



MINUTES OF THE REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ
THURSDAY, July 24, 2014, TOWN CLUBHOUSE SQUARE, 12033 CLUBHOUSE SQUARE

1. **Call to Order:** Mayor LeVault at 7:01 p.m.
2. **Roll Call:** Councilmembers present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, June Miller, Shirley Gustafson, and Judy Johnson.
Absent: Councilmember Dorena Mello
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, Citizen Services Specialist Stacy Anderson and Town Clerk Diane Cordova.
3. **Pledge of Allegiance and Invocation:** Councilmember Johnson led the Pledge of Allegiance and Vice Mayor Duran offered the Invocation.
4. **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:**
Councilmember Chittenden
 - I am looking forward to Council recess, the entire month of August.
 - B. **Communications from Staff:**
Citizen Service Specialist Anderson
 - We have sponsorship packets for Youngtown's 60th Anniversary. The 60th Anniversary is scheduled for Saturday, November 8, 2014. Arizona Public Service (APS) has confirmed sponsorship. Menke Funeral Home is a \$2,000 sponsor. The Red Hot Clowns have also provided a \$100 sponsorship. We also have received a few in-kind contributions.Town Clerk, Cordova
 - I attended an informative press release at the Maricopa County Recorder's Office.
 - The deadline to register to be eligible to vote in the Primary Election is July 28, 2014.
 - Deadline to request an early ballot for the Primary Election is August 15, 2014.
 - New this year are the electronic poll books (poll readers). It will scan the voter's driver license or identification card and the voter's registration record will appear. If a voter is in the wrong polling place, it will print a receipt with the address of the correct polling place.
5. **Citizens Comments/Apearances from the floor:**
Mayor LeVault
 - Citizen comments are agenda item specific and you will be called up when the agenda item is up for discussion.
6. **Consent Agenda:**
 - A. **Approval of Minutes:** Regular Meeting Minutes of June 26, 2014.

Motion to approve regular meeting minutes of June 26, 2014 by Councilmember Miller
Second – Councilmember Johnson
7. **Business**
 - A. **Discussion and/or Action Re: Sun City Fire District (SCFD) Report.**
Fire Marshal Jim Fox
 - There were two fires to report for the month of June, 2014; a brush fire and a dumpster fire, there were no structure fires. We had 81 rescue & EMS incidents; 2 hazardous condition; 2 service calls; 4 good intent calls and 3 false alarm/false calls, for a total of 94 incident responses. Year to date we currently have 604 incident responses. On the fire prevention side, June is a slow month; that is when our volunteers are off. We had 6 inspections and 12 re-inspections for a total of 18 inspections and 10 total violations.

- I would like to report the status of the Tequila Willy's building. Sun City Fire District obtained a permit in 2011 with the Arizona Department of Environmental Quality (ADEQ). Due to the findings of asbestos in the building, we had to redo the survey report and identify the areas of asbestos. The report has been completed and we have contracted with an asbestos abatement contractor and hopefully, the first week of August, 2014, we will begin the demolition of the building.

Councilmember Miller

- What will become of the property?

Fire Marshal Fox

- We will probably begin to campaign for funding to build a fire station.

B. Maricopa County Sheriff's Office (MCSO) Report

Captain VanAusdal

- I would like to thank Mayor LeVault and Town Manager Jeanne Blackman for attending MCSO District III meeting.
- I would say that Youngtown is a safe community, a safe place to live.
- The crime report does show a 10% increase from the previous month. Crime against persons came in at 30 total and crime against property at 51. The locations in concern continue to be 113th Avenue and Tennessee and Fooks, off of Peoria, over in the Agua Fria Ranch subdivision.

Mayor LeVault

- I had a resident call me up and stated that she rolled through the stop sign on 113th Avenue and Tennessee and received a citation for doing so. That 4-way stop is a popular location.

Councilmember Chittenden

- How many citations are issued in Youngtown?

Captain VanAusdal

- The report we provide monthly does not reflect a total number of traffic citations. This report is a federal crime report. I will hopefully provide Council that total next month.

Councilmember Gustafson

- We appreciate all that MCSO does.

Councilmember Johnson

- Would you please let the MSCO Deputies know that they are welcome to stop at the Farmers Market on Saturday mornings. It's great to have their presence there.

Captain VanAusdal

- Yes, we are constantly letting them know to get out of their vehicles and make themselves visible.

C. Discussion and/or Action Re: The process of a Community Development Block Grant (CDBG) 5 year consolidated plan and what needs to occur to be able to utilize CDBG funds.

Town Manager Blackman

- We have asked Carl Morgan, Project Coordinator, Community Development, from the Maricopa County Human Services Department, to come out and explain the process for CDBG funding and the 5 year consolidated plan.

Carl Morgan, Project Coordinator, Maricopa County Human Services Department

- It is great to be ahead of the process. We at the County level are still finalizing the entire process as well. I will start by presenting a concept that was discussed at a conference in March, 2014 in the City of Mesa titled Arizona Healthy Communities.
 - Health happens wherever you are at and not just at a visit to the doctors. Health happens where you live, learn, work and play. It begins by defining health not health care or medical care.
 - A study was completed to show the contributions to premature death. On a pie chart, the study showed that only 10% is from health care. So what are the other factors that are causing premature death?
 - "Health is a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity."
 - So what are the social determinants of health? Studies are showing that poor nutrition - bad health; limited transportation-homelessness; teenage pregnancy-underemployment; challenged mental health-discrimination; single parent home due to the death of a loved one; lack of money-poor parenting; inadequate social network, family violence; no recreation, education deficit.
 - Where one lives can affect longevity. This study shows that in Washington DC, if one resides in the heart (middle) of the state, they live to be up to 77 years of age. The further away one resides adds up to three to eight years to their lives. They are living to be 78, 83, up to 84 years of age.
 - The next study is from New Orleans. One has to take into consideration the floods that happened there several years ago which lead to much depression. The average age is 55 years of life.

Moving further away from residing in the heart of the state, an individual can live up to 66, 71, 75 to 80 years of age.

- The state of Minneapolis, St Paul shows the same. Just a move of 3 miles makes a difference.
- Community Development is in the “Zip Code” improvement business. Improvements in health are being reported with affordable and supportive housing. Support of small business and community infrastructure are making a difference. Bringing Community Development and Health to work side-by-side.
- There is more and more information becoming available through the National Partnership for Community Development and Health websites with links to resources. An example is www.buildhealthyplaces.org. The Build Healthy Places Network is a national nonprofit working at the intersection of the health and community development sectors, catalyzing collaboration across sectors to help low-income communities become healthier.
- A study in two parts of Philadelphia were reporting an obesity epidemic among school children, K-12. These two cities focused on health and healthy food and are now reporting a 4.7% decline in obesity.
- Another organization emerging is The Food Trust. A nationally recognized nonprofit dedicated to ensuring that everyone has access to affordable, nutritious food and information to make healthy decisions. The Food Trust works with schools, on corner stores, in community centers, with supermarkets and at farmer’s markets.
- The City of Avondale’s main theme for their 2012 General Plan was health and sustainability. *Avondale is committed to promoting the health and well-being of all its residents and plans to be an active, inclusive, and responsive place, where healthy habits are encouraged rather than discouraged by the environments we build.* Avondale will consider development and redevelopment projects in housing, creating economic development activities, and redevelopment projects that must show an impact on community health.
- In Pima County, known as The Loop, almost completed, a 131-mile paved path around metro area with 6 river parks.

Councilmember Chittenden

- What area in Pima County?

Carl Morgan, Project Coordinator, Maricopa County Human Services Department

- In Tucson.
 - Pinetop Lakeside had a lack of safe pedestrian/bicycle paths along the main road. They’ve created a multi-use path used by the entire community. Because the Town of Pinetop had the right-of-way, the total cost for the paths was \$40,000.
 - Another concept is the Beckett House – Independent Senior Housing that offers a variety of amenities that cater to healthy oriented living.
 - It’s a continual effort which is a must for all, the developer, the architect, the builder, to the manager, the health care delivery and community resources, everyone providing assistance.
 - The goal for Arizona Healthy Communities: encourage including individual and community health in projects, plans and policies.

Carl Morgan Project Coordinator, Maricopa County Human Services Department,

- Now let’s get into The Community Development Block Grant Program (CDBG) and The Five Year consolidated Plan offered through Maricopa County Human Services Department.
 - There are requirements from the Housing and Urban Development (HUD) for Cities, Counties and States that directly receive CDBG or HOME funds. A 5-year Consolidate Plan and an Annual Action Plan must be created and followed.
 - The 5-year Consolidated Plan identifies community needs and resources; prioritizes general activities; identifies specific activities and accomplishments that may occur during the 5-year planning period. It requires information on general, community development, non-homeless special needs, fair housing, housing (planned through HOME consortium) and homeless (planned through HOME Consortium).
 - An Annual Action Plan identifies specific activities (projects) that will be funded during the Plan year including funding amounts, beneficiaries, and outcomes.
 - Required to include information on citizen participation – outreach to minorities, non-English speaking persons and persons with disabilities; Prioritize needs analysis – the basis for assigning the priority given to each need in the Plan; Lead Based Paint – number of housing units with lead paint and proposed actions to reduce lead paint hazards.
 - Community Development – identify priority CD needs, specific long and short term objectives including public facilities, public improvements, social services and economic development. Identify antipoverty strategies – goals, programs and policies, coordination with other programs.

- Non-homeless Special Needs includes elderly, persons with disabilities, domestic violence victims, persons with drug or alcohol addictions.
- Fair Housing – complete an analysis of impediments to fair housing and identify specific activities to be undertaken during the 5-year Con. Plan period to address the specific fair housing impediments.
- There is a checklist addressing the “Special Needs Population” that will identify high, medium or low priority along with a “Needed Facilities and Services” check list identifying the priority. Fair Housing will also need to be address.
- Strategic Objectives with project assessment, goals and years to be completed along with a funding source budget.

Councilmember Chittenden

- How many cities and town’s get involved in the CDBG process?
- Non-incorporated areas are allowed to apply for funds as well, correct?

Carl Morgan

- There are about 10 cities and towns.

Mayor LeVault

- Is there a population threshold?

Carl Morgan, Project Coordinator, Maricopa County Human Services Department

- No, it’s not a requirement.

Councilmember Johnson

- Is there an average amount of funding that is awarded?

Carl Morgan, Project Coordinator, Maricopa County Human Services Department

- No there is no ceiling to the amount that can be awarded. There has been funding for entire project, \$800,000 to \$300,000 to the smallest of \$69,000.

Mayor LeVault

- How much funding is available?

Carl Morgan, Project Coordinator, Maricopa County Human Services Department

- A total of \$2.6 million.
 - The objective of CDBG: benefit low and moderate income persons; area benefits activities, limited clientele activities, housing activities and job creation/retention activities. Aid in the prevention or elimination of slums or blight conditions. Meet a need having a particular urgency (alleviate an emergency condition)
 - Eligible activities – Real Property; acquisition, disposition, public facilities and improvements: infrastructure (water, sewer, sidewalks, parks, community center, etc.), neighborhood facilities for person with special needs (shelter, group homes, etc.), clearance and demolition, interim assistance to arrest severe deterioration or alleviate emergency conditions. Homeownership assistance (down payment assistance, interest subsidies), code enforcement, historic preservation and renovation of closed buildings. Lead-based paint testing and abatement, rehabilitation activities limited to residential, including low-income public housing or publicly or privately owned commercial or industrial buildings – exterior improvements and code issues only.
 - Activities related to Economic Development: acquiring, construction, reconstructing, rehabilitating, or installing commercial or industrial buildings, structures and other real property equipment and improvements. Assisting a private, for profit business (e.g. loans, grants, interest subsidies); and providing economic development services in connection with eligible CDBG economic development activities. Provide loans and other assistance to persons owning or developing a microenterprise – a commercial enterprise with five or fewer employees. Provide job training and placement.
 - Section 108 Loan Guarantee Program enables recipients to borrow up to five times their annual CDBG grant for larger projects. If the project goes south, they will be out for the next 5 years.

Mayor LeVault

- Are the local banks participating?

Carl Morgan, Project Coordinator, Maricopa County Human Services Department

- That - I do not know.
 - Assistance to Community Based Development Organization: neighborhood revitalization, community economic development, energy conservation.
 - Other types of activities; relocation assistance, loss of rental income (related to relocation) technical assistance to public or nonprofit entities to carry out eligible neighborhood revitalization or economic development activities.

- The Town of Youngtown has drafted a 5-year priorities plan. 1st year FY 2015-16 identifying Redevelopment, street lights and sidewalks. 2nd year FY 2016-17 identifying Commerce Park, Community Recreation Program and sidewalks. 3rd year FY 2017-18 Commerce Park, Community Rec. Program and street lights. 4th year FY 2018-19 Commerce Park, sidewalks, redevelopment. 5th year FY 2019-20 redevelopment, Commerce Park and street lights.

Mayor LeVault

- Youngtown's 5-year plan is a working draft. I'm glad we are working on this ahead of time.
- We can address any of the three items listed; they do not have to be in that order, right?

Carl Morgan, Project Coordinator, Maricopa County Human Services Department

- That is correct, and the 5-year plan can be amended every year.

Councilmember Johnson

- On the second year of the 5 year plan we have Community Recreation Program. Can you give me an example how a building can be utilized?

Carl Morgan, Project Coordinator, Maricopa County Human Services Department

- The building must be located in an area of medium to low income. A building can be built, but must meet the requirements.

Town Manager Blackman

- Thank you Carl for coming out tonight.
- Mayor and Council, staff will continue to meet with Carl as we begin to unfold the process.

F. Discussion and Staff Direction Re: Amendment of Town Code Title 17 Zoning Chapter 17.40 C-2 Commercial District Section 17.40.110 Medical marijuana cultivation, infusion or manufacturing facility regulations and medical marijuana dispensary regulations. Relating to retail sales of devices, equipment, product, or material (including food products) used to consume medical marijuana and hours of operation.

Community Dev. Coordinator Arrington

- November 2010, voters approved the Arizona Medical Marijuana Act, legalizing the use, sale and cultivation of medical marijuana in Arizona. On January 20, 2011, the Town of Youngtown Council adopted Medical Marijuana Regulations regulating medical marijuana dispensaries and cultivation facilities. The Town has had a medical marijuana dispensary that has operated for about one year. The Town Code regulating medical marijuana dispensaries prohibits the sale of edible food, sale of devices, equipment, product or materials used to consume medical marijuana. The dispensary operator has obtained from the State of Arizona a "Retail Sale License" allowing the sale of edible foods and equipment and products used to consume medical marijuana. These sales are prohibited in our Town Code. The applicant is requesting Council's consideration of Code amendments to allow the retail sale of food products and equipment used to consume medical marijuana and amendments to the hours of operation currently proposed to expand hours to allow for evening sales.

Mayor LeVault

- This agenda item is for discussion only. No action to be taken.

George Paskla, Representative for AAA Medical Marijuana/ Swell Farmacy.

- We are here today seeking support. As everyone knows, the voters in Arizona approved and legalized medical marijuana in 2010. Many cities scrambled to get ordinances in line. It's now four years later and many cities understand medical marijuana and are amending their ordinances. Swell Farmacy is requesting three things: 1. to be able to have retail sales by selling edibles 2. to be able to sell devices such as inhalers and 3. to allow for their hours of operations to be open later than 6:00 p.m.

Mayor LeVault

- Town Attorney, it is okay to let everyone know how this all came to our attention?

Town Attorney Schwab

- This came to the Town's staff attention in a form of a complaint informing us that Swell Farmacy was selling edibles, equipment, and that their hours of operation were all violating Town code. The dispensary came in immediately to come into compliance and is working with the Town staff.
- The State of Arizona has licensed them and they are a regulated Community Health Analysis Area (CHAA). There are currently 126 CHAA's in Arizona.
- Swell Farmacy has obtained an approved license from the State of Arizona for retail sales not realizing that it would be in violation with Town code.
- There will be a process to go through to amend the ordinance; a planning and zoning hearing will need to be scheduled and publicized.

Mayor LeVault

- What exactly does the process consist of and what is the time frame we are looking at?

Town Attorney Schwab

- A draft ordinance with amendments would be brought forward to Council. A citizen hearing and a planning and zoning hearing would be conducted with the Hearing Officer. We will be looking at 60 to 90 days.

Vice Mayor Duran

- To Swell Farmacy, can you explain the benefits of the medical marijuana edibles? All I know is that it doesn't cure.

George Pasquel, Representative for AAA Medical Marijuana/ Swell Farmacy.

- I am not a medical professional, so I cannot answer your question.

Councilmember Johnson

- There is scientific proof that medical marijuana does help with pain relief. An individual I know was diagnosed with glaucoma, and with medical marijuana, it relieved the pressure to the eye. Another individual I know has mouth and throat cancer and edibles have been very helpful in keeping them eating.

Mayor LeVault

- The State has given authority to Medical Marijuana. The only authority we have is zoning. We cannot keep them out. We can only regulate a location.
- Town Attorney can you explain what can happen if the dispensary closes its doors.

Town Attorney Schwab

- The Arizona Department of Health Services (DHS) allocates a medical dispensary on the basis of Community Health Analysis Area (CHAA's).
- Zoning is the only regulation a municipality has authority over.
- If the Town Council declines the amendments being requested by Swell Farmacy and they close down, the caregivers of medical marijuana patients are allowed to cultivate within twenty-five (25) miles from each other. Dispensaries are highly regulated by DHS. On the cultivation side of it, the Town would not have any regulation as to where these cultivation homes would be located, as long as they were 25 miles apart from each other. They would be allowed to grow 12 plants for every 5 patients.

Mayor LeVault

- This argument has been taken away by the voters. The question has been answered, if there isn't a dispensary within 25 miles, then caretaker are allowed to cultivate.

Councilmember Miller

- Town Attorney, you are saying that only a caregiver can cultivate? What happens if there is no caregiver?

Town Clerk Cordova

- According to Arizona Revised Statutes (A.R.S.) 36-2804.02 the Arizona Medical Marijuana Act (AMMA) allows a qualifying patient to request to cultivate, not a caregiver, if a dispensary is not operating within the twenty-five (25) miles of the qualifying patient's residential address.

Councilmember Chittenden

- What are the hours that they are requesting?

Community Dev. Coordinator Arrington

- They are requesting to stay open until 9:00 p.m. and to be able to be open on Sunday's till 3:00 p.m.

Councilmember Chittenden

- Are they making the edibles on site at the location?
- Where are your clients traveling from?

Chris Martin, Manager of Swell Farmacy

- No, we do not make the edibles on site. We purchase items which are regulated by the state.
- We have customers travel from Kingman, Lake Havasu. They travel the distance because of the quality, affordable price and the selection. We have anywhere from 70 to 120 customers on any given day.
- We do open up at 9:00 a.m. and would like to extend our hours beyond 6:00 p.m. Also would like to have the availability of opening on Sunday.

Councilmember Chittenden

- I did visit your facility today. I saw your employees asking for identification. I also saw that you have a camera monitoring system.

Community Dev. Coordinator Arrington

- Staff can prepare data on opening/closing hours and open/closed weekends.

Mayor LeVault

- There will be a process before we can amend the ordinance. The applicant will pay for the process, and the application fee. There will be public hearings, a citizen hearing and a zoning hearing. Then it will come back to Council for vote. Council is on recess the month of August, 2014 so there will be no rush.

Councilmember Chittenden

- Can Council have a work session with clarification on the hours?

- Has MCSO received any complaints?
- Community Dev. Coordinator Arrington
- There have been no complaints. I spoke with Kevin Moore, Moore Graphics and he stated that they have been great neighbors.
- Mayor LeVault
- The only complaint was the one that staff received.
- Councilmember Miller
- What are the hours and are you requesting to operate on Sunday?
- Chris Martin, Manager Swell's Pharmacy
- We currently are open from 9:00 a.m. to 6:00 p.m. Monday through Saturday. We are requesting 9:00 a.m. to 9:00 p.m. Monday through Saturday and 9:00 a.m. to 3:00 p.m. on Sunday.
- Mayor LeVault
- Once again we are not here to question where medical marijuana can exist, the voters have decided that. The question has been answered.
 - They are complying with State law.
- Councilmember Johnson
- You don't even know they exist, they are very quiet.
- Councilmember Gustafson
- Our Town Ordinance specifies not to sell edibles, have they stopped selling?
- Mayor LeVault
- Because of Federal Regulation, they cannot just throw items away. The Town has given them 30 days to sell their inventory.
- Town Attorney Schwab
- When they were notified of the violation, they were told to immediately stop selling. They wanted to meet with Town staff as soon as possible to address the issues.
- Councilmember Miller
- They are trying to be good neighbors.

Citizens Comments/Apearances from the floor:

Kathryn French, resident of Agua Fria Ranch, Home Owners Association (HOA) President of AFR.

- I personally think that legalizing medical marijuana was a bad decision.
- I like to know what would be the penalty if they don't stop selling and continue to violate our Town Code?
- The restricted hours are good. Sunday should be spent with family. There are other dispensaries in other locations that are open on evening hours and on Sunday.
- I don't agree with the selling of paraphernalia.

Mayor LeVault

- There is no special treatment. We are treating the business like any other business; treated fairly.

Vice Mayor Duran

- I am in agreement with Kathryn French.

Town Attorney Schwab

- The goal for code compliance are not penalties and fines. All businesses are treatment the same as with any other business in violation: talk, warn and then cite if need be.

Kathryn French, Resident of Agua Fria Ranch, Home Owners Association (HOA) President of A.F.R.

- Products like alcohol cause other problems. One mistake leads to other mistakes.
- Reports can be fudged.
- Residents are looking at Council and the decisions that are being made.

Town Attorney Schwab

- All regulations go through the Department of Health Services (DHS). All licenses are obtained through them.

Councilmember Johnson

- They are being regulated by law and we have an ordinance that does not allow retail sales of edibles and paraphernalia. We are discussing the possibilities of amending our ordinance.

Councilmember Chittenden

- Medical marijuana was approved by the citizens. Then all the municipalities placed zoning ordinances.

Mayor LeVault

- Our code violation is driven by one complaint.

Councilmember Gustafson

- You cannot purchase alcohol before noon on Sunday, correct?

- I would like to see it not open on Sunday and allow for Saturday only.

Town Attorney Schwab

- No, the time of selling alcohol on Sunday was changed.

Mayor LeVault

- There needs to be another discussion on the hours of operation; need to have a work session.

Town Attorney Schwab

- We need to get direction from Council on how to proceed. We can draft an amended ordinance for Council to review.

Mayor LeVault

- I personally voted against the legalization of medical marijuana. When we come back to decide whether we agreed with an amendment or not, there will be a roll call vote. We will have to follow the voting process. Council, it will be a tough decision made right out in the open.
- What needs to be done to move forward?

Community Dev. Coordinator Arrington

- I will get with the applicant and have a comprehensive study completed.

Councilmember Johnson

- I need to clearly see the definite hours of operation they are requesting.

Councilmember Miller

- Yes, a work session for discussion, so that we can make a clear and better job voting.

George Pasquel, Representative for AAA Medical Marijuana/ Swell Pharmacy

- Council is more than welcome to tour the facility, we are available anytime.

Councilmember Chittenden

- Will there be citizen's notification?
- Will the work session be before the Planning & Zoning hearings?

Town Clerk Cordova

- Yes the public hearing requirement for the planning & zoning hearings calls for 300 foot notification to property owners by mail.

D. Discussion and Staff Direction Re: Amendment of Town Code Title 17 Zoning C-1 Commercial District Section 17.36.050 Intensity of use. Zoning regulations to prevent the concentration of similar commercial/retail uses.

Community Dev. Coordinator Arrington

- Historically our commercial lease rates have attracted start-ups and smaller established business operations looking to locate within the west valley. That said, our commercial centers are generally presented with multiple opportunities to offer our citizens a variety of businesses. Staff believes by establishing guidelines to create well balanced commercial centers, our town and its citizens will be better served. Without zoning regulations, similar type businesses may concentrate in one area.
- One of the essential factors necessary to create a sustainable community is the development of well-balanced commercial centers with a mixture of uses and services available to the general public. A way to achieve this goal is to have zoning regulations with separation requirements and other regulations to prevent the concentration of similar retail and commercial uses.
- This will go right into place with the redevelopment in the Fall and zoning of mixed uses.

Councilmember Chittenden

- I can remember in the Sundown Plaza, where Speak Easy Bar is located, there was another liquor establishment that was trying to come in and it was voted down. There was no need to have two liquor establishments in the same location.

Community Dev. Coordinator Arrington

- We would like to bring back to Council in a work session a draft ordinance with separation and distance to prevent the concentration of similar commercial/retail use; this will maintain a balance.

Mayor LeVault

- This applies to all businesses? What about existing businesses?

Town Attorney Schwab

- Existing business would be grandfathered.
- We will work with staff on text amendments and zoning regulations. This would also go through a planning and zoning hearing.

Mayor LeVault informed staff to move forward on text amendments and schedule a work session.

E.(1) Discussion and Staff Direction Re: Amendment of Town Code Title 17 Zoning Chapter 17.64 Sign Regulations

1. Section 17.64.30(F) General Regulations, governing the securing of A-frame temporary signs to structures.

Community Dev. Coordinator

- Commercial enterprises that utilize A-frames as a means of advertising are often concerned about security surrounding their investment. Modification of ordinance 17.64.30 would allow business owners to temporarily secure their A-frames signs during the accepted hours of display (normal business hours).

Mayor LeVault

- This is so that A-frames can be chained.
- It's more of a housekeeping issue; makes sense.

Town Manager Blackman

- This also maintains compliance for the Town as well. We have the Farmers Market signs and the Agua Fria Ranch Home Owners Association (HOA) have been chaining their A-frame signs to poles to keep them from being stolen. A permit will be required without a fee. Code Enforcement will tag the sign and revisit signage in a year.

Councilmember Gustafson

- What is the distance for an A-frame sign to be from the sidewalk?
- What is the legal size of an A-frame sign?

Community Dev. Coordinator Arrington

- An A-frame size is 2X3 and can be placed next to a sidewalk as long as it does not impede the right of way.
- A permit is required. There is no fee for the permit.

Councilmember Chittenden

- It can be secured to a permanent structure; it's not a requirement.

Mayor LeVault

- We are presently in violation of Town Code. There are A-frames presently chained to structures.

Citizen Comments/Apearances from the floor:

Kathryn French, resident of Agua Fria Ranch, Home Owners Association (HOA) President of AFR.

- The AFR HOA has had two of them stolen, so we began to chain the A-frame signs to poles. We never thought of investigating Town Code. An A-frame sign costs anywhere from \$225 to \$325. We appreciate the availability to continue. I support the change, it is good for businesses.

E.(2) Discussion and Staff Direction Re: Amendment of Town Code Title 17 Zoning Chapter 17.64 Sign Regulations

2. Section 17.64.050(D) (4B) Allowed Signs, governing promotional sales.

Community Dev. Coordinator Arrington

- Retail establishments receive consumer specials for their merchandise from time to time. One way this is communicated to the general public is through promotional window displays which describe the items for sale and the benefits associated with the purchase. The language in section 17.64.050 (D)(4B) specifically refers to "special event sales" with a maximum of thirty (30) days for window displays. Both of these measures have created some interpretation challenges for staff and we are recommending a rewrite of this provision for better direction for staff and education to our business community. This is more of a language issue. Need to amend the wording to "promotional sales" and illuminate the 30 day display regulation. Promotional signage can be two weeks, monthly, and holiday special promotional sales.

Mayor LeVault

- Councilmember Miller and I met with a business owner, we did not intend to throw down a road block, Council is here to facilitate not regulate.

Town Manager Blackman

- We don't want to regulate a commercial business retail sale. They should be able to advertise.

Mayor LeVault directed staff to move forward on agenda items; A-frame signage and promotional sales.

Citizen Comments/Apearances from the floor:

Timothy Ayers, Resident

- I am concerned about a sign that has been tipped over and is obstructing the walkway. It is located on 113th Avenue between SW Key's and Aurora Village. It is anchored to the asphalt and is very heavy to move. Also along the wall, there is junk, cement, and weeds and the owners have not taken any action to clean the property.

Mayor LeVault

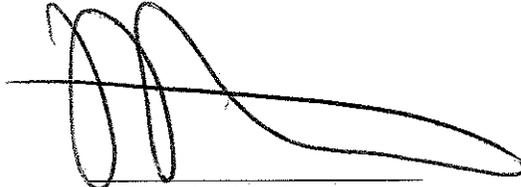
- Staff please see to it that the issue is corrected.

Citizen Comments/appearance from the floor:

Kathryn French, Resident and President of the Agua Fria Ranch Home Owners Association (HOA)

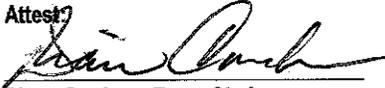
- I would like to compliment the Town Manager and staff; Uribe Park looks good! The new landscaping company is doing a great job.
- The HOA is having enforcement problems with residents not having to purchase refuse service, therefore they do not have a trash container. We found no requirement in Town Code or in the HOA CCR's. The Town needs an ordinance requiring refuse service.
- Thank you for the asphalt paving, the streets are smoother and quieter.

**Motion to adjourn: Councilmember Miller
Second – Councilmember Johnson
Meeting Adjourned 9:21 p.m.**

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

Michael LeVault, Mayor

Attest:

A handwritten signature in black ink, appearing to read 'Diane Cordova'.

Diane Cordova, Town Clerk

Minutes approved at September 4, 2014 regular meeting.