

**BOARD OF ADJUSTMENT AND APPEALS HEARING  
SPECIAL COUNCIL MEETING  
THURSDAY, APRIL 20, 2017  
3:00 P.M.  
SCHIEFFELIN HALL  
402 E. FREMONT STREET**

- I. CALL TO ORDER** Mayor Dustin Escapule called the Board of Adjustments and Appeals Hearing to order on Tuesday, April 20, 2017.
- II. PLEDGE OF ALLEGIANCE** Mayor Dustin Escapule led the Commissioners and the general public in a recitation of the Pledge of Allegiance.
- III. ROLL CALL**
- |                             |         |
|-----------------------------|---------|
| Commissioner Annn Salcido   | Absent  |
| Commissioner Bill Barlow    | Present |
| Commissioner Brian Davis    | Absent  |
| Commissioner James Newbauer | Present |
| Chairman Dustin Escapule    | Present |

**A QUORUM WAS DECLARED**

**IV. BOARD OF ADJUSTMENT AND APPEALS HEARING**

**MOTION** by Councilmember Barlow, **SECOND** by Councilmember Newbauer to move into the Board of Adjustments and Appeals Hearing.

**VOTE:** 3/0

**MOTION:** Carried

- A. DISCUSSION AND PUBLIC COMMENTS:** on the issuance of a Conditional Use Permit for the construction and use of fiber optic communications building to be located on Parcel #109-12-094 at the Southeast corner of 5<sup>th</sup> Street and North Street. Public comments and concerns are welcomed.

Chairman Escapule; "Do we have anybody that has any public comments?"

**Steve Reeder, 502 E. Fulton;** "How large is the building and what does it look like?"

Building Inspector McMillan; "It's going to be four hundred and twenty square feet. (Building Inspector McMillan show Mr. Reeder a picture of the same building that was done in Wilcox, AZ).

Mr. Reeder; "and the height of that is going to be?"

Building Inspector McMillan; "Probably fourteen feet."

Mr. Reeder; "that's all my wife wanted to know if it was going to block her view."

Chairman Escapule; "So it's not going to block your view of the mountains?"

Mr. Reeder; "No."

Chairman Escapule; "Thanks, Steve. Anybody else?"

Commissioner Barlow; "There was some questions I asked Inspector Mac before the meeting; besides the fee for the Conditional Use Permit and any property taxes we will get off the approved lot is there any other benefit for Tombstone as far as ...; what I have read this is going to help Tucson. I'm still not opposed to it but I just want to know if there is anything that will help us down the road?"

Chairman Escapule; "Can you answer that Mac?"

Building Inspector McMillan; "what it has done is the actual easement is owned by Valley Telecom and they own the rights to all the lines and or the conduits that run on that easement that runs along North and by adding this additional line it's made available to the City our ability to add a wireless internet service provider to the community and while it's not a direct result of this happening it helped to open up communications with Valley and get that process started so that instead of having one wireless service provider for the entire town we would have two."

Commissioner Barlow; "Do you see this moving forward within the next year as far as being available for the general public?"

Building Inspector McMillan; "They already started. Infrastructure has already been put in place. They have an agreement in place with the school. I believe the IT room is already in place, equipment in place and tan is in place and they have the school completely switched over and loaded on to that line and now they are working on the two land deals that they need in order to shoot that signal from the school tower up to the water tank; property adjacent there to; as well as one other location that I believe is to the South West of town and that way everyone will be able to get coverage for everyone including people in the outlying Cochise County area."

Commissioner Newbauer; "I was actually kind of wondering if there was any future for the town itself?"

Mayor Escapule; "Just to let you know we have both been working with Valley Telecom for almost a year now and I got a call from Valley Telecom a week and a half ago and they said we haven't forgotten you, we are still working on it. It is pretty much what Mac just said; they have pretty much been working with the school and anytime you can get a fiber optic that terminates and rejuvenates in your town I think it's a plus for us."

Building Inspector McMillan; “Yeah, it has actually enabled the original line which is what we are going to feed off of the town service. It’s going to free up some of that space that is on that line by putting it over to the new line so we are going to be adding on to the existing line and we will have a little competition in town and hopefully some better speed.”

Chairman Escapule asked if there were any further questions from the public or commissioners.

Chairman Escapule entertains a motion to adjourn the Board of Adjustments and Appeals Hearing.

**V. ADJOURNMENT**

**MOTION** by Commissioner Newbauer, **SECOND** by Commissioner Barlow to adjourn the Board of Adjustments and Appeals Hearing.

**VOTE:** 3/2/0

**3 Yes Votes, 2 Absent, 0 No Votes**

**MOTION:** Carried

The Board of Adjustments and Appeals Hearing adjourned at 3:05 p.m.

**VI. SPECIAL COUNCIL MEETING  
3:05 p.m.**

**NEW BUSINESS**

Mayor Escapule; “We will move into the Special Council Meeting under New Business.

**A. DISCUSSION AND/OR ACTION:** Approval of Conditional use permit for the construction of the fiber optics building located on the corner of 5<sup>th</sup> Street and North Street.

**MOTION** by Councilmember Newbauer, **SECOND** by Councilmember Barlow to approve the Conditional use permit for the construction of the fiber optics building located on the corner of 5<sup>th</sup> Street and North Street.

**DISCUSSION:** None

**Roll Call Vote:**

Councilmember Salcido	Absent
Councilmember Barlow	Yes
Councilmember Davis	Absent
Councilmember Newbauer	Yes
Mayor Escapule	Yes

**VOTES:** 3/2/0

**3 Yes Votes, 2 Absent, 0 No Votes,**

**MOTION:** Carried

- B. DISCUSSION AND/OR ACTION:** Approval of liquor license #12023196 (Restaurant License) for Puny John's BBQ LLC, 11 S. 4<sup>th</sup> Street.

**MOTION** by Councilmember Barlow, **SECOND** by Councilmember Newbauer to approve liquor license #12023196 (Restaurant License) for Puny John's BBQ LLC, 11 S. 4<sup>th</sup> Street.

**DISCUSSION:** None

**Roll Call Vote:**

Councilmember Salcido	Absent
Councilmember Barlow	Yes
Councilmember Davis	Absent
Councilmember Newbauer	Yes
Mayor Escapule	Yes

**3 Yes Votes, 2 Absent, 0 No Votes**

**VOTE:** 3/2/0

**MOTION:** Carried

- C. DISCUSSION AND/OR ACTION:** Approval of request from the Old Firehouse Senior Center for the acceptance of donation money in the amount of \$27,832.91 and approval of the allocation of \$4,500.00 from the General Fund to be used for the purchase of a 2017 Ford Transit T150 Cargo Van from Peoria Ford at a cost of \$32,332.91.

**MOTION** by Councilmember Newbauer, **SECOND** by Councilmember Barlow to approve request from the Old Firehouse Senior Center for the acceptance of donation money in the amount of \$27,832.91 and approval of the allocation of \$4,500.00 from the General Fund to be used for the purchase of a 2017 Ford Transit T150 Cargo Van from Peoria Ford at a cost of \$32,332.91.

**DISCUSSION:** Councilmember Barlow; "Mayor I have a question; There is only one bid in my packet so I am assuming we only got one but because of the amount I thought we were bound by City Code to get three bids?"

Mayor Escapule; "This is a fleet purchase and we are not required to get bids on a fleet purchase. Also, this particular vehicle is not one that everybody sells its special order that they are actually getting made. That is another reason why it wouldn't have to have 3 bids."

Debbie Hankerd, Senior Citizen Center Manager; “Retail value on that is thirty nine thousand five hundred.”

Councilmember Barlow; “but how do we know we are getting the best price at thirty two without.....”

Debbie Hankerd, This is the price they gave me and it was fleet sales. That’s what I was recommended and told.”

Councilmember Barlow, “but there’s other places in the State that does fleet sales.”

Mayor Escapule; “Well this is the same place we have been buying all of our vehicles.

Debbie Hankerd; “Yes.”

Councilmember Barlow; “I am not opposed to it. I would just like to see competitive prices when we spend thirty two thousand dollars.”

Debbie Hankerd; “Let me explain the process. My name is Debbie Hankerd; I manage the Senior Center. We have been fund raising. There is a list in your packet. We have been fund raising since last November and so far to date we have that total. These donations are going to the bank. The City is not buying this van. It’s all going through Tombstone Senior Volunteers.”

Councilmember Barlow; “Well the City is putting up forty five hundred dollars!”

Debbie Hankerd: “All I am asking from the City is four thousand five hundred dollars.”

Councilmember Barlow; “and I think that every time we spend a dollar we need to make sure that it is the best buy for the money. That is the only thing I am saying with three bids through fleet companies.”

Debbie Hankerd; “I don’t have contact with three fleet dealers. I was given one name. He gave us a different price for the City versus even the 501 corporation. I got a bid from them through that and it was more expensive to go through the 501 corporation then the City. If we went through the City then we did get the fleet discount. It was considerably more. What’s going to happen is TSV will donate all the money that they have raised and with your approval will be able to order it.”

Mayor Escapule; “It will be registered to the City of Tombstone and that is exactly what this is doing here is we are accepting the twenty seven thousand eight hundred and thirty two dollars to be put in the general fund to be used for the purchase of this vehicle and we committed way over a year ago when they first started this project. I believe you were privy at that meeting. We committed the forty five hundred dollars and we are going to stand by our commitment. I think it is a benefit and asset to the Senior Center.

Councilmember Barlow; “I know we need it. I don’t question that.”

Mayor Escapule; “I understand what you are saying Mr. Barlow and I agree we should try and get the best bang for our buck. In looking at some of the used vans of this same caliber that are up around this price I think they made the right choice with it.”

Mayor Escapule calls for further questions. There being no further questions Mayor Escapule calls for a roll call vote.

**Roll Call Vote:**

Councilmember Salcido	Absent
Councilmember Barlow	Yes
Councilmember Davis	Absent
Councilmember Newbauer	Yes
Mayor Escapule	Yes

**3 Yes Votes, 2 Absent, 0 No Votes**

**VOTE:** 3/2/0

**MOTION:** Carried

**VII. MOTION TO ADJOURN**

Mayor Escapule entertains a motion for adjournment.

**MOTION** by Councilmember Barlow, **SECOND** by Councilmember Newbauer to adjourn the meeting.

**VOTE:** 3/0

**MOTION:** Carried

The Special Council Meeting for Thursday, April 20, 2017 thereby adjourned at 3:12 p.m.

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Dustin Escapule, Mayor

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Brenda Ikirt, Acting City Clerk

