

**MINUTES OF THE STUDY SESSION AND REGULAR MEETING
OF THE TOWN COUNCIL OF THE TOWN OF CHINO VALLEY**

**TUESDAY, JANUARY 10, 2023
5:00 P.M.**

**CHINO VALLEY COUNCIL CHAMBERS
202 N. STATE ROUTE 89, CHINO VALLEY, AZ**

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

Staff Present: Town Manager Cindy Blackmore; Town Attorney Andrew McGuire; Assistant to the Town Manager Terri Denemy; Development Services Director Laurie Lineberry; Human Resources Director Laura Kyriakakis; Public Works Director/Town Engineer Frank Marbury; Senior Planner Will Dingee; Community Services Director Cyndi Thomas; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

**STUDY SESSION
TUESDAY, JANUARY 10, 2023
5:00 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

1) CALL TO ORDER; ROLL CALL

Mayor Miller called the meeting to order at 5:05 p.m.

2) Discussion regarding the Parks and Recreation Advisory Board bylaws. (Cyndi Thomas, Community Services Director)

Community Services Director Cyndi Thomas presented the following:

- The proposed Parks and Recreation Advisory Board (PRAB) bylaws would replace the current bylaws.
- The Parks and Recreation Committee (PRC) was created by the Council in 2004 to advise staff on programming and facilities, and the current bylaws were created in 2008, but had been amended over the years. The last change in 2018 increased the Committee board from seven to nine members.
- The bylaws had been under review since 2019, with the help of Committee Member Donna Armstrong.

- Staff had relied heavily on the Advisory Board during the recession to help keep a recreational presence in the Town. Since 2017, the Recreation Department had a full staff and was running well, and still needed an advisory board that was restructured to meet the current needs of the Town, Department, and the community.
- The restructured PRAB would help determine Department needs, strategic planning, and future facility and staffing needs.
- Areas of change included:
 - Obtaining information from the public. The Board did currently get information from community members, but this would make input methods more public, through such things as surveys, town hall meetings, etc.
 - Implement short-term and long-term strategic planning.
 - Instead of holding monthly meetings, PRAB would hold no less than two meetings per year. This would allow the PRAB to meet as many times as necessary per year.
 - The only officer positions would be Chair and Vice Chair.
 - PRAB would only have five members instead of the nine members held currently.

Council and staff discussed the following:

- The requirement of no less than two meetings per year allowed for as many meetings as needed, but also required PRAB to meet no less than two times annually. Some committees that were to have monthly meetings often went years without meeting. One of the proposed PRAB annual meetings would be a public forum to determine the community's recreational wishes and needs. The second meeting would cover how to implement those suggestions. This could generate more meetings.
- The requirement of two members living within the boundaries of the Town, and up to three members living outside the Town boundaries but served by the Town's recreational facilities, was kept from the original bylaws. Council requested that the majority of the Committee members live within the Town boundaries.
- There was a request to hear from PRAB directly once per year through a Board report for the year. Staff thought it could be accomplished, but had the members work through staff due to the continued changes of committee and board members.
- The annual report to Council did not have a specific date because staff thought that they should come before Council as frequently as the Board thought was necessary.
- It was possible for PRAB to pursue funding to send out community surveys. All funding requests would go through staff, so the proper procedures were followed.
- PRAB would provide input on needed recreational facilities, but they would not be involved in determining locations. Any PRAB recommendations for facilities would be based on community input.
- Town Manager Blackmore thought that staff should always be in charge of reports that came before Council, but the Chair would be in attendance.
- PRAB had previously planned, organized, coordinated, and sponsored events, but that had not been in their bylaws, which specifically stated that they were to be the advisors of Parks and Recreation. Staff thought the Board needed to get back to basics and allow staff to do their jobs.

- 3) Review and discussion regarding rosters for Council subcommittees and entity appointments. (Erin Deskins, Town Clerk)

Mayor Miller reminded committee chairs that they needed to provide a Council report during the updates portion of Council meetings, after committee meetings.

Town Clerk, Erin Deskins, and Town Manager, Cindy Blackmore, presented the following:

- Council rosters and subcommittees were updated after each new election.
- The rosters would be discussed, and members could request changes and updates. The proposed changes would be brought back to the next Council meeting for approval.
- Staff thought utilizing some subcommittees may no longer be the most effective way of operating. Staff wanted to bring it to Council for discussion. Examples of those subcommittees included:
 - *Finance Subcommittee* – It had not met since October 2021. The original purpose was to review financial matters coming before the Council. Staff thought it was more effective to provide information to the Council, as a whole, at a work session.
 - *Public Safety Committee* – They last met in August of 2019. Their purpose was to review public safety matters not under the purview of Roads and Streets. Staff thought it better to provide information to the whole Council.
 - *Economic Development* – They had met more frequently and had last met in August 2022. Their purpose was to help the Town create a sustainable economy. Their meetings were more informational in nature, but staff wanted the whole Council to hear the information.
 - *UDO* – This was an ad hoc committee and had been discussed previously. They reviewed issues and concerns and made recommendations. These duties had already been given and were a power of the Planning and Zoning Commission.
- Staff wanted Council discussion and direction on how to handle these subcommittees.

Council and staff discussed the following:

- Some members liked having the Chairs of the subcommittees provide the Council with updates, so that everyone was kept up to date.
- Some members thought the Finance Subcommittee could be abolished because the Council already had detailed discussions about finances.
- Members discussed abolishing all the subcommittees, but some members thought the Economic Development subcommittee was important.
- The subcommittee meetings were cancelled because there were no pending issues to discuss.
- A member thought that if a subcommittee was scheduled to have a meeting, the meetings should be held, and that it was wrong to not have a meeting for years. Members and staff explained that was the purpose of their discussion.
- Staff explained that it was a lot of work to have meetings with no subject, including minutes, packets, notices, etc.
- Members discussed that some subcommittees went into a lot of detail. The smaller group allowed for more technical discussions. This allowed the subcommittee to narrow down the Council discussions.
- Members discussed that any remaining subcommittees should meet on a regular basis, without long delays between meetings.
- During discussions, members were split on which subcommittees should be kept and those that should be abolished.
- All agreed to have staff bring to the next Council meeting an agenda item that would eliminate the Finance, Public Safety, and UDO, and retain the Economic Development Subcommittee, and Appointments Subcommittee.

Mayor Miller presented the following:

Subcommittee Appointments

- *Appointment Subcommittee* – There was one vacancy. The Mayor had recommended Councilmember Perkins. Members agreed to the recommendations.
- *Economic Development* – The current members were Councilmembers Perkins, Armstrong, and Vice-Mayor Granillo. No changes were made.
- *Roads and Streets* – It required only two members instead of three. Councilmember Armstrong was the only current member. Mayor Miller explained that Councilmember Schacherer wanted to serve on the committee with Councilmember Phillips as an alternate.
- *Water and Utilities* – The current members were Councilmember McCafferty and Vice-Mayor Granillo. Mayor Miller recommended Councilmember Phillips.

Entity Appointments

- *Upper Verde River Watershed Protection Coalition (UVRWPC)*– The current representative was vacant, and the alternate was Councilmember Armstrong. Mayor Miller recommended himself as the representative, with Councilmember McCafferty as the alternate.
- *UVRWPC TAC* – The current representative was the Assistant Town Engineer and the Town Engineer as the alternate. Staff suggested changing the representative to the Water Advisor, with the alternate as the Assistant Town Engineer.
- *NAMWA* – The current representative was Mayor Miller with an alternate of Councilmember McCafferty. There was a recommendation of no change.
- *CYMPO* – Councilmember Armstrong was the current representative and Councilmember McCafferty was the alternate. Councilmember Schacherer would become the new alternate.
- *NACOG* – The current representative was Mayor Miller, and the alternate was Vice-Mayor Granillo. There was a recommendation of no change.
- *GAMA* – The current representative was Mayor Miller, and the alternate was Councilmember Perkins. The recommendation for the new alternate was Vice-Mayor Granillo.
- *YRMC* – The current representative was Mayor Miller, and the alternate was Councilmember Perkins. The recommendation for the new alternate was Vice-Mayor Granillo.
- *Chamber of Commerce* – The representative was vacant, and the alternate was Vice-Mayor Granillo. Recommendations were Vice-Mayor Granillo as the representative, and the alternate as Councilmember Phillips.
- *AMRP* – The current representative was Town Manager Blackmore, with an alternate of the HR Director, Laura Kyriakakis. There was a recommendation of no change.
- *YCT* – The representative was HR Director Laura Kyriakakis, with an alternative of the HR Analyst. There was a recommendation of no change.
- *Fire Board Liaison* – The representative was Mayor Miller, with an alternate of Councilmember Perkins. There was a recommendation of no change.
- *MPAC* – The current representative was Mayor Miller, with an alternate of Councilmember Perkins. The recommended change was to make Councilmember Perkins the representative and the alternate as Councilmember Schacherer.
- *Yavapai County Unified Emergency Management Advisory Committee* – The representative was Chief Wynn, with an alternate of Lieutenant Chapman. There was a recommendation of no change.

4) ADJOURNMENT

MOVED by Councilmember Annie Perkins, seconded by Vice-Mayor Eric Granillo to adjourn the meeting at 5:45 p.m.

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

7 - 0 PASSED - Unanimously

**REGULAR MEETING
TUESDAY, JANUARY 10, 2023
6:00 P.M.**

**Council Chambers
202 N. State Route 89
Chino Valley, Arizona**

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

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

All members of Council and Staff previously mentioned were present for the duration of the Regular Meeting. New staff attendees included Animal Shelter Adoption Specialist Deborah Korell, Civilian Operations Supervisor Marrilee Easton, Lieutenant Randy Chapman, Lieutenant Josh McIntire, Detective Fernando Silva (Sergeant at Arms), Officer Austin McAvoy, Chief Charles Wynn, HR Director Laura Kyriakakis, Engineering Project Manager Scott Balck, Public Information Officer Tricia Lewis, Administration Services Director Joe Duffy, Economic Development Project Manager Maggie Tidaback

2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a)** Presentation of Certificates of Appreciation and Recognition for Outstanding Volunteerism to the Town of Chino Valley Animal Shelter volunteers. (Terri Denemy, Assistant to the Town Manager; Marilee Easton, Civilian Operations Supervisor.)

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

- A review was provided of the Town’s program that recognized local individuals and businesses for their outstanding volunteerism for the community.
- A list of the many volunteers that helped the Town of Chino Valley Animal Shelter was shared.
- The shelter had volunteers that came in weekly, monthly, and some that came in when needed.
- Five volunteers at the meeting were recognized individually.

Marrilee Easton, Town of Chino Valley Animal Shelter, presented the following:

- Read the certificate of appreciation for volunteering at the animal shelter.
- The certificates were provided to volunteer members attending the meeting.

b) Presentation of the APS Solar Communities Program by APS and staff. (Maggie Tidaback, Economic Development Project Manager)

Maggie Tidaback, Economic Development Project Manager, presented the following:

- The APS Solar Communities Program was developed to help create a sustainable energy future for Arizona.
- The program provided free solar covered parking structures that would be owned and maintained by APS for 20 years, and in return APS provided a bill of credit for their customers. Government and Municipal bill of credit was based on the solar system size installed at the location.

APS Representative Monique, presented the following:

- There were two options:
 - One option provided the maximum system capacity that APS could provide to the Town. The Town already had the infrastructure to provide their own solar, and APS could retrofit it to work with their program.
 - Option two showed the removal of two structures in front of the new [Police] building, that the Town had wanted to eventually remove.
- There was a significant credit difference between the two options.
- The installer would work with the Town's asphalt company to help warrant any warranty work.
- Option two had less panels because the Town eventually wanted to remove existing structures. Option two had a monthly \$686 bill credit compared to the \$1,100 bill of credit for option one. This was a difference of approximately \$7,000 annually.

Council and staff discussed the following:

- The option one coverage included existing parking canopies and formed an L shape. New canopies in a straight line would be provided as part of the project, which would be paid for and maintained by APS. Option two eliminated the existing canopies and solar panels.
- The removal of the canopies in option two was for visual aesthetics.
- Keeping the exiting canopies would block the entire front of the new police building.
- Council could discuss the options at a later date.

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.

Jerlyn Hollars – Wanted more grocery stores in the Town, because of the growth in population. Most people went to Prescott to shop, and they got the resident’s tax money, instead of the Town. It was her understanding that the grocery stores would not come to Town unless the Town paid for the infrastructure. She thought the additional tax money from people shopping locally would cover those costs. She was tired of going to Prescott to shop, and the local grocery store did not have enough inventory to satisfy the population.

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.

- Councilmember Perkins recognized the law enforcement appreciation day three days earlier.
- Vice-Mayor Granillo also recognized the day and Chief Wynn.

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

Town Manager Blackmore reported on the following:

- Announced that HR Director Laura Kyriakakis had recently graduated from the International City Managers Association High Performance Leadership Academy. It was a 12-week online program that was created to equip local government professionals with leadership skills such as organizational development and change management, negotiation and collaboration, effective communication, and how to deliver increased value from high performance management. This increased her professionalism and the organization’s professionalism.

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.

a) Consideration and possible action to approve Ordinance No. 2023-926, amending Chino Valley Town Code Chapter 90 relating to animals. (Chuck Wynn, Police Chief)

Councilmember McCafferty requested that Item 5(a) be removed from the consent Agenda.

Chief Wynn presented the following on Consent Agenda Item 5(a):

- The code had been revised in 2017, but there had been enforcement issues in the last five years.
- The three main issues were:
 - Excessive noise – They had received 80 calls the previous year regarding barking dogs. The current ordinance did not have a definition of time, and the officers used their best judgment and a rule-of-thumb of 15 minutes. It also made it difficult to prosecute cases. The police started with education, a warning, and then citations if the problem was not solved. They were trying to address the issue with better guidance.
 - Leash – This issue was mostly at Memory Park. Dog trainers’ dogs were under control, but there were people who thought their dogs were under control, but were causing many problems, including with retractable leashes. The retractable leashes had up to a 14-foot length, and they wanted to limit it to six feet. There were exclusions for the trainers, and those code portions were not changed.
 - Impounded Dogs – The length of time to keep impounded dogs was changed from 10-days to five-days. This was the same as the County. They were a no-kill shelter, and the animals would be adopted. They only had 12 kennels, and the spaces filled quickly.

Council and staff discussed the following:

- There was concern that the 15-minutes of barking was required to be continuous and concern that the definition for “excessive” was inadequate. Staff explained that it was difficult to have a definition that did not require some degree of discretion. They could leave the word “continuous” out, which would leave the definition more open.
- Discretion was part of an officer’s daily job. They could use the word “excessive,” but it would not change the discretion the officer needed to exercise, whether it said “15 continuous minutes” or not.
- More community involvement was necessary, allowing the community to review and suggest possible changes or additions.
- Officers were currently taking reports from neighbors, but they were having trouble prosecuting the cases in court. The suggested changes worked in other jurisdictions. The current ordinance was very vague.
- There was concern about the “reasonable fear” language included, which was part of the current code language. The reasonable fear was similar to being assaulted, and the police would use their discretion in determining if the animal had the capability of causing harm or injury.
- The first to respond to an incident was animal control, but the police responded after dark and followed up with animal control.

Public Comment:

- Donna Armstrong – She was a professional dog person and had taken part in the last two rewrites of the animal control laws. She was upset that the dog community did not know anything about the changes, which she thought was unfair. She wanted to see a 30-day table, so that the community could review the changes. They had a large professional dog community that came to the Town because of the mutual working relationship. She thought they should be taken into consideration. She hoped for a study session, and then it could be re-presented to the council.
- Debby Pomeroy – She had been working on local animal codes since 2007 and was

shocked that this had been added to the agenda as a consent item without input from the animal-loving community. She wanted a study session involving educated animal behavior people.

Council discussed the following:

- The importance of involving the community, especially when changing code that could impact a large number of citizens. The Town may get good information to implement into the code changes.
- The code was intended for the people that had animal issues, not the professional animal community.

MOVED by Councilmember Tom Armstrong, seconded by Vice-Mayor Eric Granillo to table this item until the first meeting in February to give more community involvement and bring people in to talk to Council and the police department at the next study session.

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

NAY: Councilmember Robert Schacherer

6 - 1 PASSED

- b) Consideration and possible action to approve the December 13, 2022, regular meeting minutes. (Erin N. Deskins, Town Clerk)

This vote was made prior to hearing Consent Agenda Item 5(a), but retained here for consistency.

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember Tom Armstrong to approve Consent Agenda Item 5(b).

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

7 - 0 PASSED - Unanimously

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 accept the Comprehensive Annual Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2022, as prepared by Henry & Horne, LLP, Certified Public Accountants. (Joe Duffy, Administrative Services Director)

Recommended Action: Accept the Comprehensive Annual Audited Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2022, as prepared by Henry & Horne, LLP, Certified Public Accountants.

Brian Hemerly, Lead Audit Partner with Baker Tilly (previously Henry & Horne, LLP), Presented the following:

- The Town received a clean opinion on their financial statements. There were no modifications to the auditor's report that needed to be reported to the Council or public, and the reports were materially correct.
- The internal controls were reviewed, sampled, and tested. There were no large changes to the financial reporting standards, except for a new lease standard for government entities. The effects of the lease standards were reported in the financial statement report.
- There were no difficulties performing the audit, no uncorrected misstatements, and no disagreements with management.
- The single audit was required by the federal government when the Town spent over \$750,000 in federal grant money. The Town spent \$4.2 million in Recovery Act money, which was tested by the auditors. The report received a clean opinion and had been sent and accepted by the federal government.
- The Annual Expenditure Limitation report was required by the Auditor General's Office in the State, and the Town was required to stay under a certain limitation of expenditures, which had been \$41.3 million, and the Town only expended \$26.4 million.
- A general overview of the finances was provided.

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember John McCafferty to accept the Comprehensive Annual Audited Financial Report and the Annual Expenditure Limitation Report for the fiscal year ended June 30, 2022, as prepared by Henry & Horne, LLP, Certified Public Accountants.

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

7 - 0 PASSED - Unanimously

- b) Consideration and possible action to approve 4.5 % average Market Adjustments for sworn officer pay. (Laura Kyriakakis, Human Resources Director)

Recommended Action: Approve 4.5% average recommended Market Adjustment, for sworn officers, beginning with the 1/27/2023 paychecks.

Laura Kyriakakis, Human Resources Director, presented the following:

- There had been challenges recruiting and retaining staff at the police department.
- The three primary reasons for the issues were pay, labor force, and housing.
- Staff would be discussing the pay challenges at the meeting, and they were requesting a 4.5% market adjustment for sworn officers, which amounted to \$61,250 for the balance of the current fiscal year. This would allow the Town to remain salary competitive and match the regional market.
- According to the Town's Finance Director, the police would be able to handle the mid-year adjustment with their current and existing budget.
- Starting salaries for the Town's police officers was \$55,300, which included lateral officers. Prescott Valley's current starting salary was \$55,120, but they were going through a compensation and classification study, and it was anticipated that their future pay would match the market. Yavapai County Sheriff's Office starting salary was \$57,990 for deputy sheriffs, but they also provided a \$5,000 to \$10,000 hiring bonus. The City of Prescott's council recently approved a starting salary of \$58,055, with an additional cost of living adjustment tied to the CPI in July 2023.
- Staff was recommending the Town match the regional market, with a starting wage for police officers at \$58,065. The amount was based on Public Sector Personnel Consultants Compensation and Classification Study that was just completed for the Town.
- The Town wanted to continue to provide a safe and secure community for people that lived and visited the Town. The market adjustment would help with recruitment and retention of lateral officers, it would save on turnover, and create a balanced staff with varied skills and abilities, with a balance of lateral and cadet staff. It would minimize burnout and improve morale.
- The average turnover rate for government was 18% in 2021, but for Town it was 9.33%, which staff still considered high. It cost the Town time and money every time an officer left. There was a four month lag in time and an average \$30,000 loss when a lateral officer was lost, and an untrained cadet cost the Town 18 months and up to \$100,000.
- There had been long-term officers discussing leaving the Town due to pay. The Town needed to match market pay to hire and retain their officers.

Council and staff discussed the following:

- CPI stood for the consumer price index. The current CPI Prescott was looking at was approximately 9%. Half of that would be reflected in upfront raises, and the difference would be made up in July based on the current CPI.
- The minimum starting pay on the officer pay scale would be \$58,065, with a 26% rising scale to the final cap in pay, but a person coming in with experience was placed on the pay scale based on their experience.

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember John McCafferty to approve 4.5% average Market Adjustment, for sworn officers pay.

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

7 - 0 PASSED - Unanimously

- c) Public hearing, consideration, and possible action to approve Ordinance No. 2023-928 to rezone approximately one acre of property located at 3699 North State Route 89 (APN 306-04-018A), from Commercial Light to Commercial Heavy. (Will Dingee, Senior Planner)

Recommended Action: i) Hold Public Hearing ii) Approve Ordinance No. 2023-928.

Will Dingee, Senior Planner, presented the following:

- This was a request to rezone over one acre of property from Commercial Light (CL) to Commercial Heavy (CH).
- The property location was reviewed.
- The property was currently used as Three C's Automotive, which was considered an unpermitted land use within the CL district, but was permitted in CH.
- The surrounding property zones were reviewed.
- This was presented to the Planning and Zoning Commission (P&Z) on December 13, 2022, and no public comment was received.
- P&Z forwarded a recommendation of approval with a unanimous 7-0 vote. Staff also made a recommendation of approval.

Council and staff discussed the following:

- The zone change was to bring the property owners into compliance. The applicant's business license had been denied due to their unpermitted use.

Mayor Miller opened the public hearing. No comments were made, and the public hearing was closed.

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember Tom Armstrong to approve Ordinance No. 2023-928.

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

7 - 0 PASSED - Unanimously

- d) Public hearing, consideration, and possible action to approve Ordinance 2023-929 to rezone approximately 5.83 acres of property located at 575 West Road 1 North (APN 306-23-078F), from Agricultural Residential 5-Acre Minimum to Single-Family Residential 1-Acre Minimum. (Will Dingee, Senior Planner)

Recommended Action: i) Hold a Public Hearing ii) Approve Ordinance 2023-929.

Will Dingee, Senior Planner, presented the following:

- This was a request to rezone approximately 5.83 acres of land from Agricultural Residential 5-Acre Minimum (AR-5) to Single Family Residential 1-Acre Minimum (SR-1).
- The property was currently used as residential on 2.5 acres, with the remainder undeveloped.
- The property location was reviewed.

- The surrounding property zones were reviewed.
- It was presented to P&Z on December 13, 2022, and no public comment was received.
- P&Z forwarded a recommendation of approval with a unanimous 6-1 vote. Staff also made a recommendation of approval.

Council and staff discussed the following:

- The no vote on P&Z was from Commission Switzer, who thought it was out of place for the area and was spot zoning.
- There were no Town utilities in the area, so the development would not be on Town water and sewer.
- The applicant's intention was to cut the property down the middle, and the remaining three acres would be sold as a whole. The new buyer could then split the lots through the Town land division process.
- A flag lot was not the only way to develop the remaining lots. A minor subdivision could be created with a private easement road to meet the frontage requirements. The flag lots were still allowed by code, and staff was not recommending that they be removed.
- There was not a current plan to make five one-acre lots.
- The Town allowed lot-size zoning included SR-1, SR-1.6, SR-2, and SR-2.5. There were not three-acre lot zones.

Mayor Miller opened the public hearing.

Public Comments:

- Rachelle Fernow – She recalled that the applicant had intended to build two homes on the property. She also thought it was spot zoning to allow the SR-1 zoning. She was not sure if there would be any smaller lot divisions that would be allowed in the new General Plan (GP), but she hesitated to see a rezone like the current one happen when the applicant's intention was to sell the three-acres for someone else to divide. She questioned what would stop someone else from trying to rezone the property to the Town's minimum lot size of 12,000 square feet, which she thought would definitely be non-conforming for that area. She thought they could be setting themselves up for a snowballing rezone effect if they approved the rezone.

Mayor Miller closed the Public Hearing.

Council and staff discussed the following:

- The property owner would be limited to a total of three minor land divisions on the subject property, and then any further splits would need to go through the minor subdivision or subdivision process. The lots could not be sold to someone else, who could then split the lots into 12,000 square foot lots. The land splits were based on a parent parcel, not ownership.

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember Annie Perkins to approve Ordinance 2023-929.

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

7 - 0 PASSED - Unanimously

- e) Public hearing, consideration, and possible action to approve Ordinance No. 2023-930 to rezone the northernmost approximately 2,500 square foot portion of approximately 1.59 acres of property (APN 306-29-041E), which portion is located directly south of 722 West Road 2 South (APN 306-29-041D), from Single-Family Residential 1-Acre Minimum to Agricultural Residential 5 Acre Minimum. (Will Dingee, Senior Planner)

Recommended Action: i) Hold a Public Hearing ii) Approve Ordinance No. 2023-930

Will Dingee, Senior Planner, presented the following:

- This was a request to rezone a 2,500 square foot portion of property in order to divide that portion of land out of the SR-1 portion and incorporate it into the northern most second parcel zoned AR-5. Both portions were owned by the applicant.
- The subject property size was 1.59 acres, and was currently vacant, with the exception of an unpermitted barn on the NW Corner. The barn had the appropriate setbacks for the AR-5 zone, so a nonconformity would not be created.
- The property location was reviewed.
- The current subject property zoning was SR-1.
- If approved, the rezoned property would be incorporated into AR-5.
- The lot division and rezoning would happen concurrently, so that there would not be a nonconformity created.
- The applicant was required and was in the process of obtaining a building permit for the barn.
- It was presented to P&Z on December 13, 2022, and no public comment was received.
- P&Z forwarded a recommendation of approval with a unanimous 7-0 vote. Staff also made a recommendation of approval.

Council and staff discussed the following:

- The applicant had created the issue and had built the barn. He wanted to sell the 1.5 acres of property that the barn was located on, but he wanted to keep the barn.
- The 2,500 square feet that was being divided and rezoned would become a part of the parcel to the north, which the applicant also owned. The remaining property would retain the SR-1 zoning.
- There was no Town water or sewer available.

Mayor Miller opened the public hearing. No comments were made, and the public hearing was closed.

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember Annie Perkins to approve Ordinance No. 2023-930.

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

7 - 0 PASSED - Unanimously

- f) Public hearing, consideration, and possible action to approve Ordinance No. 2023-927 to rezone approximately 10 acres of property generally located at the northeast corner of East Road 2 North and Peppertree Place (APN 306-18-017C and 306-18-017D), from Agricultural Residential 5 Acre Minimum to Single-Family Residential 12,000 Square Foot Minimum. (Will Dingee, Senior Planner)

Recommended Action: i) Hold a Public Hearing. ii) Approve Ordinance No. 2023-927.

Will Dingee, Senior Planner, presented the following:

- This was a request to rezone property from AR-5 to the new SR-12,000 SF Minimum lot size zoning district. This was the first rezone request for this zoning district.
- This was the first part of the development process for a subdivision. The process included rezoning, preliminary plat, technical review, and final plat.
- The two subject properties were both 5-acres in size, for a 10-acre total.
- Both properties were vacant.
- The property locations were reviewed.
- The surrounding property zones were reviewed. The requested lot size was almost double the size of the neighboring property zone of SR-0.16, which had been retired by the Town.
- The applicants intended conceptual plat design was reviewed. It included 24 lots, with a single access point off Road 2 North. The roads would be paved to Town code standards, with a sidewalk on one side and curb and gutter. Sewer and water would be provided by the Town. The applicant would be responsible for the utility extension along East Road 2 North. There were currently two parcels reserved for open space, a community greenbelt, and drainage.
- It was presented to P&Z on December 13, 2022, and four members of the public spoke with questions and concerns over utilities, existing road conditions, traffic, and types of housing.
- P&Z forwarded a recommendation of approval with a unanimous 7-0 vote.

Council and staff discussed the following:

- The intention for the property to the east was to develop it in a similar way.
- There was only one entrance for the 24-lots.
- The conceptual plan adhered to code.
- For the road infrastructure, the Town would be utilizing cash in lieu of improvements. Staff recommended that process because for a development like the one being proposed, the Town asked for the necessary road widening improvements on the adjacent road. Road 2 North had not yet been designed to include the necessary curb, gutter, and road widening, so any work that the developer did in front of the development would likely be in the wrong spot, and the Town would need to tear out all that sidewalk, curb and gutter, even if it was off only a couple inches. Until there was a design, staff recommended holding the money, which would be determined by the applicant's engineer cost estimate that was reviewed by staff and approved by Council. The funds would be held by the finance department in a special account, which by law could not be used for anything but those specific road improvements. The current timeframe was undetermined and depended on Council budgeting and funding allotments. The inflation costs would be lost. They needed to be design ready to build the section of road from at least Road 1 East to James.
- The legal standard that a developer was held to, was the reasonable development costs at the time of approval. It would be difficult to determine future construction costs, and no one could have determined five years ago the current cost of construction. The alternative

would be development of the improvements now and having to remove those at a future date.

- Staff did not see any technical issues for turn lanes needed for a 24-lot development. If analysis did determine that a de-acceleration lane was needed, it could change the situation of asking for improvement now versus later.
- The traffic for 24-lots would be counted as an additional 240 trips per day.
- The Town was asking for 25-feet of right-of-way on Merritt, even if the development did not access it. It would give Merritt the 50 feet of right-of-way needed for a local road. The applicant could change their layout and request access off that road, but they were currently not planning to use it.

Council and Jon Rocha, the applicant, discussed the following:

- The applicant had spent a significant amount of time with engineers in preparation for the project application and to get the plat to where it was for presentation.
- The project conformed to the current General Plan. The applicant had taken the time to find a location in Town that made sense for the development.
- The development would be the lowest density in the area and would be hooked up to Town utilities. They would be hooking up 1,800 linear feet of water main lines for the project.
- The development would help meet the affordable needs in the area. The current new home median price was \$800,000 in Town. The applicant explained prices, loans, and debt to income ratios to the Council.
- The intent of the project was to have a quality factory-built stem walled foundation home, which was similar to site-built homes, with a price tag closer to \$425,000.
- The aesthetics of the development would be maintained by community CC&Rs.
- If the market costs dropped, the developer could see that reflected in the home prices.
- The current intent was to sell the property as a lot home, and they were looking at several Arizona manufacturers.
- Mr. Rocha was the board president of the Coalition for Compassionate and Justice (CCJ), which was a nonprofit trying to end homelessness through a housing model. This connection had nothing to do with the proposed project.
- Concerns regarding the one road in and out were discussed.

Mayor Miller opened the public hearing.

- Rachelle Fernow – She hated the project and hated that the UDO had to be changed to provide for smaller lots so the developers would connect to Town utilities. She discussed how the project would be located near the Town’s maximum zoning lots with minimum sized zone lots. She thought the process was backwards. She discussed other large developments that she had issues with due to traffic and road conditions. She also took issue with the cash in lieu of improvements. She thought the developer needed to wait on the project until the infrastructure was there. She thought the smaller lots were wrong for the Town, and that the \$425,000 was not affordable. She said the median listing price in Town was \$425,000 and not \$800,000.

Mayor Miller closed the public hearing.

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember John McCafferty to approve Ordinance No. 2023-927.

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

NAY: Vice-Mayor Eric Granillo, Councilmember Annie Perkins, Councilmember Tom Armstrong, Councilmember Robert Schacherer

3 - 4 FAILED

7) ADJOURNMENT

MOVED by Councilmember Sherri Phillips, seconded by Councilmember Tom Armstrong to adjourn the meeting at 7:46 p.m.

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

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 January, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 24th day of January, 2023.

Erin N. Deskins

Erin N. Deskins, Town Clerk