MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, OCTOBER 7, 2013, AT 5:00 P.M., IN THE CHAMBERS OF TOWN HALL, LOCATED AT 775 NORTH MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Vice-Mayor Smith called the meeting to order at 5:04 P.M.

ROLL CALL:

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

ADJOURN TO EXECUTIVE SESSION

For discussion and consultation with the Town Attorney for legal advice regarding Curis Resources (Arizona) Inc., pursuant to A.R.S. § 38-431.03(A)(3).

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 Hawkins, and carried to adjourn from Executive Session.

INVOCATION

Councilmember Woolridge led the invocation.

PLEDGE OF ALLEGIANCE

Mayor Rankin 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.

Ms. Sheri George, Chairman, San Tan Valley Substance Abuse Coalition outlined the Coalition's concerns regarding Chapter 152 of the Town Code. She explained the steps that the Coalition has taken with regards to the possibility of amending Chapter 152 of the Town Code; which included contacting the Governor's Office, Policy Development and Government Relations. Mr. Aiden Fleming, Legislative Liaison for Policy

Development and Government Relations, provided a response, in which she read in part: "while the local governing board is required to set the boundaries pursuant to title 15, the law is very clear to include the outer most limits of the accompanying grounds". She stated that Mr. Fleming presumes that by law the Town would not have the authority to change the boundaries unless a change to the state statue was passed and adopted.

Ms. George stated the ordinance is set in place for safety and not convenience. She said there are one in ten kids receiving marijuana from an individual that has a medical marijuana card in Pinal County. She stated that she has concerns about allowing the medical marijuana dispensary in the Town of Florence and its surrounding communities. She stated that the Florence Unified School District is also a part of the San Tan Valley area. She stated a change to the ordinance would violate the State and Federal law.

Ms. Mary Parenteau, Queen Creek Resident, read a letter on behalf of Dr. Sheri Thomas in which she conveyed the following in her letter:

- Her experience with working with inmates that had suffered from substance abuse. In her letter,
- Most addicts' entry drug of choice was marijuana or prescription drugs and then advanced to more dangerous drugs.
- Concern for the health of the community and the children of the county if a medical marijuana dispensary opens in the Town of Florence or surrounding area.
- No issues if someone needs marijuana because of an illness and their doctor concurs
- Medical marijuana as a restricted drug belongs in a hospital or pharmacy where it can be controlled and closely watched.
- Examples and statements from organization of how a dispensary in a city or town could cause disruption in a community.

Ms. Laura Gmelin, San Tan Valley Substance Abuse Coalition Boardmember, stated she had expressed her concerns regarding the opening of the medical marijuana dispensary at the last Council meeting. She stated that she is disappointed to find that the Council is considering a motion to amend the Planning and Zoning Ordinance to accommodate the marijuana dispensary. She stated that children learn their behavior taught by adults. The adults of the community are setting an example of acceptance of marijuana by opening a marijuana dispensary. She explained that the use of marijuana by children has a long lasting effect that will impact their mental and physical health, relationships, learning, and memory that could result in less academic and career success.

Ms. Gmelin stated that she has a son that uses marijuana and explained the effects it has had on his life. She stated that there was a statement that was made by a Councilmember that children who use drugs used drugs because of their parents poor parenting skills. She referred to a study by Dr. A. Thomas McLellan, Treatment Research Institute, which stated that brain development continues until the early twenties. The last part to develop is the decision making region. Ms. Gmelin stated

from this information children who engage in risky behavior may not have the ability to judge situations as adults do. According to the Not My Kid Organization, children in their teens have the need to be accepted by different social groups other than their families. Ms. Gmelin stated peer pressure, the media, and the environment takes over; and no matter what children have been taught, examples of good or bad parenting children will engage in risky behavior if they choose to. She requested the Council to do what is best for well-being of the whole community.

Mr. Jim Knupp, Public Information Officer, Pinal County Attorney's Office stated he read Arizona Statute § 1334.11, which refers to the grounds and not just buildings. He stated it is not clear that the use of having a medical marijuana dispensary within the hospital at 450 West Adamsville is consistent with the Town of Florence General Plan. If the dispensary is not consistent with the Town's General Plan this could be consider spot zoning, which is illegal. He suggested that a 500 foot easement or right-of-way for Hunt Highway, Felix Road, State Route 287, 79, and 79B could present potential issues for the Town. He stated if B2 and L1 zoning exist along these roads and the Town is preventing the dispensary from being located there, this may become an issue. Mr. Knupp encouraged Council to look into these issues.

Ms. Ruth Harrison, Resident, stated the Cuen Building is one of the few existing examples of transformed Sonoran architecture that is still standing on Main Street. She gave detailed information on how the use of the building changed over the years. She stated the building became the Law Office of Ernest McFarland and provided detailed information on his accomplishments, successes and character. She stated the Cuen Building is an important historic structure and could be used for offices for Town staff and others. She suggested that the monies allocated for the proposed purchase of the Pinal County Credit Union be directed to the Cuen Building for restoration and renovation.

Dr. Miguel Olives, Government Liaison, Healing Healthcare 3 Inc., stated Healing Healthcare 3 Inc., has considered the approximation to the school, the land owned by the school and any future projects that may become part of the school. He requested that Section 8A of the Conditional Use Permit application, proposed medical marijuana dispensary and highway business commercial zone property located at 450 West Adamsville Road, Florence, Arizona, be withdrawn. He requested Section 10 and Subsection (a) of Ordinance No. 613 be withdrawn. He stated that it is business owners' responsibility to look at what is legally, ethically, morally correct and the Healing Healthcare 3 Inc., will seek for a location that will satisfy the community.

PUBLIC HEARING

Public Hearing on a Conditional Use Permit application for a proposed Medical Marijuana Dispensary on a Highway Business Commercial zoned property located at 450 W. Adamsville Road, Florence, Arizona.

The Public Hearing has been cancelled. Contact Community Development for more information on this case.

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.

***Appointment of Shawn Gibson to the Parks and Recreation Board with a term to expire December 31, 2014.**

***Authorization to forward a favorable recommendation to the Arizona Department of Liquor Licenses and Control on behalf of the Greater Florence Chamber of Commerce's application for a Special Event Liquor License for November 7, 2013, from 4:30 p.m. to 6:30 p.m. for their First Thursday event.**

***Approval of accepting the register of demands ending August 31, 2013, in the amount of $1,920,707.32.**

***Authorization to enter into a Professional Services Agreement with Water Works Engineers, LLC, for professional engineering services for Fiscal Year 2013-2014.**

On motion of Vice-Mayor Smith, seconded by Councilmember Hawkins, and carried to approve the Consent Agenda, as written.

UNFINISHED BUSINESS

Ordinance No. 600-13:

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Ordinance No. 600-13 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE TOWN OF FLORENCE CODE OF ORDINANCES, TITLE XV LAND USAGE, CHAPTER 152 MEDICAL MARIJUANA, SECTION 152.02 DEFINITIONS AND SECTION 152.04 DISTANCE SEPARATION REQUIREMENTS (PZC-27-13-ORD). (First Reading held September 16, 2013).

Mayor Rankin requested to table discussion on Ordinance No. 600-13 to a later date.

Councilmember Celaya stated he is concerned that people are objecting to having a controlled area for marijuana. He stated creating a controlled environment in a designated area where marijuana can be monitored, regulated, and secured should be considered.

Councilmember Woolridge stated as there are dispensaries within 25 miles of Florence. Marijuana card holders cannot legally grow marijuana.

Councilmember Celaya stated he would like to see the ordinance read more like the state statue.

Councilmember Woolridge presumed the Town is out of compliance with State laws because of the language.

Vice-Mayor inquired the reason for changing the distance from 660 to 500 feet.

Mr. Mark Eckhoff, Community Development Director, stated that the ordinance will be re-written to bring the ordinance closer to the state statue. He stated the only regulation for marijuana dispensaries is 500 feet from a public school.

Vice-Mayor inquired if the State allows the Town to set its own priorities.

Mr. Eckhoff stated yes.

Vice-Mayor inquired if the hospital will be able to have the marijuana dispensary because a rule in the ordinance states that marijuana cannot be used or dispensed in a building where food is being processed. He stated Council need to look at this issue more thoroughly before changes are made.

Councilmember Hawkins stated he doesn't know of any other business the Town requires to be 500 feet from a major highway. He stated the Town is narrowing down the medical marijuana dispensary options to do business in the Town. The Town needs to decide if it wants the dispensary in Town or not. He stated the dispensary is a legitimate business and very well controlled.

On motion of Councilmember Montaño, seconded by Councilmember Walter, and carried to table this item and have a Work Session with each change listed separately.

NEW BUSINESS

Discussion/Approval/Disapproval to enter into an Intergovernmental Agreement between the Pinal County Division of Animal Care and Control and the Town of Florence to provide animal control services.

Mr. Daniel Hughes, Police Chief, stated the Police Department has been working without an Intergovernmental Agreement (IGA) with Pinal County Division of Animal Care and Control for approximately one year. The two agencies have met and agreed to the proposed IGA. He stated the Police Department has handled approximately 150 calls for service and Pinal County Animal Control has assisted.

Chief Hughes stated it is economically a good service that the Town is receiving from Pinal County.

Mayor Rankin inquired about a charge for disposal.

Ms. Kaye Dickson, Pinal County Animal Control Director, explained that residents who bring their animal to the shelter for humane euthanasia are charged a fee.

Councilmember Woolridge inquired if the Town is charged for humane euthanasia.

Ms. Dickson replied the Town is not charged any more than what the State Statue allows.

Vice-Mayor Smith inquired if the Town is notified when an animal is disposed of or returned to its owner after an incident involving another party so that person(s) can be notified.

Ms. Dickson replied the Pinal County does not notify the Town with a written report of the animals that are disposed of or returned to its owner; however if it is something that the Town would require, they would notify the Town via phone call.

Mayor Rankin inquired if a citizen would be charged if they were to take a stray to the shelter.

Ms. Dickson stated the citizen would not be charged for taking a stray to the shelter.

Mayor Rankin inquired if the Pinal County facility is becoming a non-kill facility.

Ms. Dickson stated the goal is to become a non-kill facility within five years.

Councilmember Celaya inquired if Pinal County would provide the Town with a truck for animal control.

Chief Hughes stated the startup costs for an animal control business is very expensive.

Councilmember Celaya inquired is there a designated Animal Control Officer for the Town.

Ms. Dickson stated no, however; they will respond if the Police Department or Town Manager call for service. The request for service has to come through dispatch. She stated there have been calls from citizens and the Police Department has given Pinal County authority to respond.

Councilmember Celaya inquired if Pinal County has agreements with other communities where there is a full time person handling animal control just for their area.

Ms. Dickson stated that they have agreements with other communities where one full time person handles calls specifically for their area.

Councilmember Celaya inquired if Chief Hughes looked into acquiring an agreement that would allow the Town to have their own full time person for animal control through Pinal County.

Chief Hughes stated that he has evaluated the option of a designated person; however, it is more economical to maintain an IGA with Pinal County.

On motion of Councilmember Hawkins, seconded by Councilmember Celaya, and carried to enter into an Intergovernmental Agreement between the Pinal County Division of Animal Care and Control and the Town of Florence to provide animal control services.

Discussion/Approval/Disapproval to enter into a Memorandum of Understanding between the Arizona Department of Fire, Building and Life Safety Office of State Fire Marshal and the Town of Florence Fire Department.

Mr. Peter Zick, Florence Fire Chief, stated the Memorandum of Understanding (MOU) is for the Fire Department to assume plan review for:

- Construction, remodeling, alterations and additions of State, County and public school buildings and grounds
- Inspections
- Scheduled inspections of State and County owned buildings as well as public and private schools.

On motion of Councilmember Montaño, seconded by Councilmember Walter, and carried to enter into a Memorandum of Understanding between the Arizona Department of Fire, Building and Life Safety Office of State Fire Marshal and the Town of Florence Fire Department.

Discussion and possible action on acquisition of Cuen building in downtown Florence and consideration of options for the building, if acquired.

Mr. Mark Eckhoff, Community Development Director, stated for the past few decades, the Cuen building has been unoccupied and continually deteriorating. Langley Momentum Historical, LLC, has offered to donate the Cuen building to the Town.

Mr. Eckhoff stated for the past seven years, a few improvements have been made to stabilize the structure on an interim basis. A recent external and internal assessment of the facility with Town staff and Swan Architects confirmed that prompt action needs to be taken to demolish, rehabilitate or re-construct the subject building.

Mr. Eckhoff stated that the Senior Building Inspector has confirmed that this structure would qualify for demolition if prompt action is not taken to stabilize and restore the building. Multiple penetrations into the building have allowed the elements to accelerate deterioration (bricks, plaster, adobe, etc.) and permitted pigeons to roost in the facility. The north wall, roof and fireplace cannot be saved. The building is gutted inside. Beyond structural concerns, these conditions present aesthetic and other issues that are repeatedly noted by downtown visitors and patrons of the Fitness Center.

Mr. Eckhoff stated that Swan Architects has provided estimates for both construction options. Swan Architects has estimated a probable renovation cost of $177,100. Their estimate to reconstruct the building, i.e., essentially to create a replica, increases to $256,969. Restored, the Cuen Building remains very small at approximately 1,000

square feet, thus limiting its practical use. However, the building could accommodate a small office or service use, or even make a good location for a small walk-up restaurant.

Councilmember Hawkins stated the Town should take possession of the Cuen Building and turn it into a usable building or sitting area.

Councilmember Celaya stated the Cuen building is a very important historical site but the Town can only spread its resources so far. Taking on this building will bring on additional liability for the Town to ensure the building is in a condition that no one gets hurt from falling debris. He suggested having the existing owner clean up the building and the Town could assist the owner with putting in a park area. He stated the Town has to be responsible on how it spends its resources.

Vice-Mayor Smith stated the skylight on top of the Cuen building is historical and the Town needs to save it.

Councilmember Celaya suggested that the Town find someone from the private sector who would be willing to save the Cuen building.

Councilmember Montaño stated that the owner has stipulated in the agreement that he would retain the building if the Town was going to demolish it. He said the Town isn't looking for that type of agreement. He inquired if the Town should enforce the Code, and require the property owner to be responsible for repairing the building or should the Town accept to purchase a building from the owner so the owner does not have to fix it up. He suggested that the Town could save the front facial of the building and then add to it to make it a safe place.

Councilmember Hawkins stated his understanding was if the owner demolishes the building he will retain the lot but if the owner signs over the property to the Town the Town retains the building and the lot.

Mr. Charles Montoya, Town Manager, stated the owner stated the deed would come to the Town clean and there will be no stipulation to the agreement of the Town obtaining the Cuen building.

Mayor Rankin stated he had approached a group called Mountain Bell Pioneers to become involved with the Cuen building and they were receptive. He suggested the Town should go out and try to obtain private monies to restore the Cuen building. He stated once the Town takes ownership of the building it needs to find a use for the building. The Town could rent the building or use it for Town offices.

Mr. Montoya stated staff recommends that Council authorize acceptance of the Cuen building as a donation; however, the Cuen building would need to come before Council fairly quickly to determine what should be done with the building because the Cuen building is in bad shape.

Councilmember Celaya inquired if funding has been identified to move forward with restoration of the Cuen building.

Mr. Montoya stated staff could find the monies for this project, but it may cause other projects to be put on hold.

Councilmember Celaya inquired if other Capital Improvement Projects (CIP) will be put on hold.

Mr. Montoya replied yes other CIP projects would be put on hold.

Councilmember Woolridge inquired can the Town wait on accepting the donation of the Cuen building until the Town can see if private funds could be obtained.

On motion of Councilmember Hawkins, seconded by Vice-Mayor Smith, and carried to accept the donation of the building.

DEPARTMENT REPORTS

Manager's Report
Department Reports
Community Development
Courts
Finance
Fire
Library
Parks and Recreation
Police
Public Works

Mr. Montoya stated that Mr. Carroll Michael is transferring to the Public Works Department and his new position will be over facilities. The Town no longer has a building inspector; and in the interim the Town is contracting with Wildan to assist with inspections. He added that Mr. Eckhoff is evaluating Mr. Michael's old position to see what will be done with the vacancy moving forward.

CALL TO THE PUBLIC

Ms. Denise Kollert, Resident, stated there was a person in Phoenix that grew marijuana at his home and his home got broken into and the marijuana was stolen. She stated this is what can happen here in Florence. The home owner could be hurt, injured or killed by some irrational person. She stated that having a dispensary is the safest, soundest way to do this.

CALL TO THE COUNCIL

Councilmember Montaño wished Councilmember Celaya a Happy Birthday.

Councilmember Walter stated there was a fabulous outcome for the annexation event.

Councilmember Hawkins complimented Public Works on the sidewalk project.

Mayor Rankin recognized the death of Howard Cotton, Florence Resident, and developer. He thanked the merchants for being accommodating to the Town during the downtown projects. He also thanked Mr. Costa for assisting with ADOT project.

ADJOURNMENT

On motion of Councilmember Woolridge, seconded by Councilmember Hawkins, and carried to adjourn the meeting at 7:31 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 October 7, 2013, and that the meeting was duly called to order and that a quorum was present.

Lisa Garcia, Town Clerk