

**MINUTES OF THE STUDY SESSION AND REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY
TUESDAY, JULY 9, 2024
5:00 PM
COUNCIL CHAMBERS | 202 N. STATE ROUTE 89 | CHINO VALLEY,
ARIZONA 86323**

1. CALL TO ORDER; ROLL CALL

Vice-Mayor Armstrong called the meeting to order at 5:00 p.m.

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

Absent: Jack Miller

Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire; 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; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

2. Discussion on possible Code amendments regarding the use of metal storage containers on residential properties.

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

- Gave a brief history of this item as it occurred throughout 2024.
- Open Houses were held on June 5th to encourage open discussion between the staff, Town Manager, council, and the public. The open houses included poster boards, survey forms, and comment cards to make known the public's opinions. Residential discussions were held during the morning, commercial discussions were held in the evening.
- Staff also gathered opinions from social media, online survey forms, emails, and letters.
- Staff culminated the results in 13 pages. Essentially, the public wanted them regulated like storage sheds and be adopted as part of the respective zoning districts with no quantity limits, but rather held to lot coverage and setback standards.
- Staff recommended modifying existing language within the zoning districts AR-5 through SR-1 by adding "metal storage container." A definition of "metal storage container" would also have to be added to the Town Code.
- The public did express a desire to enforce uniform colors and cover up logos and graffiti.
- This would require going back to the Planning & Zoning Commission (P&Z). It could come back to Council at the end of September for a vote.

Council and staff discussed the following:

- Council inquired about existing units being required to meet setbacks.
 - Staff stated that they could be grandfathered in or Council could require them to be moved. Code enforcement had gone around and they did not see a lot on property lines.
 - Council inquired what the setback requirement was for sheds?
 - Staff stated that internal lot lines were typically 10 feet, and 20 to 30 feet from the street line depending on whether it was a local road or Highway 89.
- Council inquired about painting existing containers.
 - Staff stated that was an option for discussion. It was split among the residents, but did lean to the side of requiring them to be painted.
- Council inquired how many boxes would be allowed on a one acre lot following lot coverage standards.
 - Staff stated SR-1 allowed a 40% lot coverage or somewhere around 20,000 square feet. With a 2,000 square foot home, garage, and any other auxiliary buildings, there could be 10 20-foot containers on one lot.
 - Council stated that could be problematic, although they didn't know if that existed currently.
 - Discussion ensued regarding a possible limitation on the number of containers allowed.
 - Council inquired about permits.
 - Staff stated they would be viewed as a storage shed which only required an over-the-counter land use permit, no matter the size.
 - Council inquired if modification would still be prohibited.
 - Staff stated that was correct.
 - Council inquired if any issues would still be complaint driven.
 - Staff stated that with the presented pathway, there would be no restriction even with complaints.
 - Council inquired about vacant lots being allowed containers.
 - Staff stated that accessory structures were not permitted prior to the issuance of a building permit for a primary residence.
 - Council discussed their personal views on the matter.
 - Chris Marley presented the following:
 - He had lived in rural Arizona most of his life and spent the last 15 years in Chino Valley.
 - He discussed the reasons people moved here, which included fewer regulations and not having to follow strict rules such as are found in HOAs. He felt there were already too many regulations on the books. If all rules were enforced on all the citizens at the same time, there would be a riot. There was no need to regulate container ownership. If regulations were put in place, he felt the code should be prefaced with "containers already in use within Town limits are exempt from the following ordinance and considered to be grandfathered in."
 - Ed Bloomfield presented the following:
 - He was upset about the possibility of allowing seven containers next to his house. He didn't want a lot of regulations, but felt that residential was different from commercial properties. There were

multiple travel trailers all over town with people living in them and renting them out. He felt that people would take advantage and have 20 containers on their properties. He felt that Highway 89 was a less attractive part of Town and did not want it traveling to the residential areas as well. He bought a house in Chino Valley because he didn't like the regulations. He stated the Town needed to grow, but it needed to grow right.

- Jim Capano presented the following:
 - He agreed with the other gentlemen to a point. He was concerned about telling people to change or move their existing containers as it would create financial hardship. He also compared the cost of a container to the cost of a garage and stated being unable to own one would also create financial hardship for the town's citizens. He disagreed with the provision that they would not be allowed on vacant lots as it infringed on a property owner's ability to work on the property.
- Chris Kuknyo presented the following:
 - He stated that people were turning storage containers into primary residences and even shopping malls, and that any ordinance put in place should mention something about that.
- Dan McGuire presented the following:
 - He had been here for 30 years and believed that the Town was trying to implement too many laws, and he didn't see the need for it. He believed that most people were willing to work with their neighbors and felt that it should be an issue worked out between neighbors. He liked the idea of treating them no differently than any other storage unit.
- Larry Holt presented the following:
 - He inquired about whether people could stack their containers. He stated that without laws there was nothing to enforce. He felt there were reasonable limits.
- Council and staff discussed the following:
 - Staff stated that modification of such buildings had to adhere to the International Building Code and International Residential Code. The Town's currently adopted building codes did not allow for modification to shipping containers requiring them be used only for the intended, original purpose, which is storage. Staff was looking at paths that would allow them to be made into structures which would require Council approval.
 - Staff stated that there was nothing that specifically said the containers could not be stacked. However, the rule of thumb was that if you don't stack storage sheds, you don't stack storage containers. Staff could make that explicit in Code if council would like.
 - Some councilmembers expressed a desire for there to be some limit in quantity. Discussion ensued regarding coming up with a limit and allowing exceptions when appropriate.
 - Some councilmembers expressed a desire to have language against stacking.
 - Council discussed the fact that neighboring towns only allowed containers in industrial zones.

- Council inquired about where the containers could be placed on residential properties.
 - Staff stated if they were viewed as storage sheds they could be at the front of the property.
- Council discussed leaving the issue complaint-driven so that if no one has a problem there's nothing to deal with, but if there was a complaint then the Town would have the ability to do something.
- Quantity, not stacked, in rear, paint, grandfather what is there.
- Councilmembers expressed desire to send it back to P&Z to discuss quantity, not allowing stacking, requiring them be located at the rear of the property, stipulations on paint, and grandfathering the units already existing.

3. ADJOURNMENT

Vice-Mayor Armstrong adjourned the meeting at 5:39 p.m.

REGULAR MEETING

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

Vice-Mayor Armstrong called the meeting to order at 6:01 p.m. and led the Pledge of Allegiance.

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

Absent: Jack Miller

Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire; Officer Jordan Holmes (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; Community Services Director Cyndi Thomas; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a. Presentation and update from Compass Training Center regarding proposed shooting range improvements.

John Stankewicz presented the following:

- The range had been in business as a non-profit since August 2019. It was open Wednesday through Sunday to the public with daily and subscription rates with veteran, active, and first responder discounts.

- The range had 425 subscription holders. Their average daily users per year was 2,400.
- Compass Training Center sponsored the following organizations:
 - AZ High School Rodeo Association
 - Armed Women of America
 - Phoenix YMCA
 - Prescott Valley 4H
 - Granite Mountain Outlaws
- They offered classes from beginner to advanced.
- Introduced the Board Members.
- Goals from 2020 included a building for customer check-in, classroom, and retail shop, additional range bays, affordable training classes, overhangs for a new picnic area, and hosting more local, national, and international competitions and events.
 - Due to the pandemic and the recent economy, it became difficult to get things done, but they were finally happening.
- Thanked donors including:
 - Sherwin Williams
 - Sabato's Paint and Maintenance
 - Moyer's Heating and Cooling
 - Totally Floored, and more
 - There were also thousands of hours of volunteer work from friends of the range.
- Provided mock-ups and topographical maps for three future training bays.
 - They were looking for approval from Council to continue moving forward with range improvements.
 - The additional bays would allow more matches to be held by various agencies for international and national competitions. It would also provide them with more space to hold classes from outside vendors, and allow them more room for overflow when they have a lot of pistol shooters wanting to use the range.
- The range would be holding their five year anniversary on Saturday, August 3rd from 9:00 a.m. – 1:00 p.m.

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.

William Kidd presented the following:

- He lived on Road 4 North. He was concerned about Patriot Disposal being sold to Waste Management. He had dealt with Waste Management in the past and believed that they moved into an area to buy all the companies until they were the only one left. This didn't give a lot of wiggle room for local customers. They raise their prices and enact rules that leave locals with no choice but to do business with them. He stated

that in his previous community, Waste Management was able to force the local government to accept responsibility for their billing, which resulted in the local government putting a tax lien on properties when bills were not paid. He wanted to alert the Council to make a rule that required Waste Management to adhere to a minimum level of service and enact rules and regulations that affect their ability to acquire a business license.

Vice-Mayor Armstrong instructed the Town Manager to meet with the Town Attorney to discuss what could be done within the confines of the law.

Ed Bloomfield presented the following:

- He was concerned about overgrown trees and bushes along roadways and easements and asked the Town to get the roads cleaned up and trim the trees to 14 feet above the road.

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.

Vice-Mayor Armstrong presented the following:

- Please keep Mayor Miller and his family in your thoughts and prayers.

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

Cindy Blackmore, Town Manager, presented the following:

- Mayor Miller was in an accident and was hospitalized for non-life threatening injuries. He would be getting out of the hospital soon and was on the road to recovery. She asked for everyone to keep him and his wife in their thoughts and prayers for a speedy recovery.

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 Councilmember Eric Granillo, seconded by Councilmember Annie Perkins to approve Consent Agenda items a, b, c, e, f, g.

AYE: Vice-Mayor Tom Armstrong, Councilmember Annie Perkins, Councilmember Eric

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

NAY: None

6 - 0 Passed – Unanimously

- a. Consideration and possible action to adopt Resolution No. 2024-1259, levying and assessing an ad valorem tax on the assessed value of all real and personal property within the boundaries of the Town of Chino Valley Street Lighting Improvement Districts (CVSLID) for fiscal year 2024/2025, pursuant to Section 48-616, Arizona Revised Statutes.
- b. Consideration and possible action to adopt Resolution No. 2024-1266, levying and assessing an ad valorem tax on the assessed value of all real and personal property within the boundaries of the Town of Chino Valley Del Sol Maintenance Improvement District for fiscal year 2024/2025, pursuant to Section 48-574, Arizona Revised Statutes.
- c. Consideration and possible action to approve the Town of Chino Valley's participation in the national opioids settlement with Kroger Co. and authorize the Mayor or Town Manager to complete and execute a Subdivision Participation and Release Form.
- d. Consideration and possible action to approve the Contract for Legal Services between the Town of Chino Valley and Prescott Law Group for prosecutorial services, effective July 9, 2024, for a period of two years, with an option to renew every two years.

Councilmember McCafferty requested that the Town Prosecutor report to Council once or twice per year with general statistics.

Council and staff discussed the following:

- The prosecutor was receptive and excited to do presentations before Council for whatever frequency the Council would prefer.
- Staff stated it was not actually written in the contract, but he had agreed.
 - Council agreed that language did not need to be codified in the contract.

MOVED by Councilmember Annie Perkins, seconded by Councilmember Eric Granillo to approve consent agenda item d.

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

NAY: None

6 - 0 Passed – Unanimously

- e. Consideration and possible action to appoint and re-appoint members to the Public Safety Retirement Board (PSRB).
- f. Consideration and possible action to appoint members to the Board of Adjustment.
- g. Consideration and possible action to approve the May 29, 2024, study session 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 Ordinance No. 2024-940, amending Chapter 51 of the Town Code regarding utility connections.

Recommended Action: Approve Ordinance No. 2024-940, amending Chapter 51 of the Town Code regarding utility connections.

Frank Marbury, Public Works Director, presented the following:

- He would be reviewing the final changes to the text. Council was provided with two versions, one red-lined and one clean.
- 51.035 dealt with commercial water credits. Staff removed the 300-foot rule or five-year construction requirement.

Water

- Clarified definitions for “at property line.” This didn’t necessarily mean touching the property line, but rather within the right-of-way or easement adjacent to the property.
- Created a definition for multifamily residential to include apartments, townhouses, or condominiums, but excludes guest houses.
- Non-residential and multifamily lots must connect when water became available at the property line. Existing developments must connect within one year of notice when water becomes available. Exempt wells must be capped when a connection is made. Non-exempt wells could be kept, but they must meet engineering standards.
- Single Family Residential properties only had minor wording changes. Connection would be required for new construction if water was available at the property line, and would be optional for existing construction. If homeowners choose to connect, they must cap their well.
- No changes were made to the Public Works Director’s connection authority.
- Lot size and distance requirements were removed for subdivisions. All newly platted subdivisions must connect to Town water.
- Distance requirements were also removed from private systems and wells, and they

shall not be constructed on properties connected to the Town's water system except for non-exempt wells. This provision would prevent cross connections.

Sewer

- Changed title wording.
- Distance requirements were removed and connection would be required when available at the property line with one-year written notice from the Town.
- All newly platted subdivisions must connect. Distance requirements were removed and all new multifamily properties must connect.
- Options for package plant alternatives were also removed, and non-residential properties must connect if available at the property line.
- All new single family construction on lots less than one acre must connect.
- Land split language was removed and replaced with an exemption so that lots larger than one acre without access to sewer could install septic.
- Existing multifamily properties must connect within one year of written notice that sewer was available.
- Lots must be a minimum of one acre to have both well and septic.
- Clarified language surrounding sewer taps in new subdivisions that developers would be required to install all mains, taps, and laterals.

Council and staff discussed the following:

- One councilmember stated that some points stated “must” instead of “shall” and felt that “shall” should be used instead.
 - Andrew McGuire, Town Attorney, stated that “must” and “shall” operate the same in this scenario.
- Council inquired if capping a well was different from abandoning it.
 - Staff stated the official term was “abandon” and the intent was that it would no longer be able to be used. Staff reviewed the written code and it did specify “abandon.”
- Council inquired about the minimum lots on a platted subdivision.
- Staff stated that it was generally four lots or more, unless they had to create a new street, then it could be down to two lots.

Vice-Mayor Armstrong stated that this item had been in discussion many times and did not require a public hearing.

MOVED by Councilmember Eric Granillo, seconded by Councilmember John McCafferty to approve Ordinance No. 2024-940, amending Chapter 51 of the Town Code regarding utility connections.

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

NAY: None

6 - 0 Passed – Unanimously

7. ADJOURNMENT

MOVED by Councilmember Sherri Phillips, seconded by Councilmember Annie Perkins to adjourn the meeting at 6:41 p.m.

AYE: Vice-Mayor Tom Armstrong, Councilmember Annie Perkins, 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 Study Session and Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 9th day of July, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 13th day of August, 2024.

Erin N. Deskins

Erin N. Deskins, Town Clerk