

**MINUTES OF THE
REGULAR MEETING OF THE COMMON
COUNCIL OF THE TOWN OF STAR VALLEY**

**January 19, 2021 at 4:00 pm
3675 East Highway 260, Star Valley, AZ
(Star Valley Town Hall)**

The Agenda for the meeting is as follows:

- PRAYER was offered by Council Member Bobby Davis.
- CALL TO ORDER

- ROLL CALL:

Vice Mayor McKinney X, Council Member Davis X, Council Member Armington X, Council Member Binney X, Council Member Rappaport X, Council Member McDaniel X, Mayor Coon X. **Council Members appeared telephonically.**

- **CONSENT AGENDA ITEMS:**

All items listed under the Consent Agenda will be voted on with one motion. If discussion is desired regarding any Consent Agenda item, that item will be removed from the Consent Agenda and voted on separately.

A. Approval of the minutes from Regular Council Meeting held on January 5, 2021.

B. Approval of Claims Payable from January 1, 2021 through January 15, 2021 for the General Fund and for the Water Department.

A motion to approve consent agenda items A and B was made by Council Member Davis and was seconded by Council Member Armington.

A roll call vote was taken:

Vice Mayor McKinney X, Council Member Davis X, Council Member Armington X, Council Member Binney X, Council Member Rappaport X, Council Member McDaniel X, Mayor Coon X.

The motion was voted on and passed 7 - 0.

- **DISCUSSION ITEMS:**

1. **Second Reading and Public Hearing, discussion and possible action concerning Ordinance No. O 21-01 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF STAR VALLEY, ARIZONA, AMENDING STAR VALLEY TOWN CODE, TITLE 4 (PUBLIC HEALTH AND SAFETY) BY ADDING NEW CHAPTER 5 RECREATIONAL MARIJUANA, AND ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK ENTITLED “TITLE 4 (PUBLIC HEALTH AND SAFETY), CHAPTER 5 RECREATIONAL MARIJUANA.”**

Mayor Coon asked if council had any questions or comments concerning the ordinance. There were none. Mayor Coon then opened the meeting to public comment. There were no public comments and the Mayor closed the public hearing.

A motion to approve and adopt Ordinance No. O 21-01 amending Star Valley Town Code Title 4 by adding new Chapter 5 and adopting by reference that certain document filed with the Town Clerk entitled “Title 4 (Public Health and Safety), Chapter 5 Recreational Marijuana was made by Council Member Davis and was seconded by Council Member McDaniel.

A roll call vote was taken:

Vice Mayor McKinney Yes, Council Member Davis Yes, Council Member Armington Yes, Council Member Binney Yes, Council Member Rappaport Yes, Council Member McDaniel Yes, Mayor Coon Yes.

The motion was voted on and passed 7 - 0.

2. **Discussion and possible action to adopt Resolution No. R 21-01 – Amending the Town Code of Star Valley, Arizona, declaring as public record that certain document filed with the Town Clerk and entitled “Title 4, Chapter 5: Recreational Marijuana.”**

This resolution, explained Town Manager Grier, declares the ordinance just adopted by council as a public record and allows the Town to publish an abbreviated version of the ordinance in the newspaper.

A motion to adopt Resolution No. R 21-01 – A Resolution of the Mayor and Common Council of the Town of Star Valley, Arizona, amending the Town Code of Star Valley, Arizona, declaring as public record that certain document filed with the Town Clerk and entitled “Title 4, Chapter 5: Recreational Marijuana was made by Council Member Davis and was seconded by Council Member Binney.

A roll call vote was taken:

Vice Mayor McKinney Yes, Council Member Davis Yes, Council Member Armington Yes, Council Member Binney Yes, Council Member Rappaport Yes, Council Member McDaniel Yes, Mayor Coon Yes.

The motion was voted on and passed 7 - 0.

3. **Discussion, public hearing and possible action regarding CASE NO: CUP 20-01; William “Bill” Armstrong, the applicant. The location of the property is 37 S. Sprague Dr., Star Valley, AZ 85541. The Assessor’s Parcel Number is 304-28-003Y. The property is currently zoned Rural Residential (RR). He would like to operate a jewelry and pawn shop.**

Mayor Coon reported the Planning & Zoning Commission reviewed this Conditional Use Permit (“CUP”) request at their December 29th meeting and their recommendation was to approve. This is a

public hearing, stated Mayor Coon, so anyone in attendance at Town Hall may request an opportunity to speak. The Mayor then opened the meeting to public comment. If you do wish to speak, added Town Manager Grier, you need to state your name and your address.

Bill Armstrong (applicant) of 37 S. Sprague Dr. stated the legal name is Armstrong Sales Incorporated and he would be more than happy not to use the word “Pawn Shop” as that is not even ten percent of the traffic he has. Mr. Armstrong’s legal representative, Mr. Art Lloyd, stated he would like to speak on behalf of Bill and Corky Armstrong. Mr. Lloyd stated he moved to Star Valley in 1977 and has known Bill since then. He can verify that Bill has done business at his residence as long as he has been in Star Valley. Mr. Lloyd reported that Bill is willing to drop the word “Pawn Shop” because that is really just a small part of his business as he sells firewood and other stuff. Mr. Lloyd concluded he does not anticipate this is going to be a big deal – there’s not going to be any highway signs or any of that type of stuff.

Joanne Rowe of 59 S. Sprague Dr. stated she has not had any issues with the shop at Bill’s residence the twenty years she has lived on her property and that she would have absolutely no issues now if he continues to have his business at his residence. Donna Hogue of 33 S. Sprague Dr. stated her and her husband agree there wouldn’t be any issue or problem with Bill continuing his business. David Dailey of 1823 S. Moonlight Dr. stated he is also a neighbor of Bill and Corky and is here to speak on their behalf. Mr. Dailey reported he is a fifteen year resident to Star Valley but a lifelong resident of Payson and one of the reasons he came to Star Valley is to have this type of community. Knowing the person you are dealing with and the conditions the Town has at its disposal to make sure to keep him in check, concluded Mr. Dailey, certainly makes him and his wife comfortable as neighbors. Bert Sprague of 48 S. Sprague Dr. stated he has known Bill since 1952 and is one hundred percent for him. Mr. Sprague acknowledged it doesn’t bother him a bit whatever traffic goes in there. Bill’s been here a long time and paid a lot of taxes on his land and needs some way to get it back, concluded Mr. Sprague.

Mayor Coon then opened the meeting to the council for comments. Council Member Rappaport stated she has known Bill for as long as she has lived in Star Valley. He is a good man and she doesn’t see where this is going to be a problem. Bill has certainly done a lot of work for the community, concluded Council Member Rappaport, and she is all for it. Vice Mayor McKinney asked the Town Manager to review the Planning & Zoning recommendations. Town Manager Grier reminded council this is a vote for a CUP. As the name implies with a CUP, council has the authority to put conditions, or not have conditions, on the use. When the Planning & Zoning Commission reviewed and made their recommendation to council, they voted four to one with the following conditions: 1. The business is to be conducted by appointment only. 2. Limited to daytime hours. 3. Has no employees. 4. Terminates after (1) one year. Vice Mayor McKinney responded the Planning & Zoning Commission took this item under consideration. They looked into the nooks and crannies of it, stated Vice Mayor McKinney, and he thinks there is a reason the Town has a Planning & Zoning Commission – to look into the nooks and crannies and to find out all that there is to be discovered about a particular item before their board. I can’t imagine why the council would take all of the Planning & Zoning Commissions diligent hard work in discovery and just toss it aside, concluded Vice Mayor McKinney.

Council Member McDaniel made a motion. Mayor Coon responded he is not ready for a motion yet as he would like to hear from all of the council members. Council Member Binney commented that there are quite a few businesses that can be in Rural Residential (RR) zoning. There is plenty of room to turn around, added Council Member Binney, and he does not see a problem with it. Council Member Davis asked for clarification on the terms. Queried Council Member Davis – Does it terminate after one year? If approved does it run with the property? With this condition, answered Town Manager Grier, it does terminate after one year of the date of its passing. If we did not have that condition, then it would

run in perpetuity and run with the property. If council chooses to have that condition that was recommended by the Planning & Zoning, concluded Mr. Grier, then it terminates completely at one year.

Mr. Lloyd stated he was unaware of the one year termination and would like to have that removed. One year is a little restrictive, commented Mr. Lloyd. Bill has already been working there for over forty years so there is an issue about whether he is grandfathered in anyway. Mr. Lloyd stated he would ask that the one year be eliminated and changed to five years. Discussion ensued between Mr. Lloyd and Mr. Armstrong regarding the termination condition. Mayor Coon questioned what would happen if the property were sold. Mr. Grier responded it would run with the property and would continue unless council sets a condition today that it does not. The termination at one year addressed that issue. The applicant, pointed out Mr. Grier, is asking council for an extended period of time. Again, reiterated Mr. Grier, the Planning & Zoning recommendation was one year. Mr. Grier then advised council to have a condition that does terminate if they don't want this to run in perpetuity with the land.

Queried, Council Member Rappaport – If Bill is in there for one year and he wants to keep going does he reextend? Town Manager Grier answered he would have to apply for another CUP, starting the whole process over again at the end of one year. Mayor Coon stated he sees it's by appointment only, but he doesn't see anything in the CUP that would restrict, or talks about, the amount of traffic. Council Member Binney reported there is a large riding stable down the road from Bill and, according to the neighbors he has spoken with, that's the traffic for the area. Council Member Binney reported that Bill told him this morning it was less than ten people for the whole week. He doesn't see it adding a whole lot of vehicular traffic, stated Council Member Binney, and Bill is not planning on being open on the weekend anyway. If everything is working good, suggested Council Member Binney, council should set it up so it just automatically rolls on so it doesn't cost him any money. Set it up for three to five years for Bill, concluded Council Member Binney.

Mr. Lloyd suggested amending it to “during the lives of Bill and Corky Armstrong as long as they live on the property.” It would then terminate at that point and council would not have to worry about it extending to other people or being tied to the land, concluded Mr. Lloyd. Council Member Armington stated he was thinking the same as Mr. Lloyd. Town Manager Grier could write it up with the proper verbiage to amend it to be a conditional use and termination at the passing of Bill and Corky. Council Member Armington reported everyone he spoke with around the area is all in favor of it. There was only one person who was concerned about the amount of traffic on Moonlight and, stated Council Member Armington, he doesn't really see how that would be a problem. He's got my vote, concluded Council Member Armington.

Town Manager Grier reminded council their motion has a lot of legal weight to it. It needs to have clarity, explained Mr. Grier, and it's not a motion he is going to rewrite. What is said in the motion is going to be the conditional uses that are put in place with this property. Mr. Grier then advised council to word their motion very carefully, as they are now straying from the recommendation of the Planning & Zoning Commission. It gets a bit vague, pointed out Mr. Grier, when it is said “for the lifetime of Bill and Corky Armstrong,” and whether or not council is addressing whether or not an employee or somebody else can run it. Those two conditions to him, stated Mr. Grier, are a bit in tandem. Mr. Grier then reiterated he is advising council to be careful with their motion. It should be well thought out with the understanding of the legal weight that it carries. It's not a motion that he will rewrite, concluded Mr. Grier, it will be the motion that is stated here today.

Mayor Coon disclosed he agrees with that and he will make sure that everyone is on the same page with the motion before he accepts a second and a vote. Mayor Coon stated he always has concerns with CUP's allowing businesses to come into residential areas by adding a few restrictions. Sometimes you open pandora's box when you do that. The purpose of zoning, explained Mayor Coon, is to separate

commercial operation from the privacy and comfort of residential living. Council needs to keep that in mind so this doesn't backfire on us when we get some feedback. Mayor Coon stated he is going along with the Planning & Zoning Commission recommendation and that he is uncomfortable with changing this too much. He likes the year and it can always be extended beyond that. It's always easier to extend it, concluded Mayor Coon, then it is to retract it, and council needs to keep that in mind.

Mayor Coon gave Council Member McDaniel the opportunity to make a motion, if she's prepared to do that, since she started the motion.

A motion to approve the Conditional Use Permit and the first three conditions from the Planning & Zoning amending the fourth condition that the permit shall continue for the duration of the lives of Bill and Corky Armstrong so long as they live on that property was made by Council Member McDaniel.

Mayor Coon asked if everyone understands the motion and if they agree or disagree with it. Queried Council Member Binney – There would be no other employees except for those two individuals? That's what is in the recommendations, answered Mayor Coon. If they sold the business and they are still living there, stated Council Member Binney, council does not want that either. Council Member Binney suggested adding a provision "that the sale of the business has to be moved to a commercial district." Council Member McDaniel questioned if the sale of the business would terminate the CUP. "Correct," responded Council Member Binney. Mayor Coon asked Council Member McDaniel to restate her motion.

A motion to approve the Conditional Use Permit and the first three conditions from the Planning & Zoning amending the fourth condition that the permit shall continue for the duration of the lives of Bill and Corky Armstrong so long as they live on the property and that the sale of the business will terminate the Conditional Use Permit was made by Council Member McDaniel.

Mayor Coon asked if that is clear to everyone. "Yes," answered Council Member Rappaport. Council Member Davis asked Town Manager Grier if he is understanding the legal side. Mr. Grier responded he understands the motion.

Council Member Rappaport seconded the motion.

Mayor Coon stated he would accept any discussion on the motion before he asks for a vote. Vice Mayor McKinney stated he would like to express his support for the motion given to council by the Planning & Zoning Commission and as improved by Council Member McDaniel. He will vote in favor of this motion, concluded Vice Mayor McKinney.

A roll call vote was taken:

Vice Mayor McKinney Yes, Council Member Davis Yes, Council Member Armington Yes, Council Member Binney Yes, Council Member Rappaport Yes, Council Member McDaniel Yes, Mayor Coon Yes.

The motion was voted on and passed 7 - 0.

- **COMMENTS FROM THE PUBLIC**

During this portion of the meeting, members of the public may address the Town Council on items that are not on the printed agenda. Any remarks shall be addressed to the Council as a whole and not to any individual member. Speakers are limited to three (3) minutes per person unless additional time is granted by the Mayor. The Council may not discuss or act upon matters raised during public comments.

The Mayor opened up this portion of the meeting for public comment. There were none and the Mayor closed this portion of the meeting.

- **ADJOURNMENT**

A motion to adjourn the meeting was made by Council Member Davis and was seconded by Council Member Armington.

The motion was voted on and passed 7 – 0.

APPROVED:

Gary Coon, Mayor

Date: _____

ATTEST:

Eddie Chapin, 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 the Town of Star Valley held on the 19th day of January 2021. I further certify that the meeting was duly called and held, and that a quorum was present.

Dated this 22nd day of January 2021.

Eddie Chapin, Town Clerk