

MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, MARCH, 3, 2014, AT 5:00 P.M., IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Mayor Rankin called the meeting to order at 5:00 pm.

ROLL CALL:

Present: Rankin, Smith, Celaya, Hawkins, Montañño, Walter, Woolridge

ADJOURN TO EXECUTIVE SESSION

For the purpose of discussion and consultation of the public body in accordance with A.R.S. 38-431.03(A)(3) and A.R.S. 38-431.03(A)(4) to obtain legal advice from the Town Attorney and to discuss and consider the settlement of pending litigation.

On motion of Councilmember Hawkins, seconded by Councilmember Walter, and carried to adjourn to Executive Session.

ADJOURN FROM EXECUTIVE SESSION

On motion of Councilmember Hawkins, seconded by Councilmember Walter, and carried to adjourn from Executive Session.

INVOCATION

Ms. Judy Hughes, Greater Florence Chamber of Commerce Executive Director, led the invocation.

PLEDGE OF ALLEGIANCE

Ms. Judy Hughes, Greater Florence Chamber of Commerce Executive Director, led the Pledge of Allegiance.

CALL TO THE PUBLIC

Call to the Public for public comment on issues within the jurisdiction of the Town Council. Council rules limit public comment to three minutes. Individual Councilmembers may respond to criticism made by those commenting, may ask staff to review a matter raised or may ask that a matter be put on a future agenda. However, members of the Council shall not discuss or take action on any matter during an open call to the public unless the matters are properly noticed for discussion and legal action.

There were no public comments.

ADJOURNMENT TO THE BOARD OF ADJUSTMENT

On motion of Councilmember Woolridge, seconded by Vice-Mayor Smith, and carried to adjourn to the Board of Adjustments.

Public Hearing and approval for Tierra Del Sol RV's request for a setback variance for all residential lots within the Tierra Del Sol Recreational Vehicle Resort, in Florence, Arizona (Case Number BOA-01-14-V).

Mr. James E. Mannato, Board Attorney, stated that Mr. Mark Eckhoff, on behalf of Tierra Del Sol's RV, has made an application to the Board of Adjustment for a setback variance having to do with a problem that he identified relating to the setback of their properties.

Mr. Mannato stated that as a Board of Adjustment, they are required to make five key findings as to whether or not to grant the variance. He said he will facilitate the Board in making the findings by presenting the testimony of Mr. Eckhoff (applicant).

Mr. Mark Eckhoff, Applicant and Community Development Director, was sworn in by Mr. Mannato.

Mr. Mannato asked Mr. Eckhoff if there are special circumstances or conditions applying to the land, building or use referred to in the application that do not apply to other properties in the District.

Mr. Eckhoff testified that there are two developed RV parks in Florence. Neither meets the standard code requirements for setbacks. Ordinance No. 279-99 approved reduced setbacks for the Caliente Casa Del Sol RV Resort in 1999. Now only this subject RV Park is out of compliance with adopted setbacks. New RV Parks would conform to standard code requirements as they would develop the new RV Parks to meet current codes. Thus, only this subject RV Park has these special circumstances that do not apply to other properties with similar zoning.

Boardmember Celaya asked for clarification as to what the variance will allow.

Mr. Eckhoff testified that the Town has Caliente and Tierra Del Sol RV parks. The Caliente RV Park received a variance in 1999 to have the reduced setbacks, so they are in compliance based on the variance. The Code was modified some time ago. If the setback variance is approved, it will bring the Tierra Del Sol RV Park into compliance with the Town Code. Any new parks that would receive new zoning would comply with the current Code.

Boardmember Celaya inquired if the Board is reducing the setbacks, which is not the Code, but it will bring them into compliance. He said it is confusing.

Mr. Eckhoff testified they will reduce the setbacks in the Tierra Del Sol RV Resort, just as the Board did in 1999 for Caliente. For some reason, they only included that park in their exception at that time. He said the setbacks that would be created by this variance would be in conformance with the original setbacks for the park when it was built and are consistent with the setbacks that reflect the homes that are on the lots on that development and also the setbacks that have been on their books under the HOA.

Boardmember Celaya said they would be in conformance to not being in Code.

Mr. Eckhoff testified they would have their own setbacks. Caliente has their own setbacks. Tierra Del Sol would have their own setbacks, and any new park would need to adhere to the current setbacks, and all parks would be in conformance. Usually when code modifications are done, you watch for the creation of non-conforming setbacks or non-conforming uses. He said years ago, the Town changed the setbacks for the park after it was already partially developed and put it into non-conformance. Staff is correcting it and putting it back into conformance.

Boardmember Celaya inquired how many units are there.

Mr. Eckhoff testified that at one time or another, there has been an RV that you drive on and off on every single lot. The trend has been to go to more park models. When there is a park model, they tend to go to a canopy or an awning. There is approximately a 70% build out right now.

Boardmember Celaya inquired if there is a potential for approximately 70 - 80 or more units.

Mr. Eckhoff testified there are less than 70 units.

Boardmember Celaya stated that his concern with reducing the setbacks is that the Town has had similar items come before the Board. He said the Code is in place for fire safety and ensuring that the firefighters can get in and out. He said he spoke with Fire Chief Zick early, and would like to have something on record from Chief Zick with regards to his findings.

Boardmember Celaya stated that his other concern is to not set a precedence of Code variances that have a significant impact on the safety of personnel that counterbalances the change.

Peter Zick, Fire Chief, stated the Boardmember Celaya's concerns are valid. The particular parks present a special hazard for the Fire Department. There are small roadways in the development and it is challenging to get the fire apparatus in to the location. The parks create a different circumstance which requires special plans to address the issues as quickly as possible.

Boardmember Celaya inquired if the homeowners in the area given any kind of notification of this type of potential hazard when they move in. He said if the Town is going to create variances against safety code, they should be provided some type of information on fire issues because the Town is not recognizing the Code standard.

Charles A. Montoya, Board Manager, stated the residents are not given notice from the Town's point of view.

Mr. Eckhoff testified that Mr. Montoya is correct. He said notice was sent to all of the lot owners within the park of the variance. The notice does not specify any type of ramifications of fire safety codes.

Boardmember Celaya inquired if there is any liability to the Town in going forward with the variance that the Town could be sued for, for allowing this variance.

Mr. Montoya stated that he does not believe the Town can be held liable.

Mr. Eckhoff testified from the Community Development Department's perspective, all of the units that are in the park today, are utilizing the setbacks that we are proposing by the variance. He said this would bring the approximate 75% of the units into conformance and allow the remaining lots to be built in accordance to the same standards as was originally set forth. He said if it was a brand new park, there would be a different perspective.

Chairman Rankin understand the setback variance is bringing Tierra Del Sol on line with exactly what we have in Caliente.

Mr. Eckhoff testified the setbacks in Caliente are far less.

Boardmember Montaña inquired if the setbacks that they are currently using, which is not within the current code, were they given authorization to use those setbacks at that time by the Town.

Mr. Eckhoff testified that most of the units have been in there for quite some time. He does not know the history of when the modification occurred. Most of the units have existed since that time that it was in the Town Code. It has continuously been a standard within the HOA from day one. There have been a few units in the last decade; however, this park caters to RVs who drive into the lot. The Town doesn't do any type of permitting for those. This park has stayed off of the radar for the most part, unlike the other parks where the homes are fixed, and permitting is done through Community Development.

Chairman Rankin inquired if there is a change in that park.

Mr. Eckhoff testified that they are starting to see a change. Those who have been visiting for a while want to plant permanent roots on their lots. There are not a lot of RV

lots in Pinal County. There are two RV parks in Florence, and the next closest parks are in Casa Grande or Apache Junction.

Mr. Mannato stated with regards to liability, the Board of Adjustment enjoys the same legislative or quasi-judicial type of immunity in these proceedings. He said no liability flows from the Board's decision whether to grant or deny the application for the variance.

Chairman Rankin stated that there have been one or two fires in the Caliente, and none in Tierra Del Sol. The Fire Department was able to respond in a manner that was able to save the surrounding structures.

On motion of Boardmember Woolridge, seconded by Boardmember Montañó, and carried that there are special circumstances or conditions applying to the land, building or use referred to in the application that do not apply to other properties in the District.

Mr. Mannato asked Mr. Eckhoff to testify if the special circumstances were not created by the owner or applicant.

Mr. Eckhoff testified that the Tierra Del Sol RV Resort property owners did not create the special circumstances that made this request necessary.

Boardmember Smith inquired if no one requested this, then why is the request being made.

Mr. Eckhoff testified that they had a lot owner had a structure on their lot for a while and wanted to do an addition to it. He said they realized that it would not meet the setbacks and that this change had occurred in the Code over time. The residents had not become aware of the zone change. He said they researched further and found that it was the Town's change of the Code over the years that modified their setbacks that they had developed the park to and were consistent with their HOA. They took it upon themselves to resolve the situation, just as previous staff and Board had in 1999, when a situation arose in the Caliente park. He said if the Code is not modified, the structures will become non-conforming and the empty lots will be difficult to sell.

On motion of Boardmember Woolridge, seconded by Boardmember Smith, and carried that such special circumstances were not created by the owner or applicant.

Mr. Mannato asked Mr. Eckhoff asked for his opinion on the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations (if, in the Board's opinion, the formulation of a general regulation is more appropriate than a Variance, the board shall table its consideration of the application and communicate to the Council its recommendation for a general regulation; should the Council not act upon the recommendation within thirty (30) days, the Board shall reconsider the application.

Mr. Eckhoff testified the unique history of this case warrants this variance request. Circumstances are not applicable to other RV Parks so this will not be a reoccurring request. New RV Parks would conform to standard code requirements as they would develop the new RV Parks to meet current codes. There is not a need for a Code change nor is there an expectation that this a request that would continue on and on.

On motion of Boardmember Montaña, seconded by Boardmember Woolridge, and carried that the condition or situation of the specific piece of property for which the variance is sought is not of so typical or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations (if, in the Board's opinion, the formulation of a general regulation is more appropriate than a Variance, the board shall table its consideration of the application and communicate to the Council its recommendation for a general regulation; should the Council not act upon the recommendation within thirty (30) days, the Board shall reconsider the application.

Mr. Mannato asked Mr. Eckhoff for his testimony that the authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights of the owners.

Mr. Eckhoff testified that approval of this request will allow new recreational vehicles and related improvements within the subject RV Park to be constructed in accordance with past development and in accordance with the HOA's rules for the RV Resort. Not approving this variance would severely restrict the placement of new recreational vehicles and related improvements within this RV Park.

On motion of Boardmember Montaña, seconded by Boardmember Woolridge, and carried that the authorizing of the variance is necessary for the preservation and enjoyment of substantial property rights.

Mr. Eckhoff asked Eckhoff for his testimony that the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

Mr. Eckhoff testified that the approval of this Variance should not have any negative or detrimental impacts. Proper public notification has occurred via the posting of a public hearing sign on the site, notices sent to property owners and surrounding property owners and notice published in the local newspaper. To date, staff has not received any phone calls and/or e-mails or written correspondence suggesting any opposition to this request.

On motion of Boardmember Hawkins, seconded by Boardmember Montaña, and carried that the authorizing of the application will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood or the public welfare in general.

Chairman Rankin opened the public hearing.

Mr. Dean VanOstren, President of Tierra Del Sol RV Resort HOA Board of Directors, and owner of the lot within Tierra Del Sol RV Resort, stated his appreciation to the Community Development Department for their diligence in trying to resolve the impact of the situation to those who own lots within the resort. He said he is prudent buyer and read the HOA CCRs in detail. He said when they purchased the lot, they believed their setbacks were three feet on each side and back, and five feet in the front. Only recently, has the issue become known to them that they were out of compliance due to the change in the ordinance some time back. This would prohibit him and many others down the road from removing his fifth wheel and placing a permanent park model on his lot. He requests the Board's approval of the ordinance.

Mr. Lowell Devries, Florence Resident, said he lives in Tierra Del Sol RV Resort, and it was his lot in question. He said he met with Mr. Eckhoff. He said the Board needs to be proud of those who work in the Community Development Department and commended them for the work they do.

Chairman Rankin closed the public hearing.

On motion of Boardmember Woolridge, seconded by Boardmember Walter, and carried to approve the Tierra Del Sol RV's request for a setback variance for all residential lots within the Tierra Del Sol Recreational Vehicle Resort, in Florence, Arizona (Case Number BOA-01-14-V).

ADJOURNMENT FROM THE BOARD OF ADJUSTMENT

On motion of Boardmember Woolridge, seconded by Boardmember Montañó, and carried to adjourn from the Board of Adjustment.

PRESENTATION

Quarterly Financial Report Presentation by Finance Director Mike Farina.

Mr. Mike Farina, Finance Director, provided a second quarter status report of the Town's finances. He outlined the status of each of the funds as well as projections and forecasting for each of the funds.

Councilmember Walter inquired about the scoreboards for the Little League Park.

Mr. Ray Hartzel, Parks and Recreation Director, stated that he would be meeting with the vendor this week for a price quote for the Little League Park and Heritage Park.

Councilmember Walter complimented Mr. Farina for keeping the Council informed on the budget.

CONSENT: All items indicated by an (*) will be handled by a single vote as part of the consent agenda, unless a Councilmember or a member of the public objects at the time the agenda item is called.

***Approve a Professional Service Agreement with the EPS Group for the design of a water transmission main between Well No. 4 and Well No 5.**

***Approval of the agricultural lease with Morning Star Farming, L.L.C.**

***Approval of accepting a reimbursement grant that was awarded to the Florence Fire Department through the Pinal County Local Emergency Planning Committee in the amount of \$23,000.**

***Adoption of Resolution No. 1422-14:**

Mr. Charles A. Montoya, Town Manager, read Resolution No. 1422-14 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE RE-SUBDIVISION OF MONTERRA SOUTH PARCEL 1-4, TRACTS 4-A AND 4-D; REQUIRING THE PROVISION OF AN INFRASTRUCTURE IMPROVEMENT ASSURANCE OR WITHHOLDING OF RECORDATION TO SECURE THE SATISFACTORY CONSTRUCTION, INSTALLATION AND DEDICATION OF REQUIRED IMPROVEMENTS; ESTABLISHING A DEADLINE FOR REQUIRED IMPROVEMENTS TO BE COMPLETED; AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS.

***Adoption of Resolution No. 1423-14:**

Mr. Charles A. Montoya, Town Manager, read Resolution No. 1423-14 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE RE-SUBDIVISION OF MONTERRA SOUTH PARCEL 1-5, TRACT 5-C; REQUIRING THE PROVISION OF AN INFRASTRUCTURE IMPROVEMENT ASSURANCE OR WITHHOLDING OF RECORDATION TO SECURE THE SATISFACTORY CONSTRUCTION, INSTALLATION AND DEDICATION OF REQUIRED IMPROVEMENTS; ESTABLISHING A DEADLINE FOR REQUIRED IMPROVEMENTS TO BE COMPLETED; AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS.

***Adoption of Resolution No. 1424-14:**

Mr. Charles A. Montoya, Town Manager, read Resolution No. 1424-14 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE RE-SUBDIVISION OF MONTERRA SOUTH PARCEL 1-6, TRACTS 6-C, 6-D AND 6-E; REQUIRING THE PROVISION OF AN INFRASTRUCTURE IMPROVEMENT ASSURANCE OR WITHHOLDING OF

RECORDATION TO SECURE THE SATISFACTORY CONSTRUCTION, INSTALLATION AND DEDICATION OF REQUIRED IMPROVEMENTS; ESTABLISHING A DEADLINE FOR REQUIRED IMPROVEMENTS TO BE COMPLETED; AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS.

***Approval of accepting the register of demands ending January 31, 2014, in the amount of \$2,815,515.63.**

On motion of Councilmember, Walter seconded by Councilmember Montaño, and carried to approve the Consent Agenda as written.

DEPARTMENT REPORTS

Manager's Report

Department Reports

Courts

Finance

Fire

Library

Parks and Recreation

Police

Utilities

The Department Reports were accepted and filed.

CALL TO THE PUBLIC

There were no public comments.

CALL TO THE COUNCIL

Councilmember Walter complimented the Community Development staff for their work on the setback variance. Many constituents were pleased with the passing of the setback variance.

Councilmember Montaño stated that it was Dr. Seuss' birthday and in honor of his birthday they had Read Across America at the elementary schools. Mayor Rankin and he participated at the elementary school.

Mayor Rankin stated that Public Works worked during the weekend due to the storm. There are flooding issues on Main Street that will need to be addressed. He said the Spring Festival in Anthem will take place on March 8, 2014. He said Little League was not able to participate in the event because of the fee and insurance issues. He would like Anthem to work with non-profits.

Councilmember Walter reminded the public of the free cleanup day on May 15, 2014.

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ADJOURN TO EXECUTIVE SESION

For the purpose of discussion and consultation of the public body in accordance with A.R.S. 38-431.03(A)(4) and A.R.S. 38-431.03(A)(7) to consider the purchase of water and wastewater infrastructure and discuss negotiations related thereto.

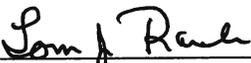
On motion of Councilmember Walter, seconded by Councilmember Hawkins, and carried to adjourn to Executive Session.

ADJOURN FROM EXECUTIVE SESSION

On motion of Councilmember Walter, seconded by Councilmember Montañó, and carried to adjourn from Executive Session.

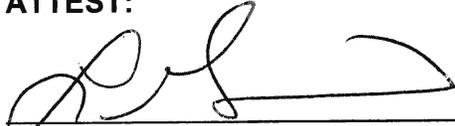
ADJOURNMENT

On motion of Councilmember Celaya, seconded by Councilmember Montañó, and carried to adjourn the meeting at 8:10 pm.



Tom J. Rankin, Mayor

ATTEST:



Lisa Garcia, Town Clerk

I certify that the following is a true and correct copy of the minutes of the Florence Town Council meeting held on March 3, 2014, and that the meeting was duly called to order and that a quorum was present.



Lisa Garcia, Town Clerk