

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING
MINUTES
January 9, 2014**

Library Auditorium
7401 E. Civic Circle
Prescott Valley, Arizona 86314

1. CALL TO ORDER

Vice Mayor Nye called the meeting to order at 5:30 p.m. Nye wished Mayor Skoog well and a speedy recovery as he is home with a flu bug.

2. INVOCATION

Former Council member Pastor Don Tjiema gave the invocation.

3. PLEDGE OF ALLEGIANCE

Council member Anderson led in the recitation of the Pledge of Allegiance said in unison.

4. ROLL CALL

Present: Vice Mayor Nye, Council Member Anderson, Council Member Whiting, Council Member Mallory, Council Member Marshall, and Council Member Grossman.

Absent: Mayor Skoog

5. SCHEDULED ANNOUNCEMENTS & PRESENTATIONS

No announcements were forthcoming.

a. Chamber of Commerce

Gloria Grose introduced two new business members of the Chamber of Commerce. Mr. Chris Hussey and his partner Richard Cosgrove of the 'Flooring Shack' and Jack Jackson and Jack Jackson Jr. of 'Total Home Inspection Services'. Each provided information about the services they provide and where their businesses are located.

6. PROCLAMATIONS

a. Martin Luther King Day of Service

Town Clerk Diane Russell read the proclamation after which Vice Mayor Nye presented it to Erika Stone. Ms. Stone commented that this is the 7th year of putting on this event. Registrations for the event start at 10:00 a.m. on Monday, January 20th at the Prescott United Methodist Church at 505 W. Gurley St. in Prescott. *Day of Service* projects will be available for 350 people. See arizonaserve.org for more information.

7. COMMENTS/COMMUNICATIONS

No comments were forthcoming.

8. CONSENT AGENDA

- a. *Approving the December 12 & 19, 2013 Council meeting minutes*
- b. *Approving the Upper Verde River Watershed Protection Coalition's proposal to pursue the U.S. Bureau of Reclamation grants*
- c. *Approving Accounts Payable for 12/11 thru 12/31, 2013*

Council Member Anderson made the MOTION, seconded by Council Member Whiting, to approve all items listed on the consent agenda, by electronic vote. MOTION carried with 6 ayes and 0 nays.

9. OLD BUSINESS (FOR ACTION)

- a. *Consideration of approving the second reading and passage of Ordinance No. 783 approving Zoning Map Change (ZMC13-003) - StoneRidge Tract U*

Vice Mayor Nye asked Town Clerk Diane Russell to read the proclamation. Russell read the proclamation by title only for the second reading after which Vice Mayor Nye asked, shall the ordinance pass? The ordinance passed with 6 ayes and 0 nays.

10. NEW BUSINESS (FOR REVIEW, COMMENT, AND/OR POSSIBLE ACTION)

- a. *Consideration of authorizing the Mayor to sign Resolution No. 1860 declaring certain revisions to Town Code Chapter 8 "BUSINESS" to be a public record for purposes of adoption by reference*

Town Clerk Diane Russell stated that currently Town Code requires that anyone making application for a business license or a peddler's license must provide background information that will facilitate an investigation by the Town Clerk or Police Chief. Recent legislation through HB 2748 (Regulation of Alarm Businesses and Agents) now preempts the power of local authorities to license, register or certify alarm businesses and alarm agents. The state has assumed exclusive authority of regulation of these businesses. In order to comply with HB 2748 the proposed amendments to Chapter 8 – Business exempt alarm businesses/agents and

contractors from background checks and from the requirement to provide background information that would enable any investigation. These state regulated businesses may apply for a Town business license by providing only the information necessary to identify the applicant, ensure zoning compliance and track activities for purposes of collecting transaction privilege taxes. This preemption of local authority does not extend to the authority that towns and cities have to require business licenses simply for the privilege of doing business within their limits.

Council Member Grossman made the MOTION, seconded by Council Member Marshall, to authorize the Mayor (or, in his absence, the Vice-Mayor) to sign Resolution No. 1860 declaring certain revisions to Town Code Chapter 8 "BUSINESS" to be a public record for purposes of adoption by reference, by electronic vote. MOTION carried with 6 ayes and 0 nays.

b. Consideration of reading Ordinance No. 784 (adopting by reference the Amendments to Chapter 8 "BUSINESS" declared by Resolution No. 1860 to be a public record) on two separate occasions by title only, then to place the same on final passage

Town Clerk Diane Russell added to her comments in item 10.(a) that for years the Town has operated with limited liquor license series (8) listed in Town Code. But as the Town continues to grow, additional liquor license series are being requested, i.e. microbrewery. Therefore, as housekeeping matters, staff proposes that the business license fees for Spirituous Liquor Businesses be updated to reflect all applicable liquor businesses listed in Title 4 – Alcoholic Beverages of the Arizona Revised Statutes (except Wholesalers which, by statute, must be removed from local regulation). Clarifying language within the amendments should also be considered for approval.

Council Member Marshall made the MOTION, seconded by Council Member Mallory, to read Ordinance No. 784 (adopting by reference the Amendments to Chapter 8 "BUSINESS" declared by Resolution No. 1860 to be a public record) on two separate occasions by title only, then to place the same on final passage, by electronic vote. MOTION carried with 6 ayes and 0 nays.

Town Clerk Diane Russell read Ordinance No. 784 by title only, for the first reading.

c. Consideration of authorizing the Mayor to sign Resolution No. 1864 declaring certain revisions to Town Code Chapter 9 "HEALTH AND SANITATION" and Chapter 13 "ZONING" to be a public record for purposes of adoption by reference

Community Development Director Richard Parker announced the opening of the new Walmart Store next Wednesday, January 15 which will be a good day for the Town of Prescott Valley.

Parker stated that ARS §9-499 authorizes Towns to adopt by ordinance a requirement that owners, lessees or occupants of buildings, grounds or lots remove rubbish, trash, weeds, etc. from property which may constitute a hazard or nuisance. Under this authority, the Town has previously adopted Article 9-04 "PROPERTY MAINTENANCE" of the Town Code.

On April 10, 2013, the Governor signed SB 1466 which amended ARS §9-499 to add a definition for "dilapidated buildings" with regard to this authority. It is, therefore, proposed that

the Town now add this definition to its own Code in §9-04-010. This definition appears to slightly narrow Town authority with regard to abating nuisances. The proposed amendments alter the numerical sequence of certain non-affected Code sections. Therefore, conforming changes to §13-06-020 (citing §9-04-010(C)) have to also be adopted.

Council Member Marshall made the MOTION, seconded by Council Member Anderson, to authorize the Mayor to sign Resolution No. 1864 declaring certain revisions to Town Code Chapter 9 "HEALTH AND SANITATION" and Chapter 13 "ZONING" to be a public record for purposes of adoption by reference, by electronic vote. MOTION carried with 6 ayes and 0 nays.

d. Consideration of approving the reading of Ordinance No. 785 (adopting by reference the Amendments to Chapter 9 "HEALTH AND SANITATION" and Chapter 13 "ZONING" declared by Resolution No. 1864 to be a public record) on two separate occasions by title only, then to place the same on final passage

Council Member Anderson made the MOTION, seconded by Council Member Mallory, to read Ordinance No. 785 (adopting by reference the Amendments to Chapter 9 "HEALTH AND SANITATION" and Chapter 13 "ZONING" declared by Resolution No. 1864 to be a public record) on two separate occasions by title only, then to place the same on final passage, by electronic vote. MOTION carried with 6 ayes and 0 nays.

Town Clerk Diane Russell read Ordinance No. 785 by title only, for the first reading.

e. Consideration of authorizing the Mayor to sign Resolution No. 1861 adopting and approving Final Development Plan (FDP13-012) for Granville Unit 7A

Com Dev Richard Parker stated that Joe Contadino with Universal Homes is moving forward building homes in Granville again. The owner now wishes to develop a portion of the previous Unit 7, comprising one hundred sixteen (116) lots on approximately forty three (43) acres known as Granville Unit 7A.

The Granville Master Development Plan (along with rezoning for approximately 3,400 single-family and multiple-family residential units on 1,242 acres) was approved on January 13, 2000. Subsequent approvals were obtained for Final Development Plans (Plats) for Units 1, 1A, 2, 2A, 3, 4, 5 and 6 totaling approximately 1,500 residential lots. A Preliminary Development Plan for Unit 8 comprising thirty (30) infill lots was approved by the Planning and Zoning Commission on December 10, 2012. Final Development Plan (FDP12-006) for Granville Unit 8 Phase 1 (9 lots) was approved by the Council by Resolution No. 1822 on January 10, 2013. Final Development Plan (FDP13-011) for Granville Unit 8 Phase 2 (21 lots) was approved August 8, 2013 by Resolution No. 1848.

A Final Development Plan for Granville Unit 7 comprising 344 lots was approved June 7, 2007 then rescinded because of market conditions [the great recession hit]; it was never recorded and is undeveloped. Mr. Contadino is financing the installation of the public improvements himself which are now well underway. The improvements will have to meet the Town standards and be accepted by the Town prior to the recording of a final plat. This FDP13-012 is consistent with

approved Preliminary Development Plans and prior development agreements and meets or exceeds the performance standards set forth by the Town Code.

Council Member Grossman made the MOTION, seconded by Council Member Marshall, to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1861 adopting and approving a Final Development Plan/Plat (FDP13-012) for Granville Unit 7A, by electronic vote. MOTION carried with 6 ayes and 0 nays.

f. Consideration of authorizing the Mayor to sign Resolution No. 1862 adopting and approving Final Development Plan FDP13-015 Glassford Hill Marketplace Outlots

Com Dev Richard Parker said Fain Signature group is electing to expand the size of the buildings proposed on these two Outlots. Outlot 2 previously called for a building of 5,700 square feet and is now being proposed at 7,800 square feet. Outlot 3 previously 6,600 square feet will now be almost 9,000 square feet. The building meets or exceeds the standards for the Town's commercial development. The elevations are attractive. Building permits are ready for release for both projects which would quickly be under construction. The applicant will provide parking and landscaping as per Town code. Parker stated that one of the buildings may have a drive-through that may change the configuration which has been preplanned for by the applicant.

Jeff Wasowisz stated they are very excited to get this underway. They have 3 signed tenants already only leaving one space left in the building. Michael Taylor Architects Inc. designed this more modern type building which is more like the Town Center building. Vice Mayor Nye said she is encouraged that these are not spec buildings.

Council Member Marshall made the MOTION, seconded by Council Member Anderson, to authorize the Mayor (or, in his absence, the Vice-Mayor) to sign Resolution No. 1862 adopting Final Development Plan FDP13-015, by electronic vote. MOTION carried with 6 ayes and 0 nays.

g. Consideration of authorizing the Mayor to sign Resolution No. 1863 declaring the document "Weapons (Discharges)" to be a public record for adoption by reference

Commander James Edelstein said the first amendment to this code came about two years ago when the state legislature reduced municipalities' ability to regulate the discharge of firearms and other weapons within Town limits as it pertains to hunting in parks. In other areas of Town, depending upon what Game and Fish choses to do, you can literally hunt within Town limits except within one quarter mile of structures. In some of the revisions there was some language that may have caused some confusion so these revisions simplify the code to make things easier to understand. It also removes a good portion of the code having to do with firearms and minors because that portion is directly addressed in state law. Legal personnel researched what other municipalities were doing to ensure that we are within line with their regulations.

Vice Mayor Nye stated that this Town Code conforms to the State definition and simply applies a reasonable amount of standards.

Zraick said that word ‘reasonable’ is throughout the statutes especially the criminal laws where we are all held to a ‘reasonable persons’ standards. In addition to conforming to the state statutes, the new code also clarifies some ambiguity in defining weapons and firearms and still allows for recreational uses.

Council Member Grossman made the MOTION, seconded by Council Member Anderson, to authorize the Mayor (or, in his absence, the Vice-Mayor) to sign Resolution No. 1863 declaring the attached document "WEAPONS (DISCHARGES)" to be a public record for adoption by reference, by electronic vote. MOTION carried with 6 ayes and 0 nays.

h. Consideration of approving the reading of Ordinance No. 786 by title only on two separate occasions, then reference the document "Weapons (Discharges)" declared by Resolution No. 1863 to be a public document

Council Member Grossman made the MOTION, seconded by Council Member Anderson, to read Ordinance No. 786 by title only on two separate occasions, and then place the same on final passage by electronic vote. MOTION carried with 6 ayes and 0 nays.

Town Clerk Diane Russell read Ordinance No. 786 by title only, for the first reading.

11. COMMENTS FROM THE PUBLIC

No comments were forthcoming.

12. MOTION TO CONVENE INTO EXECUTIVE SESSION in order to conduct the annual review and evaluation of the performance of the Town Manager, Larry Tarkowski. The executive session is scheduled pursuant to Arizona Revised Statutes Section 38-431.03(A) (1), which allows for discussion or consideration of employment, assignment or appointment of a public officer, appointee or employee.

Council Member Whiting made the MOTION, seconded by Council Member Mallory, to recess in order to conduct the annual review and evaluation of the performance of the Town Manager, Larry Tarkowski, by electronic vote. MOTION carried with 6 ayes and 0 nays. Vice Mayor Nye recessed the Regular Session at 6:20 p.m.

13. Reconvene into Regular Session

Council reconvened into Regular Session at 6:57 p.m.

14. ACTION (IF ANY) RELATED TO EXECUTIVE SESSION ITEMS

Council members agreed that they would like to acknowledge Town Manager Larry Tarkowski’s dedication, commitment and loyalty to this community and the leadership abilities he has shown throughout his career with the Town. Based on merit and performance, council recommended a 3 percent increase, but Tarkowski said to be consistent with the rest of the organization he would gratefully accept nothing more a 2.5 percent. Council approved a 2.75 percent merit increase.

15. ADJOURNMENT

Council member Mallory made the MOTION, seconded by Council member Marshall, to adjourn the meeting. MOTION carried UNANIMOUSLY. Vice Mayor Nye adjourned the meeting at approximately 6:59 p.m.

ATTEST:

APPROVED:

Diane Russell, Town Clerk

Harvey Skoog, Mayor

STATE OF ARIZONA)
COUNTY OF YAVAPAI) ss:
TOWN OF PRESCOTT VALLEY)

CERTIFICATE OF COUNCIL MINUTES

I, Diane Russell, Town Clerk of the Town of Prescott Valley, Arizona, 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 Prescott Valley, held on Thursday, January 9, 2014.

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

Dated this January 10, 2014

Diane Russell, Town Clerk