

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale  
Held on Tuesday, March 11, 2014**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, February 11, 2014, at 6:00 P.M. in the Men's Lounge of the Clark Memorial Clubhouse, 19 N. Ninth Street, Clarkdale, Arizona.

**CALL TO ORDER – Meeting was called to order at 6:01 P.M. by Mayor Von Gausig.**

**Town Council:**

Mayor Doug Von Gausig  
Vice Mayor Richard Dehnert  
Councilmember Rennie Radoccia

Councilmember Bill Regner  
Councilmember Curtiss Bohall

**Town Staff:**

Town Manager Gayle Mabery  
Town Clerk/Finance Director Kathy Bainbridge  
Community Services/Human Resources Director Janet Perry  
Utilities/Public Works Director Wayne Debrosky  
Community Development/Economic Director Jodie Filardo  
Senior Planner Beth Escobar  
Building Inspector Paul Grasso  
Deputy Clerk Mary Ellen Dunn

**PUBLIC COMMENT** – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

**Drake Meinke, Clarkdale resident, announced the author of *Empty Mansions* to be in Clarkdale on March 17, 2014.**

**REPORTS**

**Current Events** – A brief summary of current events. The Council will not propose, discuss, deliberate or take legal action on any matter in the summary.

**Mayor's Report** –

February 12, 2014: Attended Clarkdale Sustainability Project workgroup meeting;  
attended Verde River @ Clarkdale quarterly coordination meeting

February 13, 2014: Attended Walton Family Foundation planning meeting

February 14, 2014: Attended Arizona League Executive Committee meeting

- February 17, 2014: Participated in Arizona League legislative conference call and officer's call
- February 18, 2014: Spoke at Senate Chambers in Phoenix for Environmental Day;  
Met with John Shepard and Charlie Ester at Salt River Project regarding payment for ecosystems services
- February 19, 2014: Attended WAC meeting
- February 20, 2014: Had conversation regarding Brewer's Tunnel with American Rivers representatives
- February 21, 2014: Met with Yavapai College's James Perey regarding 10-year plan;  
spoke in Phoenix at I Heart the Verde event on viniculture's benefits to the river
- February 24, 2014: Participated in Arizona League legislative conference call and officer's call;  
participated in conference call with Peter Culp from Squire Sanders
- February 25, 2014: Attended CYWRMS expert team meetings
- February 26, 2014: Attended CYWRMS expert team meetings
- February 27, 2014: Attended intergovernmental meeting
- March 3, 2014: Attended Verde River Institute's one-day forum in Phoenix
- March 4, 2014: Attended Arizona Forward's Water Committee meeting and drafted white paper on the true cost of water
- March 5, 2014: Attended Town of Clarkdale's Strategic Planning meeting
- March 6, 2014: Attended Environmental Defense Fund Verde Groundwater Mitigation Bank Scoping workshop in Phoenix
- March 10, 2014: Participated in Arizona League legislative call

#### Vice Mayor Dehnert's Report

- February 27, 2014: Attended Intergovernmental Meeting;  
attended NACOG regional council meeting
- March 5, 2014: Attended Town of Clarkdale's Strategic Planning session

#### Councilmember Bohall's Report –

- February 27, 2014: Attended Intergovernmental meeting in Cottonwood

March 4, 2014: Attended ribbon cutting at the Clarkdale Caboose

March 5, 2014: Attended Town of Clarkdale's Strategic Planning meeting

Noted that Selna Ball Field is getting a cleanup.

Councilmember Regner's Report –

February 18, 2014: Attended Yavapai College Friends of the Southwest Wine Center board meeting and Art, Wine and Dine planning meeting

February 19, 2014: Attended meeting regarding Yavapai College 10 Year Plan and formation of separate administrative district for the Verde Valley Campuses.

February 24, 2014: Met with Yavapai College Campus Dean James Perey

February 25, 2014: Met with Yavapai College President Penny Wills

February 27, 2014: Attended Intergovernmental meeting

February 28, 2014: Met with Cottonwood Councilperson Randy Garrison

March 4, 2014: Attended ribbon cutting for Clarkdale Caboose gift shop

March 5, 2014: Attended Town of Clarkdale's Strategic Planning meeting

Councilmember Radoccia's Report –

March 5, 2014: Attended Town of Clarkdale's Strategic Planning meeting

Town Manager's Report –

- March 5, 2014: Attended Town of Clarkdale's Strategic Planning meeting.

Reminders of upcoming events:

- Spring Break for most of the schools - Community Services developed Spring Break "Staycation" at the library with various events during the week.
- March 15, 2014: 4<sup>th</sup> Annual Clarkdale Lion's Club Car Show 9 a.m. – 2 p.m. in Town parking lot
- March 17, 2014: Two sessions of book signings in Men's Lounge for *Empty Mansions* (1-3 p.m. and 7-9 p.m.). Clarkdale Historical Society will also be offering walking tours that day from 3 – 7 p.m.

- March 19, 2014: Museum's Monthly Clubhouse Tour which is growing in popularity (last month there were 20 people).
- March 28, 2014: Verde Valley SciTech Festival at Yavapai College 5 – 9 p.m. Town will be well-represented by Clarkdale businesses.
- April 19, 2014: First Annual Verde River Poker Run will be launching from the Lower Tapco river access point (new access site).
- Note: Reason for site change for river access point is due to sighting of a nesting pair of bald eagles upstream about a mile. Arizona Game and Fish will be doing a flyover of that area sometime this week to check on the status of the egg(s). The names of the adult eagles are Clark (male) and Dale (female). Clark was born 8 years ago at the confluence of the Oak Creek and Lower Verde River. Arizona Game and Fish has been monitoring these two eagles since 2008. This is the first year at this nest. Last year's nest was blown out of the tree by a windstorm. Recommended protected radiuses go from 500' to 2500' so new location had to be found for our access point.
- Candidate packets are now available at Town Hall for the 2014 election. There are 3 council seats available – 2 seats are for 4-year terms and one seat is for a 2-year term. Candidates have to declare which term they will be seeking. Packets can be picked up anytime but must be turned in between April 28 and May 28 2014.

**Organizational Reports** – Reports regarding regional organizations.

CAT/ VVTPO – Cottonwood Area Transit and the Verde Valley Transportation Planning Organization & other transportation affiliations – Councilmember Bohall:

TPAC/VVTPO/CAT – No report

Noted that Yavapai Nation has received two buses.

NACOG - Northern Arizona Council of Governments – Vice Mayor Dehnert:

- Executive Director Chris Fetzer presented report which included State Legislature House Bill 2069 which proposes prohibiting future employees of NACOG and like agencies from ASRS participation. A separate retirement plan is being proposed for these future employees.
- Jesse Rodriguez reported that sequestration cuts made to the Head Start program in 2013 would be restored with an additional 1.3% increase.
- Greg Linaman, COO of the Arizona Commerce Authority, reported goal of 13,000 jobs for this year would be eclipsed due to 11,000 jobs created already this year. Also discussed digital marketing initiative and Senate Bill 1413 which would make electric consumption for manufacturing exempt from transaction privilege taxes.

- Economic Development Councilperson Teri Drew reported on focus on broadband initiatives to expand broadband internet access to rural areas of northern Arizona. Also discussed was the development of the Comprehensive Economic Development Strategies planning document, approval of the fiscal year 2015 Economic Development District Assessment Schedule and adoption of Resolution 03-14 requesting that the Arizona State Legislature restore HURF funds.

NAMWUA - Northern Arizona Municipal Water Users Association – Councilmember Radoccia: No report

VRBP – Verde River Basin Partnership – Mayor Von Gausig: No report

VVLP – Verde Valley Land Preservation – Councilmember Radoccia: No report. Spoke with Bob Rothrock on the telephone; Councilmember Radoccia stated he was asked to be a board member for the group and accepted.

WAC - Yavapai County Water Advisory Committee – Mayor Von Gausig:

Ongoing discussion regarding CYHWRMS and what alternatives to that study would be. There were 10 – 11 viable alternatives however are very expensive to enact. Not everyone in WAC would participate so coalitions of people and organizations are being sought for specific target areas and interventions.

VVREO – Verde Valley Regional Economic Organization – Councilmember Regner:

No report

YCL – A report from the Yavapai College Liaison – Councilmember Regner:

Clarkdale resident Al Filardo has been appointed to the Yavapai College Board of Directors to fill the seat vacated by Bob Oliphant.

February 27 – March 20: Valley Impressions Art Show featuring pastel and oil paintings by Christine Debrosky.

March 9 – 14: Spring break

March 20: Service Awards Recognition Event

March 28: SciTech Expo

Release of the college's 10-Year Plan initiated meetings and forums including a group formed by Bob Oliphant and Ruth Wicks to explore allocation of the college's resources and the potential formation of an administrative district for the campuses located in the Verde Valley.

**CONSENT AGENDA** - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may

be removed for discussion at the request of any Council Member.

- A. **Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held February 11, 2014.
- B. **Claims** - List of specific expenditures made by the Town during the previous month. February, 2014 check log and PPE dated February 8, 2014 and February 22, 2014.
- C. **Board and Commission Minutes** – Acknowledgement of receipt of minutes and draft minutes of the previous month’s Board and Commission Meetings.  
Board of Adjustment minutes of the meeting held February 26, 2014  
Design Review Board minutes of the meeting held February 5, 2014  
Planning Commission minutes of the meeting held February 18, 2014
- D. **Reports** - Approval of written Reports from Town Departments and Other Agencies  
Building Permit Report – January and February, 2014  
Capital Improvements Report – January, 2014  
Magistrate Court Report – January, February, 2014  
Residential Garbage & Recycling Statistics – November, December, 2013  
Clarkdale Fire District Report and Mutual Aid Responses Report – January, 2014  
Police Department Report – December, 2013 and January, 2014  
NAIPTA Transit Report – January, 2014
- F. **Proclamation Declaring April, 2014 as Water Awareness Month** – Approval of a Proclamation declaring April, 2014 Water Awareness Month in the Town of Clarkdale.
- G. **Sedona Recycles, Inc. Agreement for Contracted Services** – Approval of an Agreement for Contract Services with Sedona Recycles, Inc. for recycling drop off services in the Town of Clarkdale for FY 14-15, in an amount not to exceed \$3,000.00.
- I. **Intergovernmental Agreement between the Town of Clarkdale and the Yavapai County Flood Control District** – Approval of the IGA for FY 2013-2014 in an amount not to exceed \$81,910.00 between the Town of Clarkdale and Yavapai County Flood Control District for the Town’s Western Area Drainage Improvement Project including Foothill Terrace and Old Jerome Highway projects.
- K. **“Welcome Home Vietnam Veterans Day” Proclamation** - Approval of a proclamation setting March 30, 2014 as Welcome Home Vietnam Veterans Day in Clarkdale.

**Councilmember Bohall pulled Consent Agenda items E and H.**

**Councilmember Regner pulled item J.**

**Councilmember Radoccia moved to approve Consent Agenda items A, B, C, D, F, G, I and K as presented. Councilmember Bohall seconded the motion. The motion was approved unanimously.**

**D. Approval of the Town Manager's Evaluation as Written by the Mayor** – Approval of the review of the Town Manager's Evaluation conducted on December 10, 2013, by Town of Clarkdale Common Council in Executive Session.

On December 10, 2013, the Town of Clarkdale Council conducted an evaluation of Gayle Mabery, Town Manager. This review is a discussion of the consolidation of all the Councilmembers' reviews from that evaluation and the overall Council assessment.

Town manager's performance evaluation was read publicly.

**Councilmember Bohall moved for the approval of Town Manager's evaluation as written by the Mayor. Councilmember Regner seconded the motion and the motion carried unanimously.**

**H. Liquor License for Four Eight Wineworks** – Approval of a recommendation to the Arizona Department of Liquor License and Control for approval of a Series #13 liquor license application from Caduceus Cellars LLC, Maynard Keenan, Agent, d/b/a Four Eight Wineworks, located at 907 Main Street, Clarkdale, Arizona.

Caduceus Cellars LLC, Maynard Keenan, Agent, d/b/a Four Eight Wineworks, has applied for a Beer and Wine Bar Series #7 Liquor License for the property located at 907 Main Street, Clarkdale, Arizona.

The beer and wine bar (series 7) liquor license is a "quota" license available only through the Liquor License Lottery or for purchase on the open market. Once issued, this liquor license is transferable from person to person and/or location to location within the same county and allows the holder both on- & off-sale retail privileges. This license allows a beer and wine bar retailer to sell and serve beer and wine (no other spirituous liquors), primarily by individual portions, to be consumed on the premises and in the original container for consumption on or off the premises. A retailer with off-sale ("To Go") privileges may deliver spirituous liquor off of the licensed premises in connection with a retail sale.

Four Eight Wineworks was posted with the required notification to the public that the Town of Clarkdale Council would review this request in accordance with the Arizona Department of Liquor Licenses and Control requirements. The notice was posted on the building February 14, 2014 and was scheduled for action by the Clarkdale Town Council for March 11, 2014 in order to comply with the 20 day notice posting requirement.

The Police Department, Fire District and Community Development Department completed "due diligence" reviews of the business. They each had no issues and recommended a positive recommendation of the license to the Arizona Department of Liquor License and Control.

Attached is a redacted copy of the Application for Liquor License which is available for public review and posted at the establishment.

**Councilmember Regner moved to recommend to the Arizona Department of Liquor License and Control, approval of a new Series #7 liquor license application from Caduceus Cellars LLC, Maynard Keenan, Agent, d/b/a Four Eight Wineworks, located at 907 Main Street, Clarkdale, Arizona. Councilmember Bohall seconded the motion and it was passed unanimously.**

**J. Resolution of the Mayor and Common Council of the Town of Clarkdale, Arizona amending Resolution #1446, setting fees for the Town of Clarkdale by adjusting Community Development Fees – Approval of Resolution 1458, adjusting Community Development Fees.**

The Community and Economic Development Department is requesting the following changes to the fee schedule:

**New Fee**

**Detached Accessory Building**

Under 50 square feet                      \$50 fee

The department currently collects a fee for review of detached accessory buildings. The fee is \$50 for a permit for a detached building from 50-120 square feet and \$75 for a permit for a detached building 121-768 square feet. This fee includes an inspection by the building official.

Currently, there is no fee for a detached building under 50 square feet. However, staff conducts a planning review of these applications to determine placement of the structure conforms to the requirements of Section 4-1 of the Zoning Code as far as setbacks and height. This review can include an on-site inspection.

Staff is requesting this new fee to cover staff costs in reviewing these permits.

**Changes in Fee Schedule**

The annual fee for a business license is \$30. This license is issued for the period of July 1 – June 30<sup>th</sup> to match the fiscal year. The license fee is reduced to \$15 after six months, \$10 after nine months and \$5 dollars after eleven months.

With the launching of the Locally Clarkdale application, and with involvement with programs like Local First Arizona, the amount of services provided to businesses in Clarkdale have increased. These services, along with other staff support, are available to businesses immediately upon submittal of a business license application. A business can pay \$5 for the same level of service as someone who has paid the full \$30. Also, it has been difficult to administer the staggered fee schedule as the end of the year approaches. New businesses may want to wait until the next threshold to submit their application when the fee is decreased so they may begin operating their business before submitting a license application.

Staff is recommending the following structure to equalize and streamline the process:

Licenses issued for businesses starting operation between the following dates:

July 1 – December 31	\$30
January 1 – June 30	\$15

### **Fire District Fees**

Staff has been informed by the Fire Chief that the Fire District prefers to collect the fees associated with review of fire suppression systems directly, rather than the current process of the Town collecting the fees at time of building permit issuance and then reimbursing the Fire District. Staff is therefore requesting these fees be deleted from the Town's fee schedule.

**Councilmember Radoccia moved for the approval of Resolution #1458, a Resolution of the Mayor and Common Council of the Town of Clarkdale, Arizona amending Resolution #1446, setting Community Development Permit fees. Vice Mayor Dehnert seconded the motion. The motion passed unanimously.**

### **NEW BUSINESS**

#### **A RESOLUTION OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED: "BUILDING CODE" –**

Discussion and consideration of Resolution #1457, declaring as a public record that certain document filed with the Town Clerk and entitled: "Building Code".

On February 11, 2014 staff presented this to Council work session. As requested by Council at that time, staff reviewed the impact of the recommended code update to "M2302.5: Add: Access around photovoltaic panels must be a minimum of 36" at 3 sides. - *Firefighter safety*". Based on additional review of this item, the Building Official will present his summary findings at this upcoming Council meeting.

The International Code Council building codes provide a universal set of rules and guidelines for use in managing residential and commercial construction. Because of the volume of the codes, the overall code is broken down into a series of code books as follows:

- 2012 International Building Code (IBC) with appendices
- 2012 International Residential Code (IRC) with appendices
- 2012 International Plumbing Code (IPC) with appendices
- 2012 International Mechanical Code (IMC) with appendices
- 2012 International Fuel Gas Code (IFGC) with appendices
- 2012 International Swimming Pool and Spa Code (ISPSC) with appendices
- 2012 International Energy Conservation Code (IECC) with appendices
- 2012 International Property Maintenance Code (IPMC) with appendices, and
- 2012 International Existing Building Code (IEBC) with appendices.

This update also includes adoption of the new 2011 National Electric Code (NEC).

The Town of Clarkdale has been a member of the ICC since 1991. Over the 23-year period, Town Council has adopted a series of code changes, the most recent occurring in 2008. At that time, the Council adopted the 2006 ICC codes. In March 2004, the Council also adopted the 2002 NEC. Keeping the code current ensures new construction in Clarkdale takes full advantage of the latest best practices. In addition,

complying with the most-current international codes also assists our residents as current codes enhance the Town's Insurance Services Office (ISO) and Community Rating System (CRS) ratings resulting in more advantageous insurance rates for residents.

Since 2013, Yavapai County and each of the towns and cities within the County have worked on achieving the adoption of the 2012 ICC codes and the 2011 NEC codes. Yavapai County, Sedona, and Camp Verde are moving forward to adopt the new codes in their jurisdictions. Cottonwood is currently using the 2009 ICC codes, and presently they have no plans to update. Thus far, building contractors, both those living locally and others from out of the area, have expressed their approval for a code update. Current Arizona agencies that have adopted the 2012 International Codes are: Gilbert, Avondale, and Chandler.

Of particular interest to Clarkdale is retention of the code relating to fire sprinklers. Based on staff discussions with the League of Cities and Towns and with our legal counsel, staff was advised to retain the existing code relating to fire sprinklers and adopted through Ordinance #282 dated October 11, 2005 and to omit the sections of new code from the 2012 ICC building codes (Section R313 Automatic Fire Sprinkler Systems). In so doing, the Town expects to retain its ability to require fire sprinklers. Please note, no legal challenges on this topic have yet been undertaken. Staff has also communicated with the Clarkdale Fire District regarding the Town's pursuit of code updates. Please be advised, we are not bringing forward the 2012 International Fire Code at this time, although we are in communication with the Clarkdale Fire District on this topic.

**Budget:**

Minimal budget impact is expected with the adoption of the new codes. One set of books for the new codes was purchased already. Additional training for the Building Official can be accommodated within this year's existing budget in Community Development.

**Recommended modifications to the standard code for Clarkdale as noted in Chapter 7, Building Code of Town Code:**

The recommended major updates from the 2006 to the 2012 codes are as follows:

1. R302.5.1: Self-closing doors required between garages and living areas. - *Protection from automobile fumes.*
2. R308.4.6: Safety glazing at stairways and tubs/ showers updated - *Protection from injuries*
3. R310.1: Habitable attics require escape and rescue openings - *Homeowner's escape route and Firefighter access*
4. R311.3: Landings are required at each side of an exterior door. - *Safety*
5. R312.2: Window guards requires at sills 24" or less. - *Safety*
6. R315: Carbon monoxide protection (detectors) *Much like smoke detectors- Safety*
7. R807: Attic access must be weather tight. - *Energy savings*
8. N1103.1.1: Forced air furnaces must have a programmable thermostat. - *Energy savings*
9. R202 75% of lamps must be energy efficient. - *Energy savings*
10. M2302.5: Add: Access around photovoltaic panels must be a minimum of 36" at 3 sides. - *Firefighter safety*

Although many of the items we're updating in Chapter 7 of Town Code are housekeeping issues, the following items are additional modifications to the new codes we're recommending:

1. **R302.3 Fire separation of dwelling units in two-family structures.** We recommend the reduction of the four-hour burn rating for walls between dwelling units to a one-hour drywall burn rating, commensurate with the ICC code standards and with other municipalities. Currently, our code requires a masonry or concrete wall separating these types of units and a four-hour burn rating. However, with both units protected by a fire suppression system, the one hour rating would be sufficient. Clarkdale Fire District Chief Moore was part of the discussion regarding this proposed change, and is supportive of this modification.
2. **Omit: G2439.5.6 Dryer vent identification. Concealed dryer vent would need a permanently affixed label located within 6' of the appliance.** Based on the experience of staff, this requirement seems unnecessary and creates an undue burden on the builder.

If adopted, the attached Resolution would make the "Building Code" a public record, and would then require a separate action to also adopt the associated Ordinance. The Building Code would be effective 30 days after adoption.

Building Inspector Grasso presented information and background on this agenda item.

Council discussed re-wording of resolution to include some flexibility regarding photo-voltaic panel access.

**Councilmember Regner moved for the approval of Resolution #1457, with modifications changing item 10 M2302.5 under the recommended modifications to read "access around photo-voltaic panels must be provided for buildings built prior to 2007", A RESOLUTION OF THE MAYOR AND THE TOWN COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE TOWN CLERK AND ENTITLED: "BUILDING CODE". Councilmember Vice Mayor Dehnert seconded the motion. The motion was approved unanimously.**

**AN ORDINANCE OF THE TOWN OF CLARKDALE, ARIZONA, MAKING CHANGES TO THE TOWN CODE BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED THE "BUILDING CODE" REPEALING CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY – Discussion and consideration of Ordinance #357, an ordinance adopting by reference Articles 7-1 through 7-9 titled "Building Code".**

During the February 25, 2014 Council meeting, the Council will first consider the adoption of a Resolution that articulates the details of the Building Code. If the Council supports the adoption of the Building Code, and has voted to make it a public record by adopting the previous Resolution, then the adoption of this proposed Ordinance would be the final step in the process to formally adopt the Building Code.

This ordinance adopts the document made a public record by Resolution #1457. If the ordinance is approved, the Building Code would be effective 30 days after adoption.

**Vice Mayor Dehnert moved to approve the Ordinance #357, an ordinance making changes to the Town Code by adopting by reference that certain document entitled the "Building Code"; repealing conflicting ordinances; and providing for severability. Councilmember Regner seconded the motion. The motion passed unanimously.**

**PUBLIC HEARING: AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CLARKDALE ADDING LANGUAGE TO THE CLARKDALE TOWN ZONING CODE, CHAPTER 2: DEFINITIONS AND CHAPTER 3: ZONING DISTRICTS, SECTIONS 3-9(A)(17) AND 3-9(C)(3) CENTRAL BUSINESS DISTRICT AND SECTION 3-11(A)(17) AND 3-11(A)(20), COMMERCIAL DISTRICT ALLOWING THE MANUFACTURING, PRODUCTION AND ASSEMBLY OF BOUTIQUE CONSUMABLE PRODUCTS AS PERMITTED USES AND THE PACKAGING OF CONSUMABLE PRODUCTS FOR RETAIL SALES DISTRIBUTION AS A CONDITIONAL USE IN THE CENTRAL BUSINESS DISTRICT AND A PERMITTED USE IN THE COMMERCIAL DISTRICT; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY.**

At the February 11, 2014 meeting, Council directed staff to revise the proposed ordinance to prevent large manufacturing companies from moving into the Central Business and Commercial Districts.

Staff has added language defining the term boutique as ‘designating a small exclusive producer or business’ and then added the term boutique to the language describing the permitted use. The requirement to have retail sales on the premise has also been added. In staff’s opinion, the ordinance as modified clearly identifies the proposed use is for small-scale producers of specialty items.

In addition, both the Central Business District and Commercial District currently permit ‘wholesale establishments and warehouses’. In the Central Business District this is a conditional use allowed with a Conditional Use Permit. In the Commercial District this is listed as a permitted use. Staff has modified the proposed ordinance to add the following language:

Wholesale establishments and warehouses, including the packaging of consumable products for retail sales distribution.

This would allow a boutique producer, such as a small wine producer, who might have a wholesale establishment, to bottle the product at the warehouse for resale use, whether on-site or at a different location. With the changes to the draft ordinance, this activity would be a permitted use in the Commercial District and require a Conditional Use Permit in the Central Business District. In staff’s opinion this language clarification conforms to the existing code intent and supports the new proposed draft ordinance.

**Public Hearing:**

Because of the substantive changes made to the draft ordinance language, notice of a second Public Hearing was published for this Council meeting to notify the public of the proposed modifications.

Senior Planner Escobar presented information on this agenda item.

Mayor Von Gausig opened the discussion to the public. There was no public comment.

**This is a public hearing only. No Council action is required.**

**AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CLARKDALE ADDING LANGUAGE TO THE CLARKDALE TOWN ZONING CODE,**

**CHAPTER 2: DEFINITIONS AND CHAPTER 3: ZONING DISTRICTS, SECTIONS 3-9(A)(17) AND 3-9(C)(3) CENTRAL BUSINESS DISTRICT AND SECTION 3-11(A)(17) AND 3-11(A)(20), COMMERCIAL DISTRICT ALLOWING THE MANUFACTURING, PRODUCTION AND ASSEMBLY OF BOUTIQUE CONSUMABLE PRODUCTS AS PERMITTED USES AND THE PACKAGING OF CONSUMABLE PRODUCTS FOR RETAIL SALES DISTRIBUTION AS A CONDITIONAL USE IN THE CENTRAL BUSINESS DISTRICT AND A PERMITTED USE IN THE COMMERCIAL DISTRICT; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY**– Discussion and consideration of Ordinance # 358 allowing the manufacturing, production and assembly of consumable products as permitted uses.

At the February 11, 2014 meeting, Council directed staff to revise the proposed ordinance to prevent large manufacturing companies from moving into the Central Business and Commercial Districts.

Staff has added language defining the term boutique as ‘designating a small exclusive producer or business’ and then added the term boutique to the language describing the permitted use. The requirement to have retail sales on the premise has also been added. In staff’s opinion, the ordinance as modified clearly identifies the proposed use is for small-scale producers of specialty items.

In addition, both the Central Business District and Commercial District currently permit ‘wholesale establishments and warehouses’. In the Central Business District this is a conditional use allowed with a Conditional Use Permit. In the Commercial District this is listed as a permitted use. Staff has modified the proposed ordinance to add the following language:

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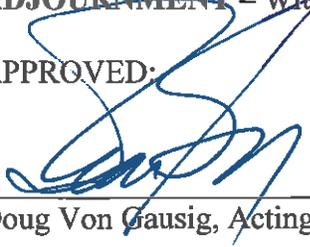
This would allow a boutique producer, such as a small wine producer, who might have a wholesale establishment, to bottle the product at the warehouse for resale use, whether on-site or at a different location. With the changes to the draft ordinance, this activity would be a permitted use in the Commercial District and require a Conditional Use Permit in the Central Business District. In staff’s opinion this language clarification conforms to the existing code intent and supports the new proposed draft ordinance.

**Councilmember Radoccia moved for the approval of Ordinance #358, AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CLARKDALE ADDING LANGUAGE TO THE TOWN OF CLARKDALE ZONING CODE, CHAPTER 2: DEFINITIONS AND CHAPTER 3: ZONING DISTRICTS, SECTIONS 3-9(A)(17) AND 3-9(C)(3) CENTRAL BUSINESS DISTRICT AND SECTION 3-11(A)(17) AND 3-11(A)(20) COMMERCIAL DISTRICT ALLOWING THE MANUFACTURING, PRODUCTION AND ASSEMBLY OF BOUTIQUE CONSUMABLE PRODUCTS AS PERMITTED USES AND THE PACKAGING OF CONSUMABLE PRODUCTS FOR RETAIL SALES DISTRIBUTION AS A CONDITIONAL USE IN THE CENTRAL BUSINESS DISTRICT AND A PERMITTED USE IN THE COMMERCIAL DISTRICT; REPEALING CONFLICTING ORDINANCES AND PROVIDING FOR SEVERABILITY. Councilmember Bohall seconded the motion. The motion carried unanimously.**

**FUTURE AGENDA ITEMS** - Listing of items to be placed on a future council agenda.

**ADJOURNMENT** – Without objection, Mayor Von Gausig adjourned the meeting at 7:15 P.M.

APPROVED:



\_\_\_\_\_  
Doug Von Gausig, Acting Mayor

ATTESTED/SUBMITTED:



\_\_\_\_\_  
Kathy Bainbridge, 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 Clarkdale, Arizona held on the 11<sup>th</sup> day of March, 2014. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 9 day of April, 2014.

SEAL



\_\_\_\_\_  
Kathy Bainbridge, Town Clerk