



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

THURSDAY, NOVEMBER 6, 2014, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. **Call to Order** Mayor LeVault called the meeting to order at 7:00 p.m.
2. **Roll Call:**

Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran Councilmembers Margaret Chittenden, Shirley Gustafson, Judy Johnson and June Miller.
Absent: Councilmember Dorena Mello
Staff present: Town Manager Jeanne Blackman, Town Attorney Trish Stuhan, Public Safety Manager Mike Kessler, Magistrate Lex Anderson, Court Administrator Lisa Lipinski, Citizen Services Specialist Stacy Anderson and Town Clerk/Treasurer Diane Cordova.
3. **Pledge of Allegiance and Invocation** – Councilmember Chittenden 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**

Mayor LeVault

 - There is an article in the Village Reporter which is a reprint from the Maricopa Association of Governments (MAG) November, 2014 newsletter regarding relationship building occurring with Mexico, our top trading partner. An Arizona Trade and Investment Office has opened in Mexico City; meetings with economic development officials are taking place in collaboration with MAG's recent launch of the BIEN website. "BEIN" means "good" or "right". It is an acronym for "Building an International Economic Network." We are also working with our other top trading partner, Canada, on forging stronger economic linkages in our region.
 - MAG's primary focus is transportation. MAG is filling the vacuum. MAG is creating a pilot program for highway safety. MAG has also created a website called Greater Phoenix Rising which serves as an information, data and resource center for those looking to relocate, grow or find support for their businesses.
 - It is an honor for me to be the Chair of Maricopa Association of Governments (MAG) and also an honor for Youngtown.

Councilmember Miller

 - I want to thank Public Works Manager Marty Mosbrucker for taking the time to come out and pick up a dead raccoon. Marty did call Maricopa County regarding the dead animal and never received a return call.
 - Marty should be given a pat on the back for the article he wrote for the Village Reporter.

Councilmember Chittenden

 - St Vincent de Paul had their first fund-raiser here in Youngtown, a walk around the Maricopa Lake. I was pleased that they thought of Youngtown.
 - I want to thank Betty Trolen for the Halloween Witches Walk fund-raiser for the Dog Park.

Councilmember Johnson

 - I attended the Arts Commission meeting. They will be conducting some classes in November, and a movie & art festival at Uribe Park.
 - B. **Communications from Staff**

Town Manager Blackman

 - Our Economic Development Manager Gayle Cooper is at the International Trade Symposium at the Sheraton Phoenix and later in Paradise Valley for the 8th Anniversary celebration of Thomas Title. As you know, we celebrated a Grand Opening last week and we have another coming up – The Bookmark at Jubilee Plaza. This will be an extravaganza on Saturday, November 22 from 10 till 3, featuring a cat show with Porsches and an Aston Martin, along with Rags' Catering barbecue for a

special price. Her current projects coming up are the Holiday Charity Lunch for AAED, which she is the chair, and the GPEC Ambassador series.

- Public Works Manager Marty Mosbrucker is off tonight; spending time with family.
- I want to thank Public Works for all the detail cleaning at Greer Park and at the Cactus Garden.
- The Maricopa Lake was treated with organic chemicals.
- The Witches Walk went well.
- The Town Audit will be presented at the next Council Meeting. Our Financial Consultant Pat Walker will be present.
- We are looking into farming out payroll.
- I want to thank staff and everyone involved in our General Plan, 70% voter approved.

Library Manager Speed

- The Friends of the Library have purchased a copier and a media cart for our library. They have also approved the purchase flash drives to give out to patrons so that they can save their resumes for future use and updating. The Friends of the Library will also have a media sale.
- We are getting the Museum ready for the 60th Anniversary Celebration.

Citizen Service Specialist

- The Business License Report for the month of October: licenses were issues for transient businesses - 5; new store front businesses - 2 - Moore's Guitar and Fozzie's Pet Spa; 18 transient renewals; 15 store front renewals and 1 home based renewal, for a total of \$5,135.00
- The 60th Anniversary Celebration will kick off this Saturday, November 8, 2014 with an Open House in the clubhouse starting at 10 am to noon and then the celebration from noon to 4 pm. Total expenses for the celebration came in at \$5802.19. We've received \$5000 in cash donations which offset the majority of expenses and the Town only had paid out \$800.00. We are grateful to our sponsors.

Public Works Manager Kessler

- The probationers were out cleaning 111th Avenue.
- The Focus Program – an educational tool is doing well. We are going to have the material printed in Spanish. The program has opened 62 new cases with 110 violations.

Magistrate Lex Anderson

- I would like to introduce our new Court Administrator Lisa Lipinski.

Court Administration Lipinski

- I have been the court clerk for one year; I have stepped into the Administrator position. I have two college degrees.

Town Clerk Cordova

- Congratulations, Lisa, on the move to the new position.
- I also want to thank everyone involved in the Youngtown General Plan 2025; voter approved by 70 percent.

5. Citizens Comments/Apearances from the floor:

Betty Trolen, Resident

- The Witches Walk went well. Thank you everyone. We had 42 participants. We collected \$125.00 in donations for the Dog Park.
- We will be collecting for our 4th Annual Domestic Shelter by conducting our Toilet Paper Drive.
- The Maricopa Lake looks beautiful; however we need an explanation regarding the pump and the chemical treatment that took place on the lake.
- I want to thank Patrick King, resident, for returning a call regarding a sprinkler problem.

Mayor LeVault

- I need staff to respond in writing to the resident, regarding what happened at Maricopa Lake.

Bob Ferrara, Resident

- Never received a response back from a MCSO Deputy driving on the wrong way street around Maricopa Lake.
- Councilmember Miller I am not proud of the fish fiasco at Maricopa Lake. I did call the County on it as well as called them on the mosquitos.
- I would like to know what is the expertise and knowledge of the staff – do they know how to take care of a pond?

Mayor LeVault

- Regarding the Maricopa Lake treatment, I need staff to reconstruct what happen and why so it does not happen again.

Pat Druehl, Resident

- A couple of week ago, we had a visitor, a diamond back rattle snake. We called 911 and Sun City Fire Department (SCFD) came out in a matter of 5 to 6 minutes; this is good service.

5. Business

A. Discussion Re: Commenting to the Arizona Corporation Commission (ACC) on the proposed EPCOR Water consolidation. (letter attached)

Mayor LeVault

- I have a letter to the Arizona Corporation Commission Members that I would like all Councilmembers to sign. It is referencing that the full consolidation of the EPCOR Wastewater Districts, as proposed, would cause a punitive increase in wastewater rates of some 89% for customers of EPCOR's Sun City Water District, which includes the Town of Youngtown. We are asking for a no vote for full consolidation of the EPCOR wastewater districts.

B. Discussion Re: Amending of Town Code pertaining to the regulation of hours of operation for non-traditional businesses including massage establishments, tattoo parlors and sexually oriented businesses.

Town Manager Blackman

- Staff was directed to review the hours of operations for non-traditional businesses. We currently have three massage establishments which one is open on Sundays by appointment only; one is open 10 am to 9 pm and the other is not open on Sundays.
- A draft ordinance with a requirement that an applicant is required to obtain a "Special Use Permit", is being proposed by Staff.

Mayor LeVault

- We only have zoning requirement on locations.

Councilmember Chittenden

- Did the medical marijuana establishment fill out a special use application?

Town Attorney Stuhan

- The draft ordinance is presenting a different approach than from the medical marijuana. We can ask for a new non-traditional business applicant to go through a permitting process, which would require a special use application, which would take the course of a planning and zoning hearing in which the hours of operation may be addressed.

Mayor LeVault

- Would this only apply to future businesses?
- What are other communities doing?

Town Attorney Stuhan

- Yes, this would apply only to future businesses.
- As far as other communities, it is somewhat in the middle.
- What we are doing is adding in an extra step in order to get into the front end. This process would allow awareness to the fact that a non-traditional business wants to locate in your town. We would walk a process on a case by case basis. This is a typical process.

Councilmember Johnson

- The public hearing process we went through with the medical marijuana was great. I think this is a good idea, its being proactive.
- Not all massage parlors are sexual in nature.

Councilmember Gustafson

- If we knew it was a sexual massage establishment, why would we allow it?

Councilmember Chittenden

- What is a stand-alone smoking lounge?

Town Attorney Stuhan

- They are smoking establishments, called Hookah Lounges. Individuals share flavored tobacco from a communal hookah (pipe).

Councilmember Chittenden

- Due to the many churches that are located here, this helps prevent some of the non-traditional businesses locating here.

Mayor LeVault

- Let's bring this discussion back to another work session.

C. Discussion Re: Title 8 Health and Safety Chapter 8.08 Refuse Collection and Disposal relating to mandatory solid waste collection services for residential properties and exemptions.

Town Manager Blackman

- The Spanish Garden HOA will be having a meeting this month. They have reached out to Parks & Sons. Councilmember Johnson will attend the HOA meeting.
- We are discovering that residents are illegally dumping in neighbor's trash receptacles, commercial roll off dumpsters and using the Town dumpsters for their refuse.

Town Attorney Stuhan

- We went back and did some research. We did not find that this would create a monopoly. Because this is a traditional public health and safety issue, the Town can require residents to obtain a collector.

Mayor LeVault

- The Agua Fria Ranch Homeowners Association (HOA) is exploring rolling the cost of trash into the HOA dues.
- This issue is a direct response that 1/3 of homes are investment homes; 33% are non-owner occupied.

Councilmember Miller

- How would we enforce this?

Mayor LeVault

- We can compile a list of non-owner occupancy. We can obtain that from the Arizona Department of Revenue Rental Tax division. We can also work with Park-n-Sons to get a list and then send out letters, warning, citations, and court hearings to encourage compliance.

Councilmember Chittenden

- Does the Town currently have a contract with Park-n-Sons?

Town Attorney Stuhan

- Parks & Sons is a private company; the Town can obtain a contract with any collector.

Councilmember Johnson

- Section B of the ordinance states that a written application to the Town and approval of the Town Manager is adding an extra step for an owner.

Town Attorney Stuhan

- This is an exemption for an owner who has a vacant property.

Mayor LeVault

- The owner is ultimately responsible for compliance.

Councilmember Miller

- The owner would then charge the renter for the trash collection?

Mayor LeVault

- That would depend on the owner and tenant relationship.
- We need to get a report on rental properties from the Assessor's office.

Town Manager Blackman

- We are able to acquire a list of homes who currently have trash service.

Town Attorney Stuhan

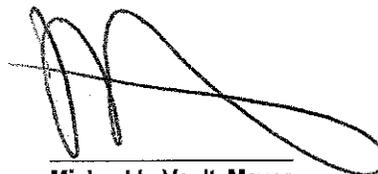
- Staff is looking for tools for compliance. A requirement of refuse service in Town code will enforce and provide the opportunity for issuing citations when illegal dumping happens.

Mayor LeVault

- Council is in consensus that trash service is mandatory.
- Let's bring this agenda item back for another discussion.

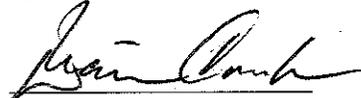
Adjournment.

Motion to adjourn – Councilmember Johnson
 Second – Councilmember Gustafson
 Meeting adjourned at 8:54 p.m.



Michael LeVault, Mayor

Attest:



Diane Cordova, Town Clerk

Minutes approved at November 20, 2014 regular meeting