

MINUTES OF THE TOWN OF FLORENCE COUNCIL REGULAR MEETING HELD ON MONDAY, APRIL 15, 2019, AT 6:00 P.M., IN THE FLORENCE TOWN COUNCIL CHAMBERS, LOCATED AT 775 N. MAIN STREET, FLORENCE, ARIZONA.

CALL TO ORDER

Mayor Walter called the meeting to order at 6:00 p.m.

ROLL CALL:

Present: Tara Walter, John Anderson, Bill Hawkins, Karen Wall, Kristen Larsen, Michelle Cordes, Judy Hughes.

MOMENT OF SILENCE

Mayor Walter called for a moment of silence.

PLEDGE OF ALLEGIANCE

Mayor Walter 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.

Mr. James Sherwood, Florence Resident, spoke regarding Ordinance No. 668-19 which will only allow for two parked vehicles per residence. It also changes recreational vehicle storage which will now require a six-foot solid wall with a screened gate. His home was constructed 42 years ago on King Street, which is where he raised his family and managed livestock. He no longer has children or animal residing on his property; however, he never received a complaint while they were there as he always kept his yard neat and clean. He has a six-foot chain link fence surrounding the back portion of his property and a three-and-a-half foot fence surrounding the front.

Mr. Sherwood drove around the southern part of Florence and found that there would be 81 residences adversely affected should this ordinance pass. He requested that Council reject Article IV Section C of the proposed ordinance or declare a defined grandfathered clause.

PRESENTATIONS

Women's Club Presentation

Ms. Kathryn Kitchell, President, provided a brief overview of the Women's Club history as well as projects that they do in the community. She introduced the following members:

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Terry Hueber, 1st Vice-President and point of contact for programs and speakers to speak at organizations and clubs
Carolyn Gurney, Secretary
Coylina Wall, Chairman of State Committee and member of the Home Life Committee
Maureen Downney point of contact for the website and Facebook
Mary Battle, Second Vice President
Leslie Rupp, Member

President Kitchell stated that they are an international organization with over 80,000 members. There are approximately 38 clubs in Arizona with 1,000 members. They are a 501(c)3 corporation and most of the money raised is given back to the community.

The Florence Woman's Club also participates in the following community service programs:

- March of Dimes
- St. Jude's Research Hospital
- Hugh O'Brian Youth Leadership
- K-9 Companions for Independence
- Heffer International
- Operation Smile
- Shot at Life
- US Fund for UNICEF
- Support two of the seven projects given to the Woman's Club by the National Organization
 - Supported military with the GI 75th Anniversary
 - Raised approximately \$3,000 in donations for veterans
 - Celebrated Donate a Dr. Seuss Book
 - Will continue to support the programs throughout the year

Ms. Kitchell provided a brief overview of the history of the GFWC Florence Woman's Club

- 1897 Organized as the Village Improvement Society to beautify the Town and help women in the community bet better acquainted
- 1901 Became the Federated Woman's Club of Florence
- 1903 United with five other Arizona Clubs to form GFWC-AZ
- 1916 Chartered as the Woman's Club of Florence. The charter of the Club contains the names of many of the pioneers of Florence. The history of Florence is closely wrapped in the history of the Club.
- 1929 Clubhouse completed
 - Purchased property and built Historic Clubhouse
 - Obtained a \$50 grant to start the project, did fundraising efforts and took out a loan for the purchase of the property and to build the clubhouse.
 - Contracted with the prison to utilize inmate labor to build the clubhouse
- 1984 Renewed incorporation as GFWC Florence Woman's Club, "every woman's club".
- 2013 Designated as a 501(c)3 qualifying donations for tax deductible status

Ms. Carolyn Gurney, Secretary, provided a brief overview of the projects, which included:

- Participate in the Historic Tour because their building has the only Spanish Revival architecture in Florence.
 - On Historic Registry

- Hold bottled water drive to assist the Police and Fire Departments
- Hold an annual fashion show – fundraiser event
 - Provides scholarships for three graduating seniors
- Support Hugh O’Brian Leadership Organization held at ASU West
 - Provides scholarship for one sophomore to attend
- Partner with the Town library for various events
 - Dr. Seuss Day
 - Assisted with the students in making puppets
 - Bilingual Storytime
 - Will provide free books and sock puppets
 - Assist with literacy by 3rd grade initiative
 - Provided literacy bag which contained a variety of items
 - Read to the head start students
- Calendar Campaign
 - Cost is \$7.00 per calendar
 - Who’s Who of Florence businesses place their advertisements in calendar
 - Calendar includes individual birthdays, anniversaries and memorials
 - Calendar lists meeting dates for Town Council and various boards, commissions and organizations

Ms. Kitchell stated that the Greater Florence Women’s Club is given reporting areas and at their Central Conference they were provided with First Place Awards for the following:

- Special Program in Domestic Violence Awareness and Prevention
- District Community Services Program and the Arts
- Communications and Public Relations

Ms. Kitchell stated that they received a Second Place Award for District Community Service Program Education. They also received a Special Certificate of Achievement Award for Community Volunteer Service.

Ms. Kitchell stated that as a 501(c)3, all of their proceeds, aside from restoration, preservation and operational expenses, are filtered into the community.

Mayor Walter presented the Greater Florence Women’s Club with a Certificate of Appreciation for all that they do for the community. She encouraged everyone to become a member.

Presentation and Discussion/Approval/Disapproval of Accepting the Comprehensive Annual Financial Statement and Expenditure Limitation Report.

Ms. Rebecca Jimenez, Interim Finance Director, stated the Annual Audit, Comprehensive Annual Finance Report, and Expenditure Limitation report have been completed. These reports are sent to various agencies for review and affects the Town’s ability to obtain grants, financing and to monitor the Town’s financial position and the current and future financial strength for bonding and the ability to repay bonds. It is also a document that investors may use when considering projects or developments within the municipal boundaries. The Annual Audit is incorporated into the Comprehensive Annual Financial Report.

The Expenditure Limitation Report is a report that determines if the Town has stayed within the expenditures set during the budget process that is reported to the State of Arizona, Auditor General. Going over budgeted expenditures without authorization will result in a portion of our allocated state income tax withheld and redistributed to the other incorporated communities in the state. The penalty will be imposed in the fiscal year subsequent to the hearing held by the Auditor General on such a violation. The penalty is calculated by a formula.

Ms. Jimenez stated that the auditors are engaged to evaluate the financial information and verify that the accounting systems, staff and organization are following the guidelines of Generally Accepted Accounting Principles (GAAP) and Government Accounting Standards Board (GASB).

Ms. Jimenez stated that the auditors issue a letter and an Internal Control and Compliance Report to the Mayor and Council.

Mr. Ben Hur, CPA, CGFM, Fester and Chapman, PLLC, stated that this is their first year completing the Town's audit. They provided the Council with the following three reports:

- Report to Honorable Mayor and Council
- Internal Control and Comprehensive Report
- Comprehensive Annual Apprentice Report

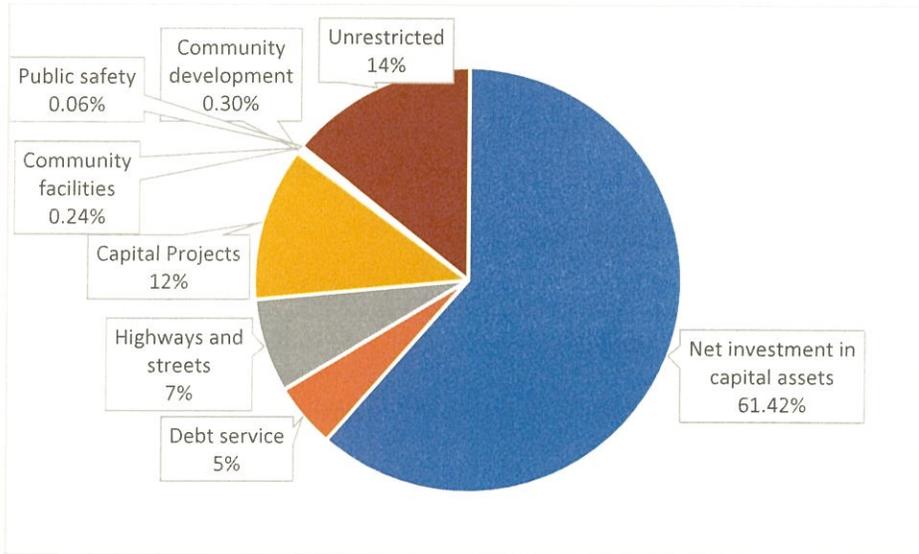
Mr. Hur provided the Town with an Audit Overview presentation, which included:

- Audit Results - Overview
- Financial statements include new post-retirement benefits disclosures for GASB 75 implementation
- Sensitive estimates and disclosures included in financial statements:
 - Estimates of actuarial valuations related to net pension liability (asset), allowance for doubtful accounts, and depreciation expense for capital assets.
 - Disclosure of retirement plans based on actuarial valuations.
- Financial Statement Audit
- Unmodified opinion
 - Financial statements are presented fairly in all material aspects and in accordance with Generally Accepted Accounting Principles (GAAP)
 - Findings reported as Material Weaknesses in Internal Controls:
 - Internal Control over Financial Reporting – Audit adjustments were necessary to properly state year-ending balances.
 - Internal Control over Capital Assets – A prior period adjustment was necessary to properly state the Town's beginning net position and capital assets.
 - Internal Control over Long-term Liabilities – A prior period adjustment was necessary to properly state the Town's beginning net position and long-term liabilities.
 - Internal Control over Special Assessment Billing – Audit adjustments were necessary to properly state special assessment receivable and deferred revenue balances.

- Financial overview – government-wide

GOVERNMENT-WIDE NET POSITION JUNE 30, 2018

	Governmental Activities	Business- Type Activities	Total	Change from FY17
Net investment in capital assets	\$ 72,398,506	\$ 15,973,435	\$ 88,371,941	-1%
Restricted	31,839,652	3,206,134	35,045,786	8%
Unrestricted	4,461,196	16,001,790	20,462,986	15%
	<u>\$ 108,699,354</u>	<u>\$ 35,181,359</u>	<u>\$ 143,880,713</u>	3%



- \$4.7 million increase in net position
- Financial overview – governmental funds
 - Net increase in fund balance of \$4.3 M
 - Increases in:
 - General Fund \$603K
 - CFD – Debt Service Fund \$1.1M
 - CFD – Capital Project Fund \$1.7M
 - Impact Fee Fund \$483k
 - Capital Improvement Fund \$1.4M
 - Net Decrease in fund balance:
 - Highways and streets \$1.6 M
- Financial overview – business-type funds
 - Net increase in net position of \$1.3M
 - Increases in:
 - Water Fund, \$894 K
 - Sewer Fund, \$514 K
 - Decreases in net position:

- Sanitation Fund, \$56 K
- Pensions summary
 - Estimates based on actuarial valuations performed by an independent firm.
 - Public Safety Personnel Retirement System
 - Police
 - \$0.9 million net pension liability (decreased by ~ \$325K)
 - Fire
 - \$0.5 million net pension liability (increased by ~ \$149K)
 - Arizona State Retirement System
 - \$8.2 million net pension liability (decreased by ~ \$833K)

Mayor Walter inquired if they assisted the Town in developing the guidelines as listed in the report.

Mr. Hur stated that they would be supporting the established policies and guidelines that are created and approved by the Town.

On motion of Councilmember Wall, seconded by Vice-Mayor Anderson, and carried (7-0) to accept the Comprehensive Annual Financial Statement and Expenditure Limitation Report.

ADJOURN TO COMMUNITY FACILITIES DISTRICT. NO. 1.

On motion of Councilmember Wall, seconded by Councilmember Hawkins, and carried (7-0) to adjourn to the Merrill Ranch Community Facilities District No. 1.

Discussion/Approval/Disapproval to accept the Merrill Ranch Community Facilities District No. 1 Audit.

Ms. Rebecca Jimenez, Interim District Treasurer, stated the report is for both Community Facilities Districts (CFDs). The auditors did an outstanding job outlining each of the cash balances. She stated that CFDs are very complicated and it is very important to maintain the records accurately due to their complexity.

Mr. Hur stated that the audit of the CFDs was done as part of the Town's Comprehensive Annual Financial Report (CAFR). Due to the importance of the CFDs, they performed a separate audit of the CFDs. It was important to have their own financial records and to have a record of all their transactions. This is the first time that the CFDs have performed their own audit.

Mr. Brent Billingsley, District Manager, stated that the two CFDs have been in existence for 13 years. This is the first time that the CFDs have been audited. The CFDs were audited because the State law changed two years ago. They now have very specific requirements in terms of usage of CFD monies, balances and how the various deals must be managed under State law. The Town must be in compliance by June 30, 2019.

Mr. Billingsley stated that there were three things noted regarding the CFDs and this was due to the CFDs never being audited before.

On motion of Boardmember Wall, seconded by Boardmember Larsen, and carried (7-0) to accept the Merrill Ranch Community Facilities District No. 1 Audit.

ADJOURN FROM COMMUNITY FACILITIES DISTRICT NO. 1.

On motion of Boardmember Wall, seconded by Boardmember Larsen, and carried (7-0) to adjourn from the Merrill Ranch Community Facilities District No. 1.

ADJOURN TO COMMUNITY FACILITIES DISTRICT NO. 2.

On motion of Vice-Mayor Anderson, seconded by Councilmember Wall, and carried (7-0) to adjourn to the Merrill Ranch Community Facilities District No. 2.

Discussion/Approval/Disapproval to accept the Merrill Ranch Community Facilities District No. 2 Audit.

Ms. Jimenez stated that the audit was completed as one audit for both districts. There is no additional information to add.

On motion of Boardmember Wall, seconded by Boardmember Hawkins, and carried (7-0) to accept the Merrill Ranch Community Facilities District No. 2 Audit.

ADJOURN FROM COMMUNITY FACILITIES DISTRICT NO 2.

On motion of Boardmember Wall, seconded by Boardmember Larsen, and carried (7-0) to adjourn from the Merrill Ranch Community Facilities District No. 2.

CONSENT: All items on the consent agenda 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.

Proclamation declaring April 26, 2019 as Arbor Day.

Motion to approve and ratify an Engagement and Representation Agreement with Sims Mackin, LTD. and Cathy Bowman for legal representation of the Town of Florence in legal matters in connection with *Town of Florence v. ADEQ*, No. LC2017-000466-001 DT; *Town of Florence v. Florence Copper, Inc.* CV 2015-000325; *Town of Florence v. ADEQ*, No. 1 CA-CV 19-01222 (Arizona Court of Appeals), including post-trial motions, appeals and authorization to enter into related common interest agreements (the “appellate proceedings”).

Authorization for the Town Attorney to execute a Consent to Withdrawal on behalf of the Town consenting to the withdrawal of Christopher Kramer and Laura Curry and the firm of Jennings, Strouss & Salmon, P.L.C. as counsel of record for the Town in the matter of Town of Florence vs. Florence Copper, Inc., et al No. CV2015-000325.

Approval of the March 4, March 11, March 18, and March 25, 2019 Town Council Meeting minutes.

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Receive and file the following board and commission minutes:

February 14, 2019 Arts and Culture Commission Meeting minutes
February 27, 2019 Florence Youth Commission Meeting minutes
February 27, 2019 Historic District Advisory Commission Meeting minutes

On motion of Councilmember Wall, seconded by Vice-Mayor Anderson, and carried (7-0) to approve the Consent Agenda, as written.

UNFINISHED BUSINESS

Ordinance No. 667-19:

Mayor Walter read Ordinance No. 667-19 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 150: DEVELOPMENT CODE, SECTION 150.031 "DEFINITIONS" AND REPEALING AND REPLACING "PART 3 SIGN REGULATIONS," SECTIONS 150.092 TO 150.130 (CASE PZ 18-33 ORD). (Public hearing and first reading held February 19, 2019, second reading held March 4, 2019, Work Session held March 25, 2019).

Mr. Dana Burkhardt, Planning Consultant, stated that the changes requested at the work session have been incorporated, as listed below:

A text amendment to the Sign Regulations of the Development Code with the following amendments (***bold italic*** text is added, text with a ~~strikethrough~~ to be deleted):

- 1) Revise §150.098(I) as follows: "All Signs shall be ~~professionally constructed and installed.~~ ***have a professional appearance and be structurally designed, constructed, erected and maintained in accordance with all applicable provisions and requirements of the town codes and ordinances.***"
- 2) Revise §150.099(E)(2)(h): "A-Frame signs shall ***have a professional appearance and*** be ~~professionally~~ constructed and maintained in a manner free from chipping paint, cracks, gouges, and/or loss of letters."
- 3) Revise §150.099(D)(10)(b): "One Digital Sign per Site and such Sign shall be considered as one of the allowed Freestanding Signs and be subject to all of the requirements for Freestanding Signs, as well as the requirements set forth in this Section. ***Corner lots with two arterial roadway building frontages may be permitted one digital Freestanding Sign for each building frontage through the Site Plan and Design Review process.***"
- 4) Revise §150.097(A) to add subsection (3) ***No Sign shall be placed on a utility pole, tree, rock, or similar feature.***

Mr. Burkhardt stated that the ordinance exceeds all of the minimum requirements and is ready for Council to make a motion, if it so chooses. On January 17, 2019, the Planning and Zoning Commission forwarded a unanimous recommendation for Council's approval of Ordinance No. 667-19.

Vice-Mayor Anderson stated that he is concerned about the following:

- Height for flagpoles are listed at 25 feet.
 - Flagpoles at the Florence facilities are 35 feet in height which would make the Town out of compliance.
- Verbiage: "having a professional appearance" with regards to signage.
 - Definition is very vague
 - Seems to imply that the signs need to be done by a professional.
- Inability to put a sign on a fence.
 - Florence is a small community and we need to encourage people to do business in a way that they see fit
- Signage for yard sales, lemonade stand, schools having car wash are all violations of the Sign Code.

Vice-Mayor Anderson stated that this is not the right code for Florence.

Mr. Brent Billingsley, Town Manager, stated that with regards to the flagpole and signage, the Town is exempt from the Code and would not be in non-compliance of the Code. He stated that sign spinners and people on the sidewalks holding signs are protected in the State of Arizona and are exempt from the Town Code.

Councilmember Larsen stated that she is concerned about businesses who are unable to put signage away from the property if their business is set back from the frontage road. People will not know that the businesses exist if they are not allowed to have signs. She would like this to be allowed in the Code.

Mayor Walter inquired if the Loveworks Pregnancy Resource Center has a sign on their fence.

Councilmember Cordes stated that the Loveworks Pregnancy Resource Center does not have a sign on their fence. They only have the historical marker and a sign affixed to the building itself.

Vice-Mayor Anderson stated that Philip's Shoe Repair and Tack has his business sign on the fence. He stated there are also signs on residential properties advertising The Windmill Winery.

Mayor Walter inquired about an amendment to allow for signs on fences.

Councilmember Cordes stated that signage is needed for the Windmill Winery because it is set back away from a main road and it is at the outskirts of Town. She inquired if the Town can create a directional sign that identifies how to get to the businesses.

Councilmember Larsen stated that the Desert Rock Church has a daycare and there will be other businesses with similar issues. She likes the idea of the directional signage but worries that some businesses can construe it as favoritism, so they need to be mindful of how this appears.

Mr. Billingsley stated that the Town Council's Code can amend it as they see fit. The signs that go into the ground are called bandit signs and they can be allowed if Council so chooses. They will still be illegal in the State right-of-way. The challenge is with the Mesa and Gilbert findings. Bandit signs are seen as free speech and can be problematic. He would not recommend allowing bandit signage.

Mr. Billingsley stated that the Town has the ability under the Town Code to have a kiosk sign program. The Town previously had a kiosk sign program and the six kiosks were removed due to health and safety concerns because many of them fell or rotted. He stated that staff can bring forth a proposal at a later time for a Kiosk Sign Program should Council desire; however, there will be a cost. The Town would hire a company that specializes in kiosks. The kiosks would be placed in the Town's right-of-way and there will be a monthly cost to place signs on the kiosk. It would be done on a first-come, first serve basis. There may not be enough space for everyone who may want to advertise.

Mr. Harold Christ, The Windmill Winery owner, stated they have been in business for 20 years and it has been a constant battle of trying to get people to find them. He recently tried the bandit signs; however, he does not like them. Bandit signs will ultimately cause more problems than they are worth. There needs to be some methodology for getting people into the businesses. The biggest issue is that no one knows that Main Street exists. There are many customers who come to the Windmill and never knew that they, or Main Street, existed. Kiosks will maintain a professional look and will get away from the bandit and homemade signs. He believes in the saying "A business without a sign, is a sign of no business", and he believes that to be true. He encouraged the Council to find some solution to get people into the business quarters that the Town wants to save and promote. He stated that big things are going to happen for Florene and the Town needs to get ready.

Mayor Walter inquired of the Council their feedback with regards to the kiosk.

Councilmember Cordes stated that she would like to see more information on ways the Town can assist businesses with advertisement in a professional manner that would not disturb the community.

Councilmember Larsen stated that she would like the information to be vague, rather than just researching the option for a kiosk. She would like options for signage for business that are not on the main roads.

Mr. Billingsley stated that they had a conversation with Council approximately 2-1/2 years ago with regards to the old sign code and implementation of the old sign code and off-site signage. The Council made the decision to expend \$35,000 for the sign on the Main Street extension, directing people to the downtown area. The direction provided to staff is that the Town would not advertise individual businesses but rather direct people to locations. There is no funding allotted for signage nor would the Town want to block different site triangles by having multiples of those signs in Town. The kiosk program is more apt to have a positive result without being intrusive.

Councilmember Cordes requested that alternate options be provided to Council for consideration.

Mr. Billingsley asked that Council provide them options that they would like staff to research. Staff will also research options for Council to consider.

Mayor Walter directed Mr. Larry Harmer, Community Development Director, to reach out to businesses and find out what solutions work for them.

Ms. Cathy Adam, Florence Resident, stated that the Historical District Advisory Commission had previously discussed doing a wall mural of a map of the Town on the vacant building at the corner of Main Street and Butte Avenue. The map would earmark the location of the businesses. This would not show favoritism to any specific business but still direct visitors where to go.

Councilmember Larsen stated that murals are not allowed, per the Code.

Mayor Walter stated that there is still conversation that is needed on this item and the item is not ready to be voted on.

On motion of Councilmember Hughes, seconded by Councilmember Cordes, and carried (7-0) to table Ordinance No. 667-19 to a future meeting when offsite signage options are ready to be presented.

Ordinance No. 668-19:

Mayor Walter read Ordinance No. 668-19 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 150: DEVELOPMENT CODE, SECTION 150.031 "DEFINITIONS" AND "PART 7 PARKING; LOADING AND UNLOADING," SECTIONS 150.156 TO 150.167 (CASE PZ 18-34 ORD). (Public hearing and first reading held February 19, 2019, second reading held March 4, 2019, Work Session held March 25, 2019).

Mr. Dana Burkhardt, Planning Consultant, stated that the Council requested amendment has been included, which reads:

A text amendment to the Parking & Loading Regulations of the Development Code with the following amendments (***bold italic*** text is added, text with a ~~strikethrough~~ to be deleted):

- 1) Revise Section II(E) All parking and loading spaces, maneuvering areas, driveways and fire lanes shall be paved with asphaltic concrete; pavers; cement concrete; ~~penetration treatment of bituminous material and seal coat of bituminous binder and a mineral aggregate;~~ and/or a stabilization method approved by the Town ***Engineer***. Through the site plan and design review process, the Town may permit up to 20 percent of the required parking to be of a pervious surface to reduce heat-island and run-off effects. All parking surfaces must be designed to a sufficient thickness to withstand repeated vehicular traffic and receive approval from the Town Engineer.

Mr. Burkhardt stated that the ordinance exceeds the minimum requirements and is ready for Council to make a motion, if it so chooses. On January 17, 2019, the Planning and Zoning

Commission forwarded a unanimous recommendation for Council's approval of Ordinance No. 668-19.

Mayor Walter stated that many residents have contacted her regarding Section IV. Parking Standards for Single Family and 2-Family Residential Uses, Subsection C. Recreational Vehicle Storage. Recreational vehicles, boats, and trailers shall be stored behind a solid six-foot wall with view obscuring gates. She posed several questions regarding, storage, time frames, existing vehicles, enforcement and new builds.

Mr. Burkhardt answered Mayor Walter's questions with regards to the following:

- Storage
 - Keep the existing language and add "as of the Certificate of Occupancy for new construction". Verbiage can be added to have a sunrise date and what it affects.
- Maximum of two vehicles per resident
 - Does not find where it is included in the Code.
 - Could be minimum required parking spaces, which is two off-street parking spaces for single family residence. Through the PAD process, they can approve on-street parking as part of certain developments.

Mr. Sherwood clarified that he no longer has animals or children at his home. His concern is the first part of the ordinance which reads:

"Any proposal for the construction of new off-street parking facilities or the modification of existing off-street parking facilities within the Town shall be subject to the following..." which includes his concerns with regards to Section IV. Parking Standards for Single Family and 2-Family Residential Uses, Subsection C. Recreational Vehicle Storage. Recreational vehicles, boats, and trailers shall be stored behind a solid six-foot wall with view obscuring gates.

Mr. Sherwood stated that he has a large lot, in which he has three boats and two utility trailers and a garden; and can still take his car and truck and hook up with any of the items. One of his boats is a pontoon boat and would still be seen if he had a six-foot brick wall. He stated that it would be a financial burden if he had to install a brick wall. He keeps his property clean.

Mr Billingsley thanked Mr. Sherwood for speaking on the matter.

Mr. Billingsley stated that staff has received several comments regarding people parking on the street or there not being enough parking in front of homes. The Code will require developments to provide a minimum of two off street parking spaces per dwelling units.

Mayor Walter would like the clause regarding recreational vehicles added to the Code.

Councilmember Cordes expressed her concerns regarding storage of recreational vehicles, specifically if they are not being used. She does not want the yards to look like storage yards.

Mr. Burkhardt explained that the current Town Code restricts the storage of junk automobiles or automobiles that are not registered, licensed, or are inoperable.

Councilmember Larsen inquired if this would include boats and recreational vehicles as well.

Mr. Billingsley stated that the Code is less clear with regards to boats and recreational vehicles. There have been three meetings with regards to property maintenance, Code enforcement, appearance of properties and property values. Staff does a lot of Code enforcement, specifically with regards to RVs. Most cities do not allow RVs to be parked at homes. Florence is liberal with regards to RVs and the more unscreened things that are allowed in Florence, the more depressed the property values will be.

Mr. Billingsley stated that the main problems in Florence is that people park their RVs in the right-of-way because they do not have room on their lot and people living in their RVs which is prohibit under the life safety codes.

Mr. Billingsley stated that staff added this provision because every other community either has a screening provision or does not allow it to assist in the look of the community and to help property values.

Councilmember Larsen suggested that that Town have a certification process for existing recreational vehicles, so they will be grandfathered. She also inquired if there is a number of items that can be stored on their property at any one given time.

Mr. Billingsley stated that Council decided not to do proactive Code enforcement unless it is a life safety issue. Staff does reactive Code enforcement when a complaint is submitted. There is nothing in the Code which limits the amount of recreational vehicles that a person can have. He stated that six Councilmembers live in Anthem and it is prohibited in Anthem due to the CC and Rs, and this issue pertains to the Town core.

Councilmember Larsen suggested that a limitation be placed on the number of recreational vehicles a home can have, otherwise they will have to have a screened fence or block wall.

Mr. Billingsley stated that it is very difficult to legislate for every type of situation. He stated that the Town has aerial photography that can be utilized to determine how long a recreational vehicle has been at that specific location. The time frame suggested was six months.

Discussion occurred on various scenarios regarding determination of how long a recreational vehicle has been at the location. Discussion occurred on junk vehicles and how it is handled separately through the Town Code.

Mr. Burkhardt suggested adding a clause that states a certain size of lot that is needed for each recreational vehicle, boat, etc. on the property.

Discussion occurred on scenarios, and issues that may arise, where homes are built in the core area and will be required to follow the limitations outlined in the new Code, but their neighbors will be grandfathered, and they will assume that they have the same privileges.

Mr. Billingsley stated that the parody argument is going to be an issue, specifically, with the Town encouraging infill. He stated that the minimum lot coverage is something that should be considered. Cities prohibit RVs from being parked next to houses because fire and police personnel need access to the home in case of an emergency and RVs are filled with gas and not billed to typical building codes.

Mayor Walter stated that she does not want the Code to be so restrictive that homeowners do not have the freedom to do what they want to do on their property.

Councilmember Hawkins stated that the verbiage should indicate a screening to block the view rather than a solid wall.

Vice-Mayor Anderson stated that the Council should not be giving any staff member a carte blanche approval to change policy, specifically with regards to stabilization methods. The methods should be presented to Council for approval. He requested that the sentence referencing this be deleted from the document (Page 1, Subsection 1, Revise Section 2E and/or stabilization method by the Town Engineer). He expressed his concern regarding a chip seal method being proposed, that he understood not to be approved by the EPA.

Mr. Billingsley stated that the Town Engineer is licensed in the State of Arizona and has the bonding and insurance necessary to make decisions on behalf of the Town. Per State Law, each city/town is required to have a Town Marshall, Town Engineer, and Clerk, and all other employees are not required under State law.

Mr. Billingsley stated that regards to the stabilization, Engineer must ensure compliance with PM10 standards and ADA. He also needs to ensure that the soils engineering and testing that is done on the particular product can meet the requirements that are in the Fire Code regarding the ability to carry the very heavy vehicles that are loaded with water.

Councilmember Hawkins stated that there is no need for Council to approve as it falls under the auspice of the duties of an Engineer.

Discussion occurred on the verbiage pertaining to stabilization methods and the use of products not approved by the EPA. Discussion also occurred on informing the Council of products being used prior to moving forward with a project.

Councilmember Wall stated that Council, as a legislative body, has to rely on its staff to make determinations all of the time on a variety of subjects. If Council is going to start evaluating every single decision that staff makes, it would be time consuming and may not be within the Council's prevue. Council must have the confidence that the staff can make these types of determinations.

Mr. Billingsley stated that it is Council's decision as to what its place is within the policies and staff will enforce the adopted policies. He explained that the method referred to by Vice-Mayor Anderson is indeed an approved method. Staff is not recommending nor implementing anything that is against EPA standards. He stated that there have been several discussions regarding items being forwarded to Council. He feels strongly that the Town has competent staff and are professionals who have the best interest of the Town residents.

Vice-Mayor Anderson recanted his request regarding the sentence referencing stabilization methods be deleted from the document (Page 1, Subsection 1, Revise Section 2E and/or stabilization method by the Town Engineer).

Mayor Walter asked that suggestions be incorporated.

Mr. Billingsley stated that they could not use the work "screening" as it can be defined as landscape and would prefer to use the word "fence or wall". This would cover the variations without having to encompass screening component.

On motion of Vice-Mayor Anderson, seconded by Councilmember Cordes, and carried (7-0) to adopt Ordinance No. 668-19, striking Item IV. Parking Standards for Single Family and 2-Family Residential Uses (C) Recreational Vehicle Storage.

Discussion/Approval/Disapproval of rescinding the order for demolition of the Cuen Building and instructing the Town Manager to take all action necessary to advertise the Cuen Building for public auction in accordance with A.R.S. § 36-1480 Disposal of Property in redevelopment project area.

Ms. Lisa Garcia, Deputy Town Manager/Town Clerk, stated that Tom and Lynn Smith approached the Council and made a plea to save and restore the Cuen Building. Staff met with Mr. and Mrs. Smith and reviewed the documents with them and explained what is necessary to put the Cuen building back out for bid. The Town must advertise for 30 days and have a sealed bid process. The bids will be brought forward to Council. Council will then choose the bidder who is most likely to proceed with the project.

Ms. Garcia stated that staff and Mr. and Mrs. Smith met with Stephanie Row, Architect, to discuss the potential restoration of the project. To move forward, Council must rescind the order to demolish the Cuen Building and allow the Town Manager to proceed with a public auction.

Ms. Garcia explained that the bid document allows for one year to stabilize the building with a one-time 30-day extension in Phase I. Phase II provides for two years with a 60-day extension. Mr. Smith requested that verbiage be added to stated so long as the bidder is moving forward Council would continue to work with them on the project. She noted that that there is SHPO process that the bidder must go through, historical architects and repair of the glass and skylight that could cause delays. She said the building would be on the market and everyone is able to submit a bid, and there are no guarantees. Staff is grateful to the Smith family and staff would be very happy to see the building restored.

Mr. Jerry Ravert, Florence Resident, stated that he has a vested interest in the Cuen Building, as he was part of the initial auction and raised funds to preserve the building. He has owned a historical home in Florence for 30 years and does not believe the building can be restored in one year.

Mr. Ravert stated that the Council first impression was to demolish the building, which did not show a commitment to historic preservation. His said that you cannot save money with historic preservation. Council needs to commit to saving the historic buildings. Florence has lost three historic buildings and now we have vacant lots on Main Street. He supports having the Smith's stabilize the building but asked that he be provided leeway with regards to restoration.

Mayor Walter provided a brief history of what has transpired with the Cuen Building and how we are where we are at now. She thanked the Smiths' for their commitment to the Cuen building and noted that they have restored two other buildings on Main Street. They are affiliated with the Pinal County Historical Museum and revitalization of the downtown area.

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Councilmember Hawkins stated that the Town cares about the historical buildings and the historical district. He stated that buildings that were lost on Main Street were due to fires. There are not many people who are willing to step up and assist with historic preservation. Buildings will continue to deteriorate if no one tries to stabilize, and unfortunately, Council may have to make tough decisions if there is blight or life safety issues.

Councilmember Cordes inquired if the successful bidder can utilize whatever contractor they choose.

Ms. Garcia stated that they can utilize whomever they choose.

Councilmember Cordes stated that there is rarely any public who attends the public meeting and the public cannot say that the Council is not doing enough unless the public participates in the process. She stated that the full burden to revitalize the downtown and rehabilitate the historic buildings cannot fall solely on the Council and the taxpayers. It has to start with people speaking with the property owner about preserving their building. If they are unable to preserve their building, they should speak with the Council on ways that they can assist on alternatives on how to preserve the building. She invited the public to attend the Historical District Advisory Commission Meetings and to get involved.

Vice-Mayor Anderson inquired if Mr. and Mrs. Smith agreed with the timeframe.

Ms. Garcia stated that for the first auction of the Cuen Building, the low bid was submitted by Low Mountain; however, the Town offered the building to Ms. Smallridge. The Town is willing to work with the successful bidders through the completion of the project.

Mr. Tom Smith, Florence Resident, stated that the time frame outlined may be problematic, but Ms. Garcia has pointed out that there can be extensions. He stated that they need to meet with SHPO on April 24, 2019 when they come to Florence. The plans need to be revised prior to SHPO's visit.

On motion of Councilmember Hawkins, seconded by Councilmember Cordes, and carried (7-0) to approve rescinding the order for demolition of the Cuen Building and instructing the Town Manager to take all action necessary to advertise the Cuen Building for public auction in accordance with A.R.S. § 36-1480 Disposal of Property in redevelopment project area.

NEW BUSINESS

Resolution No. 1694-19:

Mayor Walter read Resolution No. 1694-19 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, ACCEPTING STREETS WITHIN VISTA HERMOSA COMMUNITY, ARIZONA BOULEVARD FROM THE TOWN'S WEST PROPERTY LINE TO THE INTERSECTION OF IOWA AVENUE, IOWA AVENUE FROM THE ARIZONA BOULEVARD INTERSECTION TO THE NORTH EDGE OF THE ROAD INTO THE TOWN OWN WATER FACILITY FOR PUBLIC ACCESS,

CIRCULATION, ROADWAY AND PUBLIC UTILITY PURPOSES AND AUTHORIZING EXECUTION BY THE TOWN MANAGER OF SUPPORTING DOCUMENTS.

Mr. Chris Salas, Public Works Director, stated this is an older road, and not one that the Town would typically accept into their maintenance. The road is not built to Town standards, so staff worked with Vista Hermosa to ensure that the road met some type of standard. Staff accesses their water facilities by use of that road. The Streets Department inspected the road to ensure that it met the same technologies that is used in the core.

Councilmember Wall inquired if the roads to the north will be included at a later time.

Mr. Billingsley stated that Vista Hermosa and the Town want the private residential roads to remain private. Vista Hermosa's primary concern is that the public maintain the portion that starts off the hill to where the water tank is located. They were concerned about escalating cost for maintaining the road because of commercial traffic utilizing the road.

Mr. Billingsley stated that Vista Hermosa needed to meet certain criteria before the Town would accept the road and one item was that they needed to do a chip seal on the road. They ensured that the cracks were sealed, and the pavement was in good condition. Vista Hermosa held two elections in order to get to this point. This is a partnership with the Homeowner's Association.

On motion of Councilmember Wall, seconded by Councilmember Hawkins, and carried (7-0) to adopt Resolution No. 1694-19.

Resolution No. 1695-19:

Mayor Walter read Resolution No. 1695-19 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE PURCHASE OF CERTAIN LANDS BELONGING TO DAVID MARTIN AND JANE GEAMPA, LOCATED AT 525 E. RUGGLES STREET, FLORENCE, ARIZONA, TO BE DEDICATED FOR EXCLUSIVE USE BY THE TOWN OF FLORENCE PUBLIC WORKS DEPARTMENT AND OTHER MUNICIPAL PROJECTS AND DECLARING AN EMERGENCY.

Mr. Salas stated that the parcel of land would be designated for a water barn. The project has not been planned yet, and changes could occur. He stated the Public Works yard is comprised of many small buildings and is not conducive to storing water parts. Currently, parts are purchased as they are needed, and this can be problematic if a water break occurs because it causes a delay in getting the repair made in a timely manner. The area is ideal because it is across the street from the Public Works yard and will make it easier for staff to meet rather than to drive across town to do so. A site plan is forthcoming.

Mr. Billingsley stated that the project has been discussed for many years and money has been budgeted for this project in the CIP this fiscal year. Monies will be allocated in the upcoming year for the utility yard and water barn.

Mayor Walter stated that this will help the residents, specifically with the time the water will be off during water breaks.

Mr. Salas stated that there are times when the department does not have the parts to fix a repair and it causes problems; however, this is not always the case.

Mr. Salas stated that having this facility will allow the Town to have asset management which it currently does not have. This will help project cost and is very much needed.

Mr. Billingsley stated that there are significant savings that can be realized when purchasing in bulk. The Town will be able to take advantage of the savings when they are able to purchase in multiples rather than purchase single items because they will now have the space in which to store the supplies. He stated that staff will be forwarding the meter replacement project to Council at an upcoming meeting in which thousands of meters will be ordered. It will be nice to have some place to store the meters that will not be out in the open and exposed to the elements.

On motion of Councilmember Wall, seconded by Councilmember Cordes, and carried (7-0) to adopt Resolution No. 1695-19.

Resolution No. 1696-19:

Mayor Walter read Resolution No. 1696-19 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, APPROVING THE PURCHASE OF CERTAIN LANDS BELONGING TO DARRELL PETERSON, LOCATED AT 575 E. RUGGLES STREET, FLORENCE, ARIZONA, TO BE DEDICATED FOR EXCLUSIVE USE BY THE TOWN OF FLORENCE PUBLIC WORKS DEPARTMENT AND OTHER MUNICIPAL PROJECTS AND DECLARING AN EMERGENCY.

Ms. Salas stated this lot is east of the lot located at 525 E. Ruggles Street and is adjacent to one another.

Mr. Billingsley stated that the lot would be used as a recycling yard. There are several dumpsters that are located next to the IT facility at the park. Staff has received several comments that the dumpsters are an eyesore. Many non-recyclable items, such as mattresses, are dumped at that location. Staff was challenged to find an appropriate place for the dumpsters because they serve a public interest. The dumpsters would be moved to this lot and will still be easily accessed.

Mr. Billingsley stated that decorative walls, similar to those at the Police Evidence Storage Facility, walls will be erected so that the facility is attractive. This will provide for a similar look when driving down Ruggles Street.

Mayor Walter inquired if access to the dumpsters will be available 24/7 as they are at the park.

Mr. Billingsley stated that the intent is to have the dumpsters available 24 hours per day. He stated that the dumpsters may not be inside the wall, but rather surrounded by screening walls.

Vice-Mayor Anderson inquired if the Town has received any feedback from the neighbors.

Mr. Billingsley stated that the Town would go through the site plan process, similar to what other developers would, and will comply with what is required.

On motion of Councilmember Wall, seconded by Councilmember Larsen, and carried (7-0) to adopt Resolution No. 1696-19.

Resolution No. 1693-19:

Mayor Walter read Resolution No. 1693-19 by title only.

A RESOLUTION OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, DECLARING AS A PUBLIC RECORD CERTAIN TECHNICAL CODE DOCUMENTS FILED WITH THE TOWN CLERK AND ENTITLED "2012 INTERNATIONAL BUILDING CODE", "2012 INTERNATIONAL EXISTING BUILDING CODE", "2012 INTERNATIONAL FIRE CODE", "2012 INTERNATIONAL FUEL GAS CODE", "2012 INTERNATIONAL MECHANICAL CODE", "2012 INTERNATIONAL PLUMBING CODE", "2012 INTERNATIONAL PROPERTY MAINTENANCE CODE", "2012 INTERNATIONAL RESIDENTIAL CODE", "2012 INTERNATIONAL SWIMMING POOL AND SPA CODE", "2012 INTERNATIONAL ENERGY CONSERVATION CODE" "2011 NATIONAL ELECTRIC CODE", AND THE 2009 "ACCESSIBLE AND USABLE BUILDINGS & FACILITIES CODE"

Ms. Garcia stated that Council had a work session on January 29, 2018 to discuss the 2012 Codes. She discussed the following:

- Resolution No. 1693-19, which adopts the Codes by reference,
- First reading of Ordinance No. 674-19 for the adoption of the 2012 Codes
 - Second reading and adoption will be presented at the May 6, 2019 Council Meeting
 - Board of Appeal Update
- Ms. Garcia provided a presentation on the 2012 ICC Code Adoption in which the following was outlined:
 - Background
 - The One Stop Shop team has been actively working towards adoption of the 2012 Technical Codes for 18 months.
 - Council held a Work Session on January 29, 2018 to review the 2012 Codes.
 - Staff is recommending the adoption of the 2012 Technical Codes with an effective date of July 1, 2019.
 - Adopt by reference
 - Resolution No. 1693-19.
 - Adopts the Technical Codes by reference
 - One copy in Clerk's Office
 - Electronic copy on Town website
 - Adopts the amendments and modification by reference in Exhibit "A"
 - Recommend approval on April 15, 2019
 - Adoption of Technical Codes
 - Ordinance No. 674-19
 - Adopts the Codes by Reference
 - Codifies the Code to include all amendments to the Technical Codes

- Adoption recommended at the May 6, 2019 Town Council Meeting
- Effective date: July 1, 2019
- Must be advertised after adoption and posted in three locations
- Board of Appeal Amendment
 - Ordinance No. 675-19
 - Each Technical Code has an appeal section with independent appeal requirements.
 - Modified so that there is one Appeal Board which will be the Technical Advisors for all technical codes.
 - The amendments strikes the appeal section and refers to Section 150.301 of the Town Code.
 - Suggested amendment includes the following:
 - Decisions of the board must be rendered in writing
 - Special Meetings held when necessary
 - ¾ vote to overturn the Code Official's decision
- Codes being adopted
 - Accessible and Usable Buildings and Facilities ICC A117.1, 2009 Edition Standards
 - International Building Code, 2012 Edition, with Appendix C & I;
 - International Energy Conservation Code, 2012 Edition is voluntary;
 - International Existing Building Code, 2012 Edition;
 - International Fire Code, 2012 Edition, with Appendix B, C, D, E, F, G, H & I
 - International Fuel Gas Code, 2012 Edition;
 - International Mechanical Code, 2012 Edition
 - International Plumbing Code, 2012 Edition
 - International Property Maintenance Code, 2012 Edition;
 - International Residential Code, 2012 Edition, with Appendix G, H & P;
 - International Swimming Pool and Spa Code, 2012 Edition;
 - National Electrical Code, 2011 Edition

Councilmember Cordes inquired about the reinspection fee.

Mr. James Allen, Building Official, stated that the reinspection fees may be assessed if the applicant does not comply with repairing prior items and staff having to go out multiple times for the same issue. The fee may be \$50.

Councilmember Cordes inquired about the revocation of a Certificate of Occupancy after the building has been vacant for 24 months. She inquired if staff communicates with the property owner throughout the 24-month period.

Mr. Allen stated that two of the three items listed in the Code must exist in order for the property to be considered abandoned. He stated that the concern is with buildings that have sat empty and are dilapidated. A process had to be put in place in order to address issues with abandoned buildings. Such flags of an abandoned property include:

- No one has done maintenance to the building
- Trash has built up
- No utilities

Mr. Allen explained that the definition for abandoned is: a building that is no longer used or occupied by its owner for the legally permitted occupant. Evidence of building being abandoned includes any two of the following:

- Lack of visible activity or use
- Overgrown or dead vegetation
- Accumulation of trash, junk or debris
- Absence of furnishings
- Evidence of criminal mischief or criminal trespass
- Evidence of dilapidation
- Decay, damage, or deterioration
- Non-payment or disconnection of utilities

Mr. Allen explained that the definition of vacant is: a building that is no longer used or occupied by its owner or other legally permitted occupants.

Mr. Allen explained that there is no classification for the abandoned building because it has sat vacant, nor is it grandfathered and does not meet the requirements of the Town Code.

Mr. Billingsley stated that code enforcement is separate from what is being discussed. He stated that the building will need to be brought up to Code and will need a new Certificate of Occupancy. The Town is being lenient compared to other municipalities who use six months.

Councilmember Cordes inquired if market conditions are considered when considering a building abandoned.

Mr. Allen stated that the Town is trying to address the buildings that are neglected and those that have absentee owners. There will now be specific definitions and timeline that can be followed to determine if a building is abandoned.

Councilmember Hawkins stated that someone who is actively trying to rent or sell their commercial property will keep their building maintained, so the 24 months is reasonable.

Discussion occurred on how the Code will be applied in various scenarios.

Mr. Billingsley explained how the building needs to ensure that they comply with life safety, that there is fire protection and that people can get in and out safely.

Councilmember Cordes explained her concerns with regards to buildings who maintained their buildings while trying to sell it and are now required to meet the new code because they surpassed the 24-month mark even though it will be the same type of business. She said that it could make it so business don't come because they cannot afford to be in the building.

Mr. Billingsley stated that the existing code is more restrictive than what is being proposed. He stated that ultimately it comes down to life safety. The Town is trying to be less restrictive, be more lenient and allow more flexibility than what the Codes currently allows. The 2012 Codes are more lenient toward historic buildings than the 2006 Codes.

Vice-Mayor Anderson stated that the State adopted the 2012 Codes. He inquired if the Town is to be on the same codes as the State.

Mr. Billingsley stated that the State is on the 2015 Codes and will be adopting the 2018 Codes next year. He stated that it is up to each individual jurisdiction as to what Codes to adopt. The caveat to that has to do with the Fire Code in terms of building where the State is the authority and those buildings need to be up to the State-adopted Code. The inspection of those buildings is done by the State Fire Marshall and all other enforcement that is done is based on the Town-adopted Codes.

Councilmember Larsen stated that she is struggling with how the Code will be applied to buildings who are not occupied, but yet they are maintained and will now be required to add fire suppression which may prevent it from being purchased. This will result in another empty building on Main Street.

Councilmember Hawkins stated that the Town is struggling to keep Main Street alive. He stated that he does not agree with requiring an owner that has a vacant building being required to bring the building up to the new code if they have maintained the building.

Mr. Allen inquired what would be the date to consider for vacant buildings with regards to the buildings needing to be ADA-compliant.

Discussion occurred when a building needs to be brought up to ADA compliancy.

Councilmember Hughes requested that this item be tabled to a work session since Council still has a lot of questions.

Mayor Walter asked for that the differences between the 2006 and 2012 Codes be communicated to the public.

On motion of Councilmember Hughes, seconded by Councilmember Larsen, and carried (7-0) to table Resolution No. 1693-19 to a work session.

Ordinance No. 674-19:

Mayor Walter read Ordinance No. 674-19 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA ADOPTING THE FOLLOWING PUBLICATIONS WITH APPENDICES AND TOWN OF FLORENCE AMENDMENTS AS LISTED HEREIN ARE ADOPTED BY REFERENCE. REGULATING AND GOVERNING THE CONDITIONS AND MAINTENANCE OF ALL PROPERTY, BUILDINGS AND STRUCTURES; BY PROVIDING THE STANDARDS FOR SUPPLIED UTILITIES AND FACILITIES AND OTHER PHYSICAL THINGS AND CONDITIONS ESSENTIAL TO ENSURE THAT STRUCTURES ARE SAFE, SANITARY AND FIT FOR OCCUPATION AND USE; AND CONDEMNATION OF BUILDINGS AND STRUCTURES UNFIT FOR HUMAN OCCUPANCY AND USE AND DEMOLITION OF SUCH STRUCTURES IN THE TOWN OF FLORENCE, ARIZONA; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING SECTION 150.300 OF THE TOWN OF FLORENCE CODE OF

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ORDINANCES AND ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.

On motion of Councilmember Hughes, seconded by Vice-Mayor Anderson, and carried (7-0) to table Ordinance No. 674-19 to a work session.

Ordinance No. 675-19

Mayor Walter read Ordinance No. 675-19 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE TOWN OF FLORENCE CODE OF ORDINANCES BY MODIFYING SECTION 150.301; TITLED BOARD OF APPEALS; BY INSERTING NEW TEXT AS UNDERLINED AND DELETING TEXT BY STRIKETHROUGH.

On motion of Vice-Mayor Anderson, seconded by Councilmember Hughes, and carried (7-0) to table Ordinance No. 675-19 to a work session.

Ordinance No. 673-19:

Mayor Walter read Ordinance No. 673-19 by title only.

AN ORDINANCE OF THE TOWN OF FLORENCE, PINAL COUNTY, ARIZONA, AMENDING THE CODE OF ORDINANCE, ARIZONA, TITLE XI BUSINESS REGULATIONS, BY ADOPTING A NEW CHAPTER 111 RELATING TO THE REGULATION OF MOBILE FOOD UNITS; ESTABLISHING A PURPOSE; SETTING FORTH DEFINITIONS; PROVIDING FOR PERMIT REQUIREMENTS; ESTABLISHING OPERATIONAL REQUIREMENTS; SETTING FORTH VIOLATIONS; ESTABLISHING PENALTIES; AND SETTING FORTH AN EFFECTIVE DATE.

Ms. Garcia stated that the House Bill B2371 established a statewide food truck and health safety licensing standards for all mobile food and operation vendors. This ordinance was written by the Arizona League of Cities and Towns and is a model city code and that is where it is sent out to all municipalities. This allows for all municipalities to have the same rules so that the food trucks can operate effectively and efficiently in the municipal boundaries. This will allow for consistency throughout the State.

Ms. Garcia stated that this is the first reading and will be brought back to Council for the second reading and consideration for adoption.

Ms. Garcia stated that the model city tax code states that you cannot have a food truck within 250' of a residential zone and staff is still working on the map to show where food trucks can and cannot go. Food trucks will also be allowed for special events, at Pinal County, at the State prison and the Windmill Winery. Food trucks will also be allowed in parks.

Vice-Mayor Anderson inquired if schools are included.

Ms. Garcia stated that she will need to see the map; however, they will be allowed under a special event.

Councilmember Wall inquired why ice-cream trucks are exempt.

Ms. Garcia stated that they are allowed so they can drive through the neighborhoods.

Discussion/Approval/Disapproval of the Professional Services Agreement with PLAN/et Communities LLC, to update the Town of Florence Redevelopment Plan Update 2019, in an amount not to exceed \$113,115. (Larry Harmer)

Mr. Larry Harmer, Community Development Director, stated that at the last session, the State Legislature adopted changes to the redevelopment section of the Arizona Revised Statutes, so this agreement is to get the Town into compliance.

Mr. Harmer stated that the current plan was adopted in 2009 and is to be updated every 10 years, if not, it becomes null and void after a certain grace period thereafter. This project will be tied in to the General Plan Update.

Mr. Harmer stated that some flaws in the existing plan that will be rectified are:

- Size
 - Does not get into what is required for a redevelopment plan implementation
 - Plan needs to be implemental
- Data needs to be updated
 - Information is at least 10 years old
 - Statistical data
 - Population data
- Request for qualifications rather than a request for proposals that way staff was able to select who they felt was the best overall team and then negotiated a scope of work and contract amount to follow
- PLAN/et Communities LLC was selected are versed in redevelopment plans and have worked together as a team in other communities. They bring the following to meet the requirements of the statute or redevelopment plan products:
 - Planning
 - Legal review
 - Traffic and engineering
 - Historic preservation
 - Economist

Mr. Harmer stated that a Redevelopment Plan is necessary because it helps the community with acquisitions and dispositions of properties and supports the use of Government Property Excise Tax and helps support CBDG projects in the declaration of slum and blight in the redevelopment area.

Mr. Harmer stated that the focus for the Redevelopment Plan is commercial property along the Main Street corridor. The Historic District Advisory Commission will be involved in the process because a lot of the historic district is included and the Planning and Zoning Commission as it relates to land use planning and projections for the area. He stated the biggest thing that staff

wants to have is meaningful implementation strategies that a private developer or the Town can use to move projects forward.

Councilmember Hawkins asked what the Prohibitive Boycott of Israel Form is.

Mr. Clifford L. Mattice, Town Attorney, stated that the form is a statutory requirement that the form be added in the contracts.

Vice-Mayor Anderson inquired about the cost.

Mr. Harmer stated that \$350,000 has been allocated this fiscal year and \$300,000 next fiscal year to handle the Parks and Recreation Comprehensive Plan and certain site-specific plans. The Redevelopment Plan is included in the overall \$650,000 allocated for all plans. He stated that \$241,000 has already been deducted for the Parks Master Plan. The Redevelopment Plan will cost \$113,115. The balance of \$295,885 will be used for the General Plan.

Mr. Billingsley explained that the staff has worked on updating the General Plan for three years. The General Plan has multiple components. The Town was able to get a grant for the Regional Transportation Plan and Active Transportation Plan (bicycle and pedestrian component). He stated of the money that was originally allocated, there were five studies that needed to be done, and the Town is getting assistance with two of them. The Town did not plan on having to update the Redevelopment Plan as part of the General Plan update. The Town is able to include the Redevelopment Plan and still be within budget because of the grants received.

On motion of Councilmember Wall, seconded by Councilmember Hawkins, and carried (7-0) to approve the Professional Services Agreement with PLAN/et Communities LLC, to update the Town of Florence Redevelopment Plan Update 2019, in an amount not to exceed \$113,115.

LEGISLATIVE UPDATE

Mr. Benjamin Bitter, Assistant to the Town Manager, stated that they are still in the midst of the budget and there has been very little progress on the bills. There is progress on the budget, as it relates to cities and towns. In April 2018, the Supreme Court of the United States heard the case Wayfair vs. South Dakota in which they ruled that states, and by extension cities and towns, are able to tax transactions that occur even outside of state even if there is a tie back to the state. This has been an ongoing discussion since that case was ruled in terms of how Arizona is going to capture that tax revenue. They had expected to do so through the budget but have had unexpected challenges.

Mr. Bitter stated because Arizona uses the model city tax code, which has a retail component, which allows each city and town to decide for themselves what will/will not be taxed, how much will be taxed and how it will be taxed, it is done outside of the legislative purvey. The proposal before the legislature is to remove the retail component from the model city tax code and put it in statute, which means the state would have authority over city and towns local ability to charge tax on retail sales. This is something that cities and town are extremely concerned about and will have a financial impact of approximately \$469,000 annually.

Mr. Bitter stated that they are actively working with its legislatures to ensure that the model city tax code remain status quo.

MANAGER'S REPORT

Mr. Billingsley stated that AMR is rebranding and have added Florence to the sides of their units. The units are different in that they have dual air conditioning.

Mr. Billingsley congratulated Mr. James Allen for receiving his designation of Building Code Specialist and Building Code Official in the State of Arizona.

CALL TO THE PUBLIC

There were no public comments.

CALL TO THE COUNCIL – CURRENT EVENTS ONLY

Councilmember Hawkins stated that the weather was great for the Road to Country Thunder event, in which they had an estimated 3,000 attendees. The Country Thunder event was also a success.

Councilmember Wall stated that she attended the Awards Ceremony for the National Library Week Bookmark Contest. There were over 800 bookmarks submitted by the Florence Unified School District K-12 students. Awards were given in each grade and there was an overall winner. It was well attended and she enjoyed it very much.

Councilmember Hughes stated that she attended Pinal Partnership and the topic of discussion was Opportunity Zones in Pinal. The panel was comprised of three economic specialists from Pinal County, Eloy and Casa Grande, the Superior Town Manager, an opportunity zone fund founder, and an attorney.

Councilmember Hughes stated that there are sustainability fund rates and the rating system was out. She met with Ms. Jennifer Evans, Management Analyst, and they worked with the Federal Reserve Bank and Florence is rated 1 out of 10 because of the challenges we face. She stated that Florene has opportunities to position Florence to move up the chain. She will attend the Nikola event with Mayor Walter and Vice-Mayor Anderson and congratulated Coolidge on having Nikola in their community.

Councilmember Cordes enjoyed the Road to Country Thunder event. She appreciates the work that staff does and working with Council through the agenda items. She stated that sometimes Council just needs more clarification.

Vice-Mayor Anderson stated that Safeway received a lot of business because of Country Thunder. He stated that it is sad news to see the Notre Dame on fire in the news.

Mayor Walter thanked everyone who assisted to make Country Thunder a successful event. The Country Thunder event was awarded a Key to the City. People are taking notice of Florence due to this event.

ADJOURNMENT TO EXECUTIVE SESSION

For the purposes of discussions or consultations with designated representatives of the public body and/or legal counsel pursuant to A.R.S. Sections 38-431.03 (A)(1)(A)(3), (A)(4) and (A)(7) to consider its position and instruct its representatives and/or attorneys regarding:

- a. Town's position and instruct its attorneys regarding Arizona Department of Environmental Quality proceedings, related to Water Quality Appeals Board Case No. 16-002, including appellate proceedings to reviewing courts.
- b. Town's position and instruct its attorneys regarding pending litigation in Maricopa County Superior Court: Town of Florence v. Florence Copper, Inc. CV2015-000325.
- c. Discussion or consultations regarding the Town of Florence intervention in the matter of the Arizona Corporation Commission's investigation into the billing practices and water quality issues of Johnson Utilities, LLC before the Commission or in regard to any matters involving the Commission's review, public participation, investigations into the operations of Johnson Utilities, LLC and its affiliates including but not limited to Southwest Environmental Utilities and Case Numbers: WS-02987A-17-0392; WS-02987A-18-0151; WS-0987A-18-0050; WS-20878A-18-0330; WS-02987A-18-0329; WS-02987A-06-0667.
- d. Possible discussions with government agencies and private entities involving the purchase, sale or lease of real property and other property related to the Town of Florence's water and wastewater systems, including upgrades, expansions, contracts, and/or settlement discussions related thereto.

On motion of Councilmember Wall, seconded by Councilmember Hawkins, and carried (7-0) to adjourn to Executive Session.

ADJOURNMENT FROM EXECUTIVE SESSION

On motion of Councilmember Wall, seconded by Councilmember Hawkins, and carried (7-0) to adjourn from Executive Session.

ADJOURNMENT

On motion of Councilmember Wall, seconded by Councilmember Hawkins, and carried (7-0) to adjourn the meeting at 10:45 pm.



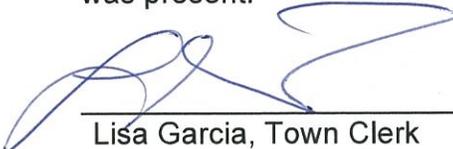
Tara Walter, Mayor

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 April 15, 2019, and that the meeting was duly called to order and that a quorum was present.



Lisa Garcia, Town Clerk