

**TOWN OF PRESCOTT VALLEY
REGULAR COUNCIL MEETING
MINUTES
September 8, 2016**

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

1. CALL TO ORDER

Mayor Skoog called the meeting to order at 5:30 p.m.

2. INVOCATION

Pastor Terrell Eldreth of the First Southern Baptist Church gave the invocation.

3. PLEDGE OF ALLEGIANCE

Darlene Packard led in the recitation of the Pledge of Allegiance said in unison.

4. ROLL CALL

Present: Mayor Harvey Skoog, Vice Mayor Rick Anderson, Council members Marty Grossman, Mary Mallory, Stephen Marshall, Lora Lee Nye, and Michael Whiting.

5. SCHEDULED ANNOUNCEMENTS & PRESENTATIONS

a. Chamber of Commerce

Not available.

6. PROCLAMATIONS

a. Constitution Week

Town Clerk Diane Russell read the proclamation. Sue Burk, with the Daughters of the American Revolution (DAR), said the Constitution was actually signed on September 17, 1787 and then ratified in 1788. Observances of Constitution Week began in 1956 to remind all Americans to look at their rights and responsibilities and be proud to be an American. The DAR have a lineage which traces back to the Revolutionary War patriots of that time with 183,000 national members. DAR members introduced were: Sue Burk, Dorothy Castanos, Kathy Machmer, Debbie Lamb, Sheri Mesch, Lynda Avey, Betty Schaeffer, Molly Holright, and Heidi Foster.

Council member Mary Mallory commented that this community comes out to stand together for America. We should not forget that so many before us sacrificed everything for this country. We have the responsibility to keep our country the way it was meant to be. She presented each DAR member with a red carnation. Mallory thanked the community for participating in these events. Tomorrow at beginning at 7:00 a.m. 3,000 American flags will be set at the Civic Center Healing Field.

Darlene Packard added that on Sunday the 9/11 ceremony begins at 1:00 p.m. and then at 2:15 the Prescott Symphony Pops concert begins on the green. All are invited to attend this free event.

b. Healing Fields of Northern Arizona – Patriot Week

Town Clerk Diane Russell read the proclamation. Mayor Skoog said that Council Member Mary Mallory was instrumental in getting the Healing Field event started in the Prescott Valley. Mallory said the community came together to pull this event together for the people. Darlene Packard invited all to come out and walk the field which will be available 24/7 until September 16th. Mayor Skoog added that the Healing Field commemorates the 3,000 innocent non-combat people who were killed in the New York twin towers attack on 9/11/01 and the 19 Yarnell Firefighters who lost their lives 3 years ago.

7. CERTIFICATES

a. Certificate of Appreciation to James Gregory for 20 years of service

Deputy Chief James Edelstein presented the 20-year law enforcement career of Lt. James Gregory. Mayor Skoog and Vice Mayor Anderson and Council members thanked him for the years he has given the town. Council members congratulated him for his years of service saying he is a role model for officers following him. Gregory has given years of competent experience to the force.

Lt. Gregory thanked them for their comments saying this has been a great place to work the last 20 years. It is nice to work in a community that supports you and appreciates your service. He looks forward to the next five years.

Vice Mayor Anderson presented him with a 20-year town pin, plaque and \$400 check.

b. Certificate of Appreciation to Larry Prentice for 15 years of service

Town Clerk Diane Russell read the remarks submitted to celebrate Larry Prentice's 15 years of service to the town. Larry's wife Jaime thanked the council. Council members said they appreciate the time and effort he puts into this state-of-the-art system. Larry has all the answers for the entire infrastructure in this town. This multi-talented man has assisted all departments in the town in one way or another.

Larry thanked council and family for their support saying it has been a wonderful experience and great opportunity to work for the town in Public Works which has a great department of people to work with.

Vice Mayor Anderson presented Larry with a \$125 check, town pin and plaque for his 15 years of service.

8. COMMENTS/COMMUNICATIONS

Council member Stephen Marshall said he has a couple of big issues he wants to talk about.

1. First is an article in the August 26, 2016 paper with the title of AG's Office Advises P V Town Staff to Study Open Meeting Law. A field visit by the Planning & Zoning Commission last April was subject to a complaint to the AG's Office for violation of the Open Meeting Law. The complaint alleged first that there were no minutes written or submitted from the field trip and secondly the Commissioners did not hold a public meeting during the portion of the trip that took place at the Prescott Golf and Country Club (PGCC). Community Development Director Richard Parker stated in his affidavit that because he was concerned that several residents known to be strident opponents of the proposed development might become confrontational if his passengers left the vehicle. That was the reason, he [Marshall] guessed, that they didn't have an open meeting.

State law requires that all meetings by the public body shall be public meetings. All persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. A van with PGCC residents followed the town van, exited the van to wave "NO CONDO" signs which troubled Parker. His concerns do not excuse compliance with Open Meeting Law. As of the date of the letter on August 1, there are no minutes posted on the commission's website for this meeting despite such documents being posted for other meetings around the same time. Based on the circumstances the commission violated Open Meeting Law in conducting the field visit. A comment in the paper from Town Manager Larry Tarkowski said it was an oversight of the department that has been addressed by the Attorney General. The department's commissions took the refresher training.

Marshall said, as a member of the Town Council, it bothers him that on August 26th is the first time he even heard about this – our Town being accused of not holding open meetings. He is on the Town Council and he didn't even heard about it until he saw it in the paper. That bothers him. That shows him that there might be a leadership problem in this town that needs to be addressed.

Second, Council member Marshall said he did a Public Records Request after the Police Chief was influencing the election. It turns out that 3 out of the 4 candidates that got reelected all won their spots by less than 100 votes. His theory of him [Chief Jarrell] influencing the elections – it very well could have. All it would have taken was less than 100 people to change their minds with what he said. Marshall quoted from ARS §9-

500.14 regarding influencing the outcome of an election, in detail, pertaining to the Police Chief's newspaper commentary.

In the Open [Public] Requests Request he found some interesting things like on July 26 Police Chief Jarrell wrote a speech that he was going to recite around the town. In Stoneridge, Chief Jarrell talked about gang activity being low, the problem with drugs is escalating and it will get much worse if the use of recreational marijuana is legalized. For those that do not know, there is currently a measure on the ballot, PROP 205, for the legalization of recreational use of marijuana. Marshall said, "I believe he broke the law there by going against that."

Marshall continued with the Chief also said the tax increase should be voted on by the people. Marshall said this takes time and it is his belief that you elect a public body to do what is right for the benefit of the entire community. For those that do not know, there is a local initiative that is going to the ballot in November that is going to require the town to send any tax increase to a vote of the public. So, Chief Jarrell is also speaking out against that local initiative which is a violation of the law. In addition, Marshall said that Chief Jarrell stated he heard "that some candidates for council would actually like to repeal the tax increase, but said he would not comment on their candidacy", yet Marshall said that is exactly what he is doing. Jarrell stated that, "Unequivocally, if that happens he said he would be forced to immediately lay off 12 or more employees – most of them sworn police officers. Prescott Valley will become less safe overnight." Marshall continued with that is fear mongering and everybody knows it is a lie. It doesn't take a genius to figure that out! In addition, Marshall said in the emails [Public Records Request] he found many other things that showed that he [Jarrell] has the intent to sway the elections. Marshall has it all in black in white. If anyone wants to see it, he would be happy to show it to them.

Regarding the first issue, he can't vote on anything coming from Planning & Zoning until he is confident that they are not breaking any more laws. That really bothers him. Those people from the Prescott Country Club have come up here to talk about being against the annexation of their land and never once did any one of them get violent. So for anyone to say they were scared of them, he doesn't believe it. "We need to look at the town leadership because it is beginning to look like it's a leadership problem here."

Council Member Whiting said that as Stephen was reading some of the information from the newspaper – when he served in the Air Force they had an American that lived in Manilla for many years and every Sunday he would read the newspaper on the radio. He enjoyed that quite a bit. So he appreciates what Stephen has reiterated to them what the newspaper has put in their columns. We all know that none of us are perfect, that we live and learn from our mistakes. As he'd mentioned in his letter to the editor, he gives a vote of confidence to our Police Chief, he has done a great job. Whiting attended the Chief's presentation at Stoneridge which he thought was fine. Other municipalities have gone through the process of learning how to better cope with the Open Meeting Law. We appreciate the guidance we have received from the state.

9. CONSENT AGENDA

- a. *Approving the August 18, 2016 council meeting minutes*
- b. *Approving the routine destruction of records*
- c. *Approving a Special Event Liquor License for the Boys & Girls Club of Central Arizona for the 3rd Annual Wild West Mud Fest to be held on September 17, 2016 at 7501 E. Civic Circle; Kristen Kerns, applicant*
- d. *Approving a site maintenance contract with Niles Radio in the amount of \$11,970.00*
- e. *Approving the Upper Verde River Watershed Protection Coalition's proposal to apply for two Yavapai County Rural Action Committee Grants totaling up to \$100,000 and the Arizona Water Protection Fund Grant for up to \$200,000 to conduct watershed restoration projects*
- g. *Approving accounts payable*

Council member Marshall requested that item 9.(f) be pulled from the Consent Agenda for individual discussion.

Council Member Mary Mallory made the MOTION, seconded by Council Member Michael Whiting, to approve all items on the Consent Agenda with the exception of item 9.(f) by roll call vote. MOTION carried with 7 ayes and 0 nays.

- f. *Approving the purchase of two (2) new vehicles, 2016 Chevrolet Silverado 1500, in the amount of \$23,174.33 per vehicle for Community Development*

Community Development Director Richard Parker said they propose to buy two new trucks; one for building safety and one for code enforcement to replace aging vehicles. One of them is a 1989 truck with an excess of 189,000 miles on it and the other is a Caprice with 100,000 miles. Each vehicle is costing money in repairs. They have elected to go with the state purchasing contract to replace the two vehicles. This is the third and fourth new vehicle purchase for Community Development in 20 years. The remaining stock has been returns from the PD or something they bought used from a local auto dealership.

Parker replied to Council Member Marshall that they need a truck for picking up signs. For building safety field inspections; they find that cars have low clearance and get stuck on construction sites. They looked into used autos but fleet management suggested new because we save money going through state contracts that are bid annually. Local purchase of a used truck is more expensive than buying new.

Council Member Mallory commented that we have been using mostly used vehicles and items and fixing them for years. She thinks it is about time to buy new items so we don't have the

upkeep on used items. Grossman said he understands that we are saving money by buying new vehicles through state contract instead of used vehicles from a car lot. Council Member Nye pointed out that we get warranties, improved mileage and safety is important.

Council Member Marty Grossman made the MOTION, seconded by Council Member Lora Lee Nye, to approve (agenda item 9.f.) the purchase of two (2) new vehicles, 2016 Chevrolet Silverado 1500, in the amount of \$23,174.33 per vehicle for Community Development, by roll call vote. MOTION carried with 7 ayes and 0 nays.

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

a. Public Hearing - Zoning Map Change -ZMC15-004 (Talking Glass Apartments)

Public hearing opened.

Planner Carmen Ogden said this is a request by Fain Signature Group, Brad Fain applicant, for approval of a Zoning Map Change (ZMC15-004) to change the zoning of approximately 9.44 acres, located in the Town Center, Entertainment District of Prescott Valley.

The parcel was annexed into the Town of Prescott Valley on November 12, 1992, In 1994, approximately 70 acres were re-zoned from RCU-70 to C2 PAD for the purpose of developing a regional commercial center. In 2000, a development agreement was approved between the Town and the Developers to further the creation of a Downtown Plan to incorporate a Parcel A, a unified Entertainment Center and Parcel B as a unified Shopping Center. The first phase of the Entertainment Center, "Implementation Phase One, FDP 00-03", was approved by the Town Council by Resolution No. 942 on February 24, 2000 (see Exhibit A). "Phase 2" of the Entertainment Center FDP01-018 was approved by Resolution No. 1055 on November 15, 2001, allowing for the development of a two-story, 24,000 square foot, mixed-use retail/office building and an additional 230 parking spaces to support the new building.

On January 2, 2014, the Town Council and Planning and Zoning Commission held a joint work-study meeting to discuss a proposed Minor Amendment to the General Plan to allow for a high-rise residential apartment complex of approximately 214 units on 9.44 +/- acres at the southeast corner of Main Street and Florentine Road. The proposed amendment was from "Town Center Plan - Mixed-Use/Low-Intensity" to "Town Center Plan - Residential". At that time, the concept was proposed as a way to bring new energy to the downtown since commercial development in downtown Prescott Valley had stalled with the recession. Also, the recent focus on development of an Allied Health Center downtown was believed to encourage high-density residential development in the area. The application was reviewed by the Planning and Zoning Commission and a recommendation of approval was forwarded to the Town Council. The Town Council reviewed the application at its regular meeting on September 10, 2015 and approved GPA15-002 amending the Land Use designation of 9.44 acres.

The subject property is located in the Town Center, Entertainment District, of Prescott Valley, APN #103-02-720M. The preliminary plan supports this zoning map change. The project consists of a complex of fourteen (14) apartment buildings with 214 total units, 393 parking spaces of which 15 are designated for the handicapped and a Clubhouse. There will be six (6)

different building types, either two (2) or three (3) stories high with a maximum height of 39 feet. The Clubhouse amenity features a conference room, leasing area, maintenance room, theater, fitness/multipurpose room, 2nd floor game rooms and rooftop patio. Accessory buildings include ramadas, pool area, cabana, pool equipment enclosure and refuse structures. A dog park will be provided in the center of the complex.

The proposed development will have ingress and egress on N. Main St. and a right out only for tenants on N. Lake Valley with additional emergency vehicle access only on N. Lake Valley. Parking for the site will be provided both on-site and in the adjacent parking area approved through FDP01-018 for the Entertainment Center Phase 2. The Phase 2 parking plan requires 120 spaces for 24,000 square feet of office/retail which provides an average of 110 spaces that can be used for the required parking for the apartment complex.

The proposed use and proposed RS-PAD zoning is appropriate at this location and is in conformance with the *General Plan 2025*.

A traffic impact statement was prepared by Practical Traffic, LLC, by request of the Town of Prescott Valley, to analyze traffic impacts relating to the subject development proposal for the Talking Glass Apartments. Recommendations include changes to N Main St. which will allow for additional car queueing from eight (8) to twelve (12) cars for added northbound traffic out of the complex. Changes to N Main St. will be addressed in the Final Development Plan upon recommendation by the Town Engineer.

A neighborhood meeting was held on July 2, 2015, by the applicant with all property owners within one thousand (1,000) feet, having been invited by first class mail. The meeting was attended by five (5) people, two (2) representing the applicants and three (3) members of the community. The community representatives all voiced their support for this project. All present saw the benefit of having residential within walking distance of entertainment, grocery stores, banks, restaurants, etc., as an asset to the surrounding business owners and the area in general.

The Planning and Zoning Commission held a public hearing and considered ZMC 15-004 (including the related Preliminary Development Plan PDP 15-002) on August 8, 2016. There were no comments from the public. P&Z Commission made a recommendation of approval.

Council is being asked to approve ZMC 15-004 with the following conditions:

1. Approval by the Town Council of a Final Development Plan in accordance with Town Code Article 13-19 consistent with the Preliminary Development Plan.
2. All development shall be in conformance with all Town Code requirements, including screening and lighting requirements of Articles 13-26 and 13-26a.
3. Approval of public right-of-way dedications and roadway improvements by the Town Engineer prior to Final Development Plan approval.
4. Remitting to the Town, on a monthly basis, all monies collected as a result of the

owners and/or operators of any apartment complex developed on the described real property (including any successors and assigns) applying a 2% "surcharge" against gross rents collected from occupation and use of units within any phase of the complex. Such remittance shall be made no later than the 15th day of the following month to the Town Clerk, and shall begin no later than sixty (60) days after the issuance by the Town of any certificate permitting occupancy of any phase of the complex.

[Note: Inasmuch as that certain "Settlement Agreement, Mutual Releases and Covenants Not To Sue" dated October 16, 2014, by and among the Town and certain other settling defendants (including Fain Signature Group, LLC and PVSE), provides that revenue from any Town surcharge on gross rents collected in any residential apartment complex on the described property shall be applied towards Events Center operating and/or capital expenses, nothing herein shall preclude the Town Clerk (or other authorized officer of the Town) from directing at any time in writing that the owners and/or operators of any apartment complex on the described property directly remit the above-described monthly payments to the then-current operator or manager of the Events Center.]

In the event of non-compliance with any of the above conditions, the zoning designation on the described property shall revert from R2-PAD back to the original designation of C2-PAD in accordance with the procedures set forth in ARS §9-462.01(E).

Council member Marshall asked the Town Attorney if this is approved could we get sued by the bond holders of the Event Center because it is not the original planned development. Town Attorney Ivan Legler responded that back in 2014 when we did the settlement, that was a concern. However, all the bond holders agreed they would not sue us. The bond holders understand that this project is going to strengthen the downtown area and Event Center.

Brad Fain came forward to answer any questions about the development. No questions were forthcoming.

Mayor Skoog and council commented that it is a really nice project and will energize the area. Traffic has been addressed. Council member Mallory commented that it follows the vision of the General Plan. We need more apartments with the long waiting list for them.

Public Comment:

Debbie Williams agreed that the energy created there is right. She would be enticed to have a smaller unit here where everything is right outside her door without having to rely on transportation.

Council Member Whiting requested confirmation that there are no changes to the original plan or provisions that were talked about in terms of how it would be developed. He added that the surcharge will accommodate some of the retail loss that we may incur. Brad Fain, the developer, so confirmed.

No additional comments were forthcoming.

Public hearing closed.

- b. Consideration of approving the reading of Ordinance No. 818 by title only on two separate occasions, then place the same on final passage (ZMC5-004)

Council member Lora Lee Nye made the MOTION, seconded by Council member Michael Whiting, to approve the reading of Ordinance No. 818 by title only on two separate occasions, and then place the same on final passage (ZMC5-004), by roll call vote. MOTION carried with 6 ayes and 0 nays and Council member Marshall abstained. Town Clerk Diane Russell read Ordinance No. 818 for the first reading.

- c. Public Hearing - Zoning Map Change -ZMC16-004 (Crown Pointe Lofts)

Public Hearing opened.

Planner Carmen Ogden said this is a request by Market Place Partners II, LLC, Charles Arnold, agent, for approval of a Zoning Map Change (ZMC16-004) to change the zoning of approximately 3.87 acres, located in the Glassford Regional Market Place, Tract "C", from C2-PAD (Commercial; General Sales and Services) to RS-PAD (Residential; Residential and Services- Planned Area Development).

The subject parcel was annexed into the Town of Prescott Valley in 1990, giving the annexed property a zoning classification of RCU-70. On June 10, 1999, 81.73 acres were re-zoned from RCU-70 to C2 PAD, after the Prescott Valley Planning and Zoning Commission approved a Preliminary Development Plan for the acreage on May 10, 1999. Resolution No. 900, adopted on July 8, 1999, approved a Development Agreement with Glassford Partners LLC, owners of the 81.73 acres, to develop a regional shopping center. A Final Development Plan (FDP) for the "Glassford Regional Market Place", showing revised roadway access and designating the acreage into Tracts "A", "B", and "C" were approved in April 2000.

Final Development Plans were approved for individual projects comprised of the Terraces Apartment Complex (FDP01-015), the KIA Dealership (FDP03-002), Comfort Suites Hotel (FDP07-018) and Full Swing Batting Cages (FDP12-002).

The subject property consists of approximately 3.87 acres located in the Glassford Regional Market Place (see map Exhibit B). The subject preliminary plan consists of a complex of eight (8) apartment "clusters" with 96 total units, 174 parking spaces of which 12 are designated for the handicapped and a Clubhouse. The proposed property fronts Crownpointe Drive, a private road and backs E. Market St., a public dedicated roadway.

The site is located within the Market Place Development near Glassford Hill and adjacent to the Crossroads Regional Shopping Center. The majority of Glassford Hill is State Trust Land managed by the Arizona State Land Department and was classified as suitable for conservation purposes under the Arizona Preserve Initiative. An additional 182 acres of land adjacent to the Glassford Hill State Trust Land and close in proximity to the subject project was dedicated to the Town for open space and recreation and will be rezoned for permanent open space in the near

future. Additionally, the Town has recently completed a long awaited trail known as the “Summit Trail” that climbs from nearby State Trust Land up to the summit of Glassford Hill.

The proposed use and proposed RS-PAD zoning is appropriate at this location and is in conformance with the *General Plan 2025*.

PDP16-002 will permit the development of a complex of eight (8) apartment “clusters” with 96 total units, 174 parking spaces of which 12 are designated for the handicapped and a Clubhouse on a total of approximately 3.87 acres.

A neighborhood meeting was held by the applicant on April 4, 2016 with all property owners within one thousand (1,000) feet having been invited by first class mail. There were 2 members of the public and one applicant in attendance. Questions were asked relating to the exterior appearance, access and lighting. No negative comments were received.

The Planning and Zoning Commission held a public hearing and considered ZMC 16-004 (including the related Preliminary Development Plan PDP 16-002) on August 8, 2016, and made a recommendation of approval. There were no comments from the public.

That this amendment be hereby expressly conditioned as follows:

1. Approval by the Town Council of a Final Development Plan in accordance with Town Code Article 13-19 consistent with the Preliminary Development Plan.

2. All development shall be in conformance with all Town Code requirements, including screening and lighting requirements of Articles 13-26 and 13-26a.

3. Installation of public improvements and dedications as required by the Town Engineer.

4. Remitting to the Town, on a monthly basis, all monies collected as a result of the owners and/or operators of any apartment complex developed on the described real property (including any successors and assigns) applying a 2% "surcharge" against gross rents collected from occupation and use of units within any phase of the complex. Such remittance shall be made no later than the 15th day of the following month to the Town Clerk, and shall begin no later than sixty (60) days after the issuance by the Town of any certificate permitting occupancy of any phase of the complex.

In the event of non-compliance with any of the above conditions, the zoning designation on the described property shall revert from R2-PAD back to the original designation of C2-PAD in accordance with the procedures set forth in ARS §9-462.01(E).

Charles Arnold agent for the project said these apartments will be ‘market rate’ apartments with a larger footprint than the average unit, with rents comparable to Prescott Valley, Chino Valley and Prescott rents. The three story apartments will be located south of the current Kia dealership across Market Street. Town Manager Larry Tarkowski said the Volkswagen dealership project that will be going in next to the Kia dealership is on hold, but it is not going away. Com Dev

Director Richard Parker explained that the developer shifted buildings around so that the apartment complex is as far away from the car dealership as possible and still have a good circulation element through the project. It impacts the neighbors less, but creates a decent environment so that the residents won't have lights shining in their windows. Extensive grading will be done and a berm, with landscaping, must be created per code. Views will be looking away from the dealership with covered parking on the dealership side. Primary access and egress, including emergency access, will be off of the private Crownpoint Street.

No comments were forthcoming.

Public Hearing closed.

d. Consideration of approving the reading of Ordinance No. 819 by title only on two separate occasions, then place the same on final passage (ZMC16-004)

Council member Michael Whiting made the MOTION, seconded by Council member Marty Grossman, to approve the reading of Ordinance No. 819 by title only on two separate occasions, and then place the same on final passage (ZMC16-004), by roll call vote. MOTION carried with 6 ayes and 0 nays and Council member Marshall abstained. Town Clerk Diane Russell read the ordinance for the first reading.

e. Public Hearing - Zoning Code Amendments – Vacation Rentals/Lodging (ZOA16-002)

Public hearing opened

Planner Carmen Ogden said this is to consider amending the Town Zoning Code to amend articles 13-02 "Definitions", 13-06 "Use Regulations", and 13-24 "Off-Street Parking requirements (minimum)" in Chapter 13 "Zoning" to correlate regulations with S.B.1350 (enacting A.R.S. §9-500.38).

The Prescott Valley Town Council adopted Ordinance No. 809 on September 24, 2015, amending Chapter 13 "ZONING" of the Town Code to clarify use and regulations associated with short-term residential uses, including vacation rentals and short-term rentals. On May 12, 2016, the Governor of Arizona signed into law S.B. 1350 (enacting A.R.S. §9-500.38), which prohibits cities and towns from restricting the use of or regulating vacation rentals or short-term rentals based on their classification, use or occupancy, but allows regulation relating to housing safety. This regulation provides revisions for business licensing, parking, nuisance, adult uses and requires a 24-hour emergency point of contact.

The Planning and Zoning Commission considered ZOA16-002 at its August 8, 2016 meeting and voted unanimously to forward the same to the Town Council and recommend approval. No public comments were heard at that meeting. Staff is requesting that the Town Council approve amendments (ZOA16-002) to the Prescott Valley Zoning Code (Chapter 13).

No comments were forthcoming.

Public hearing closed

- f. Consideration of authorizing the Mayor to sign Resolution No. 1974 declaring the document "Amendments to Chapter 13 'Zoning'" to be a public record for adoption by reference (ZOA16-002)

Council member Michael Whiting made the MOTION, seconded by Council member Lora Lee Nye, to authorize the Mayor (or in his absence the Vice Mayor) to sign Resolution No. 1974 declaring the document "Amendments to Chapter 13 'Zoning'" to be a public record for adoption by reference (ZOA16-002), by roll call vote. MOTION carried with 6 ayes and 0 nays, Council member Marshall abstained.

Com Dev Director Richard Parker announced that Carmen Ogden has accepted a new position with Camp Verde and will be leaving the town in a little over a month. He thanked her for the services she has brought to the community and wished her success. Best wishes were extended to her by Council.

- g. Consideration of approving the reading of Ordinance No. 820 by title only on two separate occasions, then place the same on final passage (ZOA16-002)

Council member Michael Whiting made the MOTION, seconded by Council member Marty Grossman, to approve the reading of Ordinance No. 820 by title only on two separate occasions, and then place the same on final passage (ZOA16-002), by roll call vote. MOTION carried with 6 ayes and 0 nays. Council member Marshall abstained. Town Clerk Diane Russell read the ordinance for the first reading.

11. COMMENTS FROM THE PUBLIC

Public Comments:

1. Karen Hunt said she wants to make a comment about the election. The person that gave the Chief of Police the advice 'to go for it' in talking to the reporter - that person also violated the election law. She believes that the Chief of Police's comments - when he was led to believe the sales tax could be repealed... Every knowledgeable person knows that when a tax is put in place it cannot be repealed. Now that every incumbent won their reelection they can talk about Mary Mallory wanting her bus transportation with the Prescott Valley property tax. Lora Lee (Nye) wants her \$90,000 statue. She has the paper to prove this. She knows that when the Chief of Police had this interview, Kevin Trovini, Sergio Montes and Charlotte Bradford had no chance in hell of winning the election. Do you remember Mary when California passed Proposition 13 because the farmers, ranchers and...

Mayor Skoog interrupted her to remind her that she is to address the council as a whole – not individually.

Ms. Hunt continued with when California passed Proposition 13 the farmers, ranchers and property owners got tired of having everything tacked on to the property tax. She was one of them who supported that and it passed. She remembered at 17 years old living in

Kansas, her mother and father had an attorney running for county attorney. At that time the county treasurer told the precinct people if they did not vote for this person they would not have a job tomorrow. She thought she got rid of the good ole' boy system moving here. When you talk about the Constitution, she gives out the citizens rule book for free, page 6 it talks about the jury rights – law of the land. Page 8 talks about the 10 Commandments, but down at the bottom it talks the summary of the Communist Manifesto. She knows for a fact what it is as she still has relatives in Russia. One, abolishing of private property, 2. Heavy progressive income tax, 3. Abolish of all rights of inheritance, 4. Confiscation of property of all immigrants and rebels, 5. Central bank – what we have now, 6. Government controlled communications and transportation – what is happening now, 7. Government ownership of factories and agriculture, 8. government control of labor – what is happening here, 9. corporate farming – we have more corporate farming than we have mom and pop farms, 10. Government control of education – what is happening now, government is controlling education.

2. Barney Barber said he has been here 14 months, has lived in 6 communities and by far this is the best. He was delighted to see the 4 council members were reelected because he enjoys living here. This will be the last place he'll live and is delighted with the direction of the council.
3. Debbie Williams congratulated the incumbents. It was a campaign season like she has never experienced before – very sensitive times. She commended the incumbents for the work and dedication, the loyalty they put in. Well deserved. They show us what the town is really all about. She commended the council for the work they put in before they come to this bench. She can't imagine what they all have to endure as far as paperwork, documentation, legal, seeking out information, doing your workshops, homework, seeking from the community, you come as professionals and give your best and your vote. We have cities and governments that are restless with each other and nothing gets done. She has never seen that here. The second part of her comment is - she doesn't like taxes. She is on a fixed income. The quality of life she experiences here is one that she has not had anywhere else. First she has her safety, good roads, air quality, and awesome outdoor recreation activities at the front door. She has friendly neighbors and a supportive community. Taxes will always be a part of life. She is willing to give up a new outfit to have the life she has here. She said she is blessed and thanked council. She is an American and proud of what this community does and the support that it is going to show the rest of the world. We will be out there for the rest of the world tomorrow. She can't thank the incumbents enough. This year campaigning she heard from the public safety people and commended the police department for going out into this community – Coffee with the Cops, Night Out, being available any day or night and be seen and heard with respect. She cannot thank them enough for what she has here.
4. Kay Giles expressed her support of the Town Council, Police Chief and town management. The sales tax increase was a big issue in this election. She supports the tax for two reasons: 1. Because of the recession the PD is under staffed in this time of population growth which would accentuate the problems that could occur. In order for the PD to provide a safe community safety for them, deal with growth issues and have good

response time on their calls we need to have more officers because they are so depleted by the recession. Because the council set up the tax at that time they did, we could hire 11 new employees currently in training to become officers. If the council had not moved at this point and waited for a vote of the public it would have probably delayed this process a couple more years before we had trained officers. We needed to move now to get our numbers up to speed for adequate protection.

2. She supports this measure because of the street conditions. Because of the recession, we are at least 5 years behind in street maintenance. We can all see the damage occurring to our streets. Because the council set up this sales tax when they did this summer major upgrades were made on a lot of streets in our town. That kind of work can only be done in the summer months. If they had waited for a public vote that work would have been delayed at least another year. Every year that goes by the deterioration gets worse and the problems get bigger. We needed to start now. She is low income and struggles to make ends meet. Any new increases in expenses, hurts. But she believes so strongly that it is important to have proper staffing for our PD and we have properly maintained and upgraded roads that she is willing do her part by paying this tax. The upgrades are not just more chip seal. She has heard the explanation of what is being done and seen shoulders being shored up to support the roads; widening the paved area and putting on a whole new layer of payment, not just chip seal. She is looking forward to when they get to her area, because right now that is the only solution for her road. We are a great community that has been managed very well as shown during the recession compared to other communities around us. The election is over; the voters have shown very clearly who they trust to run their government. If she remembers correctly all 4 winners were well above the majority line threshold. All 4 losers were well below. The range between the winners and losers was anywhere from 400 votes to 2,000 - 3,000 votes. She doesn't see that as stacking the deck. Also, she voted by mail and voted early. Her ballot and other people she knows were submitted long before Chief Jarrell ever made the comments in the newspaper so they could not have been affected by his comments. The election is over and she believes it is time to set these issues aside and let the council and management run our town and we do our part by paying the taxes and contribute in work wherever we can and all of us work together to continue to keep our town great.

Mayor Skoog commented that it is people like her that make it all worthwhile.

5. Karen Hunt asked that Mr. Ivan Legler, the Town Attorney, give a course on the article of the elections where... if the Chief of Police was informed that it was against the voter law what he did, she doesn't think he would have done it. Mr. Legler should have a gathering of everyone working for the town and explain what the law is on election laws. By the way, the county treasurer that threatened precinct committee people, 4 months later was caught with his hands in the cookie jar and was forced to resign.

12. ADJOURNMENT

Council member Michael Whiting made the MOTION, seconded by Council member Lora Lee Nye, to adjourn by roll call vote. MOTION carried with 7 ayes and 0 nays.

Mayor Skoog adjourned the meeting at 7:47 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, September 8, 2016.

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

Dated this September 13, 2016

Diane Russell, Town Clerk