

**MINUTES OF THE REGULAR MEETING OF THE
TOWN COUNCIL OF THE TOWN OF CHINO VALLEY
TUESDAY, SEPTEMBER 10, 2024
6:00 PM
COUNCIL CHAMBERS | 202 N. STATE ROUTE 89 | CHINO VALLEY,
ARIZONA 86323**

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

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

Present: Mayor Jack Miller, Vice-Mayor Tom Armstrong, Councilmember Annie Perkins, Councilmember Eric Granillo, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

Absent:

Staff Present: Acting Town Manager Terri Denemy, Town Attorney Andrew McGuire, Officer Anthony Davis (Sgt. at Arms), Assistant Town Manager/HR Director Laura Kyriakakis, Development Services Director Laurie Lineberry, Assistant Development Services Director Will Dingee, Senior Planner Jessica Barragan, Finance Director Katie Pehl, Public Works Director/Town Engineer Frank Marbury, Magistrate Joan Dwyer, Police Chief Josh McIntire, Chino Valley Police Department, Community Services Director Cyndi Thomas, Recreation and Events Coordinator Morgan Heiner, Recreation and Events Coordinator Rebekah Segien, Economic Development Manager Maggie Holmberg, IT Manager Spencer Guest, Audio Visual Technician Lawrence Digges, Audio Visual Technician Nicholas Harwick, Deputy Town Clerk Sara Burchill, Town Clerk Erin N. Deskins

2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a. Announcement and swearing in ceremony for the appointment of Joshua McIntire as Chino Valley Police Chief.

Judge Dwyer swore in Joshua McIntire as Chino Valley Police Chief.

Joshua McIntire, Chief of Police, presented the following:

- He was grateful for the trust and confidence placed in him to lead the department.
- He would be working to uphold the highest standards of integrity, professionalism, and dedication.
- His primary goal was to enhance the safety and well-being of the community while fostering transparency and mutual respect within the department.

- b. Presentation by Cyndi Thomas, Community Services Director, on the successful 2024 Territorial Days.

Cyndi Thomas, Community Services Director, presented the following:

- Territorial Days was a huge success which started with Movie in the Park which was the most successful Movie in Park event the Town ever had.
- Provided a breakdown of the events held throughout the weekend.
- Events in the park and fireworks were so well attended that all vendors ran out of food.
- Thanked the Council for supporting the event.

3. CALL TO THE PUBLIC - Individuals requesting to speak, please complete a Speaker Comment Card and return to the Clerk.

Call to the Public is an opportunity for the public to address the Council on any issue within the jurisdiction of the Council that is not on the agenda. Public comment is at the discretion of the Council and not required by law. Individuals are limited to speak for three (3) minutes, yielding of time will not be permitted. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism. Disrespectful behavior will not be tolerated; this includes loud outbursts, profanity, and disruptive discussions among our audience.

Ed Bloomfield presented the following:

- He was concerned about the lack of law enforcement and lack of ability to enforce speed limits on the dirt portion of Perkinsville Road. He felt that since the Town controlled and maintained the road, they should be enforcing it too.
- Thanked Jeff and Will for coming out and taking care of business when requested.
- He was disappointed to see that Cindy Blackmore was no longer with the Town as he stated she always took care of every need.

4. CURRENT EVENT SUMMARIES AND REPORTS

This item is for information only. The Mayor, any Councilmember, or Town Manager may present a brief summary or report of current events. If listed below, there may also be a presentation on information requested by the Mayor and Council and questions may be answered. No action will be taken.

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

Mayor Miller presented the following:

- Community Services department did a great job on Territorial Days.

Councilmember Perkins presented the following:

- A 9/11 memorial service would be held on September 11, 2024 at 8:00 a.m. Attendance was growing so attendants should bring a chair if possible.
- The Territorial Days event was phenomenal.

Councilmember Granillo presented the following:

- Terri Denemy, Maggie Holmberg, and Erin Deskins did a great job at the League Conference.
- b. Status report by Acting Town Manager Terri Denemy regarding Town accomplishments, and current or upcoming projects.

Terri Denemy, Acting Town Manager, presented the following:

- Territorial Days was a great success, and it was put on by a department of just three people. The entire community came together for the event. She thanked everyone for participating and making it a great event.
- 6th Annual Hawaiian Luau for the Chino Valley Police Foundation would be held September 14th from 4:00 to 7:00 p.m. The event would support the police and their needs.
- Councilmember Perkins was recognized at the League Conference for eight years of service.
- Vice-Mayor Armstrong was elected as Vice President for the Greater Arizona Mayors Association.

5. **CONSENT AGENDA**

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

MOVED by Vice-Mayor Tom Armstrong, seconded by Councilmember Eric Granillo to approve Consent Agenda Items a, b, c, d, and e.

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

NAY: None

7 - 0 Passed – Unanimously

- a. Consideration and possible action to approve the Cooperative Purchasing Agreement for the purchase of a 2024 Ford F150 Police Responder from San Tan Ford for \$52,722.75.
- b. Consideration and possible action to approve the Cooperative Purchasing Agreement for the purchase of a 2024 Ford F150 4x4 SuperCab pickup from San Tan Ford for \$49,997.57.
- c. Consideration and possible action to approve the Cooperative Purchasing Agreement for the purchase of a Trail King Transport Trailer from Empire Truck & Trailer for \$53,548.84.

- d. Consideration and possible action to approve the August 13, 2024, special meeting minutes.
- e. Consideration and possible action to approve the August 27, 2024, special meeting minutes.

6. ACTION ITEMS

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

- a. Public hearing, consideration, and possible action to approve Ordinance No. 2024-945, to rezone approximately 1.5 acres of vacant land located at 3381 N State Route 89 from Commercial Light/Agricultural Residential, 5-acre minimum (CL/AR-5), to Commercial Heavy (CH).

Recommended Action: i) Hold a Public Hearing ii) Approve Ordinance No. 2024-945

Jessica Baragan, Senior Planner, presented the following:

- Provided the location and details of the subject and surrounding properties.
- The owners were requesting a rezone to expand their business to their abutting parcels.
- In order to expand there would need to be a lot line adjustment requiring the rezone for consistency.
- The request conformed to the 2040 General Plan as the subject property fell under the Light Industrial land use designation.
- Planning & Zoning forwarded a unanimous recommendation of approval.

Council and staff discussed the following:

- Councilmember Perkins inquired about the Light Industrial (LI) vs. Commercial Heavy (CH) designations.
 - Staff stated that the LI land use designation in the 2040 General Plan calls out industrial uses that are also found within the zoning's CH designations.

Mayor Miller opened the Public Hearing.

There were no requests to speak.

Mayor Miller closed the Public Hearing.

MOVED by Vice-Mayor Tom Armstrong, seconded by Councilmember Annie Perkins to approve Ordinance No. 2024-945 to rezone approximately 1.5 acres from CL/AR-5 to CH.

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

NAY: None

7 - 0 Passed – Unanimously

- b. Public hearing, consideration, and possible action to approve Ordinance No. 2024-946, to rezone approximately 10 acres of land located on the north side of East Road 2 North, between Peppertree Place and James Drive, from Agricultural Residential, 5-Acre Minimum (AR-5), to Single Family Residential, 12,000 square foot minimum (SF-12,000).

Recommended Action: i) Hold a Public Hearing ii) Approve Ordinance No. 2024-946

Will Dingee, Assistant Development Services Director, presented the following:

- Provided the location and details of the subject and surrounding properties.
- The intention of the rezone was to develop a 23-lot 12,000 sq. ft. minimum lot size subdivision named Meadowview North.
- The General Plan designated the area and surrounding neighborhood as Neighborhood Residential, allowing for one to four dwelling units per acre, specifically the SF-12,000 zoning district, as an allowable zoning district.
- If approved, the project would come back to Council for preliminary plat review and approval.
- Provided conceptual site plans and renderings of current plans for development.
- The lots would be connected to Town water and sewer.
- Planning & Zoning forwarded a unanimous recommendation of approval.
- Access concerns had been expressed regarding a 25-foot wide strip of land. Staff consulted with the Town Attorney who could answer any questions regarding that matter.

Council and staff discussed the following:

- Councilmember McCafferty asked for confirmation that the easement was dedicated from parcel 306-18-017F.
 - Andrew McGuire, Town Attorney, stated that this issue was looked at a couple years ago and staff wasn't comfortable at first that the easement was dedicated to the Town for this purpose.
 - Councilmember McCafferty inquired why there was confusion about it.
 - Staff stated the confusion stemmed from ownership as the owner was not the Town of Chino Valley and is retained by another individual.
- Vice-Mayor Armstrong asked for clarification on the location of the parcel.
 - Staff stated it was located on East Road 2 North.
- Mayor Miller inquired about a time constraint.
 - Staff stated that the recommendation within the ordinance was a four-year time frame for construction.

Mayor Miller opened the Public Hearing.

Ed Bloomfield presented the following:

- He wanted to know if this subdivision would include curb and gutter, sidewalk, drainage, and have the infrastructure done before building to avoid problems down the

road.

Mayor Miller closed the Public Hearing.

MOVED by Vice-Mayor Tom Armstrong, seconded by Councilmember Sherri Phillips to approve Ordinance No. 2024-946 to rezone approximately 10 acres from AR-5 to SF-12,000.

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

NAY: None

7 - 0 Passed – Unanimously

- c. Public hearing, consideration, and possible action to approve Ordinance No. 2024-943, amending the Town of Chino Valley Unified Development Ordinance, Chapter 154, to define metal storage containers, to allow metal storage containers as accessory structures in certain zoning districts, and to add Section 4.32, Metal Storage Containers.

Recommended Action: i) Hold a Public Hearing ii) Approve Ordinance No. 2024-943

Will Dingee, Assistant Development Services Director, presented the following:

- Gave a brief review of the Planning & Zoning meetings, Town Council meetings, and other events regarding Metal Storage Containers leading up to this meeting.
- The general consensus of what to allow were as follows:
 - *Residential*
 - One box per acre, max five per property
 - Placed at the rear of the property, behind the home
 - Must meet all setbacks
 - Painted an earth-tone color consistent with terrain or same color as primary residence. No logos or graffiti.
 - Existing containers shall be grandfathered except for the painting requirement
 - Existing containers must be painted within one year of ordinance adoption.
 - *Commercial*
 - Five per acre, more with a Conditional Use Permit (CUP).
 - Must meet all setbacks, especially next to residential lots
 - Stacking would only be allowed through a CUP.
 - Temporary/Seasonal placement with a Temporary Use Permit
 - New containers must be painted an earth-tone, primary building color, or screened from public view. No logos or graffiti.
 - Existing containers shall be grandfathered.

Council and staff discussed the following:

- Councilmember McCafferty clarified that a 40-foot container (or two 20-foot containers) would constitute one container.

- Staff stated that was correct.
- Councilmember Granillo clarified that commercial containers did not have to be painted.
 - Staff stated that was correct, but residential containers must be painted within one year.

Mayor Miller opened the Public Hearing.

Ed Bloomfield presented the following:

- He expressed discontent about the number of allowed boxes on the residential properties and pointed out that grandfathering would now mean that several properties would legally have more than the ordinance would allow. He stated that we needed to clean up the town.

Mayor Miller closed the Public Hearing.

MOVED by Vice-Mayor Tom Armstrong, seconded by Councilmember John McCafferty to approve Ordinance No. 2024-943 to amend the UDO to create section 4.32 – Metal Storage Containers.

AYE: Mayor Jack Miller, Councilmember Eric Granillo, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

NAY: Vice-Mayor Tom Armstrong, Councilmember Annie Perkins

5 - 2 Passed

- d. Consideration and possible action to allow a policy deviation for offsite improvements to South Road 1 West adjacent to the proposed Homestead Subdivision.

Recommended Action: Staff recommends Council approve one of the following three options:

1. Direct Staff to enforce the current policy of a 24' roadway with 5' paved shoulders and relocating power poles as necessary to maintain AASHTO clearzone standards, or
2. Approve a policy deviation for offsite improvements to South Road 1 West adjacent to the proposed Homestead Subdivision to allow the use of a 24' roadway with curb and gutter in this rural area, or
3. Approve a policy deviation for offsite improvements to South Road 1 West adjacent to the proposed Homestead Subdivision to allow the use of a 24' roadway with approximately 2' paved shoulders and guardrail as needed at the power pole location.

Frank Marbury, Town Engineer, presented the following:

- He brought this item back to Council for direction to deal with some issues that came up during technical review which he felt might affect future subdivisions.
- The Homestead subdivision already had an approved preliminary plat for 15 lots. There were three electrical transmission poles on the western property boundary causing issues with the street alignment.

- The existing road was a 20-foot roadway with no shoulders.
- Current road policy stated that rural roads such as this should have two 12-foot lanes with five to seven foot paved shoulders on either side. The transmission poles were conflicting with the standard. Clear zone requirements for federal engineering standards stated there should be seven to 10 feet between the travel lane and the power poles.
- Staff's current recommendation was to move the poles, however, the applicant's engineer presented some proposals which he also presented to the county as it was a Town/County road.
 - The first proposal was to put curb and gutter on the side of the road near the power poles. Staff was unclear if 12-foot lanes could be maintained and they may have to be reduced to 10-foot lanes based on the alignment. Curb and gutter would provide a barrier and would satisfy some clear zone requirements. It would not leave room for bicycles, pedestrians, or vehicle pull-offs that a shoulder would help accommodate. It could also present drainage issues. The applicant also proposed sidewalks.
 - The second proposal was to put a guardrail which would allow the clearance between the travel lane and power pole to be just two feet. This would also leave little room for bikes and pedestrians, but might solve the drainage issues, and allow for future shoulder widening if the poles were moved in the future. Staff viewed this as a temporary solution.
- Staff proposed the following options to Council:
 - Option 1 – move the poles at a cost of approximately \$400,000 to the applicant.
 - Option 2 – applicant to build curb and gutter along the east side of the roadway in compliance with federal and other engineering standards.
 - Option 3 – applicant to install guardrails in areas that present a clear zone conflict.
 - Option 4 – accept cash in lieu of improvements.

Council and staff discussed the following:

- Councilmember McCafferty asked for clarification on a statement made about this possibly affecting other properties.
 - Staff stated that their concern was that the Town had a lot of poles around Town and that what was done in this situation may set a precedent for what applicants ask for in the future. Staff wanted to be careful and follow Council direction. Code read that power would be underground along subdivisions except for transmission lines unless they conflict. These poles were found to conflict.
- Staff's preferred option was for the applicant to move the poles. Council and staff further discussed the pros and cons of the different options.
 - Staff's preferred alternative was to install guardrails.
 - Councilmember Granillo inquired if the guardrails were meant to be temporary.
 - Staff stated that was the hope and eventually the poles would be moved back to the edge of the new right-of-way and then extend the shoulder in the future.
 - Councilmember Granillo stated that nobody would pay for that.
- Councilmember Perkins asked if curb, gutter, and sidewalk had already been

approved.

- Staff stated that the preliminary plat was approved and is in technical review.
- Mayor Miller inquired how much distance was between the curb and pole in the curb, gutter, and sidewalk option, and the guardrail option.
 - Staff stated it would depend on if they could keep the 12-foot lane. They were looking at about six feet, but that's with keeping the road narrow with two 10-foot lanes. With guardrails it would be three to six feet.
 - Mayor Miller stated there would be room for a four-foot sidewalk.
 - Staff stated that was possible.
- Councilmember Perkins inquired how many lots were in the subdivision.
 - Staff stated there were 15 one-acre lots.
- Vice-Mayor Armstrong inquired who would be responsible to pay to move the poles.
 - Staff stated it was the applicant.
- Councilmember Granillo inquired if the guard rails could be made permanent.
 - Staff stated guardrails were a permanent treatment, but staff hoped that one day the poles would be moved.
 - Councilmember Granillo doubted that the poles would be moved.
- Mayor Miller inquired about moving the road to the west.
 - Staff stated there were existing properties to the west and trucks already had problems pulling out of the driveway of the nearby slaughterhouse.
- Councilmember Granillo inquired about drainage issues with the curb and gutter.
 - Staff stated the engineering was difficult to go from a ditch into a curb and gutter and then back into a ditch.
- Councilmember McCafferty stated that there would be nothing, then curb and gutter for a little while, and then nothing. He then inquired why the Council would not take cash in lieu of the improvements so that there would be funding if that area ever saw more development. He saw little benefit to the neighborhood to have a fifty foot sidewalk.
- Councilmember Perkins expressed concern that if the poles were not moved and the Council found themselves in this position again, developers would ask for a variance.
- Councilmember Granillo inquired if building fewer homes would change anything.
 - Staff stated it would be an issue regardless of the number of homes.
 - Councilmember Granillo speculated that the land would become worthless if the applicant had to move the poles as he would likely not be willing to spend the \$400,000 to move them.
 - Staff stated that was the applicant's argument.

Council and Mr. Bates, applicant, discussed the following:

- Mr. Bates provided examples throughout town where poles were just a few feet off the road, including Perkinsville Rd near one of his other developments. They were willing to do the entire road in front of the project rather than just half of the road.
- Councilmember McCafferty inquired if this would price them out of the project.
 - Mr. Bates stated that was correct. Nothing would be built or improved if the poles had to move. They had spent a lot of money on the project and rezoned the land. He stated his engineer had answers to all of the questions regarding footage, width of the roadway, etc. They had also done a traffic study on the road. They also had plans for drainage to transition the water into the development.

- Councilmember Schacherer asked for confirmation that both sides of the road would be done.
 - Mr. Bates stated that they would do the entire roadway with brand new paving.

Mayor Miller opened the Public Hearing.

Steve Lewis with Ardura, engineering consultant for the project, stated the following:

- The power poles to the north would never move as they were adjacent to single family lots and would never be redeveloped into a subdivision. The site was in a transition area where there may be a relocation and there may not. The poles would have to swing over at some point in the future if relocated and the owner was dedicating 40 feet of land in case that ever happened.
- The site had already been rezoned and was in replatting. The 40 feet of dedicated right of way would be used for drainage and sidewalks. The sidewalks would be behind the poles and it would not be tight. The owner had offered to rebuild the entire road, partially because it was not in the greatest condition and because there would be a transition to a wider road if they could fit it, which they believe they could. The roadway design presented addressed the drainage concerns.
- Mayor Miller asked for clarification on the placement of the curb and sidewalk.
 - Mr. Lewis stated that a wider roadway would not leave enough room between the curb and gutter for a proper sidewalk due to the road not being straight so the sidewalk would be to the east of the poles.
- Vice-Mayor Armstrong inquired where APS was in this discussion.
 - Mr. Lewis stated that they had attempted to get more clarification from APS on the exact costs, but did not get a response in time for the meeting. He felt there was a strong likelihood that it would be more than \$400,000. He stated the applicant was trying to provide an affordable housing option for the Town.
 - Staff stated that APS's general policy was that when poles were moved they should be moved as far to the edge of the right-of-way as possible.
 - Vice-Mayor Armstrong clarified that APS would not pay for it either.
 - Staff stated that was correct.
- County representatives were available to answer questions as well.

Jay Bates, applicant, presented the following:

- He had spoken with the Regional Manager for APS and he said he was ok with the poles staying where they were as long as they were mitigated with guardrails or curb and gutter.

Carl Rockwell, Civil Engineer for the project, stated the following:

- The rezone was approved with the project providing 17 feet of pavement but it didn't say where and the current road was only 20 feet wide. Curb and gutter was often used in situations such as this to meet national safety policies. They surveyed to the inch and the curb and gutter option would allow for 24 feet of pavement, two feet of curb and gutter, and seven and a half to 12.33 feet to the poles. AASHTO clear zone standards would be met. The traffic study that was conducted showed a very low volume of cars even in peak hours. The guardrail would provide 24 feet of pavement,

two-foot shoulders, and four to approximately eight and a half feet from the face of the guardrail to the pole. Option 1 would leave the road as is, others would provide a safer road.

Larry Holt presented the following:

- The Town had a long history of making accommodations for developers that later bit the Town in the tail and this could be another.
- He stated that staff was making a recommendation and Council should trust the people hired to make those recommendations.

Council and staff discussed the following:

- Council discussed a lack of storm sewers in the area for the curb, gutter, and sewer to go into.
 - Staff stated that the drainage would empty into detention basins that would be part of the drainage plan for the property. It would go back into open ditches or ponds.
- Mayor Miller inquired if Option 1 was based on Town Code.
 - Staff stated that it was policy, but had not been codified.
 - Mayor Miller clarified that Options 2 and 3 could set a precedent for projects coming up.
 - Staff stated that was correct and there was still a lot to be reviewed no matter what option was approved.
- Councilmember Perkins inquired if the road had recently been redone.
 - Staff stated it had been redone further north, but not this particular section.
- Vice-Mayor Armstrong inquired if the Town received anything from APS regarding the matter.
 - Staff stated that they have spoken to APS and all that came of the conversation was that they try to relocate as far back on the right-of-way as possible, and the only time they would pay for them to be moved was if it was a Town project with current right-of-way.

Mayor Miller closed the Public Hearing.

- Councilmember McCafferty stated that if they chose Option 1, it would kill the project, the poles would still be there, the inherent danger would remain. Option 2 would bring some road improvements and the County approved of them. Option 3 did the same but with guardrails which several councilmembers have expressed they don't like. He was not convinced that this was a situation where the Town would later be paying for choosing Options 1 or 2.
- Councilmember Perkins pointed out that there would be curb and gutter with nowhere for the gutter to go except back into the ground.
 - Staff provided the example of the Mollie Rae Estates as an example of where there was curb and gutter with nowhere for the gutter to go.

MOVED by Vice-Mayor Tom Armstrong, seconded by Councilmember John McCafferty to approve Option 2, policy deviation for offsite improvements to South Road 1 West adjacent to the proposed Homestead subdivision to allow the use of a 24-foot roadway with curb, gutter, and sidewalks in this rural area.

AYE: Mayor Jack Miller, Councilmember Eric Granillo, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

NAY: Vice-Mayor Tom Armstrong, Councilmember Annie Perkins

5 - 2 Passed

- e. Consideration and possible action to approve Resolution No. 2024-1270 regarding the Notice received from the Industrial Development Authority of the County of Pima.

Recommended Action: Approve Resolution No. 2024-1270 regarding the Notice received from the Industrial Development Authority of the County of Pima.

Andrew McGuire, Town Attorney, presented the following:

- Council was provided with a memo in detail.
- The Pima IDA was one of many in the state that does projects all over. In order to do a project outside Pima County, they were required to give notice to the jurisdiction in which they would be operating. There was a short window of time to respond to the notice. Not responding would indicate acceptance of the IDA doing business in the Town.
- The notice received in August was for the single family mortgage credit certificate program which would issue debt, and use the proceeds of that debt in support of qualified mortgage credit certificate program applications that were received.
- The program was for 2024/2025 and the approval or denial would last for that same period of time.
- Voting yes on the Resolution would opt out of the program.
- Doing nothing (rejecting the resolution) would allow residents to participate in the program.

MOVED by Vice-Mayor Tom Armstrong, seconded by Councilmember John McCafferty to approve Resolution No. 2024-1270 regarding the notice received from the Industrial Development Authority of the County of Pima.

AYE: Mayor Jack Miller, Vice-Mayor Tom Armstrong, Councilmember Eric Granillo, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

NAY: Councilmember Annie Perkins

6 - 1 Passed

- f. Consideration and possible action relating to potential appeal in the Paul D. Levie, *et al.* v. Town of Chino Valley matter.

Recommended Action: Direct staff regarding the options related to the Paul D. Levie, *et al.* v. Town of Chino Valley matter.

Andrew McGuire, Town Attorney, presented the following:

- In order for the Town to provide direction to outside counsel and staff moving forward regarding any kind of appeal or entering an agreement so that an appeal would not happen, and resolving all claims, it must be done in a public meeting. Motion language was proposed to Council to authorize staff to go forward as was discussed.

MOVED by Vice-Mayor Tom Armstrong, seconded by Councilmember Annie Perkins to authorize legal counsel to negotiate and enter into an agreement to resolve all claims in the Paul D. Levie vs. Chino Valley litigation and authorize the Mayor, Acting Town Manager, Town Clerk, and the Town Attorney to take all action and execute all necessary documents.

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

NAY: None

7 - 0 Passed – Unanimously

- g. Consideration, discussion, and possible action regarding the recruitment process for the position of Town Manager.

Recommended Action: Direct staff on the recruiting process for the position of Town Manager.

Laura Kyriakakis, Assistant Town Manager/HR Director, presented the following:

- Gave an overview of the Town recruitment process and options including:
 - Internal appt
 - Internal recruitment
 - Internal/external recruitment
 - External recruitments using the HR Department
 - External Recruitment with an Executive Search Firm
- It was not often that the Town had an opportunity to fill a position with internal staff that possessed the education, experience, knowledge, skills, and abilities to fill the position. She was a big supporter of that when the opportunity came up. The Town currently had qualified staff that were interested in the position.
- Reviewed the pros and cons of internal recruitment including: reducing hiring time, reducing onboarding time, lower cost to the organization, creating a culture of resentment, leaving potential gaps in workforce, limiting the pool of applicants, etc.
- Reviewed the Town's typical recruitment process.

Council and staff discussed the following:

- Councilmember McCafferty inquired if they could limit internal/external recruitment to a geographical area.
 - Staff stated that advertisement could be focused to certain areas, and they could pick and choose candidates, but she didn't recommend it.
- Councilmember McCafferty inquired if there was a blank contract.
 - Staff stated they have a basic agreement which is then used to fit the needs of

- the Town and successful candidate.
- Andrew McGuire, Town Attorney, stated that he could provide Council with all the different varieties of Town Manager contracts that the Town has had.
- Mayor Miller inquired how many internal candidates would qualify.
- Staff stated that two people with experience, knowledge, skills, and abilities to fill the position have expressed interest.

Council discussed their individual opinions on which options they liked best.

MOVED by Vice-Mayor Tom Armstrong, seconded by Councilmember John McCafferty to direct staff on the recruiting process for the position of Town Manager by using the internal recruitment form.

AYE: Mayor Jack Miller, Vice-Mayor Tom Armstrong, Councilmember Eric Granillo, Councilmember John McCafferty, Councilmember Robert Schacherer

NAY: Councilmember Annie Perkins, Councilmember Sherri Phillips

5 - 2 Passed

7. ADJOURNMENT

MOVED by Councilmember Sherri Phillips, seconded by Vice-Mayor Tom Armstrong to adjourn the meeting at 7:47 p.m.

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

NAY: None

7 - 0 Passed – Unanimously

Jack W. Miller, Mayor

ATTEST:



Erin N. Deskins

Erin N. Deskins, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 10th

day of September, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 22nd day of October, 2024.

Erin N. Deskins

Erin N. Deskins, Town Clerk