOMMENDED ACTION:

- (i) Hold Public Hearing.
- (ii) Recommend approval for a new Series 12 Liquor License for Kim's Diner.

SITUATION AND ANALYSIS:

A.R.S. § 4-201 provides that a person desiring a new or amended liquor license shall apply with the State Liquor Board. Upon receipt of such application, the State forwards the application to the local governing body (Council), which is tasked with making a recommendation to the Board for granting or denying the license. The local governing body may also vote to make no recommendation should they prefer that approval or denial be up to the State. A recommendation for disapproval requires a statement of the specific reasons containing a summary of the testimony or other evidence supporting the recommendation for disapproval. The attached Arizona Administrative Code, Rule R19-1-702 provides guidelines for determining whether to grant a license for a certain location.

Upon reviewing the material provided by the Department of Liquor Licenses and Control, and conducting a public hearing, the Council may recommended that the state liquor board grant or deny the license, or vote to make no recommendation.

Kimberly Stam has applied with the state for a new Series 12 (Restaurant) Liquor License. This non-transferable, on-sale retail privileges liquor license allows the holder of a restaurant license to sell and serve all types of spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food. Failure to meet the 40% food requirement may result in revocation of the license.

The Police and Planning Departments reviewed the application and recommended approval with no comments. Staff posted the establishment with the necessary notices to meet the required 20-day period

from October 24, 2018 through November 13, 2018. As of the date of this report, staff has not received any written arguments in favor of or in opposition to the application.

Fiscal Impact

Fiscal Impact?: No

If Yes, Budget Code:

Available:

Funding Source:

Attachments

Application Cover Page

Acceptable Reasons to Protest

Guidelines for Determining to Grant License

State of Arizona
Department of Liquor Licenses and Control

Created 09/28/2018 @ 04:05:05 PM

Local Governing Body Report

LICENSE

Number:	Type:	012 RESTAURANT
Name:	KIM'S DINER BISQUITS BURGERS N MORE	
State:	Pending	
Issue Date:	Expiration Date:	
Original Issue Date:		
Location:	1120 S HIGHWAY 89 CHINO VALLEY , AZ 86323 USA	
Mailing Address:	PO BOX 2287 CHINO VALLEY, AZ 86323 USA	
Phone:	(928)533-0407	
Alt. Phone:		
Email:	KIMSTAMAZ@GMAIL.COM	

AGENT

Name:	KIMBERLY ELAINE STAM
Gender:	Female
Correspondence Address:	PO BOX 2287 CHINO VALLEY, AZ 86323 USA
Phone:	(908)533-0407
Alt. Phone:	
Email:	KIMSTAMAZ@GMAIL.COM

OWNER

Name:	KIM'S DINER BISQUITS BURGERS N MORE LLC	
Contact Name:	KIMBERLY ELAINE STAM	
Type:	LIMITED LIABILITY COMPANY	
AZ CC File Number:	1889771	State of Incorporation: AZ
Incorporation Date:	08/22/2018	
Correspondence Address:	PO BOX 2287 CHINO VALLEY, AZ 86323 USA	
Phone:	(928)533-0407	
Alt. Phone:		
Email:	KIMSTAMAZ@GMAIL.COM	

Officers / Stockholders

Name:	Title:	% Interest:
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Type of Application		Acceptable Protest
1	New License	May Protest Person and Location
2	Person Transfer	May Protest "ONLY" Person
3	Location Transfer	May Protest "ONLY" Location
4	Location and Person Transfer	May Protest Person and/or Location

Types of Liquor License Applications and Acceptable Reasons to Protest



**Arizona Laws and Regulations Relating to
Granting a Liquor License for a Certain Location
(pursuant to Arizona Revised Statute §4-201(I))**

R19-1-702. Determining Whether to Grant a License for a Certain Location

- A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:
1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
 2. Number and types of licenses within one mile of the proposed premises;
 3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
 4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
 5. Residential and commercial population density within one mile of the proposed premises;
 6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
 7. Effect on vehicular traffic within one mile of the proposed premises;
 8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
 9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
 10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;
 11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and
 12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.
- B. This Section is authorized by A.R.S. § 4-201(I).

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TOWN OF CHINO VALLEY COUNCIL AGENDA ITEM STAFF REPORT

Town Council Regular Meeting

7.b.

Meeting Date: 11/13/2018
Contact Person: Scott Bruner, Community Services Director
 Phone: 928-636-2687 x-1237
Department: Community Services
Item Type: Action
Estimated length of staff presentation: None
Physical location of item: Memory Park, 1020 W. Palomino Road

AGENDA ITEM TITLE:

Consideration and possible action to transfer contingency funds in the amount of \$20,000 to complete the Memory Park Library expansion project.

RECOMMENDED ACTION:

Authorize transfer of contingency funds in the amount of \$20,000 to complete the Memory Park Library expansion project.

SITUATION AND ANALYSIS:

Estimates for Phase 2 of the Memory Park Library expansion project were done earlier this year. During construction of Phase 1 and thereafter, the Phase 2 estimates were updated and found to be short by about \$16,000. In order to complete the project, staff is asking for authorization to use contingency funds. Finance Director Joe Duffy recommends authorizing staff to use up to \$20,000 of contingency funds to cover the shortfall..

Fiscal Impact

Fiscal Impact?: Yes
If Yes, Budget Code: 01-95-5600
Available: \$20,000
Funding Source:
 The funds will come from the General Fund Contingency Line Item.

Attachments

Memory Park Expansion

Memory Park Expansion		
FY 2018/2019 Budget		
	Memory Park	Playground Equipment
GL Code	05-90-5532	07-63-5526
Budget	\$50,000	\$65,000
Miracle Recreation Equipment Co.		\$55,535
Ramada		\$9,997
Sketch Landscape	\$4,000	
American Fence	\$235	
Global Industrial Benches/Tables	\$1,974	
R.S. Bogunia	\$110	
Landscaping	\$24,727	
Concrete	\$24,169	
Oxide Art Work	\$9,000	
Testing	\$1,500	
Total Projected Expenses To Date	\$65,715	\$65,532
Budget Balance	(\$15,715)	(\$532)
Contingency to Complete	\$20,000	