

**TOWN OF PARADISE VALLEY  
MINUTES  
TOWN COUNCIL MEETING  
NOVEMBER 3, 2005  
4:00 p.m.**

**CALL TO ORDER**

Mayor Clarke called the meeting of the Town Council of the Town of Paradise Valley, Arizona, to order at 4:01 p.m. on Thursday, November 3, 2005, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

**COUNCIL MEMBERS PRESENT**

Mayor Ron Clarke  
Vice Mayor Ed Winkler  
Council Member Rick Coffman  
Council Member Mary Hamway  
Council Member Scott LeMarr  
Council Member Virginia "Jini" Simpson  
Council Member Dan Schweiker

**STAFF MEMBERS PRESENT**

Town Manager Thomas M. Martinsen  
Town Attorney Andrew Miller  
Management Services Director Lenore Lancaster  
Town Engineer William Mead  
Public Works Director Andrew Cooper  
Planning Director Eva Cutro  
Police Chief John Wintersteen  
Management Analyst Duncan Miller

**DISCUSSION ITEMS**

**Discussion of Residential Remodeling Study Group Report**

Council Member LeMarr said the Study Group had a lot of feedback from residents. The mission was to develop strategies that will facilitate residents desire toward home remodeling. The benefits are that it preserves open space, retains the character of the neighborhood, provides alternatives for current residents, encourages residents to improve existing homes, and the indirect benefit of fewer tear-downs. The recommendations are (1) raise the threshold from \$150,000 to \$500,000, (2) direct the Planning Commission to study the 50% Rule and its applicability and (3) create administrative relief. The 50% rule is part of the Zoning Ordinance.

It affects non-conforming walls and structures and creates a hardship. There are issues that need to be addressed for a minor versus a major remodel.

Planning Commissioner Dolf Strom discussed a sample graph for maximum percent of floor/area ratio increase for a minor remodel.

Council Member LeMarr said administrative relief would be used for projects that don't fit guidelines. It would be granted based on aesthetic or historic value on existing structures only. The Town Manager or staff designee would review requests. The Study Group would recommend guidelines to Council and Planning Commission.

Mr. Martinsen said this would be on the November 17 Council Agenda.

### **Discussion of Assisted Living Homes**

Mr. Andrew Miller said this was referred to the Zoning Code Update Committee. It is more a legal analysis than a zoning analysis because of Federal law. The state regulates assisted living homes. They allow up to 10 residents in a residential setting. The proposed ordinance looks at what you can legally do under the current case law. Most cities have adopted a quarter mile spacing standard. The Planning Commission Tuesday night made two changes to the ordinance sent out to Council. They recommended rather than the 1,320 feet spacing proposed by staff, a 2,640 feet spacing requirement. Mr. Miller said this has not been upheld in court and he recommends 1,320 feet. The reasoning of the Planning Commission was that the Town's lots are larger. The Planning Commission also recommended that all employees be required to park on the property.

Mr. Strom said in Paradise Valley under the 1,320 feet you could have an assisted living home every 8 homes. In other towns, the 1,320 feet spacing would allow that an assisted living home be every 16 homes because lots are smaller.

Mr. Miller reviewed the standards.

### **Discussion of Master Fee Schedule Update**

Ms. Lancaster stated that the changes to the fees for Board of Adjustment, Planning Commission, Special Use Permits and Hillside relate to the 3% employment cost increase, the addition of \$400 when two 1/8<sup>th</sup> page ads are required by Growing Smarter for certain actions, the addition of \$55 to cover the cost of recording documents and the increase in staff time required for applications to vacate a street.

Ms. Lancaster reviewed the increase in the minimum valuation computation used for building permits. She provided examples of the impact. There was Council discussion that other municipalities are planning to significantly raise their permit fees.

Ms. Lancaster said the proposal is to increase the haul fee as a percentage of building permits from 6.3% to 9% to cover the increased cost of road maintenance. She said the 9% would apply to all building permits in excess of \$500,000. Ms. Lancaster stated the proposal is to require all properties, not just hillside properties, to pay an additional haul fee when more than 100 CY is moved onto or removed from a property. In addition, there would be a structural change in the haul fee, to move removal of materials resulting from demolition from the Engineering Section of the Fee Schedule to the Building Department section.

Mr. Martinsen explained the rationale of why garbage trucks are not charged a haul fee, stating that the state mandates twice a week pick-up for all residential properties and it is a health and safety issue.

The Council was supportive of the proposed 9% haul fee and asked that staff prepare a report in six months evaluating the building permit fees again.

### **Discussion of Ordinance Authorizing Denial of Building Permits for Non-payment of Sales Taxes**

Mr. Duncan Miller said Council gave authority to conduct audits in 2001. The focus of the audits is primarily on the construction industry. In rare instances it has been difficult to collect the assessment. The current auditor suggested an ordinance whereby if a contractor refuses to pay sales tax due the Town, then the Town will not issue any further building permit to that contractor.

Mr. Andrew Miller said we are trying to pierce the corporate veil with this ordinance. The State is trying to do this as well. He felt comfortable with the ordinance and said it really comes into play with speculative houses. He said there could also be a provision to not issue permits if there is a failure to pay other fees. He asked if Council was interested in adding this provision. It could apply to the Rural/Metro fees. Council was supportive of this provision.

### **Discussion of IGA with City of Scottsdale and Scottsdale Unified School District for Kiva School Athletic Field Improvements**

Mr. Martinsen said there are two substantive changes in the current draft of the IGA. This draft has the Town rather than Scottsdale maintaining the field and we will have better control over the facility. The estimated annual cost is \$26,000 to maintain the field above what the school district provides for maintenance.

Council Member Hamway said the Kiva PTO will be contributing \$3,000 annually for maintenance

Mr. Martinsen said the second substantive issue is the field will be strictly regulated as to when and how it can be used. It can only be scheduled for youth sports and practice. Mr. Martinsen said a team could have a scrimmage.

Council Member Hamway said adults could use the field, but it would not be scheduled.

Mr. Martinsen said the field can only be scheduled Monday through Friday, from 4 pm through 8:30 pm with lighting to be turned off by 9 pm.

**EXECUTIVE SESSION**

Mayor Clarke moved to adjourn to executive session at 5:40 p.m. Vice Mayor Winkler seconded the motion, which carried 7-0.

- a. Discussion of Discussion and consultation with Town Attorney regarding the **IGA with City of Scottsdale and Scottsdale Unified School District for Kiva School Athletic Field Improvements** as authorized by A.R.S. §38-431.03.A.4.
- b. Discussion and consultation with Town Attorney regarding **Rural/Metro License Agreement** as authorized by A.R.S. §38-431.03.A.4.

**CALL TO ORDER AND ROLL CALL**

Mayor Clarke reconvened the Town Council of the Town of Paradise Valley, Arizona, at 7:03 p.m. on Thursday, November 3, 2005, in the Town Hall, 6401 East Lincoln Drive, Paradise Valley, Arizona, 85253.

**COUNCIL MEMBERS PRESENT**

Mayor Ron Clarke  
Vice Mayor Ed Winkler  
Council Member Rick Coffman  
Council Member Mary Hamway  
Council Member Scott LeMarr  
Council Member Dan Schweiker  
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Planning Director Eva Cutro  
Police Chief John Wintersteen  
Management Analyst Duncan Miller  
Capital Projects Administrator Bob Ciccarelli  
Senior Planner Paul Michaud

**PLEDGE OF ALLEGIANCE**

Councilmember Coffman led the Pledge of Allegiance.

**PRESENTATIONS**

**Recognition of Catherine F. Connolly, Executive Director, League of Arizona Cities and Towns**

Mayor Clarke stated Catherine Connolly has been the Executive Director for the League of Arizona Cities and Towns. She has been with the League since 1972 and will retire in December. He thanked her for her service to the municipalities and presented her with a proclamation and a collage of Soleri tiles.

Ms. Connolly thanked Council and staff.

Vice Mayor Winkler stated that 7 ½ years ago, there was an entirely new Council who didn't know each other. They invited Ms. Connolly to come out and do a seminar for them. From that day on, they were a cohesive Council. He thanked her for her guidance and assistance at that time and through the years.

### **CALL TO THE PUBLIC**

No one addressed the Council.

### **MAYOR / COUNCIL / MANAGER REPORT**

Mr. Martinsen reminded everyone that the Public Safety Fair is this weekend.

Mayor Clarke thanked Rev. Randy Olson of Ascension Lutheran Church, Colin Williams of the Smoketree Resort, and Mr. and Mrs. John Dawson from Scottsdale Plaza for the pancake breakfast to benefit Bay St. Louis. Over \$6600 in contributions were raised.

Councilmember Winkler reminded everyone of the first annual 10k Classic Car Show on November 12. There are currently 87 cars signed up for the event.

### **CONSENT AGENDA**

- a. Minutes of Town Council Meeting October 27, 2005**
- b. Renewal of Contract for Local Sales Tax Audit Program with Albert Holler & Associates in an amount of \$30,000.**
- c. Report on Investments – purchase of Federal Home Loan Mortgage Corporation note in the amount of \$1,000,000 due 10/5/07 with a yield of 4.76% and purchase of a Federal Home Loan Bank note in the amount of \$1,000,000 due 4/17/07 with a yield of 4.7%**
- d. Authorization to Delete Wall from Tract B of Phase II Tatum Blvd / McDonald Drive Intersection Improvement Project**
- e. Approval of Final Map for Montelucia Suites II and Final Plat for La Posada II subject to the following stipulations:**

#### **Montelucia Suites II:**

- 1. The subdivision shall be in substantial compliance with the final map for Montelucia Suites II, prepared by Fleet Fisher Engineering, Inc., dated May 25, 2005, Sheets 1-5.**

2. **The subject subdivision shall be developed in full compliance with the Special Use Permit for Montelucia Resort, all other applicable Town codes and regulations, and the CC&Rs as approved by the Town.**
3. **Within 30 days of approval of the final maps by the Town Council, the Applicant shall submit to the Town mylars and an electronic file of all plans for the Town's permanent record.**

#### **La Posada II**

1. **The subdivision shall be in substantial compliance with the final plat for La Posada II, prepared by Fleet Fisher Engineering, Inc., dated May 25, 2005, Sheets 1-4.**
2. **The subject subdivision shall be developed in full compliance with the Special Use Permit for Montelucia Resort, all other applicable Town codes and regulations, and the CC&Rs as approved by the Town.**
3. **Within 30 days of approval of the final maps by the Town Council, the Applicant shall submit to the Town mylars and an electronic file of all plans for the Town's permanent record.**

Mr. Martinsen summarized the items on the Consent Agenda. Mr. Martinsen recommended item d be tabled because the right-of-way has been obtained.

Council Member LeMarr made a motion to approve the Consent Agenda, except for item d. Vice Mayor Winkler seconded the motion, which carried 7-0.

Council Member LeMarr made a motion to table item d. Vice Mayor Winkler seconded the motion, which carried 7-0.

### **PUBLIC HEARINGS**

#### **Consideration of Adoption of Ordinance Number 564 and Resolution Number 1101, Regarding Zoning Code Special Use Permit Amendment, Official Zoning Map, and General Zoning Code Amendments**

Mr. Martinsen stated this was continued from the last Council Meeting.

Mr. Michaud said Planning Commission recommended forwarding this to Council on June 7, 2005. On October 27<sup>th</sup>, this was continued until tonight's meeting because of concerns of the Paradise Valley Country Club. Those concerns have been addressed. In addition, Bill Syms, attorney for the AMRRP reviewed this and recommended one change. He summarized the SUP amendments Article XI. Mr. Michaud indicated that Mr. Syms recommended that the word "conditional" be added in Section 1103.4 E "Structures or buildings devoted to any use which is permitted under the terms of this article subject to the securing of a conditional use permit may be altered, added to, enlarged, expanded, or moved from one location to another on the lot only after securing a new **conditional** use permit,..."

After a question raised by Council Member Schweiker, the following sentences were deleted from Section 1102.4 D 1: “Applications determined to be minor amendments shall be treated as Consent Agenda items which shall be adopted, rejected or continued without discussion. An item may be withheld or removed from the Consent Agenda upon the request of any Planning Commission member. An item withheld or removed from the Consent Agenda shall be scheduled for hearing and decision by the Planning Commission at a subsequent meeting.”

Council Member Schweiker made a motion to adopt Resolution No. 1101 subject to the above two changes. Mayor Clarke seconded the motion, which carried 7-0.

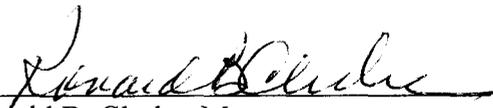
Council Member LeMarr made a motion to adopt Ordinance No. 564. Vice Mayor Winkler seconded the motion, which carried 7-0.

**ACTION ITEMS**

There were no action items.

**ADJOURNMENT**

Mayor Clarke adjourned the meeting at 7:37 p.m.

  
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Ronald B. Clarke, Mayor

ATTEST:

  
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Lenore P. Lancaster, Town Clerk

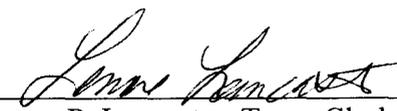


OFFICIAL SEAL  
OFFICE OF TOWN CLERK  
TOWN OF PARADISE VALLEY  
LENORE LANCASTER, TOWN CLERK

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of Paradise Valley held on then 3<sup>rd</sup> day November 2005. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 21<sup>st</sup> day of November, 2005.

  
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Lenore P. Lancaster, Town Clerk