

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

**TUESDAY, JANUARY 12, 2016
6:00 P.M.**

The Town Council of the Town of Chino Valley, Arizona, met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, January 12, 2016.

Present: Mayor Chris Marley; Vice-Mayor Darryl Croft; Councilmember Mike Best; Councilmember Susie Cuka; Councilmember Jack Miller; Councilmember Corey Mendoza; Councilmember Lon Turner

Staff Present: Town Manager Robert Smith; Assistant Town Manager Cecilia Grittman; Town Attorney Phyllis Smiley; Finance Director Joe Duffy; Police Chief Chuck Wynn; Police Lieutenant Vince Schaan; Police Officer Jody Villalobos; Assistant Public Works Director/Town Engineer Michael Lopez; Facilities Maintenance Worker Chuck Turner; Development Services Director Ruth Mayday; Associate Planner James Gardner; Library Director Scott Bruner; Youth Services/Assistant Librarian Darlene Westcott; GIS/CAD/Web Technician (Videographer) Jan Mazy; Deputy Town Clerk Liz Hart; Town Clerk Jami Lewis (recorder)

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

Mayor Marley called the meeting to order at 6:00 p.m.

Councilmember Turner gave the invocation and led the Pledge of Allegiance.

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Presentation of Leadership Award for Mr. Scott Bruner, Chino Valley's Library Director. (Cecilia Grittman, Assistant Town Manager)

Ms. Grittman reported that:

- On November 20, 2015, at the Arizona Library Association's Annual Conference in Flagstaff, State Representative Karen Fann presented the Arizona Library Leadership Award to Chino Valley Library Director, Scott Bruner.
- Under his 16 years as Chino Valley's Library Director, circulation tripled, the Library was remodeled and doubled in size, and progressed from physical card catalogs to online computers, internet, and RFID scanning. He was the first to hire a Children's Librarian and added the first Children's Room, Young Adult area, Children's Computer Room, Community Conference Room and Community Room.
- The Library's programs and services to the community, and its volunteer base flourished under his direction; Mr. Bruner built a public park next to the Library and named it after his predecessor; and his leadership made the Library a hub of the community and a popular place to gather.

Mayor Marley then presented the award to Mr. Bruner.

3) CALL TO THE PUBLIC

Call to the Public is an opportunity for the public to address the Council concerning a subject that is not on the agenda. Public comment is encouraged. Individuals are limited to speak for three (3) minutes. The total time for Call to the Public may be up to 30 minutes per meeting. Council action taken as a result of public comment will be limited to directing staff to study the matter, scheduling the matter for further consideration and decision at a later date, or responding to criticism.

None.

4) RESPONSE TO THE PUBLIC

Response to the Public is an opportunity for the Mayor to inform the public about how Town officials addressed matters raised during Call to the Public at a previous meeting.

- a) Comments regarding the Mayor's birth certificate.

Councilmember Turner reported that Council took these comments seriously and will leave no tumbleweed unturned.

- b) Comments regarding invocation language possibly being offensive to non-Christians.

Councilmember Turner spoke about councilmembers exercising their personal freedoms in the invocation.

5) CURRENT EVENT SUMMARIES AND REPORTS

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

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

None.

- b) Status report by Town Manager Robert Smith regarding Town accomplishments, and current or upcoming projects.

None.

6) CONSENT AGENDA

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

Council set down item 6a.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to accept consent agenda items 6b, c, and d.

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to approve intergovernmental agreement (IGA) template for other municipalities, county or other political subdivisions of the State of Arizona to use of the Chino Valley Shooting Facility Law Enforcement Range. (Chuck Wynn, Police Chief)

(This item was heard after items 6b, c and d, but is retained here for clarity.)

Council asked about the Town's responsibility for all upkeep on the facility.

Chief Wynn clarified that this template only related to the tactical range, which was for use only by law enforcement agencies, not the public facility managed by Prescott Sportsmen's Club. Due to the funding sources for the tactical range, the Town was required to make the facility available to law enforcement free of charge. However, the Town received savings by having police training at home, rather than personnel having to travel for the same training. Upkeep was only required for a portajohn, dirtwork, concrete and a steel building; and in the past two years, the only upkeep had been spraying weeds.

Town Manager Smith added that the Police Department was also developing a business model to lease out the building for private classes on the weekends.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Lon Turner to approve consent agenda item a.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve Financial Report for the five months ending November 30, 2015. (Joe Duffy, Finance Director)
- c) Consideration and possible action to accept the December 8, 2015 regular meeting minutes. (Jami Lewis, Town Clerk)
- d) Consideration and possible action to accept the December 10, 2015 study session minutes. (Jami Lewis, Town Clerk)

7) ACTION ITEMS

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

Vice-Mayor Croft informed meeting attendees that were present for a medical marijuana discussion that it was not on tonight's agenda, but would be on a future agenda to be scheduled under item 7f.

MOVED by Vice-Mayor Darryl Croft, seconded by Mayor Chris Marley to move agenda item f ahead of item a to discuss scheduling of the next study dealing with medical marijuana.

Vote: 7 - 0 PASSED - Unanimously

- a) Consideration and possible action to adopt Resolution No. 16-1072, authorizing Development Services staff to apply for Arizona Department of Housing, Owner Occupied Housing Rehabilitation funds. (James Gardner, Associate Planner)

Recommended Action: Approve Resolution No. 16-1072, authorizing Development Services staff to apply for Arizona Department of Housing, Owner Occupied Housing Rehabilitation funds.

(This item was heard after item 7f but is retained here for clarity.)

Mr. Gardner reported that:

- As many as 1,389 homes, many of which were manufactured and mobile homes, in Chino Valley had aged beyond their 30-year depreciable life. Arizona Department of Housing (ADOH) offered grant funding through the State Housing Fund and the HOME Investments Partnership Program, which was available in the amount of up to \$275,000 per fiscal year for the rehabilitation and replacement of Owner Occupied housing units. The Development Services Department currently utilized this program to rehabilitate and replace homes for homeowners in need.
- Resolution 16-1072 aimed to continue the Town's Owner Occupied Housing Rehabilitation program by securing more funding through ADOH.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to approve Resolution No. 16-1072, authorizing Development Services staff to apply for Arizona Department of Housing, Owner Occupied Housing Rehabilitation funds.

Vote: 7 - 0 PASSED - Unanimously

- b) Consideration and possible action to accept changes to the Senior Center Advisory Board by-laws. (Cecilia Grittman, Assistant Town Manager)

Recommended Action: Adopt Resolution No. 16-1073, repealing Resolution 555 and adopting amended Senior Center Advisory Board by-laws incorporated within this resolution.

Ms. Grittman reported that the dynamics of the Senior Center functions and its Advisory Board had changed over the years and some of the language within its bylaws had become problematic. The language contained within the new bylaws more correctly defined the Board Members' roles, as well as cleaned up some of the previous ambiguous language.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to adopt Resolution No. 16-1073, repealing Resolution 555 and adopting amended Senior Center Advisory Board by-laws incorporated within this resolution.

Vote: 7 - 0 PASSED - Unanimously

- c) Status report and discussion regarding the disposition of land in Old Home Manor Industrial Park. (Ruth Mayday, Development Services Director)

Ms. Mayday reported that:

- The Town had secured funds for extending infrastructure to the eastern portion of Old Home Manor (OHM) for the Industrial Park (OHMIP). State law vested the authority to manage and transfer real estate with the Council. To properly draft legal documents related to the use of land within the OHMIP, Council must determine what form of ownership provided the greatest benefit to the community.
- There were both benefits and costs associated with the Town retaining ownership of the land and leasing it to private parties, as well as the Town selling the real estate to the same. Resolving these issues was critical in determining the form and content of the associated legal documents, as well as marketing of the property.
- There were a number of issues that will affect the Council's decision as to how staff proceeded with the planning and development of the OHMIP, including: federal funding restrictions and requirements for future users (beneficiaries) of the improvements; tax advantages for municipally-owned property that were not available for privately-owned property; and sale of the real estate providing periodic infusions of cash to the Town and increased property tax revenue to the County.

Council asked for more detail on the following:

- *Federal requirements:* Water and Sewer was encumbered on the entirety of the Industrial Park property of about 200 acres. The property would also be subject to property management standards for 20 years.
- *Property taxes:* Due to confusion regarding the government property lease excise tax, the Town will need a cost benefit analysis regarding sale versus lease.
- *Inquires or interest from private sector:* Staff had been contacted about both lease and sale options. The Town Attorney will develop CC&Rs and lease/purchase agreements first. Staff was currently arranging engineering for utilities and Road 4 North.
- *Incentive programs:* Staff will bring a full array of choices to Council to consider.

Town Manager Smith spoke about other things that needed to be reviewed, such as using the Town's Industrial Development Authority for funding, and water laws. The Town will need some outside expertise and will provide suggestions to Council in four to five weeks.

- d) Status report and discussion regarding UDO amendments to provide relief to agri-businesses from certain development standards. (Ruth Mayday, Development Services Director)

Ms. Mayday reported that:

- Based on feedback received from agri-businesses owners and citizens at large, staff considered drafting amendments to the Unified Development Ordinance (UDO), Chapter 3: Zoning Districts and Chapter 4: General Regulations. Staff hosted a roundtable meeting on October 6, 2015. One member of the public attended, who commented on ADWR's water policy and not town regulation of agribusinesses.
- In reviewing the UDO, staff determined that there were some modifications that could be made for agribusinesses to grant relief from the current paving standard for parking (double chip seal), which was not conducive to agricultural uses, as it permanently removed land from ag production. Allowing an agribusiness to use an alternate dust free surface, or develop an alternate dust control plan would remedy dust complaints without permanently impacting land. If an agribusiness was inviting in the public, the

requirement for handicapped access would remain.

- Given the lack of response by the Agribusiness community, staff could only surmise that the development standards as they currently existed were generally sufficient and did not represent a significant barrier to growth. However, there were some adjustments that could be made to regulations that did not logically apply to such businesses.
- Staff intended to initiate a text amendment at the Commission's February 2, 2015 regular meeting, start the public hearing process in March, and bring the matter to Council in May.

Council suggested:

- Defining agribusiness in the UDO.
- Addressing hybrid business, such as agribusinesses that hosted weddings and horse events.
- Reaching out to the ag community once the UDO amendments were drafted.
- Ensuring that the UDO amendments did not override the need for a conditional use permit.

- e) Consideration and possible action to adopt Ordinance No. 16-807, amending the Town Code, Title III Administration, Chapter 37 Elections, by amending § 37.021 Election of Mayor or Councilmember at Primary Election, to bring this section into alignment with recent amendments to Arizona Revised Statutes § 9-821.01. (Jami Lewis, Town Clerk)

Recommended Action: Adopt Ordinance No. 16-807, amending § 37.021 Election of Mayor or Councilmember at Primary Election.

Ms. Lewis reported that:

- Town Code § 37.021 provided that a mayor or council candidate could be elected at the primary election upon receiving a majority of all votes cast, and it set forth the basis of calculating whether a candidate had received such majority.
- In order to accommodate the new consolidated election ballot and the fact that the number of people voting in a consolidated election may not accurately reflect the number of people voting for local issues, A.R.S. § 9-821.01 was amended to provide an alternate method to calculate the number of votes to determine such majority. The Town Attorney also updated language in the ordinance to more closely reflect the statutes.
- Ordinance No. 16-807 will bring Town Code § 37.021 into alignment with these amendments to state law.

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to adopt Ordinance No. 16-807, amending § 37.021 Election of Mayor or Councilmember at Primary Election.

Vote: 7 - 0 PASSED - Unanimously

- f) Consideration and possible action to change the Council's study session schedule and select a date for the next ensuing study session. (Mayor Marley, Vice-Mayor Croft)

Recommended Action: Direct staff to amend the Council's study session schedule and schedule the next study session per discussion.

(This item was heard after item 6a but is retained here for clarity.)

Mayor Marley reported that he was requesting that Council consider moving study sessions from first and third Thursdays to third Tuesdays, thus reserving Tuesday evenings for Council business. In addition, the Agenda Review Team discussed holding the next study session on January 19 to discuss sewer system connection policy, UDO updates with regard to medical marijuana, and the draft Communications Plan and Policy.

Council discussed the pros and cons of the change. Town Clerk Lewis explained the lead time needed for meeting agenda items.

MOVED by Mayor Chris Marley, seconded by Councilmember Jack Miller to move study sessions from the first and third Thursdays to the third Tuesdays.

Vote: 6 - 1 PASSED

NAY: Councilmember Lon Turner

Council informed the public that the medical marijuana issue will now be on the January 19 study session, which will mainly be for Council to discuss the UDO amendment options proposed by the Planning and Zoning Commission.

Mayor Marley recessed the meeting at 6:30 p.m. reconvened at 6:42 p.m.

8) EXECUTIVE SESSION

Council may vote to recess the Regular Meeting and hold an executive session, which will not be open to the public, for the following purposes.

- a) Recess into and hold an executive session pursuant to A.R.S. § 38?431.03(A)(1) for discussions or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of the Town Attorney. (Mayor Marley, Vice-Mayor Croft)

MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Jack Miller to adjourn into executive session at 7:15 p.m.

Vote: 7 - 0 PASSED - Unanimously

Mayor Marley reconvened the regular meeting at 7:22 p.m.

9) ACTION ITEMS RESUMED

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

- a) Consideration and possible action to approve the assignment of the Contract for Legal Services with Curtis Goodwin Sullivan Udall and Schwab, PLC for Town Attorney services to Gust Rosenfeld, PLC. (Phyllis Smiley, Town Attorney)

Recommended Action: Approve the assignment.

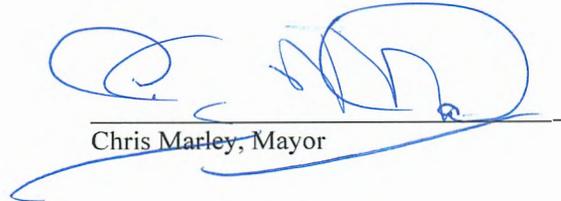
MOVED by Vice-Mayor Darryl Croft, seconded by Councilmember Mike Best to approve the assignment.

Vote: 7 - 0 PASSED - Unanimously

10) ADJOURNMENT

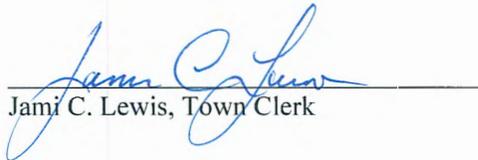
MOVED by Councilmember Lon Turner, seconded by Councilmember Mike Best to adjourn the meeting at 7:23 p.m.

Vote: 7 - 0 PASSED - Unanimously



Chris Marley, Mayor

ATTEST:

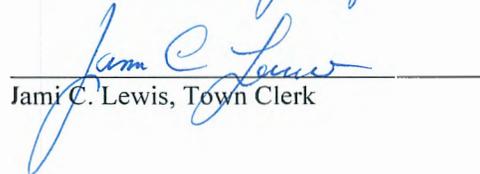


Jami C. Lewis, Town Clerk

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Regular Meeting of the Town Council of the Town of Chino Valley, Arizona held on the 12th day of January 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 26th day of January, 2016



Jami C. Lewis, Town Clerk