

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

**TUESDAY DECEMBER 11, 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, December 11, 2018.

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

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

Staff Present: Town Manager Cecilia Grittman; Town Attorney Andrew McGuire (electronically); Human Resources Director Laura Kyriakakis; Economic Development Project Manager John Coomer; Finance Director Joe Duffy; Public Works Director/Town Engineer Frank Marbury; Planner Alex Lerma; Interim Development Services Director Martin Scribner; Community Services Director Scott Bruner; Police Chief Chuck Wynn; Youth Services/Librarian Manager Darlene Westcott; Administrative Technician Kathy Frohock (videographer); Deputy Town Clerk Vickie Nipper

Mayor Croft called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance.

- a) Recognition of Lon Turner for his year of service as Vice-Mayor of Chino Valley. (Cecilia Grittman, Town Manager)

Mayor Croft and Town Manager Grittman presented a Mayor's Recognition Award to Vice-Mayor Lon Turner for his dedication and service to the Town.

- b) Administer Oaths of Office to Mayor-Elect Darryl Croft and Councilmembers-Elect Mike Best, Cloyce Kelly, Corey Mendoza, and Lon Turner. (Cecilia Grittman, Town Manager)

Town Manager/Deputy Town Clerk Grittman administered the Oath of Office to Mayor-Elect Darryl Croft and Councilmembers-Elect Mike Best, Cloyce Kelly, Corey Mendoza and Lon Turner.

- c) Council will recess for a brief reception to welcome the re-elected Mayor and Councilmembers.

Mayor Croft recessed the meeting at 6:21 p.m. for the reception and reconvened at 6:31 p.m.

- d) Consideration and possible action to nominate and elect a Councilmember to serve as Vice-Mayor.

Recommended Action: The new Mayor shall nominate, and the new Council shall select, a Councilmember to serve as Vice-Mayor.

MOVED by Mayor Darryl Croft, seconded by Councilmember Corey Mendoza to nominate Jack Miller as Vice Mayor.

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

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Annual Report by the Chino Valley Equestrian Association regarding the status of the Chino Valley Equestrian Park located on Town property.

Ruth Mayday presented the Association's annual report with regard to:

- Equestrian clinics, classes, events, fund raisers, and races held over the past year to support and raise money for the facility;
- Equipment and facility upgrades and improvements;
- Board members, membership, and volunteers; and
- Donations and contributions received from the community.

Councilmembers thanked the Association and encouraged the community to support the Equestrian Park. Councilmember Best invited the Association to appoint a representative to the 50th year anniversary committee.

- b) Report by Council-appointed representative Chris Marley regarding the current status of the Northern Arizona Municipal Water Users Association (NAMWUA), Upper Verde River Water Protection Coalition (UVRWPC), and Groundwater Users Advisory Committee (GUAC).

No report was given.

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.

Larry Gold requested an update on the shooting facility. Mayor Croft invited him to talk with the Town Manager and himself regarding the status.

John Garden asked if the Council was still pursuing a second supermarket for the Town. Mayor Croft explained that he was not able to fully answer the question, but the Town was continuing the pursuit.

James Charbonne started speaking on the proposed property tax. Town Manager Gritman explained that since the item was already on the agenda, he could not address it under Call to the Public. Mayor Croft informed him that a public meeting was being held on the matter

tomorrow evening.

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 storage of garbage cans; garbage collection and the Town's noise ordinance; odor issues from too many cattle on some properties; and fire hazards from lack of property maintenance in some areas. (Joe Duffy, Finance Director)

Mayor Croft reported that:

- The Town Code did not address the issue of trash cans and dumpsters and had no regulations on where those items were to be stored on private property; and garbage containers needed to be large enough to handle livestock refuse.
- Garbage trucks were exempt from operating during the quiet hours of 12:00 a.m. to 5:00 a.m.
- The number of farm animals on residential property was not addressed or restricted in the Unified Development Ordinance and were allowed on AR-5 to SR-1 properties. Any complaints needed to be addressed to the local Code Compliance department.
- The land management code was being updated and would address the amount of private property adjacent or adjoining to the right of ways that would need to be mowed for aesthetic reasons and to provide defensible space between properties.

- b) Request that Council do everything possible to keep the Town's public shooting range open to the public.

Mayor Croft reported that the Town Council was interested in keeping the shooting range open to the public. The Town had a concession agreement with the Prescott Sportsman's Club to operate the range, but the member-driven club had some disputes. The Town's primary concern was for the safety of the public and the Town was not satisfied that the club had a legitimate range director or manager that would be responsible for safety at the range. The Council will continue working on the issue with the club and were confident the range would be open in the future with some form of management.

5) **CURRENT EVENT SUMMARIES AND REPORTS**

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events, or ask a staff member to provide the same. Presentation on information requested by the Mayor and Council will be made and questions answered. No action will be taken.

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

Mayor Croft acknowledged Santa and Mrs. Claus for their services at the Memory Park Christmas event, Native Air Helicopter for their Santa delivery services, Chino Valley Chamber of Commerce for their work on the event, and Cyndi Thomas and staff for setting it up.

Councilmember Best reported that he wanted to read some of the survey responses from Del Rio Elementary School students regarding the Town's upcoming 50th birthday party, but due to

time constraints, he would post them instead.

Councilmember Perkins also acknowledged all those who planned the Memory Park Christmas.

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

Town Manager Gritman reported on:

- The December to Remember event and expressed gratitude to staff and the Chamber for its success.
- The CYMPO grant that the Town had applied for to build out Highway 89 to the north—the Town's application was not approved, but Yavapai County was the only Arizona entity awarded a grant which will fund the Middle Verde Valley to SR 260 in Verde Valley.

6) **CONSENT AGENDA**

All those items listed below are considered to be routine and may be enacted by one motion. Any Councilmember may request to remove an item from the Consent Agenda to be considered and discussed separately.

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to accept the consent agenda items.

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

- a) Consideration and possible action to approve expenditure of \$48,000 Governor's Office of Highway Safety grant funds to purchase an unmarked, aggressive driving vehicle for use in traffic details. Also request authorization for expenditure of no more than \$10,000 from the general fund which was budgeted in this year's fiscal budget. (Chuck Wynn, Police Chief)
- b) Consideration and possible action to continue receiving interim consultant services for the Development Services Director position, through Interim Public Management (IPM). (Laura Kyriakakis, Human Resources Director)
- c) Consideration and possible action to update the appointment of Councilmembers and staff to various regional and state entity committees. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to update the Council Subcommittee roster. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to adopt the 2019 Base Council Meeting Schedule. (Jami Lewis, Town Clerk)
- f) Consideration and possible action to accept the November 13, 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 of Mayor's Recognition Award, recognizing Darlene J. Westcott, "Librarian Extraordinaire," for 23 years of dedicated service to Chino Valley's children and families; and for consideration and possible action, to adopt Resolution No. 18-1132 naming certain Town facilities as the Darlene J. Westcott Children's Library. (Mayor Croft and Scott Bruner, Community Services Director)

Recommended Action: Adopt Resolution No. 18-1132 naming certain Town facilities as the Darlene J. Westcott Children's Library.

Mayor Croft and Community Services Director Bruner presented a Mayor's Recognition Award to Ms. Westcott for her many years of service and dedication to the Town, the local library and the children and families of the community. They announced an upcoming retirement party honoring Ms. Westcott, and Ms. Westcott thanked the Council and the Town.

Mayor Croft recessed the meeting at 6:50 p.m. so folks could congratulate Ms. Westcott and reconvened at 7:05 p.m.

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to adopt Resolution No. 18-1132 naming certain Town facilities as the Darlene J. Westcott Children's Library.

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

- 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 of Record: Horst A. Gempe) (Alex Lerma, Planner)

Recommended Action: Approve 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.

Alex Lerma presented on this item:

- *Request:* The applicant wanted to subdivide the property and place mobile homes on the new lots. He would extend the current 25-foot easement to a 50-foot easement per the UDO requirement.
- *Current condition:* The property was 138 feet from Center Street Road and did not abut a public street, but was accessed through an easement. The property was adjacent to the

Mesa View South, Chino Valley Estates and Mollie Rae Subdivisions. The surrounding properties' zones were consistent with the rezone request.

- *Public comment:* At two neighborhood meetings and two public hearings before the Planning and Zoning Commission ("Commission") and by letter, neighbors' concerns pertained to site design review, easement width, proposed manufactured homes, the risk of seven lots, and the access road along the back of the property allowing headlights to shine into homes. The zoning itself did not appear to be an issue.
- *Legal counsel:* After the first public hearing, legal counsel advised that the Town could not ask the applicant to extend the easement since it involved property that was not affected by the rezone application. Staff could suggest different zoning, but it would be the applicant's decision. The applicant subsequently amended the application rezone request from SR-1 to SR-2, resulting in only a possible three lots.
- *Recommendation:* Staff believed the request was in conformance with the General Plan's land use designation of Medium Density Residential 1-acre minimum, and SR-2 was a transitional zoning between AR-5 and SR-1. The Commission forwarded a recommendation of approval by a vote of 5-2.

Council comments:

- Some councilmembers opposed the item, expressing concern about water, access, septic saturation, and drainage run off, as well as the 25-foot easement causing problems in the future.
- Other councilmembers supported the matter, citing the property owner's rights, as well as the request being legal and in conformance with the General Plan.

MOVED by Councilmember Jack Miller, seconded by Councilmember Corey Mendoza 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.

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

- c) Consideration and possible action to approve Ordinance 18-858 to rezone 2.71 acres of real property, Assessor Parcel No. 306-04-010U, located approximately 375 feet east of the northeast corner of State Route 89 and Road 4 North intersection at 868 East Road 4 North from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district. (Owner of Record: Corey and Robin Mendoza) (Alex Lerma, Planner)

Recommended Action: Approve to adopt Ordinance 18-858 to rezone 2.71 acres of real property from CH (Commercial Heavy) zoning district to CL (Commercial Light) zoning district for Assessor Parcel No. 306-04-010U.

Councilmember Mendoza requested that this item be rescheduled.

MOVED by Councilmember Corey Mendoza, seconded by Councilmember Mike Best to move Item 7c to the first meeting in January.

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

- d) Consideration and possible action to approve and authorize Mayor Croft to sign the Fourth Amendment to Lease Agreement and the Memorandum of Fourth Amendment to Lease Agreement with Sun State Towers III, LLC, both related to a revised legal description, access easements and utility easements for the Wireless Communications Tower at Town Hall. (Frank Marbury, Public Works Director/Town Engineer)

Recommended Action: Approve and authorize Mayor Croft to sign the Fourth Amendment to Lease Agreement and the Memorandum of Fourth Amendment to Lease Agreement with Sun State Towers III, LLC.

Mr. Marbury reported on the following:

- This was an amendment to the Sun State Lease for the tower outside Town Hall to redraw some utility easement lines.
- The amendment benefited the Town and the Lessee, as the new easement will follow the property line more closely and the ingress easement was realigned to line up with the gates to provide legal access.

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to approve and authorize Mayor Croft to sign the Fourth Amendment to Lease Agreement and the Memorandum of Fourth Amendment to Lease Agreement with Sun State Towers III, LLC, both related to a revised legal description, access easements and utility easements for the Wireless Communications Tower at Town Hall.

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

- e) Presentation regarding staff performing Community Dialog regarding the proposed Road Maintenance Program and its possible funding by a property tax, as well as communicating the proposed ballot measure to buy water companies. Staff will be offering feedback to the Council about the Community Dialog sessions in preparation for Council's January 8, 2019 Council Meeting where it is anticipated the Council will "Call for an Election." (Cecilia Gritman, Town Manager)

Town Manager Gritman acknowledged staff for developing the informational literature for the public and reported that:

- During various community outreach programs, the consistent community concern had been the roads.
- The Roads and Streets Committee began working on a solution for a road maintenance program and made a recommendation to the Council, which directed staff to get public feedback on the issue.
- Town officials met with over 21 different organizations and groups—over 200 citizens. Overall, the public's feedback and dialogue had been positive. Concerns expressed

pertained primarily to lack of trust that the government would do what it proposed; some folks not being able to afford an additional tax; and confusion about the roads the Town maintained. Of low concern was the proposed 20-year levy being too long and when each road would be done.

- Staff was now recommending that on January 8, Council call a Special Election on May 21, 2019 for the purpose of asking voters to approve a property tax levy of \$1.5 million for 20 years for the sole purpose of road maintenance and construction. A 20-year program will allow for three complete cycles of maintenance. This was the same recommendation made by the Roads and Streets Committee.
- Council will have the option on January 8 to choose the levy amount. If approved, the Town will maintain all levied money in a restricted account with controls to ensure it was only used for road maintenance and construction.

Finance Director Duffy provided further details:

- Staff had used tax percentages of 1.5% and 2.0% based on assessed value to determine the two possible levy amounts of \$1.2 million and \$1.5 million. The voters have to approve an initial levy amount, not a tax percentage, as the Town did not have an option to levy a tax percentage. The recommended \$1.5 million would provide an additional \$300,000 that would be reserved for large road projects.
- To address inflation, the Town was allowed to add new homes into the levy, and the Council could increase the levy up to 2% per year. However, the Town intended to keep the levy static, and the only increases would be from new growth.
- Mr. Duffy reviewed how the percentage and levy amounts were determined and how the proposed tax levy will be assessed.

Council asked about feedback on the water purchases ballot measure. Ms. Grittmann and Mayor Croft reported that:

- All comments had been positive and agreeable. The only confusion was that some people thought the property tax was going to pay for possible water company purchases, so staff created a separate brochure for each ballot measure.
- The public also asked how this item would affect a property owner's well. The answer was that it would have no effect on wells.

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)

MOVED by Councilmember Jack Miller, seconded by Councilmember Mike Best to go into executive session at 7:35 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

9) ACTION ITEMS RESUMED

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

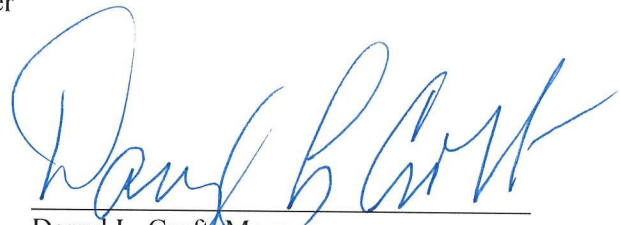
Mayor Croft reconvened the regular meeting at 8:14 p.m. and reported that Council discussed an issue with the Town Attorney but did not make a decision.

10) ADJOURNMENT

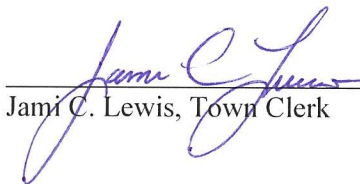
MOVED by Councilmember Annie Perkins, seconded by Councilmember Cloyce Kelly to adjourn the meeting at 8:15 p.m.

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

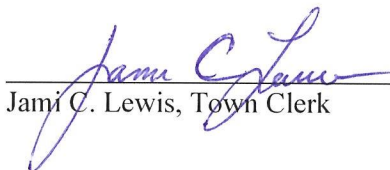
ATTEST:


Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 11th day of December, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 8th day of January, 2019.


Jami C. Lewis, Town Clerk