

**TOWN OF PRESCOTT VALLEY
COMBINED TOWN COUNCIL AND PLANNING & ZONING COMMISSION
MINUTES
November 18, 2010**

Library Auditorium
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 Troy Powers, Prescott Free Methodist Church gave the invocation after which he led in the recitation of the Pledge of Allegiance. Mayor Skoog presented Pastor Powers with a Certificate of Appreciation and small gift for providing this service to the Town.

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

Present: Council Member Lasker, Council Member Nye, Mayor Skoog, Council Member Flannery, Council Member Schumacher, Council Member Wise, and Vice Mayor Anderson.

Present - Planning & Zoning Commission: Donald Tjiema, John Gay, Rick Duskey, Michael Whiting, Joe Huot and Nicole Russell.

5. SCHEDULED ANNOUNCEMENTS & PRESENTATIONS

a. Student of the Month

The Rotary Club sponsors the Student of the Month. The Student of the Month for October, Dakota King a student at Bradshaw Mountain High School, was acknowledged by Council member Lasker. Dakota carries a 4.0 GPA, is ranked number one in his class, is a math enthusiast with future interests in engineering, micro science and astrophysics. He has lettered academically every year of high school, playing in marching band, belongs to the Chess Club and is a member of the National Honor Society. The Bradshaw High School Principal brought forward and introduced Dakota King to the Council. Dakota lives by and exemplifies the school's motto of "Choose Excellence" in all aspects of his life. Dakota thanked

the Mayor and Council for this honor and opportunity to reach his full potential. Mayor Skoog congratulated Dakota for his achievements.

6. CERTIFICATES

a. *Certificate of Appreciation to Danyl Tomerlin for 5 years of service*

Town Clerk Diane Russell read the accolades about Danyl Tomerlin that were submitted by the Police Department after which Council expressed their appreciation for her hard work and dedication to the Town of Prescott Valley. Mayor Skoog presented Danyl with a Certificate of Appreciation and pin for her five years of service.

7. COMMENTS/COMMUNICATIONS

Deputy Town Manager Ryan Judy announced the completion of another Citizens Academy. Ryan introduced and Council members congratulated this twelfth class of thirty graduates for graduating from the Citizens Academy. Each graduate was presented with a Certificate of Academic Citizenry for their achievement. Mayor Skoog called for a brief recess to enjoy refreshments with the graduates.

Mayor Skoog reconvened the meeting.

Mayor Skoog asked if there were any additional communications. Council member Nye announced that the Military Monument event last Thursday, November 11 unveiled the first phase of the Walk of Honor and encouraged everyone to go see it.

8. CONSENT AGENDA

- a. *Approval of Minutes - October 28 & November 4, 2010*
- b. *Approving a payment not to exceed \$110,000 to the Arizona State Land Department for a Right of Way lease to construct and operate a reclaimed water recharge facility*
- c. *Approving the Monthly Financial Report*
- d. *Approving the TPT Quarterly Report*
- e. *Approving Accounts Payable for October 18 thru November 8, 2010*

Council Member Wise made the MOTION, seconded by Council Member Nye, to approve all items listed on the Consent Agenda by electronic vote. MOTION carried with 7 ayes and 0 nays.

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

a. *Presentation and discussion regarding a proposed Sign Code Amendment relative to free standing electronic signs*

Community Development Director, Richard Parker introduced James Carpentier, Sign Legislation Consultant and representing the Arizona Sign Association. Mr. Carpentier, with a planning background, started his own consulting company offering his services around the country. Mr. Carpentier, in a lengthy presentation, showed examples of effective digital signs and some not so effective signs then explained the benefits that could be realized from the right kind of sign. He presented information regarding distraction versus danger and the causal relationship between these signs and accident rates. Transition methods and transition durations, message hold time, brightness and administrative by-right or use permitting and regulatory considerations pros and cons were discussed. Council member Nye mentioned that citizen academy folks said they have trouble locating businesses and if we are going to be business friendly we have to take new technological advances into consideration. Council member Flannery said we need to step back and consider the residents and the businesses. We need curb appeal along SR 69. Because we banned billboards along SR 69 we need to re-examine the issue and reach a reasonable conclusion between the two groups. Council member Wise suggested the P & Z commission review some of this discussed material and see what would be a good fit in Prescott Valley taking into consideration the existing trees along SR 69. Council member Schumacher agreed.

Public Comment: Mike Heidler stated that most of the signs shown in the presentation are located in the Colorado Springs area.

Town Manager, Larry Tarkowski asked Richard Parker to outline his plans for moving forward with this issue. Parker stated that this would be reviewed by the P & Z Commission with input from the business folks. Parker would then come back in 3 or 4 months with the P & Z Commission recommendations. Council member Schumacher suggested a work study session(s) to discuss this further. Tarkowski commented we could schedule this issue for further discussion after the P & Z commission has reviewed it and has something to offer us in the way of recommendations.

b. *Consideration of appointing Evelyn Larriba to fill the existing Personnel Board Citizen position and Will Briggs to fill the Citizen Alternate position with a renewal date of April 25, 2012*

Council members Flannery, Nye and Lasker reviewed the applications of Evelyn Larriba and Will Briggs. Both applicants are extremely qualified for the job. Further, they recommend that Larriba be appointed to fill the Personnel Board Citizen position and Briggs be appointed to fill the Citizen Alternate position with

a renewal date of April 25, 2012. Ms. Larriba thanked everyone for the honor of serving on the Board.

Council Member Flannery made the MOTION, seconded by Council Member Lasker, to approve Evelyn Larriba to fill the existing Citizen Position and Will Briggs to fill the existing Alternate Citizen Position, both with a term renewal date of April 25, 2012, by electronic vote. MOTION carried with 7 ayes and 0 nays.

c. *Discussion regarding the recent state Medical Marijuana Proposition (Prop. 203)*

Richard Parker noted that Proposition 203 legalizing Medical Marijuana passed at the November 2, 2010 election. The Rule Making Timeline (lasting 120 days) ending April 15, 2011 gives the town the opportunity to prepare for implementation of the new rule. Legler added that the Legal Department is working on putting together an ordinance to regulate this new industry. We are up against a couple of issues regarding this new ruling. We must locate a dispensary facility within 25 miles of a homeowner needing a supply of marijuana or they can grow there own in their residential areas. So it behooves us to have at least one facility locally that we can regulate. Parker added that the P & Z Commission will be holding a special Work Study on December 13 and a regular meeting on January 10 to review this issue. Input from other communities and the League of Arizona Cities and Towns will be gathered to see how they are addressing this issue. They will bring recommendations and an ordinance to Council on the January 13th Council meeting with the ordinance taking affect on February 27th preceding the April timeframe for administrative rules.

Council member Nye said that after reading the proposition in its entirety it is clear that Proposition 203 was never really about Medical Marijuana. Citizens are encouraged to contact their legislators to make the provisions tight on the physicians who will be providing the card for the distribution of the marijuana. Council member Nye commented, "This came into law by provisional folks".

Legler clarified that the locating distance between a school and bar is a minimum of 300 feet between property line and property line. In this case the measurement is measured from exterior wall to exterior wall between the two. P & Z Commissioner Duskey pointed out that the P & Z Commission is going to do their due diligence given the way the rule is written and the short period of time to get it done. Council member Anderson noted that the democratic process worked - worked against us, but it worked. The people of Arizona made the decision. Parker responded to Commissioner Nicole Russell that 120 or 125 dispensaries will be allowed in the state starting with one per county. The rest will likely be located through a lottery. The rules are not clear yet.

Lauren Millet stated that the Arizona Department of Health is asking for help in wanting to make this as transparent a process as possible. Comments and suggestions are being collected at Prescottvalleyenews.com.

The Planning and Zoning Commission adjourned.

- d. Consideration of authorizing the Mayor to sign Resolution No. 1727 accepting the GOHS 2011 Underage Alcohol Enforcement and Education Grant Award #2011-DOJ-008 (2010)

Council Member Schumacher made the MOTION, seconded by Council Member Nye, to authorize the Mayor (or, in his absence, the Vice Mayor) to sign Resolution No. 1727 accepting the GOHS 2011 Underage Alcohol Enforcement and Education Grant Award in the amount of \$13,525.00 and to sign Contract # 2011-DOJ-008 (2010), by electronic vote. MOTION carried with 7 ayes and 0 nays.

- e. Consideration of accepting a Governor's State Fiscal Stabilization Fund Grant in the amount of \$50,000

Council Member Schumacher made the MOTION, seconded by Vice Mayor Anderson, to approve the Intergovernmental Agreement with the State of Arizona required to accept the grant award from the Governor's State Fiscal Stabilization Fund, by electronic vote. MOTION carried with 7 ayes and 0 nays.

10. COMMENTS FROM THE PUBLIC

Jack Fowler - Jack Fowler Real Estate in Eastridge.

Mr. Fowler stated that his property taxes have gone up 36 percent in taxes levied by Humboldt Unified School District and a 25 percent increase levied by the Central Yavapai Fire District and over 19 percent levied by Yavapai College all in one year. While the Council may not be responsible for that, he is asking that this be rectified noting how uneven this tax issue has gotten. Everyone is in this boat together, but rowing in different directions. He provided examples of businesses experiencing this increase. Ace Hardware has a 25,764 sq foot building with a property tax of \$36,279 this year. True Value's tax in Prescott with a building similar in size was \$18,192 - half of what it is in PV. Mike Bidwell (Greater Phoenix Economy) said that businesses need to locate in a community with a stable environment. This is not a stable environment. On one hand we are trying to attract businesses and jobs here, but then we are chasing away business with this taxation level.

Tarkowski reminded Council that they cannot respond to public comments but can direct the manager to have a conversation with any person commenting. He suggested this be scheduled for a Work Study so that they could discuss this issue or he would be glad to sit down and talk to Mr. Fowler himself. Mayor Skoog asked that a representative from the HUSD Board and CYFD be invited for such a meeting.

Mr. Fowler has taken this to HUSD and CYFD who have listened without resolution.

Andrea Banks – property owner.

Ms. Banks stated her taxes were about \$11,000 which went up another \$1,000 last year alone. She wants to sell her property and can't sell it. Vacancies have been a problem in trying to make these payments. When she has inquired about the tax rate, everybody blames someone else. Tarkowski suggested the December 16th Regular meeting or January 6th Work Study for further discussion of the issue.

Cliff Branch – property owner.

Mr. Branch owns the buildings next to Ace Hardware which is about 16,250 sq feet and he wants everyone to know we are business friendly. His tax bill was \$17,600 which has now gone up to \$21,200 in property taxes. It takes 3 units of his building just to pay the taxes. Rent has been cut back to even be able to rent out the property.

Discussion ensued about setting a meeting date. Mayor Skoog preferred a Council meeting setting for the meeting which is December 16th. Mr. Fowler, Ms. Banks and Mr. Branch agreed on that date.

11. ADJOURNMENT

Council Member Wise made the MOTION, seconded by Council Member Schumacher, to approve adjourning, by electronic vote. MOTION carried with 7 ayes and 0 nays.

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, November 18, 2010.

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

Dated this December 2, 2010

Diane Russell, Town Clerk