

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

**TUESDAY, MARCH 14, 2023
6:00 PM**

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

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

Absent:

Staff Present: Cindy Blackmore, Town Manager; Andrew McGuire (remote), Town Attorney; Terri Denemy, Assistant to the Town Manager; Joe Duffy, Administrative Services Director; Laurie Lineberry, Development Services Director; Maggie Tidaback, Economic Development Project Manager; Laura Kyriakakis, Human Resources Director; Joan Dwyer, Magistrate; Cyndi Thomas, Community Services Director; Frank Marbury, Public Works Director/Town Engineer; Randy Chapman, Lieutenant; Steve Sellers (Sgt at Arms), Officer, Bethan Heng, Associate Planner; Lawrence Digges, Audio/Visual Technician; Spencer Guest, IT Manager; Sara Burchill, Deputy Town Clerk

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

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

2. INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

a. Update and presentation by Judge Dwyer regarding Chino Valley Municipal Court.

Judge Joan Dwyer presented the following:

- She had always given similar reports to prior Councils so they would know what was going on as the Council and Court had separation of powers.
- Judge Dwyer gave the Council a list of employees including:
 - Ronda Apolinar – Court Administrator
 - Andrea White – Criminal Clerk
 - Elena Aragon – Civil Clerk/Front Desk
 - Mark Garcia – Court Security
- The Court's rank for 2022 was 37 out of 82 courts in the State (this was up from 42 and 41 in 2022 and 2021 respectively) and was ranked 5 out of 9 courts in Yavapai County.
 - For comparison, Prescott Valley was the largest court in the county with 7,465 filings, 8 employees and 933 filings/employee. Cottonwood and Sedona had 2,421 and 2,042 filings respectively with approximately four and a half employees. Chino Valley had 2,013 filings and just 3.48 employees.
- Out of the 2,000 filings that Chino Valley had, 1,600 were civil, and 461 were criminal and traffic.

- There were 106 DUIs, 75 protection orders, 32 civil traffic hearings, 90 domestic violence charges, 8 bench warrants, 1 jury trial, and 14 search warrants. There were 210 outstanding warrants. 2,100 people represented themselves.
- The Court's gross revenue for 2022 was \$439,295.00. Less than half went to the Town, more went to the State. The State assessed fees on top of surcharges to collect additional revenue. \$6,592 was paid to the County to cover the jail fees and \$1 per ticket to the Justice Court. The rest went to Judicial Collection Enforcement and restitution.
- The Court's fees included a \$15 Traffic Case Processing Fee, and a Court Improvement Fee of \$40 of which the State would get \$17.65.
- The court did 2,385 receipts in 2022.
- Judge Dwyer identified an allocation error where money that was supposed to be going to the State had been funneled into the Town. The total was in excess of \$10,000 and was paid back to the State.
- Per Minimum Accounting Standards (MAS) deposits must be made the next day, so the Court created a deposit record with the Town so there was a paper trail. Previously those deposits had not been done for three to five days.
- Receipting had not been getting done until the money hit the bank but MAS stated that received payments must be receipted by the next business day, so the Court also corrected this oversight.
- MAS also stated that financial policies must be posted and those could now be found at the payment window.
- The Judge created a script for the Police Department and provided them with an updated form to use for Emergency Protective Orders should they need to contact the on-call Judge in the middle of the night.
- The Court had four scheduled jury trials and mailed out Summons for all, but only one jury trial was held which was the first in six years.
- A walk-in calendar was created giving defendants an opportunity to come in, get warrants quashed or obtain a new court date or set up a payment plan.
- Court hours were changed from 8:00 a.m. - 4:30 p.m. to 7:00 a.m. - 4:00 p.m. This gave people an opportunity to come in before work to make a payment or do whatever they need to do. The Court was now seeing more people from 7:00 - 8:00 a.m. than they were from 4:00 - 4:30 p.m.
- The Court Administrator had been working on a Policy Manual for the last 18+ months and was presented to Judges Napper and Carmen and would be made available to the other judges and courts in Yavapai County. There had also been discussion of taking it to the State level. They were hoping to achieve time savings and consistency within the court system.
- Home detention had been a huge success. A recent 2nd offense was sentenced to 120 days in jail. She served 24, and 96 could be served at home and work.
- Old cases were put into a new software and there were approximately 3,000 files in collections totaling several million dollars in accounts receivables. Cases with no social security number or proven date of birth would be closed out as there was no way to collect on them. Cases that did include that information could be issued an Order to Show Cause, if that doesn't work Warrants would be issued which could suspend licenses even out of state.
- The Court staff would be having monthly staff meetings to address what had been done or needed to be changed, and do quarterly audits to review files for accuracy, timeliness, receipting, and proper docketing to get ready for their Operational Review.
- The Court was looking to amend the Court Improvement fee in the future to bring in more money for the Town and save defendants some money.
- The Court wanted to revise the website in an effort to provide more communication to defendants of what to do and how to do it and hopefully gain more compliance. This would be especially helpful with expungements, petitions for second chance, and sealing of records.
- The Court had been looking at doing property liens as a form of collection when people were unable to pay.

- The Council commended Judge Dwyer for her attention to detail and cleaning up a lot of issues that had been overlooked.
- b. Update on current legislation regarding overnight camping by Chief Wynn and Town Attorney McGuire.

This item was continued to April 11, 2023.

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.

Larry Holt, 9/11 Memorial Foundation, presented the following:

- He was appearing before the Council on behalf of the 9/11 Memorial Foundation to give an update on the error that had been identified on the plaque.
- A vendor had been contracted to build a new sign for a very reasonable cost. It would take four to six weeks to complete. It was likely the entire sign would have to be pulled out rather than just replacing the error.
- The foundation had been busy in the past year and was able to purchase a bronze plaque to be displayed at the new police station honoring Paul Marsden, the only first responder ever killed in the Town limits in the line of duty.
- The foundation also helped with the new flagpole at the new station and given money to the recently lost deputy's family.
- The foundation was looking at fundraisers, one of which being a classic car show for the third day of this year's Territorial Day festivities. The foundation was working with the Community Services department to get that all worked out.

4. CURRENT EVENT SUMMARIES AND REPORTS

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

- a. Status reports by Mayor and Council regarding current events.
- Mayor Miller announced that the second meeting of March was cancelled. The next meeting would be April 11, 2023.
 - Councilmember Perkins announced that it was Cattlemen's weekend and hoped to see everyone at the Prescott Livestock Auction.
- b. Status reports by Town Manager Cindy Blackmore regarding Town accomplishments, and current or upcoming projects.
- Cindy Blackmore, Town Manager, presented the following:
 - She gave an update on what the Town had been doing to improve communication with the community:

- Community Services launched their own Facebook page where the community could find information on events from the Library, Aquatics Center, Senior Center, and Community Center. They would also be shared to the Town Facebook page as well. Staff worked together to create a new look for the page and there had already been over 4,600 reposts.
- The Town was featured in Cougar Country Magazine highlighting recruitments, spring events, the community center, senior center, an article on the Town's Police Chief, and an article on School Resource Officer Jeff Pizzi.
- The Town was also featured in Drive Guide which was done through the Town's membership with the Arizona Office of Tourism.

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 ratify the execution of the Exclusive Sales Listing Agreement between the Town of Chino Valley and CBRE; and to authorize the execution of the First Amendment thereto.
- b. Consideration and possible action to approve the Cooperative Purchasing Agreement with Dahill Office Technology Corporation dba Xerox Business Solution Southwest (XBSS) to provide copiers, supplies, equipment, and service for 60 months for \$96,989.40, and the Cooperative Purchasing Agreement with XBSS to provide printer supplies, service, and maintenance for 36 months for \$14,526.
- c. Consideration and possible action to authorize the Police Department to apply for and approve expenditure of funds for a Government of Highway Safety (GOHS) Grant.
- d. Consideration and possible action to approve Resolution No. 2023-1220 regarding an Intergovernmental Agreement (IGA) with the City of Prescott for repair and maintenance services of Chino Valley Police motorcycles.
- e. Consideration and possible action to approve the Contract and Bill of Sale for two 2018 Police Chevrolet Tahoe's from the City of Cottonwood in the amount of \$66,400.00.
- f. Consideration and possible action to approve the January 24, 2023, regular meeting minutes.
- g. Consideration and possible action to approve the January 24, 2023, study session minutes.

MOVED by Councilmember Perkins, seconded by Councilmember Tom Armstrong, to approve Consent Agenda items a, b, c, d, e, f, and g as written.

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

NAY:

7 – 0 PASSED

6. ACTION ITEMS

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

- a. Public Hearing, consideration and possible action on the Final Plat for a 2-lot subdivision located at 19997 Old State Route 89, Chino Valley, Arizona, APN 306-40-028X

Bethan Heng, Associate Planner, presented the following:

- This was a request for a final plat on Old Highway 89 and the applicant was in attendance.
- The four-acre property was located at 19997 and 20047 Old State Route 89. The two lots were 2.09 acres each.
- The site was surrounded by the Del Rio Springs PAD which the subject properties and the property to the north were not part of.
- The subject property was zoned appropriately at Single Family Residential 1-acre zoning.
- The proposed final plat was in conformance with the proposed General Plan at medium density, 2 acres or less.
- The properties would be served by well and septic, with access off Old Highway 89.
- Planning & Zoning forwarded recommendation of approval.

Vice-Mayor Granillo opened the public hearing.

There were no speaker comment cards on this item.

- Council asked about the neighbors who attended the neighborhood meeting. Ms. Heng stated there were two neighbors in attendance at the meeting held on November 28, 2022, and they lived in the property to the north. The neighbors were concerned about drainage and runoff and the final plat specified that the applicant would be required to do a drainage study.

Vice-Mayor Granillo closed the public hearing.

MOVED by Councilmember Perkins, seconded by Councilmember Tom Armstrong, to approve the Final Plat located at 19997 Old State Route 89.

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

NAY:

7 – 0 PASSED

- b. Public Hearing, consideration and possible action on a Conditional Use Permit for a Mini Storage facility with a Commercial Retail component located directly east of Olsen's Grain, along State Route 89, Chino Valley, Arizona, APN 306-29-030D

Bethan Heng, Associate Planner, presented the following:

- This was a request for a conditional use permit (CUP) for the Fairwoods Commons and Storage, and the applicant was in attendance.
- The property was located directly in front of Olsen's Grain, vacant and zoned commercial light with commercial light and agricultural residential surrounding the property.
- The Town's Unified Development Ordinance (UDO) listed mini storage as a conditional use.

- The current General Plan designated the subject property as a commercial multi-family residential and a potential community core. For that reason, the applicant had agreed to include a commercial retail aspect to meet the requirements of the General Plan.
- The Community Core was described as having a combination of uses which meant a location, property, or building that contained a variety of land uses or functional interrelationships like residences, offices, retail businesses, etc. meeting the communities economic and lifestyle means.
- The development of the project would happen in three phases. 1) the first half of the mini storage 2) the commercial retail space 3) full completion of the mini storage. Staff recommended the phasing of the project be included in the conditions of approval.
- Access to the site would be from West Rd 1 South and completed in the first phase, and from State Route 89 which would be completed in the second phase.
- Planning & Zoning forwarded a recommendation to Council of approval.

Council and staff discussed the following:

- There was currently no time limit for completion of the phases. That was within Council purview to discuss.
- Other CUPs that were done in the past were given time limits, some were not.
- Council discussed the access off 89.
- Council inquired why the project needed a CUP when mini storage already fell under commercial light.
 - Ms. Heng stated that mini storage was not an outright use of commercial light.
 - Ms. Blackmore stated that the UDO specifically stated that mini storage facilities needed a CUP.
- Council discussed that a turn lane from 89 would be an ADOT decision.

Richard Ivie, applicant, and Council discussed the following:

- Council inquired as to the applicant's timeline to get the project constructed.
 - Mr. Ivie stated that the intention was to construct the project as timely as possible and they didn't expect any delays other than the normal things like weather and materials. He anticipated the project being complete in two years. Mr. Ivie stated that a five-year limit would be fine.
- The mini storage would be privately owned.
- Mr. Ivie stated that he had had representatives from ADOT come out and measure and assess the area and they would probably want him to put in a new turn lane starting at the Olsen's driveway. ADOT had completely rejected access off of Olsen's driveway.
- One Councilmember was concerned that ADOT would slow down the project at phase two as it was the part that benefited the Town and that it would not be as quick and easy as two years.
 - Mr. Ivie stated that they already had bids for the phase two buildings and were anxious to get to that point.
- Council asked if there were any concepts that could be provided.
 - Mr. Ivie shared pictures of a mini storage facility in Page that he planned to design this project after. The retail buildings would be the same type of metal/steel buildings as the storage buildings.
- There would not be storage for RV's or boats.

Council and staff discussed the following:

- Council inquired if they had been consistent with time limits on CUPs.
 - No one could answer about what had been done in the past. One councilmember stated it should be on a case by case basis.

Vice-Mayor Granillo opened the public hearing.

Rachelle Fernow – staff did a great job of directing the applicant on this project. She agreed with Councilmember Perkins that it was something the Town needed for opportunities for small business and economic development. She liked the condition that stated a landscaping plan, but also felt that the architectural nature of the retail space was also important as it was a goal of the

General Plan to beautify Highway 89. She felt that three years was more than adequate since the applicant stated it would be done in two.

Larry Holt – this would be the fifth mini storage on 89 within Town limits. He stated he wasn't for it or against it, but questioned if a bunch of mini storage places were what the community wanted to see when traveling up and down Highway 89. So it was important to make sure it was aesthetically pleasing. He didn't believe the Town got revenue from the rental of the storage places, and hoped that the retail would.

Vice-Mayor Granillo closed the public hearing.

Council discussed the following:

- Some councilmembers felt that the Town should be consistent with CUP timelines and wanted to give the applicant five years to complete the project.
- Other councilmembers felt that five was fair. In the case of an economic downturn, it would give the applicant time to regroup.

MOVED by Mayor Miller , seconded by Councilmember Tom Armstrong, to approve the Conditional Use Permit for a Mini Storage facility with a Commercial Retail component with a five year limit located directly east of Olsen's Grain.

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

NAY: Councilmember Annie Perkins

6 – 1 PASSED

7. ADJOURNMENT

MOVED by Councilmember Phillips, seconded by Mayor Jack Miller, to adjourn the meeting at 6:53 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

NAY:

7 – 0 PASSED

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 14th day of March, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 25th day of April, 2023.

Erin N. Deskins

Erin N. Deskins, Town Clerk