

**BOARD OF SUPERVISORS MINUTES
GILA COUNTY, ARIZONA**

Date: October 27, 2015

MICHAEL A. PASTOR

Chairman

MARIAN E. SHEPPARD

Clerk of the Board

TOMMIE C. MARTIN

Vice-Chairman

By: Laurie J. Kline
Deputy Clerk

JOHN D. MARCANTI

Member

Gila County Courthouse
Globe, Arizona

PRESENT: Michael A. Pastor, Chairman; Tommie C. Martin, Vice-Chairman (via ITV); John D. Marcanti, Member; Don E. McDaniel, Jr., County Manager; Michael Scannell, Deputy County Manager; Jacque Griffin, Assistant County Manager, Librarian; Jefferson R. Dalton, Deputy County Attorney and Civil Bureau Chief; Marian E. Sheppard, Clerk of the Board; and Laurie J. Kline, Deputy Clerk.

Item 1 – CALL TO ORDER - PLEDGE OF ALLEGIANCE

The Gila County Board of Supervisors met in a work session at 10:00 a.m. this date in the Board of Supervisors' hearing room. Steve Sanders led the Pledge of Allegiance.

Item 2 – PUBLIC HEARINGS:

A. Information/Discussion/Action to adopt Ordinance No. 2015-05 amending the Zoning Map for Unincorporated Areas of Gila County for the rezoning of Assessor's tax parcel number 205-08-005 (1451 E. Highway 188, Globe, AZ) from a C3 (Commercial Three District) and R1-D8 (Residence One District with a minimum 8,000 square foot lot size) zoning to R1-D8 zoning.

Bob Gould, Community Development Division Director (via ITV), advised that this application is a request to rezone parcel number 205-08-005 as R1-D8 (Residence One District with a minimum 8,000 square foot lot size) because it is currently a multi-zoned property; 400 feet of the subject property beginning at Highway 188 is zoned as Commercial Three District (C3) and the last 14 feet of the property is zoned R1-D8.

Mr. Gould stated that the current zoning was applied in 1980. At that time, the County issued some permits on single-family residentially zoned properties,

which should not have been zoned for commercial development. To correct that error, the Board of Supervisors then rezoned a strip of land that affected many properties along Highway 188 by designating the first 400 feet of each parcel as C3; thereby, creating many multi-zoned properties. Also at that time, County staff requested that the Board of Supervisors only apply the C3 and R1-D8 multi-zoning on two affected properties; however, the Board proceeded to apply the multi-zoning to all of the properties along that area of Highway 188. He stated that the current zoning creates many problems at such time as a residential property owner tries to sell their property. Mr. Gould stated that he has encountered this problem many times throughout the years. Potential buyers are not able to obtain financing due to the commercial zoning being on the same parcel as the residential property. The end result is that the seller is not able to sell the property unless the potential buyer pays cash for it. In 2003, the County's Comprehensive Master Plan was adopted and at that time the County designated the subject parcel as single family residential. This home was permitted in 1948; 11 years before the County adopted its Planning and Zoning Ordinance. The Gila County Planning and Zoning Commission has reviewed this application, held a public hearing, and unanimously voted to recommend that the Board of Supervisors approve the zoning change.

Community Development Division staff recommended that the Board of Supervisors adopt Ordinance No. 2015-05 as it would correct the error in the zoning of parcel number 205-08-005. Vice-Chairman Martin was in favor of this action and stated that if the property owner has asked for the change and the Planning and Zoning Commission has recommended it, she believes it to be a "done deal." Supervisor Marcanti agreed with her and stated that this Board action would clear up some related problems, and he commented that the Planning and Zoning Commission is doing a "fantastic job." Chairman Pastor inquired if there have been any negative comments received from the public regarding this issue. Mr. Gould replied that there have been no written objections to this issue. There was one phone call received and it was only interrogative in nature. Chairman Pastor opened the public hearing and no comments were received; therefore, he closed the public hearing and asked for a motion from the Board. Upon motion by Vice-Chairman Martin, seconded by Supervisor Marcanti, the Board unanimously adopted Ordinance No. 2015-05 amending the Zoning Map for Unincorporated Areas of Gila County for the rezoning of Assessor's tax parcel number 205-08-005 (1451 E. Highway 188, Globe, AZ) from C3 and R1-D8 zoning to R1-D8 zoning. **(A copy of the Ordinance is permanently on file in the Board of Supervisors' Office.)**

Item 3 – REGULAR AGENDA ITEMS:

A. Information/Discussion/Action to approve the Amended Landfill User Fee Schedule dated October 27, 2015, which specifies a 50% waiver of the standard "All Other Waste" category for qualifying religious organizations that have obtained an approved Landfill Fee Waiver Permit.

Chairman Pastor stated that several years ago he received requests from a couple of local churches to waive fees at the landfill. At that time he conferred with Sharon Winters, Gila County Landfill Manager, and it was decided to deny their request because there was no County approved process in place to allow the fee waiver. In April 2015, Chairman Pastor was approached by the Divine Grace Presbyterian Church with a request to provide funding from Chairman Pastor's Constituent Services Fund in order to help with the Church's roof demolition/remodeling project. Chairman Pastor advised that he had not previously received a request from a religious organization, so at that time he conferred with Bryan Chambers, Deputy County Attorney and Civil Bureau Chief. Mr. Chambers responded in writing to Chairman Pastor and the letter cited several different applicable cases and a statement that it is not permissible for the County to gift funds to religious organizations.

Chairman Pastor advised that luckily the church was able to obtain some funding for its project; however, later on he was again approached by the church with a request to deposit debris from the project at the County landfill with a 50% reduction in the landfill fees. Chairman Pastor discussed that option with County Manager Don McDaniel at which time Mr. McDaniel suggested conducting a survey of other counties or municipalities throughout the state regarding waivers or reductions on landfill fees, which was done. In reviewing all of the information, Chairman Pastor believes the best avenue was to amend the County's Landfill User Fee Schedule to include the 50% reduction on the landfill fees for the "All Other Waste" category, whereby qualifying religious organizations could apply for a permit in order to receive the 50% reduction of the landfill fees.

Vice-Chairman Martin added that she would like for special taxing districts to be included in this benefit. Supervisor Marcanti agreed with her and stated that although this type of request doesn't come up very often, he would like to explore the options of expanding the scope of this topic. Mr. McDaniel commented that this topic has been explained well and he acknowledged that the Board has directed him to explore the possibility of broadening the areas to include other organizations. He advised that County staff will look at other areas that a reduction in fees or a complete waiver of fees could be applied. He added for clarification that the requesting organization would have to provide documentation of its tax-exempt status along with the application for a fee-waiver permit in order to receive the 50% reduction in landfill fees. Upon motion by Supervisor Marcanti, seconded by Vice-Chairman Martin, the Board unanimously approved the Amended Landfill User Fee Schedule dated October 27, 2015.

Item 3 – CALL TO THE PUBLIC: Call to the Public is held for public benefit to allow individuals to address the Board of Supervisors on any issue within the jurisdiction of the Board of Supervisors. Board members may not discuss items that are not specifically identified on the agenda.

Therefore, pursuant to Arizona Revised Statute §38-431.01(H), at the conclusion of an open call to the public, individual members of the Board of Supervisors may respond to criticism made by those who have addressed the Board, may ask staff to review a matter or may ask that a matter be put on a future agenda for further discussion and decision at a future date.

There were no requests to speak from the public.

Item 4 – At any time during this meeting pursuant to A.R.S. §38-431.02(K), members of the Board of Supervisors and the County Manager may present a brief summary of current events. No action may be taken on issues presented.

Each Board member and the County Manager presented information on current events.

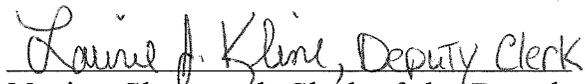
There being no further business to come before the Board of Supervisors, Chairman Pastor adjourned the meeting at 10:30 a.m.

APPROVED:



Michael A. Pastor, Chairman

ATTEST:


for Laurie J. Kline, Deputy Clerk
Marian Sheppard, Clerk of the Board