

**MINUTES OF THE
OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY
TUESDAY, MARCH 26, 2024
5:00 PM
COUNCIL CHAMBERS | 202 N. STATE ROUTE 89 | CHINO VALLEY,
ARIZONA 86323**



TOWN COUNCIL NOTICE & AGENDA

**EXECUTIVE SESSION
TUESDAY, MARCH 26, 2024
5:00 PM**

COUNCIL CHAMBERS | 202 N. STATE ROUTE 89 | CHINO VALLEY, ARIZONA 86323

AGENDA

1. **CALL TO ORDER; ROLL CALL**
2. **Executive Session pursuant to A.R.S. § 38-431.01 (A)(3) with the attorneys for the Town in order to consider the Town's position and instruct its attorneys regarding the Town's position regarding the Levie v. Town of Chino Valley matter.**
3. **ADJOURNMENT**



TOWN COUNCIL NOTICE & AGENDA

**STUDY SESSION
TUESDAY, MARCH 26, 2024
5:00 PM**

COUNCIL CHAMBERS | 202 N. STATE ROUTE 89 | CHINO VALLEY, ARIZONA 86323

AGENDA

1. **CALL TO ORDER; ROLL CALL**

Mayor Miller called the meeting to order at 5:43 p.m.

Present: Mayor Jack Miller, Vice-Mayor Tom Armstrong, Councilmember Eric Granillo, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer
Absent: Councilmember Annie Perkins
Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire; Officer Douglas Hawk (Sgt. at Arms); Assistant to the Town Manager Terri Denemy; Development Services Director Laurie Lineberry; Assistant Development Services Director Will Dingee; Finance Director Katie Pehl; Public Works Director/Town Engineer Frank Marbury; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

2. Discussion regarding proposed changes to Town Code Utility Connections Requirements.

Cindy Blackmore, Town Manager, presented the following:

- Staff worked diligently to incorporate the changes discussed at the last study session regarding this matter.
 - The Water and Utilities Subcommittee also met and discussed changes further.

Frank Marbury, Public Works Director/Town Engineer, presented the following:

- The service area was only a small portion of the Town. There were a lot of areas that did not have water, meaning there were a lot of needs for water and sewer.
- Council had expressed concern regarding the continued development off the Town's water and sewer system resulting in more withdraw from the aquifer and lack of wastewater collection for recharge, and directed staff to review the current code and recommend changes that would promote development on the Town's utility infrastructure.
- There was also more focus on treatment needs and recharge that septic systems did not provide.
- The end goal was to have a healthy and safe water resource.
- Staff was presenting their recommendations (along with the Water and Utilities Subcommittee), and they would be returning for Council approval on April 9th.
- Provided definitions for "water/sewer main" (distribution line located with Town right-of-way or easements) and "at property line" (located within right-of-way adjacent to the subject property).
- The following were the proposed Code changes for Water:
 - Single Family Residential (SFR) – current Code required mandatory connection if water was available at the property line. Existing homes had the option to connect once it was available at the property line, but they must cap their well if they did connect. No changes were recommended.
 - Subdivisions with lots smaller than one acre - current Code stated these subdivisions must connect. No changes were recommended.
 - Subdivisions with lots one acre or larger - current code stated these subdivisions must connect if available within 300 feet. Staff and Subcommittee recommended requiring all subdivisions to connect regardless of lot size or zoning.
 - Staff stated that this would discourage sprawl and encourage infill development allowing the system to expand with development.
 - Single Lot Commercial/Industrial – current Code stated that if water was

available at the property line they must connect. There were no specifications on when they needed to be notified and how long they had to comply.

- Subcommittee recommended that existing property and new construction should connect regardless of distance.
 - Staff stated this could limit new commercial development particularly at the North end of Town as there were limited available parcels near water mains. It could also result in legal challenges due to high financial burden.
- Staff proposed the following:
 - Existing properties connect within 120 days of water becoming available at the property line. Another option would be to connect when water came within 300 feet of the property line.
 - New construction be mandated to connect to Town water when at the property line. Another option would be to connect when water came within 300 feet of the property line.
 - 300 feet would be \$150,000 to \$200,000 worth of extensions for water and sewer.
 - This would allow commercial to still develop using wells, but connect when available at the property.
- Multi-family (apartments, town houses, condos, or other buildings containing two or more residences on a single parcel or lot) - current Code treated multi-family like commercial/industrial and was mandated to connect when available.
 - This would not include guest houses or extensions to SFR.
 - Staff proposed mandatory connection for existing properties within 120 days of water becoming available. Another option would be to extend to within 300 feet to connect more properties.
 - Staff proposed new construction would be required to connect regardless of distance. This would encourage infill development and discourage sprawl.
- The following were the proposed Code changes for Sewer:
 - SFR – current Code required mandatory connection if sewer was available at the property line. Sewer was mandatory for lots less than one acre. Existing homes had the option to connect once it was available at the property line, but they must abandon their septic if they did connect. No changes were recommended.
 - Subdivisions – current Code stated that connection was required if the sewer was available within 300 feet of the boundary of the subdivision. Sewer was mandatory if the property was less than one acre.
 - Staff and Subcommittee proposed requiring all subdivisions regardless of lot size to connect to sewer.
 - This would discourage sprawl and expand the system as development occurred.
 - Single Lot Commercial/Industrial – current Code stated current properties must connect within 120 days of sewer becoming available within 300 feet of the property line. New construction was required to connect if sewer was available within 300 feet of the property line.
 - Subcommittee proposed that existing and new construction must connect regardless of distance.

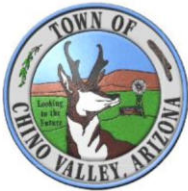
- Staff stated this could limit commercial development and cause legal challenges.
 - Staff recommended existing and new construction connect within 120 days of sewer being available at the property line. Another option would be when it became available within 300 feet of the property line.
- Multi-family - following the same definition as mentioned for water, current Code stated existing properties must connect within 120 days of sewer becoming available within 300 feet of the property line, abandoning their septic system. New construction was required to connect if sewer was available within 300 feet.
 - Staff proposed mandatory connection for existing properties within 120 days of water being available at the property line. Another option would be mandatory connection once available within 300 feet of the property line.
 - Staff proposed mandatory connection for all new multi-family construction regardless of distance.
 - This would discourage sprawl and allow the system to expand as development occurred.

Council and staff discussed the following:

- Council proposed continuing the study session to another study session as there were a lot of details to go through.
 - Staff stated that they could continue to another study session.

3. ADJOURNMENT

Mayor Miller adjourned the meeting at 5:59 p.m.



TOWN COUNCIL NOTICE & AGENDA

REGULAR MEETING
TUESDAY, MARCH 26, 2024
5:00 PM

COUNCIL CHAMBERS | 202 N. STATE ROUTE 89 | CHINO VALLEY, ARIZONA 86323

AGENDA

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 Eric Granillo, Councilmember John McCafferty, Councilmember Sherri Phillips, Councilmember Robert Schacherer

Absent: Councilmember Annie Perkins

Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire; Officer Douglas Hawk (Sgt. at Arms); Assistant to the Town Manager Terri Denemy; Development Services Director Laurie Lineberry; Assistant Development Services Director Will Dingee; Finance Director Katie Pehl; Public Works Director/Town Engineer Frank Marbury; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

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

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

Supervisor Craig Brown presented the following:

- Today was Medal of Honors Winner's Day recognizing all the medal of honors winners in the United States.
- He provided the Clerk with a copy of Yavapai County's proclamation declaring Friday as Vietnam Veteran's Day. The VA would hold an event at 11:00 a.m. at Building 15 and another at Noon at the Prescott Plaza.
- The County was holding a slash event where residents could take all their vegetation to the transfer station during the month of April.
- Congratulated the Town on the closing of escrow on the Del Rio State Park.
- He commended Town Manager Cindy Blackmore on a job well done at the Veteran's breakfast earlier that morning.

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

Cindy Blackmore, Town Manager, presented the following:

- Staff was very excited that the land had been acquired for the new State Park. There would be a comprehensive planning process in the coming months and looked forward to having that new amenity in Chino Valley.
- The animal shelter had 11 puppies up for adoption. They would be available starting Monday, May 1st.
- There were a lot of questions regarding Circle K. Staff was doing their best to stay in contact with ADEQ and Circle K and they had been very forthcoming. Remediation equipment was already out to take care of the soil. All testing thus far on nearby wells had come back negative for contamination. They would continue testing in the area. The Town had a dedicated space on its website to get any press releases or other information out to the public. All information the Town had was coming from Circle K and ADEQ.

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 John McCafferty to approve Consent Agenda items a-c as presented.

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

NAY: None

6 - 0 Passed - Unanimously

- a. Consideration and possible action to approve an Intergovernmental Agreement with the Phoenix Police Department and the Arizona Internet Crimes Against Children (ICAC) Task Force.
- b. Consideration and possible action to approve the February 27, 2024, regular meeting minutes.
- c. Consideration and possible action to approve the February 29, 2024, special session/strategic planning 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. Consideration and possible action to approve the Cooperative Purchasing Agreement, Job Order No. 1 with Sunland Asphalt and Construction, LLC, for emergency street repairs in the amount of \$407,240.12.

Recommended Action: Approve the Cooperative Purchasing Agreement, Job Order No. 1 with Sunland Asphalt and Construction, LLC, for emergency street repairs in the amount of \$407,240.12.

Frank Marbury, Public Works Director, presented the following:

- Expressed condolences to those involved in the Baltimore bridge tragedy.
- Winter and spring storms created a large crop of potholes. The street crews were doing their best, but just couldn't keep up in some of the worst areas and it had become a safety issue. Cars were traveling in opposite lanes to avoid the potholes and there had been wheel and tire damage. Staff was requesting to have repair work done by contractors.
- Provided a map and photos of the areas needing repair including Road 5 North west of the highway, Road 4 North west of the Road 1 West intersection through Dillon Boulevard (the developer contributed \$150,000 for street improvements and staff would be using those funds for this repair), Reed Road north of Road 1 North, the intersection of Center Street and Reed Road, Cactus Wren and Road 1 North.
- Sunland Asphalt quoted \$407,000 for everything.
- More areas would probably develop and even probably developed over the last weekend's storm. The Town needed a total of \$90 million in street work with \$40 million needed now.
- Staff felt these were the worst areas and received the most calls. A similar list would probably come before Council next year as well.

Council and staff discussed the following:

- Council inquired if the \$150,000 would go towards the quoted \$407,000 price or if it had already been factored in.
 - Staff stated it would go toward the \$407,000.
- Staff stated that if approved tonight the contractor planned to start April 1st.
- Council inquired why Road 1 East toward Territorial was not receiving any emergency repairs.
 - Staff stated that road would soon be replaced from Juniper to Perkinsville.
 - Plans were being finalized and would be advertised in the next week or so. It would be a complete reconstruction.
 - Council inquired if that project would be cutting into Mahan Street.
 - Staff stated that they would be cutting into Mahan. Staff then noted that the Road 1 East project was not agendaized to be discussed during this meeting.

MOVED by Vice-Mayor Tom Armstrong, seconded by Councilmember John McCafferty to approve the Cooperative Purchasing Agreement, Job Order No. 1 with Sunland Asphalt and

Construction, LLC for emergency street repairs in the amount of \$407,240.12.

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

NAY: None

6 - 0 Passed - Unanimously

- b. Consideration and possible action to approve Resolution No. 2024-1249 conditionally accepting the streets and public infrastructure improvements associated with the Perkinsville 44 Subdivision Phases 1 & 2 and Offsite Water & Sewer subject to a two-year warranty period.

Recommended Action: Approve Resolution No. 2024-1249 conditionally accepting the streets and public infrastructure improvements associated with the Perkinsville 44 Subdivision Phases 1 & 2 and Offsite Water & Sewer subject to a two-year warranty period.

Frank Marbury, Public Works Director, presented the following:

- The developers had been working on the Perkinsville 44 development at the northeast corner of Road 1 East and Perkinsville Road.
- It would be 160 homes when fully built.
- They have started work on phases 1 and 2 including all the utility and street work inside the subdivision. Staff had inspected and felt that it was ready for the warranty period.
- Improvements on Perkinsville Road and Road 1 East had also been completed and passed county inspection. There was a little more street work and staff would be holding off on that warranty until they completed those punch list items.
- Conditional acceptance by the Council would release performance bonds to the developer and begin the 2-year warranty period.

Council and staff discussed the following:

- Council inquired when the warranty would start.
 - Staff stated it would start now.
- Council inquired what would happen when the roads were torn up due to construction trucks going up and down the roads during the building process.
 - Staff stated the developer would fix any damage during the warranty period. When concrete trucks come in and drive over the sidewalk and break the sidewalk, they fix the sidewalk regardless of any warranty period.
- Council inquired if the lines in the fire hydrants were charged.
 - Staff stated they hydrant lines were accepted and in service. The sewer would be also when there was runoff. Staff received all approvals through the State and County for the water and sewer systems.

MOVED by Vice-Mayor Tom Armstrong, seconded by Councilmember Sherri Phillips to approve Resolution No. 2024-1249 conditionally accepting the streets and public infrastructure

improvements associated with the Perkinsville 44 Subdivision Phases 1 & 2 and Offsite Water & Sewer subject to a two-year warranty period.

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

NAY: None

6 - 0 Passed - Unanimously

- c. Consideration and possible action to amend the final plat for the Del Sol South Subdivision to adjust the lot line between Lots 6 and 7 to accommodate an erroneously placed well.

Recommended Action: Approve the amended final plat for the Del Sol South Subdivision to adjust the lot line between Lots 6R (APN 306-18-165) and 7R (APN 306-18-166) to accommodate an erroneously placed well, subject to the following stipulations: strict compliance with Maintenance Improvement District No. MID-2022-01; and satisfaction of all reviewer comments prior to signing the amended final plat and recording it with the Yavapai County Recorder.

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

- The subdivision was located south of East Perkinsville Road and just east of Chino Meadows unit one.
- Two wells were erroneously placed on lot six. The applicant was proposing to adjust the lot line between lots six and seven to salvage the well.
- All properties would meet development standards and staff had no concerns with the lot line adjustment.
- P&Z forwarded a recommendation of approval with a 7/0 vote.

Council and staff discussed the following:

- Council inquired how close the septic and leach lines were to the wells
 - Staff stated they should be outside 100 feet. ADWR and ADEQ would not approve a well within 100 feet of a septic unless there was some special authorization. Wells could be closer together.
- Council inquired how the owner of lot six would be impacted by having two wells on his property.
 - Staff stated the lot line was shifting so that the second well on lot six would now be on lot seven.
 - Council inquired if that meant the lot would be less than an acre.
 - Staff stated that the lot line had been adjusted to ensure that there was one acre minimum on each lot.

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 Eric Granillo to approve the amended final plat for the Del Sol South Subdivision to adjust the lot line between Lots 6R (APN 306-18-165) and 7R (APN 306-18-166) to accommodate an erroneously placed well, subject to the following stipulations: strict compliance with Maintenance Improvement District No. MID-2022-01; and satisfaction of all reviewer comments prior to signing the amended final plat and recording it with the Yavapai County Recorder.

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

NAY: None

6 - 0 Passed - Unanimously

- d. Public hearing, consideration, and possible action to approve Ordinance No. 2024-942 to rezone 14.23 acres from Commercial Light (CL) to Agricultural Residential 4-acre (AR-4) at 700 West Road 5 1/2 North, Chino Valley, Arizona.

Recommended Action: i) Hold a Public Hearing ii) Approve Ordinance 2024-924

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

- The request was from Travis and Lisa Bates to rezone from Commercial Light (CL) to Agricultural Residential - 4 acre minimum (AR4).
- The request was in conformance with the 2040 General Plan which designated the area as Ranch/Agricultural (RA) which was a 1 dwelling unit for every 4 acre minimum.
- The existing land use was a single family residence allowed in the CL zoning district through a Conditional User Permit approved by Council last year.
- P&Z forwarded a recommendation of approval with a 7/0 vote.

Council and staff discussed the following:

- Council wanted to clarify the number of the Ordinance.
 - Staff stated it was Ordinance No. 2024-942.

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 Eric Granillo to approve Ordinance 2024-942 to rezone 14.23 acres from CL to AR-4.

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

NAY: None

6 - 0 Passed - Unanimously

- e. Public hearing, consideration, and possible action to approve Ordinance No. 2024-943 to amend the Unified Development Ordinance, to create Section 4.32 - Metal Storage Containers.

Laurie Lineberry, Development Services Director, presented the following:

- There were a lot of requests to allow containers to store personal and farm items. Staff was proposing to add a section to the General Regulations that defined metal storage containers and identified which zones they would be permitted in, how many containers would be allowed on each lot, and provisions to ensure compatibility onsite and with neighboring properties.
- The use of metal storage containers had been discussed with Council, staff, and P&Z since 2018. Ms. Lineberry researched all the past minutes regarding the matter and presented them in the staff report, grouped by topics of the issues that were brought up, many of which were conflicting.
- Prior years councils and staff focused on the containers being structures which caused most of the issues over the five years it was discussed. Staff was proposing to consider them as an accessory use only. If that were the case staff could review and issue approval over the counter on the same day.
- The development standards would include:
 - For storage only, occupancy would not be allowed
 - The primary use must be another use. Cargo containers would not be allowed on vacant lots.
 - No allowance of plumbing and electrical.
 - Not to be placed in known retention or flood areas.
 - Not placed in required off street parking spaces.
 - No stacking of units.
 - No signage or graffiti.
 - Must be a solid color unit.
- The process of obtaining an over the counter permit would take the following steps:
 - The applicant would provide their address
 - Development Services would pull up the parcel via assessor's data and provide the site plan including measurements and where the container could be placed ensuring setbacks were met.
 - Development Services would stamp it and the applicant could be on their way.
- The 2024 building codes included a section for shipping containers which gave provisions for altering them so that people could live in them. Staff would be looking at the codes this summer and would bring that to Council before the end of the year to see if they would like to allow inhabitation. The process would change should the Council choose to adopt such provisions.
- Provided Council with a chart of what P&Z recommended for number of units based on zoning designation versus what the Council had discussed several years ago and what the County allowed.

Council and staff discussed the following:

- Council inquired if all those with containers now would be grandfathered in.
 - Staff stated that was correct.

- Council inquired if the Grandfathered units would still have to paint them?
 - Andrew McGuire, Town Attorney, stated that the question would be whether the color of a container was a legal non-conforming use. Many of the containers in use now were non-conforming uses that were permitted previously. Changing the rules now opens Pandora's box and so was often advised to say that they don't have to be painted if they were pre-existing this Ordinance.
- Council clarified that anyone putting a container on their property right now was illegal and this would allow people to do that without alterations to the unit other than paint? But the ordinance could be adjusted down the road?
 - Staff stated that was correct.
- Council inquired what the fee for the permit for a 40 foot container would be.
- Staff stated there would be no cost for the permit.
- Council clarified that a two and a half acre parcel would be allowed to have four 20 foot containers or two 40 foot containers.
 - Staff stated it would depend on whether Council approved the P&Z recommendation or previous Council formula.
- Council inquired if the existing rules would require a permit if the homeowner wanted to install vents on the unit?
 - Staff stated it would depend.
 - One councilmember suggested an edit to the Ordinance that would allow people to install ventilation without initiating a permit.
 - Staff stated they would need to define what ventilation was as some might interpret it as an HVAC system.
- Council clarified that the setbacks were the same as regular buildings.
 - Staff stated that was correct.
- Council inquired about putting a cover over two containers.
 - Staff stated that would make it a structure and require a building permit. There were some of these in Town and some of them had building permits.

Mayor Miller opened the Public Hearing.

Ed Bloomfield presented the following:

- He had seven containers next to his house and he was concerned about the grandfather clause that would allow them all. He didn't feel that people should be told to paint the boxes and was concerned that next people would be told to paint their houses and he felt that wasn't right. Some people needed containers and used them for storage, but he had to build a \$270,000 shop so he wouldn't have seven containers on his property.

Rachelle Fernow presented the following:

- She was curious if there was a point where the grandfather clause no longer applied. For instance, if the owner with seven containers decided to add another would he be frozen at seven or would he have to go through the proper process and at that point be required to remove boxes? She did not feel the over the counter process gave consideration to neighbors and wondered if setbacks would be observed. There was also mention of ventilation and she felt the verbiage should include no ventilation requiring power. She mentioned a project on Road 4 North and SR 89 just came in and

was in direct violation of this. She felt this all seemed like a mess and she didn't have appreciation for people doing whatever they wanted on their property and wasting time writing ordinances such as this one.

Charlie Bloomfield presented the following:

- He was curious what the primary use on commercial property would be considered? He had found an amendment to code from November 9, 2006 (Ordinance 06-678) which talked about containers in this area.

Dana Blake presented the following:

- She wanted to know the minimum separation between containers and if they were allowed to be abutted to make a larger structure. She also wanted to know the separation distance from the box to the house/septic/water lines/neighbor's property. She inquired if anyone on Council would want to be the neighbor of someone with a temporary bright blue box. She agreed that the containers were great for storage, but there needed to be consideration for the actual use of them and the type of property. She also felt that there needed to be consideration for wildlife impacts. She also wondered why there was no charge for the permit when that money could go back into the Town.

Robert Switzer presented the following:

- The P&Z recommendation was 5/2. The two no votes wanted the code to be closer to the county code for residential uses.

Ed Bloomfield presented the following:

- In response to the comments about permits, he believed he had the two only permitted containers in town on his heavy commercial property. He wondered if heavy commercial properties were going to be told that they couldn't have them.

Charlie Bloomfield presented the following:

- He provided a copy of the ordinance mentioned earlier to the Council. He wanted to know what was going to be considered an alteration on the containers. Some alterations came from the manufacturers such as roll up doors.

Mayor Miller closed the Public Hearing.

Council and staff discussed the following:

- Council requested staff to answer the question about Commercial Heavy properities.
 - Staff stated the table provided listed every zoning district and identified what size container or none could be placed. It included residential, commercial, industrial, public land, open space, multi-family, mobile home parks, etc.
- Council asked staff to clarify what was considered an alteration.
 - Staff stated that if the manufacturer made them with a specific door and it was not sent to someone who alters and sells them it would be accepted. If the homeowner took their welding torch and cut out a window it would then be considered altered.

- Council inquired what would happen with the neighbor with seven containers.
 - Staff stated that the term legal non-conforming was used which would mean that it was permitted when it was originally placed. Staff stated that they did not believe they had any tracking of any of that information at Development Services.
 - Council inquired what the Town would be able to do about the containers if this ordinance was passed.
 - Andrew McGuire, Town Attorney, stated that grandfathering was an issue that would have to be addressed as part of the Ordinance. Legal non-conforming use meant that the containers were permitted and then the rules changed making them "illegal." The Town probably had a blend of illegally placed and too many placed which would not gather any non-conforming rights. If they were going to grandfather everything, they wouldn't worry about legal non-conforming as everything would be grandfathered as is. The issue was that if there was not a tracking mechanism or any record of them, there would be no way to know where the Town was on day one. Staff was trying to figure out how they would go back and enforce if they didn't know who was there legally and who wasn't. Part of the problem was that they were allowed in the County before the Town was incorporated and some of those would be legal non-conforming uses. Some of them may have been legal in the County, and then they were brought into the Town where they were no longer legal. Therefore, staff was recommending a clean sweep grandfather to have a ground zero.
- Council inquired if staff had researched Ordinance 06-678 and if it was still in effect.
 - Staff stated they did not believe it was still in effect, but they did not go back that far as they were told that the Town had approved containers and then they decided no more.
 - Staff pointed out that the ordinance provided was an amendment to some of the Town Code.
 - Council stated that some of the ordinance concurred with a lot of what was being recommended, but some was completely off.
- The requirement of painting the container came back up and staff relayed that the point was to make them blend in and they should match the main building, or the surrounding terrain.
- Location was discussed again reiterating that they would be set at the back of the lot and setbacks would be observed and enforced.
- Council inquired if separation was addressed in the ordinance.
 - Staff stated it was not, but the units could not be hooked together.
- Council inquired about effects on property values.
 - Staff stated that the idea was if Council followed the recommendation of P&Z that you would reduce the potential for it to have negative value on property.
- Council inquired as to the reasoning for not charging a fee.
 - Staff stated they do not currently have a fee for that. Finance was updating town-wide fees, and it may be updated at that point.
- One councilmember felt that they either needed to get an ordinance in place, or ban containers and enforce it.
- Staff referred to the property on Road 4 North and State Route 89 that had just brought in a number of containers and stated that they had a Code Enforcement case open with

them now.

- Council inquired if Code Enforcement was going to start making people paint their existing containers.
 - Staff stated that if Council set a time limit to have them painted to be in compliance, that would require them to be painted.
 - Andrew McGuire, Town Attorney, stated that the Council could put whatever conditions they wanted. It would be difficult for someone to prove that their unit was legally placed unless they had a Conditional Use Permit or otherwise. Legal non-conforming use status was a defense to enforcement, not a free-standing right. If the Council wanted to have grandfather provisions to phase in, those would be applied to all containers currently existing or otherwise. This would address lots that had more than the number permitted and have existing units painted over some period of time. The ordinance did not currently have that provision. It would have to be included in the codified version.
- Council stated that the public interest seemed to be where the containers were located, what they looked like, and how many the Town would allow. The Council needed to decide if they would adopt the P&Z recommendations or a combination of the previous Council and the County. The ordinance did not address all of those factors.
- One councilmember inquired if there was a mechanism to note which ones were already pre-existing so that people don't start sneaking them in.
 - Staff stated that was in process and they have aerial photographs from past years so they can find a number of them unless they were hiding under a tree.
- Council discussed their individual positions on the matter.
- Council requested suggested language from the Town Attorney regarding grandfather clauses.
 - Andrew McGuire, Town Attorney, stated that grandfathering clauses were all over the board with varying degrees of tolerance for non-conformity. The Council would need to consider what amount of time would be sufficient for compliance, and also feasible in terms of enforcement.
- Council inquired if a phased approach wherein the Town staff would identify properties with potential violations, notify in writing, and give six months to come into compliance would work for Town staff.
 - Staff stated that would work for them.
 - One councilmember stated that six months didn't seem like enough time.
- Council discussed continuing the item to another meeting.

MOVED by Councilmember John McCafferty, seconded by Mayor Jack Miller to continue to April 9th to incorporate a grandfathering provision with a one year compliance requirement and staff to identify and notify to come into compliance.

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

NAY: Vice-Mayor Tom Armstrong, Councilmember Robert Schacherer

4 - 2 Passed

- f. Consideration and possible action to adopt Resolution No. 2024-1247 disbanding and dissolving the Roads and Streets Committee and the Water and Utilities Subcommittee; and adopt Resolution No. 2024-1248 establishing a Capital Improvement Program Citizen's Advisory Committee.

Recommended Action: Adopt Resolution No. 2024-1247 disbanding and dissolving the Roads and Streets Committee and the Water and Utilities Subcommittee; and adopt Resolution No. 2024-1248 establishing a Capital Improvement Program Citizen's Advisory Committee.

Terri Denemy, Assistant to the Town Manager, presented the following:

- This item was the result of several concepts that Council had brought forth regarding increasing citizen involvement and having more transparency.
- The Town's process had evolved to a need more formal CIP program. The next step was to involve citizens in making decisions about where large funds would be spent through the Capital Improvement Program Citizen's Advisory Committee (CIPCAC).
- The Town had two infrastructure related committees that staff proposed be replaced by the CIPCAC. Disbanding those committees was not to remove Council vote or input, but rather to allow all members of Council to receive the same level of information. Staff felt this was important for good decision-making.
- This would engage the citizens more and uphold the Town values of safety, integrity, honesty, transparency, and communication.
- The committee would be appointed by council and comprised of citizens who reside, do business in, have purposeful connection to the Town, and are served by the Town's water, sewer, and streets. The committee's recommendations would be brought to Council so they know what the citizens were asking for.

Council and staff discussed the following:

- One councilmember stated that he would like the membership to be kept to Chino Valley residents and no one else.
 - Other councilmembers thought that business owners warranted a position on the CIPCAC as they help fund capital improvement projects. Many of them were actively involved in the community.
 - Staff stated that the Appointments Subcommittee would review the applications and could consider those aspects if they left it open. Restricting it would remove that option.
- One councilmember stated that he never viewed Water & Utilities as a CIP only, but also to review where the Town was on water management, PFAS studies, etc. He liked the idea of the CIPs being consolidated, but didn't like the lack of information that Water & Utilities provided as a follow up.
 - Staff stated that those items would be brought to Council as a whole via Study Sessions, rather than just select members.
- Council inquired how often the CIPCAC would be meeting.
 - Staff stated that the committee would meet annually during the budget process.
- Council inquired about the timeline for the CIPCAC's first meeting.
 - Staff stated that they were looking to enact it immediately and have a CIP committee in place for this budget session and have a meeting scheduled for mid-May.

- Council inquired if there would be councilmembers on the CIPCAC.
 - Staff stated that it would be a citizen body only.

MOVED by Vice-Mayor Tom Armstrong, seconded by Councilmember Sherri Phillips to adopt Resolution No. 2024-1247 disbanding and dissolving the Roads and Streets Committee and the Water and Utilities Subcommittee; and adopt Resolution No. 2024-1248 establishing a Capital Improvement Program Citizen's Advisory Committee.

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

NAY: Councilmember Robert Schacherer

5 - 1 Passed

- g. Second public hearing regarding Resolution No. 2024-1243, proposing an extension to the alternative expenditure limitation - Home Rule option.

Recommended Action: Hold second public hearing on Resolution No. 2024-1243.

Katie Pehl, Finance Director, presented the following:

- As discussed at the March 12th meeting, the alternative expenditure limitation - Home Rule option was being recommended to be placed on the ballot. This would allow the Town to analyze and spend the revenues it actually received rather than being restricted to the state limitation.
- This was the second public hearing in that process.
- After the Public Hearing Council would convene a special meeting to vote on the item to officially place it on the July 30, 2024, ballot.

Mayor Miller opened the Public Hearing.

There were no requests to speak.

Mayor Miller closed the Public Hearing.

7. ADJOURNMENT

MOVED by Councilmember Sherri Phillips, seconded by Vice-Mayor Tom Armstrong to adjourn the meeting at 7:35 p.m.

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

NAY: None

6 - 0 Passed - Unanimously



TOWN COUNCIL NOTICE & AGENDA

**SPECIAL MEETING
TUESDAY, MARCH 26, 2024
5:00 PM**

COUNCIL CHAMBERS | 202 N. STATE ROUTE 89 | CHINO VALLEY, ARIZONA 86323

AGENDA

1. CALL TO ORDER; ROLL CALL

Mayor Miller called the meeting to order at 7:35 p.m.

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

Absent: Annie Perkins

Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire; Officer Douglas Hawk (Sgt. at Arms); Assistant to the Town Manager Terri Denemy; Development Services Director Laurie Lineberry; Assistant Development Services Director Will Dingee; Finance Director Katie Pehl; Public Works Director/Town Engineer Frank Marbury; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

2. Consideration and possible action to approve Resolution No. 2024-1243, proposing an extension to the alternative expenditure limitation - Home Rule option.

There was no discussion on this item.

MOVED by Vice-Mayor Tom Armstrong, seconded by Councilmember Sherri Phillips to approve Resolution No. 2024-1243, proposing an extension to the alternative expenditure limitation - Home Rule option.

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

NAY: None

6 - 0 Passed - Unanimously

3. ADJOURNMENT

MOVED by Councilmember Sherri Phillips, seconded by Vice-Mayor Tom Armstrong to adjourn the meeting at 7:36 p.m.

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

NAY: None

6 - 0 Passed - Unanimously



Jack W. Miller, Mayor

ATTEST:



Erin N. Deskins

Erin N. Deskins, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Executive Session, Study Session, Regular Meeting, and Special Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 26th day of March, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 23rd day of April, 2024.

Erin N. Deskins

Erin N. Deskins, Town Clerk