



City of Prescott

General Plan Review Committee

November 13, 2024 | 2:00 PM
201 N. Montezuma Street
Council Chambers, 3rd Floor
Prescott, AZ 86301

MINUTES

1. CALL TO ORDER

Chair Sapio called the meeting to order at 2:00 p.m.

2. ROLL CALL

Terry Sapio, Chair
Don Michelman, Vice-Chair (Arrived at 2:08 p.m.)
Andre Carman, Member (Excused)
Thomas Davis, Member
Mary Frederickson, Member
J.D. Greenberg, Member
Ralph Hess, Member
Jim Huffman, Member
James McCarver, Member (Arrived at 2:10 p.m.)
Rod Moyer, Member
Tom Reilly, Member

3. DISCUSSION & ACTION ITEMS

A. Approval of the August 28, 2024 and October 30, 2024 General Plan Committee Meeting Minutes.

MOTION BY MEMBER REILLY TO APPROVE THE AUGUST 28, 2024 MINUTES; SECONDED BY MEMBER MOYER: PASSED (6 - 0 - 2) CHAIR SAPIO AND MEMBER HESS ABSTAINING

MOTION BY MEMBER REILLY TO APPROVE THE OCTOBER 30, 2024 MINUTES; SECONDED BY MEMBER HESS: PASSED (8 - 0)

B. Presentation & Discussion Regarding the Review of Comments Submitted to Date During the 60-Day Public Comment Period.

Tammy DeWitt, Community Planner, provided a review of recent comments received about the General Plan for review by the Committee.

Councilperson Rusing commented she was thrilled with the work done by the Committee. She then added that the anti-discrimination clause in the last sentence of the first paragraph under "Prescott's Vision" in the introduction is not appropriate for the plan and advised that she had sent a text to the City Attorney and he agreed. She also did not agree with the special use permit mentioned in the Community Connected chapter and said that cell towers do negatively affect property values. She would like to see wording included to co-locate towers and

use of stealth technology.

Chair Sapio asked if the Committee wanted to discuss Councilperson Rusing's comments.

Ms. DeWitt added that the Committee did go back and forth and came to an agreement with what is currently in the draft and consulted with outside groups to get to where they are today.

Member Moyer commented that the Council is going to listen to what the City Attorney has to say about the topic when the plan comes before them.

Chair Sapio added that his opinion is that the paragraph is not needed.

Chelsea Walton, Community Development Director, added that if the committee chooses, they can revisit the topic during the meeting. However, since consensus was previously reached and the document is set to go to City Council, it could proceed as is. The City Council, with input from the City Attorney, can address or amend it during their review.

Member Huffman commented that he was in favor of removing the paragraph in question.

Member Hess commented that he is opposed to removing the section, noting it has been thoroughly discussed. He clarified that the document, while primarily a land-use planning tool, includes background and cultural information to describe Prescott. The provision in question is in the introduction, not a planning section, and aligns with this broader context. Addressing concerns about the City Attorney's comments, Member Hess stated he sees no legal or liability issues and hasn't heard a definitive indication from the City Attorney that the provision would create problems.

Member McCarver suggested removing the section as he had previously voted against it.

Member Reilly agreed with Member Hess that it should remain. The Council can remove it if they want to.

Chair Sapio commented that he has been uncomfortable with the section since the beginning. He is worried that it could lead to a discrimination lawsuit.

Vice-Chair Michelman added that the Committee spent hours discussing this topic, and they came to a majority vote to make it the way it is today in the draft, should not go back at the last minute and change it.

Member Frederickson commented she is not going to change her prior vote, she was against it before and still is.

Member Moyer added that since the Committee already voted, they should not take it out, the Council has the option to get advice from the City Attorney and

change it if they decide to.

Member Greenberg commented that she is also uncomfortable with the section due to the list of those possibly discriminated against.

Member Davis added that he thought the wording was unusual for a General Plan, and he would be interested to hear feedback from the attorney.

Ms. DeWitt commented that the next step is for the plan to go before the Planning and Zoning Commission, then to the City Council for final approval.

Member Hess asked for clarification if the Planning and Zoning Commission could make changes.

Ms. DeWitt responded that they can amend the draft of the General Plan.

Member Davis added that he is glad that members of Council are hearing the discussions on this topic.

Member Hess requested the minutes reflect that, throughout the Committee's two-year work on the draft, a majority of Planning and Zoning Commission members have participated in the process. He clarified that, while there are currently three members from the Commission on the Committee, one short of a majority, at various times during the Committee's work, the majority of Commission members were involved.

Chair Sapio asked if the Committee wanted to discuss cell tower comments.

Ms. DeWitt commented that the topic of the cell towers is in the "Community Connected" section of the plan (page 61 of the new draft), which includes strategies for planning for new technology. This involves working with cell carriers and others to implement advancements suited to Prescott's unique terrain, which requires more infill compared to flat areas like Prescott Valley. She noted that the city faces capacity challenges and aims to stay updated with new technology to address them effectively.

Member Frederickson proposed revising the language of a specific paragraph highlighted by Councilmember Rusing. She suggested stating: Close proximity of cellular towers to residences may negatively impact property values, though the impact is debated, due to differing information on both sides. Also, cell tower aesthetics and the impacts will likely change over time.

Member Greenberg recommended adding "may not" to the sentence in front of "negatively impact property values"

Ms. DeWitt stated that feedback is still being collected during the 60-day comment period, which ends next week. Afterward, all comments, including minor corrections and substantive issues, will be reviewed and addressed. She highlighted a specific comment regarding the section on climate change, which was seen as overly focused on electric vehicles (EVs). The commenter

suggested recognizing a diversity of fuel sources and addressing fuel cycle economics. Ms. DeWitt noted that much of the content came from the CLIMAS group's white papers and proposed revising the section to make it less specific to EVs. She suggested bringing back revised wording for Committee input.

Member Frederickson suggested summarizing EV charger information and raised concerns about outdated claims regarding electric vehicle adoption and job creation. She also recommended clarifying that references to the CLIMAS action plan are informational and not indicative of city endorsement.

Ms. DeWitt agreed to review and potentially soften the language to address these issues and check the wording used around the external links.

Councilwoman Fruhwirth suggested providing responses to public comments, particularly to clarify when suggestions are not feasible due to legal constraints. For instance, noting that certain actions are prohibited by state statutes could help commenters feel their input was acknowledged and addressed.

Member Hess inquired whether the updated spreadsheet, containing all comments from departments and other contributors, would be posted on the website once finalized.

Ms. DeWitt responded that once the 60-day public comment period ends, the virtual meeting room will be closed, as no further comments will be accepted. All received comments will be compiled into an updated spreadsheet, and department heads will be asked to address relevant ones. These comments and responses will be included in the next meeting's packet for public review. They will also be posted on the city's General Plan website, under the section for the 60-day comment period, with explanations for how the comments were addressed.

Member Reilly commented on the importance of managing existing businesses is a key asset for the city's fiscal health, as they contribute sales tax revenue. He suggested that the General Plan should include stronger language on supporting and promoting both existing and new businesses. This would help drive economic growth, particularly in light of recent funding initiatives like Prop 478, which supports first responders. He recommended incorporating this focus on business support throughout the plan where the need for business encouragement is mentioned.

Ms. Walton added that the meeting today is a mid-check-in on public comments, as the public comment period has not yet closed. The document is still being worked on, and a more thorough review will occur once the period ends. The goal is to identify any significant issues or "red flags" early on. Department heads will need time to review and address the comments, with staff responses expected to be ready for the December 11 meeting. At this point, the focus is on identifying key areas for attention and getting preliminary feedback on any major concerns.

Councilwoman Fruhwirth acknowledged differing opinions in public comments but noted a common theme related to concerns about developers cutting corners and

taxpayers eventually bearing the costs. She asked staff to research whether other cities or towns in Arizona have explored the possibility of obtaining warranties for construction or development projects to avoid these issues, and wanted to know if this is a viable option or something that has been tried elsewhere.

Member Reilly responded that in Arizona, contractors, whether working for the city or other entities, are required by state statute to provide a mandatory two-year warranty after the completion of a project, such as roadwork or building construction. This warranty period begins once the contract ends and the project is conveyed.

Member Davis added that in addition to the mandatory state warranty requirements, other states may allow performance bonds to be negotiated for large projects such as infrastructure projects. These bonds can be collected if necessary and help ensure that the project is completed on time and meets the required standards during construction.

Ms. Walton explained that the City of Prescott requires financial assurances for new construction, typically covering a percentage of the public infrastructure. These assurances are managed by the Public Works Department. While the financial assurance usually involves a specific duration of time, it only applies to specific parts of the project, not the entire scope. Various forms of financial assurance are accepted, including cash, checks, letters of credit, etc.

Member Frederickson commented that it would be helpful to prompt department heads to clarify whether there are any legal reasons preventing certain actions that are suggested in the public comments.

Member McCarver referenced a public comment regarding a noise ordinance and asked if the city already has one in place.

Member Reilly responded that the city does have a noise ordinance.

Ms. Walton added that the noise ordinance is enforced by the Police Department and they can speak to those items.

Tony Hamer, member of the public, commented that the vision in the city's General Plan ("Charming, welcoming, and sustainable community") differs from the vision in the city's strategy ("Premier Community in the Southwest"). He suggested aligning the two for consistency and clarity in the city's overall direction.

Ms. DeWitt responded that the Public Outreach Department clarified the distinction between the city's Strategic Plan, which is updated annually and covers a 2-5 year period, and the General Plan, which provides a broader, 10-year vision. Information on the differences between the two plans was made available on the city's social media to address public confusion.

Councilwoman Fruhwirth added that during the meeting for the Strategic Plan,

the Council spent two days discussing key aspects, but when the plan was published in June, a vision statement appeared that had not been discussed. This was an oversight and the Council plans to review and potentially update the vision statement during their next planning session. The comments from the community and vision feedback will be considered in this process, with the goal of refining and renewing the plan, particularly the introductory elements.

Councilperson Rusing commented that she has participated in five strategic plan cycles and consistently raised concerns about the vision statement "to be the Premier Community in the Southwest," finding it outdated and not reflective of the community's character. Despite raising this issue each year, the statement still appears in the latest version. She thanked the group for acknowledging this and expressed plans to work on a more cohesive vision that aligns better with the General Plan.

Ms. DeWitt reviewed the next steps: The team will finalize compiling public comments once the comment period closes. They will work with department heads to address comments, ensure accurate references to state statutes, and propose necessary plan changes. These changes will be presented at the next meeting for consensus and approval from the Committee. Afterward, the updated draft will move to the Planning and Zoning Commission.

Member Frederickson asked if they will have a finished spreadsheet before the next meeting of all the public comments and input from department heads.

Ms. DeWitt confirmed.

Councilwoman Fruhwirth addressed a public comment that brought up understanding the population, noting its relevance in recent efforts such as Prop 478 and impact fee discussions. She highlighted that while tourism data is useful, it should be integrated with broader population insights to reflect the full scope of city dynamics, including the daily doubling of the population due to visitors. She suggested aligning data with other city initiatives to maintain consistency and cohesiveness across various efforts.

Member Hess asked for clarification if there would be any changes to the online draft of the General Plan before the next meeting, would like to make sure everyone is looking at the same thing.

Ms. DeWitt said the current draft online will not be changed before the next meeting as that's the version the public is commenting on. They observed that some comments clearly stemmed from specific sections of the draft, indicating that reviewers focused on certain areas. The spreadsheet is being used to guide people by pointing out where their concerns might already be addressed, even if it's in a different section of the document.

Ms. Walton added that everyone is working with the same draft online to ensure consistency. The goal is to collect all suggested changes, then make a single round of edits to the document. Simple updates, like grammatical corrections or minor word adjustments noted in the spreadsheet, will be addressed before the

document is reviewed by the Planning and Zoning Commission.

This item was for discussion only, no formal action was taken.

4. UPDATES

None.

5. ADJOURNMENT

Chair Sapio adjourned the meeting at 3:31 p.m.



Terry Sapio, Chair

ATTEST:



Torey Dawson, Deputy City Clerk