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**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
Thursday, September 27, 2018**

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**1. CALL TO ORDER / ROLL CALL**

Mayor Collins called to order the Town Council Meeting for Thursday, September 27, 2018 at 3:00 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Vice Mayor Jerry Bien-Willner  
Council Member Paul Dembow  
Council Member Scott Moore  
Council Member Julie Pace  
Council Member David A. Sherf  
Council Member Mark Stanton

**STAFF MEMBERS PRESENT**

Interim Town Manager Brian Dalke  
Town Attorney Andrew Miller  
Deputy Town Manager Dawn Marie Buckland  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
Town Engineer Paul Mood  
Community Development Director Jeremy Knapp  
Chief Financial Officer Douglas Allen  
Chief Information Officer Steven Brunasso  
Planner George Burton

**ALSO PRESENT**

Planning Commission Chair Daran Wastchak

**2. STUDY SESSION ITEMS**

**18-358            Reflection Path Dedication**

Mayor Collins and the Town Council dedicated the Paradise Valley Reflection Path located in the central landscaped area of the Town Hall complex parking lot. The Path features memorial plaques and remembrances of notable Town leaders and volunteers. The Public Works Department was recognized for designing and constructing the path.

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Note: Minutes of Town Council meetings are prepared in accordance with the provisions of Arizona Revised Statutes. These minutes are intended to be an accurate reflection of action taken and direction given by the Town Council and are not verbatim transcripts. Video recordings of the meetings along with staff reports and presentations are available online and are on file in the Office of the Town Clerk. Persons with disabilities who experience difficulties accessing this information may request accommodation by calling 480-948-7411 (voice) or 480-348-1811 (TDD).

**18-362            Discussion of Draft Ordinance No. 2018-16, a Proposed  
Amendment to Article XVI, Home Occupation; Section 1603, of the  
Town Zoning Ordinance**

Town Attorney Andrew Miller presented draft Ordinance 2018-16 to address complaints about parking on non-driveway surfaces at home occupations. The ordinance seeks to remedy the aesthetic problems and general nuisance issues created by such parking.

Responding to a question from Council, Planning Commission Chair Daran Wastchak stated that the only public comment received at the Planning Commission was from a resident who asked for confirmation that the ordinance only applied to home occupations.

Mr. Miller stated that short-term residential property rental is considered a home occupation and that the ordinance would apply. He clarified that enforcement would follow the standard civil complaint process in Town Code.

There was Council consensus to schedule the ordinance as drafted for a vote on October 25<sup>th</sup>.

**18-361            Discussion and Direction Regarding SUP Managerial Amendment  
Process**

Mr. Miller presented potential changes to the Special Use Permit section of the Code related to the Managerial Amendment process. It was noted by some Council Members that there is currently no appeal process for Managerial Amendments.

There was Council consensus to bring back a draft ordinance that included the following elements:

- Better define Section 1102.7(A)(4)
- Approved Managerial Amendments must be forwarded to the Town Council
- If three Council Members provide a written request to the Town Manager to review an amendment it shall be scheduled for discussion at the next Council Meeting.

**18-360            Discussion of Amendments to the Hillside Development  
Regulations in Article XXII of the Zoning Ordinance; Draft  
Ordinance 2018-15**

Mr. Miller presented draft Ordinance 2018-15 which makes the following minor changes to Zoning Article XXII Hillside Development Regulations:

1. Update certain definitions
2. Adds a pre-application submittal requirement
3. Provides for expiration of Hillside applications
4. Clarifies language related to requests to remove a property from hillside designation

There was Council consensus to change the term 'Concept Plan Review' to 'Concept Plan Presentation' as the word 'review' might be misinterpreted to be dispositive.

Mr. Miller stated that the ordinance would be scheduled for a public hearing on October 25<sup>th</sup>.

### **18-356            Visually Significant Corridors Master Plan Discussion #1**

Community Development Director Jeremy Knapp provided a broad overview of the Visually Significant Master Plan. Preparation of the Plan was both an implementation measure of the 2012 General Plan and a Town Council Quality of Life initiative.

He described each of the five sections of the plan, the Planning Commission's favorable recommendation, and the public input process.

John Griffin with Environmental Planning Group (EPG), the firm retained to develop the Plan, commented on the public outreach efforts.

The Council offered their initial feedback on the Plan. Concerns were expressed about: the design treatment and possible rest and reflection areas at the intersection of Lincoln Dr and Tatum Blvd; how this would financially impact private property owners adjoining the corridors; and if the Plan was meant to be a set of design guidelines or requirements.

The Council requested additional information on how the Plan would be implemented and if the Police Department and/or Engineering Department have any traffic safety concerns related to any of the designs. A suggestion was also made to include only snout weevil-resistant agave in the landscaping section.

Mr. Knapp stated that there would be an opportunity for the Council to discuss the Plan in greater detail at the next meeting.

**A motion was made by Council Member Moore, seconded by Council Member Dembow, to go into executive session at 4:35 PM for discussion or consultation with the Town Attorney to consider the Town's position regarding Development Agreement negotiations related to the Smoke Tree Resort and Lincoln Medical Plaza as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice regarding Special Use Permit zoning as authorized by A.R.S. §38 431.03(A)(3.) The motion carried by the following vote:**

**Aye:** 7 - Mayor Collins  
Vice Mayor Bien-Willner  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Sherf  
Council Member Stanton

Mayor Collins reconvened the Study Session at 5:05 PM

**18-359                    Discussion of Major Special Use Permit Amendment - Statement of Direction (SUP-18-05). 7101 E Lincoln Drive - SmokeTree Resort - 1st Review**

Mr. Knapp summarized a request to redevelop the Smoke Tree Resort. The resort site included the following proposed uses:

- 150 traditional hotel guest room keys for transient occupancy owned by the resort owner. Presently, the resort has only 23 of its 32 guest rooms in use.
- 30 resort residential units at approximately 1,250 square feet with lock-off feature and available for transient occupancy through the resort.
- Restaurant and bar/lounge in a similar location to the prior on-site restaurant.
- Accessory uses such as a fresh food market, café/eatery, micro-brewery, speakeasy, pop-up retail, coffee shop, florist, sandwicheria, bakery, and epicurean retail and sundries.
- Indoor and outdoor space for events, including a resort pavilion for banquets/meetings and pool areas.

He noted that the first formal step in the Special Use Permit (SUP) process is for the Council to adopt a Statement of Direction (SOD). The Council discussed and provided comments on the following SOD topics:

1. Use
2. Density
3. Lot Coverage/Floor Area Ratio
4. Height
5. Viewsheds
6. Setbacks
7. Impact to Adjacent Uses
8. Landscaping
9. Infrastructure improvements
10. Traffic, Parking, Access, and Circulation
11. Signage
12. ~~Community Spaces/Public Benefit~~ There was Council consensus to delete this item.
13. Context Appropriate Design

Mr. Knapp stated he would incorporate the Council's direction and bring back a draft SOD for review at the next meeting.

### **3. EXECUTIVE SESSION**

**18-350                    Discussion or consultation with the Town Attorney to consider the Town's position regarding Development Agreement negotiations related to the Smoke Tree Resort and Lincoln Medical Plaza as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice regarding Special Use Permit zoning as authorized by A.R.S. §38 431.03(A)(3.)**

A motion was made by Council Member Moore, seconded by Council Member Dembow, to go into executive session at 4:35 PM for discussion or consultation with the Town Attorney to consider the Town's position regarding Development Agreement negotiations related to the Smoke Tree Resort and Lincoln Medical Plaza as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice regarding Special Use Permit zoning as authorized by A.R.S. §38 431.03(A)(3.) The motion carried by the following vote:

**Aye:** 7 - Mayor Collins  
Vice Mayor Bien-Willner  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Sherf  
Council Member Stanton

**18-351 Discussion and consultation with the Town Attorney regarding pending or potential litigation related to sanitary sewer claims as authorized by A.R.S. §38 431.03(A)(4).**

A motion was made by Council Member Moore, seconded by Council Member Stanton, to go into executive session at 7:51 PM for discussion and consultation with the Town Attorney regarding pending or potential litigation related to sanitary sewer claims as authorized by A.R.S. §38 431.03(A)(4). The motion carried by the following vote:

**Aye:** 7 - Mayor Collins  
Vice Mayor Bien-Willner  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Sherf  
Council Member Stanton

**18-349 The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).**

This item was not discussed.

**4. BREAK**

**5. RECONVENE FOR REGULAR MEETING**

Mayor Collins reconvened the meeting at 6:05 PM.

**6. ROLL CALL**

**COUNCIL MEMBERS PRESENT**

Mayor Michael Collins  
Vice Mayor Jerry Bien-Willner  
Council Member Paul Dembow  
Council Member Scott Moore  
Council Member Julie Pace  
Council Member David A. Sherf  
Council Member Mark Stanton

**STAFF MEMBERS PRESENT**

Interim Town Manager Brian Dalke  
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Police Chief Peter Wingert  
Town Engineer Paul Mood  
Community Development Director Jeremy Knapp  
Chief Financial Officer Douglas Allen  
Planner George Burton

**7. PLEDGE OF ALLEGIANCE\***

Mayor Collins led the Pledge of Allegiance.

**8. PRESENTATIONS**

**18-347 Presentation of Community Service Award**

Police Chief Peter Wingert presented a Community Service Award to Christine Salehi for the Salehi Family's volunteer efforts in supporting the Special Olympics of Arizona.

**9. CALL TO THE PUBLIC**

There were no public comments.

**10. CONSENT AGENDA**

Mr. Dalke summarized the items on the Consent Agenda. Mayor Collins removed item 18-353 from the consent agenda.

**18-353            Approval of Appointments to the Public Safety Personnel  
                         Retirement Board**

**Recommendation:** Approve the appointments of Keith Wong as a citizen member and Jameson Van Houten as the Mayor's representative and Chair of the Public Safety Personnel Retirement Board.

Mayor Collins introduced Jameson Van Houten and Keith Wong. They both made brief comments and thanked the Council.

**A motion was made by Mayor Collins, seconded by Council Member Dembow, to approve the appointments of Keith Wong as a citizen member and Jameson Van Houten as the Mayor's representative and Chair of the Public Safety Personnel Retirement Board. The motion carried by the following vote:**

**Aye:** 7 - Mayor Collins  
Vice Mayor Bien-Willner  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Sherf  
Council Member Stanton

## 11. PUBLIC HEARINGS

There were no public hearings.

## 12. ACTION ITEMS

**18-363            Adoption of Resolution No. 2018-24; Authorization to Acquire Property Interests needed for the Lincoln Drive Sidewalk Expansion Project.**

Town Attorney Andrew Miller presented Resolution Number 2018-24 acquiring property interests needed for the Lincoln Drive Sidewalk expansion project. There was no public comment and no Council discussion.

**A motion was made by Council Member Pace, seconded by Council Member Sherf, to Adopt Resolution No. 2018-24; authorizing the Town to acquire property interests needed for the Lincoln Drive Sidewalk Expansion Project. The motion carried by the following vote:**

**Aye:** 7 - Mayor Collins  
Vice Mayor Bien-Willner  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Sherf  
Council Member Stanton

**13. FUTURE AGENDA ITEMS****18-352            Consideration of Requests for Future Agenda Items**

Interim Town Manager Brian Dalke summarized the future agenda schedule. There were no requests to add an item to a future agenda.

**14. MAYOR / COUNCIL / MANAGER COMMENTS**

Council Member Pace reported on the activities of ACOPS over the summer including: the construction security checklist; the meeting with the houses of worship, creating a 501©(3) foundation for the Police Department, the Police Department Welcome Wagon handouts, and Special Olympics fundraising activities. She extended an invitation to an Over the Edge fundraiser for Special Olympics on Monday, October 29 from 5-8 PM at El Chorro.

Council Member Moore reported on the Experience Scottsdale Annual meeting. He announced that the next board meeting would be held on October 11<sup>th</sup> and the he and Mr. Dalke would review Experience Scottsdale's annual audit.

Council Member Stanton stated that he attended an event hosted by Eve's Place along with the Mayor and Vice Mayor. Chief Wingert was awarded Chief of the Year and recognized for his nine-year partnership with the organization which aids victims of domestic abuse.

Council Member Dembow announced that the 14<sup>th</sup> Annual Paradise Valley Veterans Appreciation Vintage Car Show would be held on Saturday, November 10<sup>th</sup> at Town Hall.

**15. STUDY SESSION CONTINUED**

Mayor Collins recessed the meeting at 6:32 PM and reconvened the Study Session in the Boardroom at 6:40 PM for continued discussion of the Smoke Tree Resort Special Use Permit Statement of Direction.

**16. ADJOURN**

**Council Member Moore moved to adjourn. Council Member Pace seconded the motion which passed by the following vote:**

**Aye:** 7 - Mayor Collins  
Vice Mayor Bien-Willner  
Council Member Dembow  
Council Member Moore  
Council Member Pace  
Council Member Sherf  
Council Member Stanton

Mayor Collins adjourned the meeting at 8:46 p.m.



