

# DRAFT

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

TUESDAY FEBRUARY 12, 2019  
6:00 P.M.

The Town Council of the Town of Chino Valley met for a Regular Meeting in the Chino Valley Council Chambers, located at 202 N. State Route 89, Chino Valley, Arizona, on Tuesday, February 12, 2019.

Present: Mayor Darryl Croft; Vice-Mayor Jack Miller; Councilmember Mike Best; Councilmember Cloyce Kelly; Councilmember Corey Mendoza; Councilmember Lon Turner

Absent: Councilmember Annie Perkins

Staff Present: Town Attorney Andrew McGuire (electronically); Finance Director Joe Duffy; Police Chief Chuck Wynn; Public Works Director/Town Engineer Frank Marbury; Planner Alex Lerma; Customer Service Manager JoAnn Brookins; Code Compliance Officer David Jaime; Administrative Technician Kathy Frohock (videographer); Town Clerk Jami Lewis (recorder)

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

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

### 2) INTRODUCTIONS, PRESENTATIONS, AND PROCLAMATIONS

- a) Presentation of Lifesaving Award to Officer Newton and Commendation to Officer Sellers. (Chuck Wynn, Police Chief)

Chief Wynn presented Certificates of Commendation and Lifesaving Awards to Officer Newton for her actions that saved an overdose victim's life and to Officer Sellers for administering lifesaving CPR actions to an accident victim.

### 3) CALL TO THE PUBLIC

*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 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.*

### 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) Request for clarification about whether or not proposed property tax dollars will be spent on roads created by land divisions, and what the Town intended to do about drainage issues associated with such roads as well as between properties.

Mayor Croft reported that:

- Current code did not require paving on lot split easements unless the road was dedicated and paved to current Town standards. Easements would not be maintained by the Town, so no property tax money would go toward them. The tax money would be used for the overall maintenance of the network of town roads.
- The Town had a flood prevention ordinance. There were always drainage concerns and issues, and those issues would be handled separately. The ballot measure was for road maintenance only.
- Pro/con statements for the voter information pamphlet were due to the City Clerk by February 20, 2019.

- b) Comments regarding concerns about a proposed zone change near 2.5 acre minimum properties, water supply, screening, traffic, a protected wash, and discrepancies in the number of stated units.

Mayor Croft reported that:

- The Town did not regulate wells. Concerns regarding water and wells should be directed to the Arizona Department of Water Resources. The owners were required to have a certificate of assured water supply.
- All properties within the Town needed to abide by the noise regulations in Town Code, Title XIII, Chapter 131.
- The applicant of the duplexes on Center Street had agreed to erect a block wall instead of a chain-link fence.
- The area the duplexes would be located was a mix of medium and low density residential and commercial land uses. The General Plan map designated the area as commercial and multi-family residential.
- Drainage plans would be required and any off-site flows that currently entered the property would need to be accounted for and released at the natural and historic rates.
- The Center Street Duplex project consisted of nine duplexes comprised of 18 individual residences.
- Per a 2018 report, current traffic rates on Center Street were approximately 2,000 plus vehicles per day. A traffic statement by the developer's engineer confirmed that the development would create a one percent increase in traffic volume, and it was determined there no improvements were needed at the intersection of Highway 89.

## 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. 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 Croft reported on the next community outreach meeting at Overflow Coffee on February 20.

- b) Status report by Town Manager Cecilia Gritman regarding Town accomplishments, and current or upcoming projects.
- c) Quarterly status report on residential and commercial building permits, code compliance matters, and UDO rewrite. (Joe Duffy, Finance Director)

Joe Duffy reviewed building permit and generated revenue statistics from 2015-2018. Key points were:

- The average number of homes built and generated revenue remained consistent the last couple of years.
- Commercial building activity increased in 2015 and 2016, and decreased in 2017 and 2018.
- The General Fund sales tax collection increased in 2018, due to the lapse in reporting 2017 sales tax for building activity that was reflected when developers' homes sales actually closed.
- The Code Enforcement Cleanup Campaign had started. Staff had performed approximately 25 commercial courtesy inspections, sent out 250 residential campaign letters, and developed a notification doorhanger and multipart inspection form. He commended JoAnne Bookins for her efforts on this campaign.

**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.*

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Cloyce Kelly to accept the Consent Agenda as written.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best, Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Lon Turner

PASSED - Unanimously

- a) Consideration and possible action to continue the following item to the March 26, 2019, Regular Meeting per the applicant's request: Adoption of Ordinance 2019-856 to rezone 12.35 acres (approx. 535,788 sq. ft.) of real property, Assessor's Parcel No. 306-14-003S, located approximately .25 mile east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North from SR-1 (Single Family Residential-1 acre minimum) zoning district to CL (Commercial Light) zoning district to allow wholesale nursery. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)
- b) Consideration and possible action to continue the following item to the March 26, 2019, Regular Meeting per the applicant's request: Approval of a Conditional Use Permit (CUP18-006) for 12.35 acres (approx. 535,788 sq. ft.) of real property, Assessor's Parcel No. 306-14-003S, located approximately .25 miles east of the southeast corner of North Road 1 West and West Road 4 North at 683 West Road 4 North to allow the existing single family residential use within the CL (Commercial Light) zoning district. (Owner of Record: Donald K. Cox and Catherine Cox) (Alex Lerma, Planner)

- c) Consideration and possible action to approve the First Amendment to the Agreement for Professional Services, dated August 8, 2017, between the Town of Chino Valley and Kimley-Horn and Associates, Inc. for additional services related to the Solids Drying Beds Project in the not-to-exceed amount of \$13,540. (Frank Marbury, Public Works Director/Town Engineer)
- d) Consideration and possible action to appoint applicants to the Planning and Zoning Commission, Board of Adjustment, Parks and Recreation Advisory Board, and Industrial Development Authority per recommendation of the Appointments Subcommittee. (Jami Lewis, Town Clerk)
- e) Consideration and possible action to accept the January 15, 2019, study session minutes. (Jami Lewis, Town Clerk)
- f) Consideration and possible action to accept the January 22, 2019, regular meeting 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.*

- a) Consideration and possible action to adopt two ordinances relating to property maintenance matters in the Unified Development Ordinance (UDO) and Town Code as follows:
  - (1) Adopt Ordinance No. 2019-862 amending the UDO by deleting Sub-subsection 1.11.10 Abatement of Hazards to Public Health and Safety and Civil Sanctions Pursuant to A.R.S. §9-499, and amending Sub-subsection 1.6.2. Powers and Duties [of the Zoning Administrator and Assistant Zoning Administrator], and deleting Section 6 Property Maintenance; and
  - (2) Adopt Ordinance No. 2019-864 declaring the document entitled "Town of Chino Valley Property Maintenance and Public Nuisance Town Code Amendments Dated January 22, 2019" as a public record; adopting said document; and amending Town Code Title V Public Works, Chapter 52 Removal of Rubbish, Trash and the Like, and Culvert Maintenance, repealing Title V Chapter 52 subchapter Removal of Rubbish, trash and the Like; Dilapidated Structures, adding new Title VIII Health and Safety, and amending Title XIII General Offenses. (Joe Duffy, Finance Director)

Recommended Action: Adopt Ordinance No. 2019-862 and Ordinance No. 2019-864 to amend the Unified Development Ordinance and Town Code with regard to property maintenance matters.

Joe Duffy reported that:

- There was an existing abandoned vehicles section in Town Code 82.07 that addressed Council's concerns discussed at the previous study session.
- The Town attorney rewrote the section regarding commercial parking to prohibit parking a vehicle over 13,000 pounds on residential property under one acre, allowing one commercial vehicle or equipment over 13,000 pounds on residential property over an acre, and allowing additional commercial vehicles or heavy equipment on residential properties over an acre if they were concealed from public view.

Council expressed some concerns about that and they and Mr. Duffy discussed the following:

- The biggest complaints concerned people with a home office parking three or four commercial trucks at home.
- The code referred to commercial equipment, and equipment used on residential property for personal use would not be considered commercial. The weight limit could be removed and the code could only pertain to commercial vehicles.
- The original intent of only one commercial vehicle was to ensure that homeowners could drive a work vehicle home for the evening but could not park their entire vehicle fleet at their home. That needed to be included as one of the exceptions in the code, as well as an exception for properties over one acre.
- Requiring screening for equipment on properties larger than one acre seemed unfeasible.
- They could consider using the number of axles instead of weight limits, but that could open up other issues such as 18-foot flatbeds with only two axles. Many semi-trucks drivers parked their trailers near the police station or near the Days Inn and then brought their truck cabs home.
- Keep vehicles that were used for commercial purposes separate from personal and farming equipment.
- Require conditional use permits for anything that exceeded the allowed vehicle limits.

MOVED by Vice-Mayor Jack Miller, seconded by Councilmember Mike Best to remove Item 7a and return it to staff for a re-write and bring back another day.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,  
Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Lon Turner

PASSED - Unanimously

- b) Update regarding status of the 50th Anniversary Committee activities. (Councilmember Mike Best)

Recommended Action: Direction to staff or Anniversary Committee.

Councilmember Best and Vice-Mayor Miller reported on the following:

- The Committee was working on getting articles and other materials for the book. They hoped to have the book available by Labor Day weekend 2019. The book would be available for a year at all the Town activities.
- Artist ideas included miniatures that could be sold or raffled to offset expenses; postcards; and t-shirts that could be made individually to prevent the Town from having to stockpile them.
- Committee meetings were the first Wednesday of each month and minutes could be emailed to interested parties. The March 6 Committee meeting will be at Town Hall at 6:00 p.m.
- They were looking for artists for the concert.
- Events included a pancake breakfast, a large parade, park and amusement activities, dinner, and Friday or Saturday night concert. Event planning included building a budget and further action planning.
- Volunteers were still needed to help get information from old town families and businesses.

**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.*

**9) ACTION ITEMS RESUMED**

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

**10) ADJOURNMENT**

MOVED by Councilmember Lon Turner, seconded by Councilmember Mike Best to adjourn at 6:48 p.m.

AYE: Mayor Darryl Croft, Vice-Mayor Jack Miller, Councilmember Mike Best,  
Councilmember Cloyce Kelly, Councilmember Corey Mendoza, Councilmember Lon Turner

PASSED - Unanimously

\_\_\_\_\_  
Darryl L. Croft, 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 February, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 12th day of March, 2019.

\_\_\_\_\_  
Jami C. Lewis, Town Clerk