



**MINUTES OF THE REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ**  
THURSDAY, November 7, 2013, TOWN CLUBHOUSE SQUARE, 12033 CLUBHOUSE SQUARE

Call to Order: Mayor LeVault at 7:00 p.m.

Roll Call **Councilmembers present:** Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Gustafson, Judy Johnson and June Miller.  
**Staff present:** Town Manager Jeanne Blackman, Town Attorneys Kelly Schwab and Trish Stuhan, Economic Development Manager Gayle Cooper, Community Development Coordinator Gregory Arrington, Public Safety Manager Mike Kessler, Public Works Manager Marty Mosbrucker, Library Manager Heidi Speed, and Town Clerk/Treasurer Diane Cordova.

**Pledge of Allegiance and Invocation:** Councilmember Gustafson led the Pledge of Allegiance and Councilmember Mello offered the Invocation.

**Communications:** Comments, Commendations and Presentations by Mayor, Council Members, staff or members of the public. The Council may not propose, discuss, deliberate or take any legal action on the information presented pursuant to A.R.S. 38-431.02.

**A. Communications from Council**

**Mayor LeVault**

- We had an excellent Strategic Planning Session on Saturday, Nov. 2, 2013. Great dialog for the Town going forward. We are at a pivotal point; we've completed a major infrastructure project, fire flow; the Town is solid in its finances and we have a new Town Manager Jeanne Blackman.

**Councilmember Chittenden**

- There will be a Dog Park Committee Meeting November 16, 2013 at 9:00 a.m.
- Thank you for the quick turnaround on the Human Resource Referral list.

**Councilmember Mello**

- There will be a Community Development Advisory Committee meeting (CDAC) on Wednesday, November 13, 2013. We are tackling funds which have already been awarded. They are talking about bringing back the scoring system which can shake up the awarded funds.

**Councilmember Miller**

- I enjoyed the "advance" Council Retreat.

**B. Communications from Staff: Town Manager's Report, Maricopa County Sheriff's Office (MCSO) Report.**

**Town Manager Blackman**

- Thank you staff, Mayor, Council, and Town Attorneys for the Strategic Planning Meeting with Chamber for Good facilitator David Moss; it was a great day.
- Pleased to announce that we have received sponsorship from Arizona Public Service (APS) in the amount of \$1,500.00 In-kind sponsorship of \$500 for the Winter Event and \$1,000 for the Citizen's Academy.
- I want to thank staff for their leadership and initiative on the personnel move. Gayle Cooper, Economic Development Manager is now in Town Hall and Public Safety, Code Department is in their new building.
- Thank you Community Development Coordinator Gregory Arrington and Town Clerk Diane Cordova for the vacant parcel chart which will be shown at the end of Council meeting.
- Councilmember Chittenden requested an update to a Human Service Referrals List and thanks to Deputy Town Clerk Stacy Anderson's "can do" attitude for producing an awesome list of human services referrals.
- The Town Market has been running every Saturday morning here in Greer Park. Thank you to Jesse Ramirez owner of Valley View Community Food Bank and Town Clerk Diane Cordova for their efforts in getting this up and running.

**Vice Mayor Duran**

- What are we doing about marketing the Farmers' Town Market? Anyone making signs?

**Councilmember Mello**

- What about the a-frames signs I donated?

**Town Manager Blackman**

- I agree, we do need better signage. We will look into this issue with Jesse Ramirez from the Valley View Community Food Bank.
- I am asking for participation from Council and staff for a Turkey-thon; our day will be November 26, 2013 from 10:00 am to Noon. Valley View Community Food Bank will have a truck here to pick up all of our donations.
- We had a Safety Committee Meeting with Arizona Municipal Risk. Thank you to Public Works Manager Marty Mosbrucker for bringing this forward.
- On my request, Stacy Anderson has created a Microsoft Outlook master calendar; marking all critical reporting days and deadlines; scheduling with staff, reserved days and time for usage of the clubhouse kitchen, council chambers, town hall conference room and the Emergency Operations Center (EOC). Going forward, we will schedule more meetings in the EOC utilizing the technology available to us there.
- I attended the West Valley Mangers meeting.
- Finance Officer Karen Sypniewski has been wrapping up our Town audit for fiscal year June 30, 2013. The monthly financial reports are up and coming.

**Community Development Coordinator Arrington**

- We will be issuing a building permit for the court renovation.
- Jubilee Parish will also be having some activity, they've obtained their building permit.
- Thank you to Arizona Public Service (APS) for supporting the Citizen's Academy.
- I will be showing a presentation on vacant parcels for Youngtown.
- Updated the Resident Care Facilities; even though two facilities have closed, there is a steady increase in our numbers showing 34 more residents.
- I will be working on an Intergovernmental Agreement (IGA) with the City of El Mirage to provide in-kind services for inspections and plan review.

**Public Safety Manager Kessler (monthly activity report attached)**

- I want to thank Town Manager Blackman for the move into the Jesse Mendez Building. We have had a 100% increase in citizen interaction in our new location; seems like our residents find us more approachable in our new facility.
- We issued four criminal citations for the month of October, 2013.

**Public Works Manager Mosbrucker**

- We conducted a formal bid process for the court remodeling project. Sunland Plumbing and Construction was awarded the bid. Remodeling project to begin November 11, 2013 and to be completed by December 1, 2013. Court personnel to move in December 2, 2013.
- There will be a Small Area Transportation Study Forum open to the public on December 17, 2013 from 5:00 p.m. to 7:00 p.m. here in the Council Chambers. Town Engineer Grant Anderson has been involved with this. We will be visiting the care facilities on 113<sup>th</sup> Avenue to find out their transportation needs.

**Library Manager Speed (report attached)**

- Here are the stats reported to the state for fiscal year ending June, 2013; we had 2,149 patrons use the computer; 156 new cards were issued; and 1,550 volunteer hours were logged resulting in an in-kind savings of \$20,000 to the Town.
- I will be meeting with the Maricopa County Library regarding a change to the Summer Reading Program. They want to instill a love for reading by handing out free books instead of giving out toys.
- We will be conducting safety training on November 15, 2013 on how to handle and use pepper spray. This is for all library volunteers and staff.
- Our Thursday night patron count is increasing; the first week in October we had 11 patrons come in; the second week 18 patrons; the third week 23 patrons and the fourth week, 28 patrons came in.

**Economic Development Manager Cooper**

- There will be a Breakfast with the Mayor on Friday, November 15, 2013 at 7:30 a.m. To date 15 business owners are attending. This is free and open to all store-front business owners.
- I attended training on Co-Star, the free software program which tracks our commercial properties that we have through our membership in GPEC. It has been much improved and is now more GIS based - geographic information systems.
- I will be making a presentation regarding the Commerce Park later in the business portion of the agenda.

**Town Clerk Cordova**

- The Agua Fria Ranch Homeowners Association (HOA) will be having their annual Movie in the Park at Uribe Park on November 15, 2013 from 5:00 p.m. to 7:00 p.m.
- Veteran's Day is Monday, November 11, 2013. All administrative offices will be closed.

**Maricopa County Sheriff's Office (MCSO)**

- No report given

5. Consent Agenda:

A. Consideration and Action on Special Meeting and Regular Meeting Minutes of October 3, 2013 and Special Meeting of October 17, 2013

Motion to approve only the Special Meeting Minutes of October 3, 2013 and Special Meeting Minutes of October 17, 2013 and Motion to bring back Regular Meeting of October 3, 2013 with corrections – Councilmember Miller

Second – Vice Mayor Duran

Motion passed unanimously on a voice vote

6. Business

A. Presentation, Discussion and Staff Direction Re: Consideration of a major amendment to the General Plan changing the land use designation from residential to Commerce Park (industrial/mixed use) for property located in and around the Commerce Park located at 114th Avenue and Olive Avenue.

Economic Development Manager Cooper

- We are researching New Market Tax Credits and potential grants for the Commerce Park. The General Plan serves as the overarching document stating that the Commerce Park is desired by the community and this is a prerequisite for many funding opportunities. Although General Plan 2025 includes the Land Use classification of Commerce Park, the current General Plan does not. In order to apply for and/or receive funding, the Town's current General Plan must include a Commerce Park Land Use Designation. Due to a change in legislation, the new General Plan will not be ratified by the general public until November of 2014 which is too late for some of the funding possibilities. In order to take advantage of potential grants and other funding mechanisms, the current Plan must be amended to reflect the inclusion of the Commerce Park. The amendment is, therefore, primarily a timing issue.

Mayor LeVault

- We have had meetings with the landowners. They've expressed interest in pulling their properties together for a Commerce Park.
- The General Plan Amendment is an important issue. Will we be able to amend by December?

Economic Development Manager Cooper

- There is an additional zoning classification required and due to zoning law requirements, all the amendments cannot be completed until three months from now.
- We want to be ready for funding rounds in April or May, 2014.

Councilmember Mello

- Has anyone contacted Carl Morgan, Project Coordinator for CDAC – Community Development Advisory Committee regarding the funding application due in February 2014?

Economic Development Manager Cooper

- We have discussed the project with Ursula Strepheps and with Carl and will make that application as well.

Mayor LeVault

- This is our biggest project, 60 acres of property to be developed.
- We have very talented and knowledgeable staff on board.

Economic Development Manager Cooper

- Gregory Arrington has also been helpful with this project.

Councilmember Johnson

- I appreciate all your work on this project, Ms. Cooper; and for trying every avenue for possible funding.

Mayor LeVault

- Staff is asking for consent to move forward.
- Consensus is for consent.

B. Discussion and/or Action Re: : Approval of Resolution 13-22 correcting an error in Resolution 09-04 relating to Exhibit A – Table A, Building Permit Fees: by changing the base building permit fee for project valuation of \$200,001 - \$1,000,000 from \$77 to \$677; providing for repeal of conflicting resolutions; providing for severability; and declaring an emergency.

Community Development Coordinator Arrington

- This is a housekeeping item. Looking at the Building Permit Fee table, the base fee starts at \$37, then \$67, \$77, \$277, and decreases to \$77; the correct fee is and should be \$677. We are requesting approval of the correction.

Motion to approve Resolution 13-22 correcting an error in Resolution 09-04 relating to Exhibit A – Table A, Building Permit Fees: by changing the base building permit fee for project valuation of \$200,001 - \$1,000,000 from \$77 to \$677; providing for repeal of conflicting resolutions; providing for severability; and declaring an emergency. – Councilmember Chittenden  
Second – Councilmember Johnson

Motion passed unanimously on a voice vote

- C. Discussion and/or Action Re: Approval of Ordinance 13-02 Amending Title 15 Building and Construction Code Chapter 15.04.020 and Title 17 Zoning Chapter 17.52 General Provisions, Section 17.52.120 Pool Safety, both related to amending Swimming Pools Fencing Regulations to reduce the required height from 6 feet to 5 feet; providing for repeal of conflicting ordinances; providing for severability.

Community Development Coordinator Arrington

- This item was first presented and discussed during the July 18, 2013 Work Session. Aboveground pools have become a Code Enforcement challenge due to the upgrades required to comply with the current ordinance. Many of the properties involved are rental. Concerns were expressed during the work session around the proposed fence height reduction and its possible effect on the safety of residents. Staff was instructed to survey current pool ordinances from surrounding communities, and report findings to Council; which is presented.

Mayor LeVault

- We are reducing to 5 feet from 6 feet with a 4" opening; the same as state requirements. The City of Peoria has the same, but the City of Surprise has a 54" fencing requirement. What does State law have to say about these other communities' fencing requirements?

Town Attorney Stuhan

- As long as these communities are at state law requirements they are fine.

Town Attorney Schwab

- Some of these cities regulations were grandfathered before the law went into effect.

Councilmember Miller

- We do not have to lower our standards. Let the other communities come up to our standards.

Councilmember Chittenden

- How do we handle the rentals with swimming pools?

Economic Development Arrington

- This has been a challenge for our Code Enforcement. We could require a pool permit with a fee to regulate seasonal pools.

Mayor LeVault

- If a child drowns on rental property, it becomes the responsibility of the property owner.

Councilmember Miller

- All pools are seasonal.

Mayor LeVault

- We're also talking about 24" or more of water, which will include spas and hot tubs.

Councilmember Mello

- We are regulating our fencing from 6' to 5'?

Councilmember Gustafson

- Are we talking about have a 6' fence surrounding an entire pool?
- Children crawl through doggie doors to get to a swimming pool.

Community Development Coordinator Arrington

- Yes the fencing is to surround the whole yard.
- We can only control what we can control.

Mayor LeVault

- Why are some walls/fences less than 6'?

Community Development Coordinator Arrington

- That would be due to the ground grade level.

Councilmember Chittenden

- Youngtown has been very fortunate; there have been lots of summer seasonal pools without fencing.

Mayor LeVault

- Should we then require a permit with a fee?

Economic Development Coordinator Arrington

- I had mentioned and prepared a permit at the first Work Session discussion, however not for this meeting.

Town Clerk Cordova

- If we are going to charge a permit fee, there is an Arizona Revised Statute of a 60-day requirement notice to residents and the notice of change must be posted on Town's website 60 days before a proposed fee can be established.

Councilmember Mello

- We should bring the permit piece back and the self-latching gate for discussion and action at another time. Let's first deal with the fencing amendment.

Mayor LeVault

- So do we want to piece meal this or have it all come back when the 60 days requirement notice has been met?

- How would we get the word out on the permit fee?

Community Development Coordinator Arrington

- We can get the word out through Code Enforcement and the Village Reporter.

Mayor LeVault

- So the consent from all Council is to take action on the fencing requirement. Staff will then proceed with the 60 day notice on the permit fee.

Motion for a roll call vote on Approval of Ordinance 13-02 Amending Title 15 Building and Construction Code Chapter 15.04.020 and Title 17 Zoning Chapter 17.52 General Provisions, Section 17.52.120 Pool Safety, both related to amending Swimming Pools Fencing Regulations to reduce the required height from 6 feet to 5 feet; providing for repeal of conflicting ordinances; providing for severability.

Councilmember Miller – No  
Councilmember Mello – Yes  
Councilmember Gustafson – No  
Councilmember Chittenden – Yes  
Vice Mayor Duran – Yes  
Councilmember Johnson – Yes  
Mayor LeVault – Yes  
Motion passes 5 – 2

7. Call for Executive Session

None

8. Citizens Comments/Apearances from the floor:

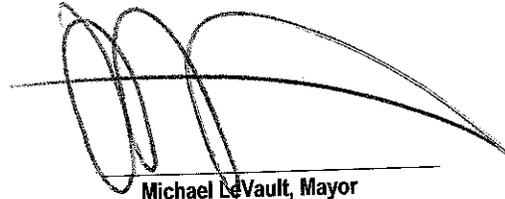
None

9. Future Agenda & Meetings:

- A. There may be discussion of whether to place an item on a future agenda and the date, but not the merits of the item.
- B. Announcement of next Regular Meeting: Thursday, Nov 21, 2013 7:00 p.m.

Adjournment

Motion to adjourn – Councilmember Mello  
Second – Vice Mayor Duran  
Meeting Adjourned 8:00 p.m.



Michael LeVault, Mayor

Attest:



Diane Cordova, Town Clerk/Treasurer

Minutes approved at November 21, 2013 regular meeting.