



MINUTES OF WORK SESSION OF THE COMMON COUNCIL OF YOUNGTOWN, AZ

THURSDAY, JULY 18, 2013, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. Call to Order Mayor LeVault called the meeting to order at 6:34 p.m.
2. Roll Call:
Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, Judy Johnson and June Miller.
Absent: Councilmember Shirley Gustafson.
Staff present: Town Manager Lloyce Robinson, Town Attorneys Kelly Schwab and Trish Stuhan, Community Development Gregory Arrington, Town Engineer Grant Anderson, Finance Manager Karen Sypniewski, Public Safety Manager Mike Kessler, Public Works Manager Marty Mosbrucker, Economic Development Manager Gayle Cooper, Court Administrator Virginia Bermudez, Library Manager Heidi Speed, Deputy Town Clerk Stacy Anderson and Town Clerk/Treasurer Diane Cordova.

3. Business

A. Presentation and Discussion Re: Amending Zoning Title 17 Chapter 17 adding a Mixed Use Zoning District.

Community Development Coordinator Arrington

- The industrial/commercial mixed use zoning district is applied to areas appropriate for a mix of industrial and commercial activities and provides for a full range of goods and services to the community located along portions of industrial/commercial thoroughfares, in conformance with the General Plan. Some of the mixed use shall be manufacturing, tooling assemble, welding, laundry, cleaning and dyeing establishments, health clubs, and other uses which are not currently in our code.

Councilmember Chittenden

- Mr. Arrington can you please tell the public where we are talking about for mixed use.

Community Development Coordinator Arrington

- The Commerce Park project on Olive Avenue and 114th Avenue.

Town Attorney Schwab

- The mixed use zoning district will be applicable for the entire Town.

Councilmember Mello

- I am concerned about the cleaning and dyeing establishments; it's an environmental hazard.

Community Development Coordinator Arrington

- Some of these proposed mixed use buildings/businesses shall be allowed only with the approval of a conditional use permit. Examples would be seasonal sales, special events, wireless communication facilities, lodges, commercial kennels and plant nurseries.

B. Presentation and Discussion Re: Amending Parking Regulations for Commercial Districts in Zoning Title 17 Chapter 17.36 C-1 Commercial District and Chapter 17.40 C-2 Commercial District.

Community Development Coordinator Arrington

- Our current parking regulation requires 1 parking space per 200 square feet of floor space in a building. The parking regulation in C-2 district is the same as in the C-1 commercial district. Staff is proposing commercial parking use ratios for different types of usages, which the surrounding communities currently have.

Councilmember Chittenden

- Is this to be changed now?

Community Development Coordinator Arrington

- This proposal is for the future.

Councilmember Chittenden

- The Southwest Key – La Hacienda is already at maximum parking capacity.

Community Development Coordinator Arrington

- Yes they are at maximum capacity. They don't have parking space for delivery trucks to deliver their goods and services. This proposal would require additional parking spaces to mitigate this problem.

Mayor LeVault

- Aren't they parking with their neighbors next door?

Councilmember Chittenden

- They haven't made any arrangement with the Methodist Church for their overflow.

Councilmember Johnson

- Didn't they purchase more land?

Community Development Coordinator Arrington

- They have purchased land behind their facility which is west of their current parking lot. They do have plans to add additional parking spaces in the future.

C. Presentation and Discussion Re: Amending Building and Construction Code Title 15 Chapter 15.04.020 adding Seasonal Swimming Pools Regulations

Community Development Coordinator Arrington

- Current code states that swimming pools must be completely enclosed by a fence at least 6 feet in height. Any opening in the fence must be sufficiently narrow to prevent the passage of a 4 inch sphere. The fence shall be equipped with self-closing and self-latching gates. Staff is proposing that all swimming pools shall be enclosed with an adequate and secure fence at least 36" above the adjoining grade.

Councilmember Chittenden

- A pool is a pool regardless of the depth.

Community Development Coordinator Arrington

- Our current code states that anything above 24" is a pool.

Councilmember Miller

- I don't agree with a 3 foot fence around a pool. Children love water and they will find a way to climb in.

Town Manager Robinson

- These three presentations are in the beginning stages. We are presenting to Council for feedback and direction. If Council wishes to continue, there will be a required legal 60 day posting, if fees are required and/or increased. There will need to be scheduling of planning and zoning hearings. These items have a way to go before implementation.

Mayor LeVault

- Does Council want to bring these items back for discussion in September?

Town Manager Robinson

- I think October 2013 would be the best time to schedule next discussion for Council.

Community Development Coordinator Arrington

- Our ordinances need to concur with other communities.

Mayor LeVault

- Does Maricopa County have an ordinance on temporary seasonal swimming pools?

Community Development Coordinator Arrington

- I presently do not have that information.

Councilmember Miller

- These seasonal pools are soft sided; children lean into and get in.

Councilmember Johnson

- My major concern is that we must put children's safety first. I don't want to have the fire department responding to an incident. There have always been problems with swimming pool fencing.

Mayor LeVault

- I've known of backyard fencing with 6 foot masonry fencing and children still get in; children even go through doggy doors.
- If we are going to modify this ordinance, let's do it correctly.
- Do we even know how many swimming pools are out there?
- What does code enforcement do when a swimming pool is reported?

Public Safety Manager Kessler

- We act immediately

Councilmember Miller

- When pools are reported without fencing, regardless of the height of the pool, code enforcement has the owner drain the pool. I reported one not too long ago.

Councilmember Chittenden

- We need to look into this very carefully. We've had issues with seasonal pools for many years. Most seasonal pools belong to families that are renting.

Mayor LeVault

- The code violation should fall on the owners of the property, they are the ones liable and the tenant should abide by the code.

Community Development Coordinator Arrington

- The landlords might not even know that their tenants have a seasonal pool.

Councilmember Mello

- I don't want to see the fencing requirement reduced from 6 feet. I don't want to have a drowning on my watch. We need to look at the safety concerns.

Community Development Coordinator Arrington

- When would Council like to bring it back for discussion?

Mayor LeVault

- Let's look at this closely, bring back to Council in October 2013 for greater discussion. If we are going to change the code, let it be a thoughtful and effective process.
- I would like for us to look into the 111th avenue residential area re-zoned to commercial use allowing for residential overlay, business owners living upstairs in their business facility.

4. Public Comments:
None

Adjournment.

Motion to adjourn – Councilmember Mello
Second – Vice Mayor Duran
Meeting adjourned at 7:01 p.m.



Michael LeVault, Mayor

Attest:



Diane Cordova, Town Clerk

Minutes approved at September 19, 2013 regular meeting