

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

**TUESDAY, JULY 11, 2023  
6:00 P.M.**

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

Present: Mayor Jack Miller; Vice-Mayor Eric Granillo; Councilmember Annie Perkins; Councilmember Tom Armstrong; 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; Public Works Director/Town Engineer Frank Marbury; Officer Austin McAvoy (Sgt at Arms) 6:14 pm; Assistant Development Services Director Will Dingee; Senior Planner Jessica Barragan; Community Services Director Cyndi Thomas; Audio Visual Technician Lawrence Digges; Deputy Town Clerk Sara Burchill; Town Clerk Erin N. Deskins

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

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

**2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS**

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

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

**4) CURRENT EVENT SUMMARIES AND REPORTS**

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

- a) Status reports by Mayor and Council regarding current events.
- b) Status report by Town Manager Cindy Blackmore regarding Town accomplishments, and current or upcoming projects.

Cindy Blackmore, Town Manager, presented the following:

- Thanked everyone that attended the Town’s first annual All-American Bash. Staff estimated about 450 people had come out. She also thanked the staff for putting in so much effort.
- The Police Department was now moving into their new building.
- The north driveway of Town Hall was no longer open and the public should utilize the south driveway entrance.
- Congratulated Brannon Conley on the Streets crew for receiving his Class A CDL. He had just joined the Town in March and was already working hard to improve himself.

**5) CONSENT AGENDA**

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

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember John McCafferty to approve Consent Agenda Items a, b, c, d, and e.

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**

- a) Consideration and possible action to adopt Resolution No. 2023-1227, 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 2023-2024, pursuant to Section 48-616, Arizona Revised Statutes.
- b) Consideration and possible action to approve the Fourth Amendment to the Town Prosecutor Contract with Lexington Law Firm through June 30, 2024, for additional services and a new monthly payment of \$4,083.33.
- c) Consideration and possible action to approve the May 17, 2023, study session minutes.
- d) Consideration and possible action to approve the May 23, 2023, regular meeting minutes.
- e) Consideration and possible action to approve the June 13, 2023, regular meeting minutes.

6) **ACTION ITEMS**

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

- a) Consideration and possible action to approve the APS Solar Communities Program Rural Government Agreement between the Town of Chino Valley and APS.

**Recommended Action:** Approve the APS Solar Communities Program Rural Government Agreement between the Town of Chino Valley and APS on Town Hall property.

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

- In January a Study Session was held discussing possibly putting in covered solar parking at the new Police Department or Town Hall. The feedback from that meeting was taken back to APS to come up with the agreement being presented.
- This program was created by APS to reach their goal of creating a sustainable energy future for Arizona while serving their customers
- The program would provide free solar-covered parking structures that they would own and maintain for 20 years. In return APS would provide a bill credit to their customers.
- The bill credit for government and municipal customers was based on the solar system size and would be applied to their bill every month once the site was operational.
- Provided a map to see the proposed Solar Panel Site Plan.
- The Town would be receiving a \$437 bill credit per month.
- The structures would also include lighting to improve lighting at Town Hall which was a planned expenditure for this fiscal year.
- If approved, the easement agreement would come before Council on August 22, 2023.

Council and Staff discussed the following:

- Some Councilmembers felt that a credit of \$437 per month was low and asked how many kilowatts would be generated.
  - The bottom of the site plan stated the estimated kilowatts were 339,376.
  - Staff stated that along with the bill credit the Town was getting all of the structures for free.
- Council asked about the panels being retrofitted to the PD's existing covered parking.
  - The panels were not able to be retrofitted and would not be installed on the PD covered parking structures.
- Council asked for clarification of who was responsible for the structures after the three years.
  - The Town would be responsible for maintenance and upkeep after the initial three years, but APS would come back and do an annual inspection.
- Council inquired if a charging station would be included.
  - Staff stated that a charging station would not be included.

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember Tom Armstrong to approve the APS Solar Communities Program Rural Government Agreement.

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

NAY: Councilmember John McCafferty, Councilmember Robert Schacherer

**5 - 2 PASSED**

- b) Consideration and possible action to approve a Professional Services Agreement with Duke's Root Control, Inc., to study inflow and infiltration in an amount not to exceed \$93,972.

**Recommended Action:** Approve a Professional Services Agreement with Duke's Root Control, Inc., to study inflow and infiltration in an amount not to exceed \$93,972.

Frank Marbury, Town Engineer, presented the following:

- This proposal was for an I&I Study, which was an Inflow and Infiltration Study to understand where and how much water was coming into the sewer treatment plant during storm events as too much fresh water in the treatment plant.
- When clear water entered the plant, it had to be treated, ultimately raising the Town's costs.
- Too much clear water in the plant could also harm the bacteria necessary for treating the water.
- The timing of this study was critical to be able to monitor the activity during monsoon season to pinpoint the areas that needed repair.
- The company would install flow meters in the Town's wastewater collection system for 60 days starting in July, 90 if needed due to lack of rain. The company only needed 90 days one time.
- The report would be due in November.
- The total cost was \$93,972.

Council and Staff discussed the following:

- Council inquired where the meters would be placed.
  - Staff stated they would be placed in every other manhole. They were portable meters, so they wouldn't be done all at once, they would be moved around.
- Council asked if the payment was a lump sum or several payments based on the amount of work done.
  - Staff stated it was a lump sum to collect data for 60 days and generate the report. Payment would be remitted upon completion of the report.
- Council asked how closely the report would be able to locate problems.
  - Manholes were placed approximately 400-500 feet away, so it should be within 500 feet, give or take.
- Council asked if they suspected the additional flow was coming from people's houses.
  - Staff didn't expect they would find anyone's houses dumping clear water into the sewer, but rather expected that they'd find broken concrete grout around seals or disjointed pipe that had moved around after being crushed by heavy loads.
- Council asked for an approximate cost if the study was not done and the system failed.
  - Staff stated that pipe was costing \$300-\$350/linear foot and it added up quickly. The Town had several miles of pipe. A penny of engineering was worth a dollar of construction.

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember Tom Armstrong to approve the Professional Service Agreement with Duke's Root Control, Inc. to study inflow and infiltration in an amount not to exceed \$93,972.00.

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. 2023-933 to rezone approximately 21 acres of real property located at the southeast corner of N Road 1 East and Red Cinder Road (APN 306-18-009Q and APN 306-18-009R) from Agricultural Residential 5-Acre Minimum to Single Family Residential 1-Acre Minimum.

**Recommended Action:** i) Hold a Public Hearing ii) Approve Ordinance No. 2023-933

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

- This item was the proposed rezone for the Red Cinder Estate subdivision to rezone the subject properties from the Agricultural Residential 5-Acre Minimum zoning district to the Single Family Residential 1-Acre Minimum zoning district.
- The item had two neighborhood meetings, on April 26th and April 27th, and went before the Planning and Zoning Commission (P&Z) on June 6th.
- The applicant and property owner were in attendance.
- The properties totaled about 21 acres and were located on the northeast corner of East Road 3 North and North Road 1 East.
- The properties were surrounded by a mix of AR-5, SR-1, and SR-0.16 lots and Commercial Light.
- The 2014 General Plan Land Use map designated the subject and surrounding properties as medium density residential two acres or less as well as Commercial/Multi-family. SR-1 was in conformance with the 2014 plan.
- Staff had received two letters of opposition for the project and were provided to Council.
- The rezone came with nine stipulations recommended by staff and P&Z. The applicant was in agreement with stipulations 1-8 and wanted to bring stipulation 9 to Council for discussion and request an extension or increase on the time limit.
- P&Z forwarded a recommendation of approval to Council.

Council and Staff discussed the following:

- Council asked to see the conceptual design.
  - Staff provided the conceptual design for Council. It was conceptual and would come before Council again if the rezone was approved.
- Council asked how close the properties were to the nearest sewer lines.
  - Staff stated that the existing closest sewer was either in Perkinsville Road, or through the partially developed subdivision of the Perkinsville 44 development. One of the complications was the way the water flowed, which was uphill through the subdivision, so one of the options to get sewer to the properties would likely include a lift station.
  - The project as planned would require 17 sewers and septic. Council asked what the Town needed to do to get within the distance to require hookup to sewer and

water.

- Staff discussed various options and requirements to get the subject properties on sewer including performing a cost/benefit analysis, connecting through the Perkinsville 44 subdivision and the pros and cons of that scenario, and the possibility of needing a lift station which could cost \$250,000 or more by itself not counting pipe to connect to the sewer line at Perkinsville and Road 1 East. Sewer had not been extended north on Road 1 East because it was downhill and the sewer was going upwards. Staff did not recommend the applicant hook up to water and sewer at P&Z because Town Code called for sewer being within 300 feet to require hook up. The north half of the Perkinsville 44 Subdivision had not been built or platted and sewer had only come half-way through the lower half of the development.
- Council inquired if Staff was ok with dead-end roads, or if they would prefer to have connectors.
  - Staff stated there were preferences which they would work on with the developer. One option discussed at P&Z was developing a portion of the Road 3 North right-of-way. There were other considerations they would look at regarding the cul-de-sacs. Town Code did not require two ingress/egress unless it was more than 30 lots.
- Staff stated that getting the development on Town water had not been discussed at P&Z. State Statute stated that developments of fewer than 20 lots were not required to bring their paper water for the certificate unless they were getting on municipal water. For this development it would be \$1.25 million worth of water credits in addition to any pipe being installed.
- Council stated that the increased traffic coming out onto Road 1 East was a concern as the road was already in bad shape, Red Cinder was too small, and Road 3 North needed to be built.
  - Staff stated that in any of the mentioned scenarios the Town would look for improvements from the developer. Also, Road 3 North would need more right-of-way dedication.
- Council asked about traffic studies for the area.
  - Staff stated that the developer would have to provide traffic studies and the impacts to Road 1 East. Staff did not believe it would be a significant impact to the road.
- Council discussed continuing the item so the developer of this project and the developer of Perkinsville 44 could discuss solutions to get sewer closer to the subject property.

Council and applicant, Allen Nell, discussed the following:

- Council asked if Mr. Nell understood what Council was trying to accomplish with the previous discussions.
  - Mr. Nell stated he did and this was a conceptual plan and at least one issue could be addressed with Town staff. He was not sure about a resolution on water and sewer as the Perkinsville 44 project had stopped.

Mayor Miller opened the Public Hearing.

Diane Norberg presented the following:

- She and her husband moved to Chino Valley last year, specifically choosing the neighborhood in question. They had looked at many other cities and towns but loved the small-town country atmosphere of Chino Valley for it's uncrowded, wide-open spaces, livestock, large lots, and beautiful views.

- There was only one way to get to their neighborhood via Road 1 and Red Cinder. Any additional development would affect them.
- They did not know about Perkinsville 44 until after they purchased their house and were very disappointed to find out about it. The new development would be right next to Perkinsville 44 and there was no need for 17 more homes so close. Rezoning to 1 acre lots would not benefit the current neighbors in any way and would only benefit the developer.
- 15 or more homes would add to the pollution and overcrowding of vehicles on Road 1 which was already unsafe.
- The current residents liked the open rural country feeling and views and large lots that could handle livestock.
- She understood there would be growth, but hoped the Council would consider not making such a large reduction in lot size. A good compromise would be to keep the lots at two or more acres.
- She was also asking to not allow two story homes.

Rachelle Fernow presented the following:

- She had attended the Neighborhood and P&Z meeting on this item.
- Adam Haywood had been the representative on the project until the current meeting. When he had been brought concerns about the ingress/egress, the Road 3 North easement and the lot size he seemed that he would be open to some of the options discussed during the current meeting.
- The project was speaking to a larger issue with the Town Code not having more stringent requirements especially regarding sewer and water. Especially as the Town had been losing money with the water treatment plant.
- She was encouraging councilmembers to rewrite portions of the UDO and she thought the requirement for connecting to sewer should be within a quarter mile. She believed this would bring reputable developers to the community who would do their fair share.
- She otherwise thought it was a great project, like the single family homes, and did not mind the one-acre parcels.

Teena Meadors presented the following:

- She owned the lot to the south and had a 25 foot easement on her north border for Road 3 North which would give them 50 feet.

Mayor Miller closed the Public Hearing.

Council discussed the following:

- Continuing the item to at least the August 22, 2023 meeting.

MOVED by Councilmember John McCafferty, seconded by Councilmember Robert Schacherer to continue Resolution 2023-933 to the August 22, 2023 meeting with specific directions as given by the Town Manager to Town staff.

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

NAY: Councilmember Tom Armstrong

**6 - 1 PASSED**

d) **\*Item Added\***

Public hearing, consideration and possible action regarding Resolution No. 2023-1232, intent to form a Maintenance Improvement District, and action regarding Resolution No. 2023-1233, ordering work for the Maintenance Improvement District located approximately 500 feet south of intersection of East Perkinsville Road and Salida Del Sol on the west side.

**Recommended Action:** i) Hold public hearing ii) Approve Resolution No. 2023-1232 and Resolution No. 2023-1233

Laurie Lineberry, Development Services Director, presented the following:

- This item was regarding the formation of a Maintenance Improvement District (MID) which was very similar to the Street Lighting Improvement District but was for the maintenance of all the drainage facilities, basins, and landscaping in three subdivisions that were adjacent to each other.
- The subdivisions were Salida del Sol south of Perkinsville.
- The first year, the developer would pay for the maintenance. In the following years, the Town would come up with an estimate on the costs and would come before Council during the budgeting process.
- This district would be in place of an HOA and would be funded by their property taxes and would only cover the cost to maintain the subdivisions.
- The developer was available for questions.

Council and Staff discussed the following:

- Council inquired as to the administrative costs of doing this every year.
  - Staff stated that it would be miniscule and would not be worth charging. There were only 25 lots. The Town was able to charge a 2-3% administrative fee.
- Council inquired as to who would be doing the maintenance.
  - Staff stated the developer would be doing it the first year. The second year, the Town would hire someone based on the cost of the maintenance from the prior year. If contractors wanted to charge more, the Town would increase the amount the following year.
- Council asked how often they would be doing maintenance.
  - Staff did not know the answer to that but assumed at least once per month. This was the first time the Town had done an MID and would have to be a test run. They would be working with the developer and checking the subdivisions and notifying him if staff felt the area needed more frequent maintenance. This would also guide the Town in estimating costs for the following year.

Mayor Miller opened the Public Hearing.

Erin Deskins, Town Clerk, indicated that there were no requests to speak on this item.

Mayor Miller closed the Public Hearing.

MOVED by Vice-Mayor Eric Granillo, seconded by Councilmember Tom Armstrong to approve Resolutions 2023-1232 and 2023-1233.

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**

**7) ADJOURNMENT**

MOVED by Councilmember Sherri Phillips, seconded by Vice-Mayor Eric Granillo to adjourn the meeting at 6:55 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**



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Jack W. Miller, Mayor

ATTEST:



*Erin N. Deskins*

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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 11th day of July, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 22nd day of August, 2023.

*Erin N. Deskins*

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Erin N. Deskins, Town Clerk