



TOWN COUNCIL REGULAR MEETING

AMENDED AGENDA (amended 11/10/22)

Wednesday, November 16, 2022 at 6:00 pm
Springerville Town Council Chambers - 418 E. Main St.
Springerville, AZ 85938

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the Springerville Town Council and to the general public that the Council will hold a meeting open to the public at the Springerville Town Hall, 418 East Main Street, Springerville, Arizona. The Town Council reserves the right to adjourn into Executive Session in accordance with Arizona Revised Statutes Section 38-431.03 (A)(1)(3)(4) and (7) for legal consultation on any of the following agenda items.

1. **CALL MEETING TO ORDER AND PLEDGE OF ALLEGIANCE:**
2. **ROLL CALL:**
Members of the Town Council or Legal Counsel that are unable to be present in person at a scheduled Council meeting, may participate in the meeting by telephone or video conference.
3. **PUBLIC PARTICIPATION:**
This portion of the agenda is set aside for the public to address the Council regarding items, whether they are listed on the agenda for discussion or not. However, the Council cannot engage in discussion regarding any item that is not officially listed on the agenda for discussion and/or action (A.R.S. §38-431.02(H).) Comments are limited to a 3 minute time period.
4. **COUNCIL, MANAGER AND STAFF REPORTS:**
Summary reports will be given on the items listed and no action will be taken on any matters mentioned in the summary unless listed in the agenda. (A.R.S. 38.431.02(k))

STAFF REPORTS:

PLANNING AND ZONING REPORT TO COUNCIL:

Per Town Code, if the Commission denies a Conditional Use Permit, it shall report its actions to the Council at its next regular meeting.

5. **PUBLIC HEARING:**

- a. Discussion and possible action to enter into a public hearing to take Council and Public comments on the use of FY 23 CDBG funds.

6. **CONSENT ITEMS:**

Discussion and possible action to adopt consent items 6a and 6b as presented:

- a. Consider approval of the October 19, 2022 Regular Council Meeting Minutes.
- b. Consider ratification and approval of the accounts payable register from 10/12/2022 - 11/07/2022.

OLD BUSINESS

7. **ORDINANCE 2022-005:**

An Ordinance putting age limits on manufactured and mobile homes being moved in and within the Town of Springerville limits.

- a. Possible second reading.

AN ORDINANCE OF THE TOWN OF SPRINGERVILLE, APACHE COUNTY ARIZONA, AMENDING THE TOWN CODE TITLE 17 CHAPTER 17.28 SECTION 17.28.180 "MOBILE HOMES OR MANUFACTURED HOMES" RELATED TO AGE OF HOMES, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, AND ESTABLISHING AN EFFECTIVE DATE.

- b. Discussion and possible action on Ordinance 2022-005.

NEW BUSINESS

8. **AWARDS OF APPRECIATION:**

Manager Collopy will be presenting some awards of appreciation.

9. **AMENDED 11/10/22**

PRESENTATION OF APPEAL BY APACHE COUNTY DISPENSARY:

Apache County Dispensary is appealing the denial of a Conditional Use Permit for a marijuana dispensary proposed to be located at 900 E Main St. They may have no more than 10 minutes to present their appeal.

10. **AMENDED 11/10/22**

PRESENTATION OF APPEAL BY SERENITY SMOKE LLC:

Serenity Smoke LLC is appealing the denial of a Conditional Use Permit for a marijuana dispensary proposed to be located at 279 E Main St.. They may have no more than 10 minutes to present their appeal.

11. **AMENDED 11/10/22**

Appeals of denied Conditional Use Permits for Apache County Dispensary 900 E Main St. and Serenity Smoke LLC 279 S Mountain Ave:

Discussion and consideration of the appeals of the decision of the Springerville Planning and Zoning Commission to deny the Conditional Use Permits applied for by Apache County Dispensary proposed to locate at 900 E Main St and Serenity Smoke LLC proposed to locate at 279 S Mountain Ave.

12. **EXECUTIVE SESSION:**

Discussion and possible action to enter into executive session for the below items:

S. LANEY:

Discussion or consultation with the attorneys of the public body in order to consider its position regarding claims against the Town by S. Laney and instruct its attorneys regarding the Town’s position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, Update and consultation with the Town Attorney pursuant to ARS § 38-431.03 (A) (3) (4).

SAGUARO HEALTH CENTER LLC:

Discussion or consultation with the attorneys of the public body in order to consider its position regarding Saguaro Health Center LLC and instruct its attorneys regarding the Town’s position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, Update and consultation with the Town Attorney pursuant to ARS § 38-431.03 (A) (3) (4).

White Mountain Flower LLC:

Discussion or consultation with the attorneys of the public body in order to consider its position regarding White Mountain Flower LLC and instruct its attorneys regarding the Town’s position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, Update and consultation with the Town Attorney pursuant to ARS § 38-431.03 (A) (3) (4).

TOWN OF EAGAR:

Discussion or consultation for legal advice with the attorney or attorneys of the public body regarding potential contracts for intergovernmental agreements with the Town of Eagar pursuant to ARS § 38-431.03 (A) (3) (4).

13. **ADJOURNMENT:**

Submitted by: _____

Posted by: _____

Members of the public who only want to provide written comments can express their comments by emailing the Town Clerk at kmiller@springervilleaz.gov to be read and/or summarized during the call to the public or during the appropriate agenda item. All comments must be submitted by 2:00 p.m. on the day of the meeting.

Americans with Disabilities Act (A.D.A.): The Town of Springerville intends to comply with A.D.A. If you are physically challenged or disabled and need special accommodations to participate in this town meeting, please contact the Town Clerk at (928) 333-2656 ext. 224 forty-eight (48) hours prior to the meeting to arrange necessary accommodations.

Contact: Kelsi Miller, Town Clerk (kmiller@springervilleaz.gov (928) 333-2656 x 224) | Agenda published on ____/____/2022 at _____