

TOWN OF PATAGONIA
REGULAR COUNCIL MEETING **MINUTES**
MAY 23, 2012
7:00 P.M.

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1. CALL TO ORDER.

Mayor Isakson called the meeting to order at 7:00 PM.

2. PLEDGE OF ALLEGIANCE.

Mayor led the pledge of allegiance.

3. CORRECTION AND/OR APPROVAL OF MINUTES OF

(A) REGULAR COUNCIL MEETING, APRIL 25, 2012 – 7:00 PM:

Minutes could not be approved because Council Member Gilbert was absent. They were rolled over to the next meeting when she is back.

PLEASE NOTE: THE MAYOR AND COUNCIL MAY ELECT TO TAKE ITEMS(S) OUT OR ORDER

THE FOLLOWING ITEM WAS MOVED UP BY MAYOR ISAKSON.

7. PUBLIC HEARING, DISCUSSION AND POSSIBLE ACTION TO CONSIDER THE APPLICATION OF JOHN SHELTON FAMILY TRUST FOR A USE PERMIT FOR FOUR ADDITIONAL APARTMENTS TO BE CONSTRUCTED AT 285 SOUTH SONOITA AVENUE IN THE TOWN OF PATAGONIA. MAYOR ISAKSON.

Mr. Shelton took the floor proceeded to describe the model of the proposed apartments. The building will house two one bedroom, one bath apartments and two studio which will be energy efficient. The area will be landscaped and existing units will be stucco and updated. Building is 22.5 ft high.

David Budd, Chairman of the Planning and Zoning Committee stated the committee had made a recommendation to the council of two units. The apartment building as proposed is not appropriate to the character of the town, he said.

There were many concerns expressed by several members of the public such as:

Density was the big issue. Most everyone felt the building did not fit in with the neighborhood or the character of the community. Structure is too large and height is offensive. It does not meet the lot requirement of the town code. The location is inappropriate for it.

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Traffic will increase in the narrow alley with more people driving through and parking here. Traffic is already a problem with the trucks unloading at the market.

Views Building will obstruct the view of Red Mountain.

Property values Concerns were expressed about decreasing property values if this is allowed to happen.

Another concern was that if a use permit was granted, does it mean that other people will do the same? Need to stop it now and protect the community from people that seek to change our town.

One person felt that housing should be encouraged in Patagonia. Encourage people with families to live here. Many dwelling in town exceed fifty percent of the property. Mr. Shelton should be able to build as long as he follows the rules. He owns the property and should not be told what to do with his land. This would be an asset to the community. He also cautioned the council about Proposition 207 that could cause legal issues for the town and its citizens.

The general consensus from the public was that there is no need for this structure and the use permit should be denied. They asked the town council to consider the public comments. It is the council's responsibility not to compromise the town character. They urged the council not to grant any variances and stay true to the town ordinance.

Mr. Shelton responded by saying he did not agree. He stated the general plan was only a guide that could be changed and modified and it was already outdated. He also stated that everyone had something to hide and that was the reason they were against him building the apartments. He pointed out:

The traffic and fire hazard created by the overgrown bamboo on the corner house on 3rd and Sonoita Ave.

The school teacher's gas line runs through his property; she will have to move it, he added.

An art studio in the alley is on half a lot, no yard.

There is a 15' encroachment into the alley by the corner house on 3rd and Mendoza Alley.

What is the Council going to do about this? he asked. These problems need to be resolved one way or another whether the apartments are built or not.

Mr. Shelton asked the town council to consider approving the building as designed or reject it all together. To conclude as quickly as possible. He stated the Planning and Zoning Committee's recommendation was totally unacceptable.

The Mayor and Council were not ready to make a decision at this time. There was a lengthy discussion regarding the town code and its interpretation by different people. Council felt it needed clarification. They also thought the town plan may need updated. Can the council legally tell Mr. Shelton what to do with his land. These are all questions that council could not answer.

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Vice-Mayor Wood stated that if any changes need to be made to the town code they should be done before approving anything and not after.

Council Member McKay felt the council should stick to the rules. He would like to look more into the interpretation on town lots.

Michael Stabile, planning and zoning committee member stated that their decision and recommendation to the council was based on two dwellings units per lot. With the new flood zone and FEMA rules everyone will be forced to build up. This will happen more often in the future, he said.

At this time Mayor Isakson stated that this was Council Member McKay's last meeting and he would not be making a decision on this use permit. He thanked him for serving on the town council and as the Seago representative to the town. Council Member McKay received a big round of applause.

Mayor Isakson felt council needed legal advice before making a decision on Shelton's use permit.

Motion: Mayor Isakson moved to table this item until the next council meeting.

Second: Vice-Mayor Wood

Vote: The motion PASSED with council members voting as follows

Ayes: Mayor Isakson, Vice-Mayor Wood, and Council Member McKay (3)

Nays: Council Member Quiroga

Abstainers: None

Absent: Council Member Gilbert

4. CALL TO THE PUBLIC A.R.S. §38-431-01(H) AT THIS TIME, ANY MEMBER OF THE PUBLIC IS ALLOWED TO ADDRESS THE TOWN COUNCIL, SUBJECT TO REASONABLE TIME AND MANNER RESTRICTIONS. PURSUANT TO THE ARIZONA OPEN MEETING LAW, AT THE CONCLUSION OF THE CALL TO THE PUBLIC, INDIVIDUAL MEMBERS OF THE COUNCIL MAY RESPOND TO CRITICISM MADE BY THOSE WHO HAVE ADDRESSED THE COUNCIL, MAY ASK STAFF TO REVIEW THE MATTER, OR MAY ASK THE MATTER BE PLACED ON A FUTURE AGENDA. Public comments were made during Item #7.

OLD BUSINESS

5. MAYOR'S REPORT ON CURRENT EVENTS. AT THIS TIME THE MAYOR MAY WISH TO CALL UPON THE COUNCIL OR STAFF FOR CURRENT EVENT REPORTS.

Mayor had nothing to report.

6. STATUS REVIEW, DISCUSSION AND POSSIBLE ACTION ON BUDGET PREPARATION AND AVAILABILITY FEES. MAYOR ISAKSON.

No action was taken. Item rolled over to the next council meeting,

NEW BUSINESS

8. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 12-04. A RESOLUTION OF THE TOWN OF PATAGONIA COUNCIL ADOPTING THE SANTA CRUZ COUNTY MULTI-JURISDICTION HAZARD MITIGATION PLAN 2011. MAYOR ISAKSON.

Motion: Member McKay moved to adopt Resolution No. 12-04.

Second: Vice-Mayor Wood

Vote: The motion PASSED with the Council Members voting as follows:

Aye: Mayor Isakson, Vice-Mayor Wood, and Council Member McKay (3)

Nays: Council Member Quiroga

Abstainers: None (0)

Absent: Council Member Gilbert

9. APPROVAL OF ACCOUNTS PAYABLE FOR MAY 9TH AND MAY 23RD.

Motion: Council Member Quiroga moved to approve the accounts payable for May 9th and 23rd.

Second: Vice-Mayor Wood

Vote: The motion PASSED with the Council Members voting as follows:

Ayes: Mayor Isakson, Vice-Mayor Wood, Council Members Quiroga, and McKay (4)

Nays: None (0)

Abstainers: None (0)

Absent: Council Member Gilbert

14. FUTURE AGENDA ITEMS: AT THIS TIME THE COUNCIL MAY BRING FORTH TOPICS FOR FUTURE AGENDAS, AND IF PREVIOUSLY REJECTED BY THE MAYOR, THE COUNCIL MAY VOTE ON WHETHER TO PLACE THAT ITEM ON A FUTURE AGENDA PURSUANT TO SECTION 2-5-5 OF THE CODE OF THE TOWN OF PATAGONIA, ARIZONA. THE COUNCIL MAY NOT DISCUSS, DELIBERATE OR TAKE ANY ACTION ON THE SUBSTANCE OF THE TOPICS OTHER THAN TO VOTE TO INCLUDE THEM ON A FUTURE AGENDA. A.R.S. §38-431.02(H).

Items rolled to next meeting agenda: Shelton Use Permit and Budget discussion.

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15. ADJOURN.

Motion: Council Member McKay moved to adjourn

Second: Council Member Quiroga

Vote: Motion PASSED with Council Members voting as follows:

Ayes: Mayor Isakson, Vice-Mayor Wood, Council Quiroga and McKay (4)

Nays: None (0) s

Abstainers: None (0)

Absent: Council Member Gilbert

The meeting adjourned at 8:45 P.M.

I hereby confirm the foregoing minutes are a true and accurate copy of the minutes of a Regular Council Meeting held on May 23rd, 2012 at 7:00 P.M. I further certify that the meeting was duly called, held, and that a quorum was present.

Date this 11th day of June, 2012.

DEPUTY TOWN CLERK

MAYOR

