MINUTES OF THE FLORENCE TOWN COUNCIL MEETING HELD ON MONDAY, SEPTEMBER 16, 2013, AT 6:00 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 6:02 p.m.

ROLL CALL:

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

INVOCATION

Councilmember Woolridge led the invocation.

PLEDGE OF ALLEGIANCE

Mayor Rankin led the Pledge of Allegiance.

CALL TO THE PUBLIC

Ms. Ruth Harrison, Florence Resident, stated that it is time for the Town to take control of the intolerable situation of unleashed and unrestrained dogs. She feels it is time for the Town to assume the responsibility of all aspects of animal control within the Town's jurisdiction.

PUBLIC HEARING AND PRESENTATIONS
Public Hearing on Ordinance No. 600-13:

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

Mark Eckhoff, Community Development Director, stated that staff is proposing changes to the Town's Medical Marijuana Ordinance in response to some of the reoccurring issues and concerns with past Conditional Use Permit applications for medical marijuana dispensaries. Staff contends that the changes could help to reduce locational and compatibility issues presented with past applications.

Changes proposed are summarized as follows:

Within Section 152.02 Definitions, staff updated a couple of the defined words for added clarity. Two new Sensitive Uses are suggested: correctional facility and halfway house.

Changes to Section 152.04 Distance Separation Requirements, propose that the minimum separation requirement between a Sensitive Use and a medical marijuana business be reduced from 660 feet to 500 feet. The 500 foot distance is consistent with State regulations requiring a 500 foot separation between schools and medical marijuana businesses.

Changes to Section 152.04 Distance Separation Requirements, also propose that a medical marijuana business not be operated or maintained on a parcel located less than 500 feet from the existing right-of-way or easement for Hunt Highway, Felix Road, State Route 287 or State Route 79/79B.

Changes to Section 152.04 Distance Separation Requirements, also propose that where a medical marijuana dispensary is entirely contained within a hospital or other professional office building that is predominantly used for medical/healthcare-related uses and the dispensary would make up no more than half of the subject building, Sensitive Uses shall be limited to the State of Arizona's definition of a public or private school; there is no minimum separation requirement between a medical marijuana dispensary and a single-family residential zoning district; and the buffer requirement from specified major corridors would remain applicable.

Councilmember Celaya stated that he disagrees with the addition of new sensitive area terminology; essentially the Town is trying to prevent dispensaries from operating. He cannot support this.

Vice-Mayor Smith asked if there is any possibility of a dispensary going into the Historic District.

Mr. Eckhoff answered no.

Vice-Mayor Smith would like clarification on the wording of 500 feet from a residential district versus a residence, and what exactly is classified as a hospital.

Councilmember Hawkins felt that having the dispensary in a hospital or medical clinic would be the ideal situation. He also disagreed with some of the wording used in the ordinance; and stated it is misleading. He would like to see the documentation that backs up the wording used in various paragraphs in the ordinance.

Councilmember Walter questioned what message the Town would be sending the kids and the perception that Florence will become known as marijuana town.

Councilmember Hawkins stated it is a legal substance that is being regulated by the State. He stated people are benefiting from this and deserve the opportunity. He does not see allowing a dispensary as a derogatory move for the Town.

Councilmember Woolridge stated that tonight's discussion is about location, not the benefits of medical marijuana.

Councilmember Celaya stated that the hospital is directly across the street from school property.

Mayor Rankin asked if the addition of the 500 feet from school or residence would be handled under a variance if an application was applied for.

Mr. Eckhoff stated that yes, in a hospital scenario; a dispensary application would be granted automatic variance on some locational criteria but would still have to meet the 500 foot rule.

Discussion occurred of the school properties and boundaries.

Councilmember Celaya felt that the Town is painting this service into a corner. He would rather see this business on Main Street and have them pay for the security needed to monitor the building.

Mayor Rankin stated that he has a problem with Section 152.04 distance separation requirements. He stated that they have discussed where the dispensary should or should not go. The City of Scottsdale just opened their first dispensary and they have a larger population and more people to handle the research. There will be no advertisement such as signage done. The people that need to use medical marijuana know where the dispensaries are located. It is not about beliefs, it is about location and if this Council wants to allow this service in town.

Mayor Rankin stated that he is concerned about the areas that are being considered. He would like to see documentation on the State's option if it is 500 feet from a school building or school property; which would be helpful. He stated that he does not know how to build an ordinance that will not call for a conditional use permit or variance to allow this use to go in. He asked that staff verify evidence that the State recognizes 500 feet from a school as a building or as property.

Mayor Rankin opened the public hearing. There being no public comment, Mayor Rankin closed the public hearing.

Presentation by Greater Florence Chamber of Commerce recognizing the Business of the Month.

The Greater Florence Chamber of Commerce recognized Golden Eagle Distributors as the Business of the Month. This company has very been very supportive of the Chamber, the Casino Night fundraiser and the first Thursday Events.

Mayor Rankin congratulated Golden Eagle and thanked them for their support.

Proclamation supporting the "Start by Believing" Public Awareness Campaign.

Mayor Rankin proclaimed to support the Start by Believing. Support Public Awareness Campaign.

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.

***Authorization to forward a favorable recommendation to the Arizona Department of Liquor Licenses and Control regarding the Coolidge-Florence Elk's Lodge 2350 Application for Special Event Liquor License on October 6, 2013, for the HAMC Tucson Demo Derby.**

***Receive and file the following board and commission minutes:**
March 12, 2013 Historic District Advisory Commission minutes.
June 6, 2013 Planning and Zoning Commission minutes.

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

UNFINISHED BUSINESS
Discussion/Approval/Disapproval of Ordinance No. 598-13:

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, read Ordinance No. 598-13 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING TITLE XV – LAND USAGE, CHAPTER 150 – DEVELOPMENT CODE, SECTIONS § 150.280 – DEVELOPMENT IMPACT FEES, AND SECTIONS § 150.281, § 150.282, § 150.283, § 150.284, § 150.285, § 150.286, § 150.287, § 150.288, § 150.289 AND § 150.290. (First Reading August 5, 2013)

Mr. Mike Farina, Finance Director, stated he reached out to HBA and Pulte as asked; however, he has not received a response.

On motion of Councilmember Woolridge, seconded by Councilmember Hawkins, and carried to adopt Ordinance No. 598-13.

Discussion/Approval/Disapproval of Ordinance No. 601-13: AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE TOWN OF FLORENCE CODE OF ORDINANCES, TITLE XV LAND USAGE, CHAPTER 150 DEVELOPMENT CODE, SECTIONS 150.031 DEFINED WORDS, SECTION 150.047 DISTRICT USE REGULATIONS TABLES (A), SECTION 150.055 MANUFACTURED HOME SUBDIVISION (MHS) AND SECTION 150.068 RECREATIONAL VEHICLE PARKS AND/OR SUBDIVISIONS(PZC-16-13-ORD). (First Reading September 3, 2013)

Mr. Mark Eckhoff, Community Development Director, stated that Council received a supplemental memo to address some of the questions that came up at the last meeting. The recommendation on age for mobile homes will remain five years based on staff findings. He stated that the requirement that manufactured homes be ground set will remain in the ordinance.

Councilmember Celaya stated that five years is generous.

Councilmember Montaño stated that he disagrees with the five year limitation

On motion of Councilmember Celaya, seconded by Councilmember Woolridge, to adopt Ordinance No. 601-13.

Roll Call Vote:

Councilmember Celaya: Yes
Councilmember Woolridge: Yes
Councilmember Walter: Yes
Councilmember Hawkins: No
Councilmember Montaño: No
Vice-Mayor Smith: No
Mayor Rankin: Yes

Motion carried: Yes: 4; No: 3

CALL TO THE PUBLIC

There were no public comments.

CALL TO THE COUNCIL

Councilmember Hawkins stated that animal control which is handled by Pinal County does a good job; and at this time, the Town would have a hard time justifying starting a new animal control. There are ordinances in place that cover the animal issues.

Councilmember Celaya stated that he was introduced to the Oro valley Arts Program which was established by 1% of new development, while he attended the League

Conference. He encouraged everyone to view the Oro Valley website. He would like to explore the opportunity of doing something similar.

Councilmember Montaño stated that the new curbing looks nice. He asked that Fire Chief Zick introduce the new Fire Marshall.

Chief Zick introduced John Kemp, the new Fire Marshall.

Mr. Kemp thanked everyone for the warm welcome.

Vice-Mayor Smith expressed concerns on loose animals in the Town. He asked the Town to address the fencing of properties because the animals are loose on the street. He stated that some of the fences are not properly erected and use material such as glass windows or other non-acceptable material. The fencing issues need to be addressed in order to properly secure the dogs. He said that the Town is letting the community down in this area.

Mayor Rankin thanked the business owners and residents for their cooperation during the construction of the curbside project. He asked that the public think about the people in Washington who lost their lives today and the people in Colorado and New Mexico that are dealing with the flooding. He said the annexation meeting will be held on October 5, 2013 and asked all Councilmembers to attend.

ADJOURNMENT

On motion of Councilmember Woolridge, seconded by Councilmember Montaño, and carried to adjourn the meeting at 6:55 p.m.

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 September 16, 2013, and that the meeting was duly called to order and that a quorum was present.

Lisa Garcia, Town Clerk