



**MINUTES OF THE SPECIAL MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ  
THURSDAY, AUGUST 6, 2015, TOWN CLUBHOUSE SQUARE, 12033 CLUBHOUSE SQUARE**

1. **Call to Order:** Mayor LeVault at 7:04 p.m.
2. **Roll Call:** Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, Judy Johnson, June Miller and Charles Vickers.  
Staff present: Town Manager Jeanne Blackman, Town Attorney Trish Stuhan, Code Enforcement Officer Lupe Romero
3. **Pledge of Allegiance and Invocation:** The Pledge was led by Councilmember Chittenden and the Invocation was given by Vice Mayor Duran.
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
      - Provided an update on happenings at GPEC (Greater Phoenix Economic Council)
    - Councilmember Chittenden
      - Was happy that the dog parks looks great / recommends people drive by to see all the work that has been done to the park.
    - Councilmember Mello
      - The park signs going up tomorrow / excited to have these printed and ready to post.
  - B. **Communications from Staff:**
    - Town Manager Blackman
      - I appreciate Council attendance at the special meeting. August is usually a break for Council however there have been issues affecting the Town which need to be addressed promptly. Ms. Blackman also noted that the League Conference is coming up and she will have books ready for the conference soon.
5. **Response to Call to the Community:**

There was no response to call to the community.
6. **Citizen Comments/Appearance from the Floor:**

There we no comments from the floor.
7. **Business**
  - A. **Discussion and/or Action Re:** Adoption of Ordinance No. 15-03 amending the Town Code of the Town of Youngtown by amending Title 12 Streets, Sidewalks and Public Places by creating a new Chapter 12.10 Urban Camping, related to prohibitions against camping without a permit in parks, streets, and other public places.  
Mayor LeVault opened the discussion with concerns regarding an upsurge in the number of homeless occupying parks and public places in Town.
    - There have been homeless sleeping and storing belongings in Greer Park and at Uribe Park. People have been urinating in public and damaging facilities. Businesses are getting concerned.
    - This problem is not unique to Youngtown / the issue is across the Valley.
    - The problems are just more visible lately. The Valley was ramping up for Super Bowl and housing issues have become more apparent.
    - The Town cannot allow people to live in the parks and keep others from using Town facilities.
    - There are resources for the homeless and Youngtown supports these groups. The Mayor also recently learned of plans to place a homeless shelter in Youngtown, but neither building being considered is available. A Special Use Permit may also be required. There are also density concerns. Youngtown is unique given its compact size. The Mayor instructed the Town Manager and Town Attorney to examine possible zoning issues. However, even if there is not a shelter located in Town, there are shelters and resources across the Valley. There is no reason the Town has to let people live in Town parks.

Councilmembers Mello and Miller discussed the surge in homelessness and concerns for veterans. There are, however, protections for these groups as well and facilities that house veterans. The Town must be concerned with public health and safety issues, including substance abuse issues with a large transient population. The Town wants to make sure Town facilities are open to community groups, the public at large, and used in a safe and clean manner.

Councilmember Chittenden commented that she has seen people sleeping in the dog park after it is closed. There have been efforts to move tables to deter homeless populations from sleeping in the dog park.

Councilmember Mello thinks some of the recent uptick may be an influx from the riverbed.

Vice Mayor Duran expressed concern with a rise in panhandling in the Town.

Town Attorney Stuhan commented that there are two ordinances for the Council's consideration tonight. One is to address urban camping which prohibits not just the homeless but anyone in Town from using the parks and public areas improperly for the storing of personal belongings and camping. In terms of panhandling, there is also an aggressive solicitation ordinance for Council's consideration. The idea is not to prohibit panhandling, which is entitled to First Amendment protection, but to discuss reasonable time, place and manner restrictions on panhandling to deter acts that threaten the public health and safety.

Council discussed the legal constraints against regulating panhandling. Town Attorney Stuhan explained that nonprofit groups and others will often solicit money during the holidays (i.e., The Salvation Army). This type of behavior is expected and not unlawful. Similarly, the Town does not intend to prohibit people from holding up signs or asking for donations. However, certain behaviors associated with particularly aggressive forms of panhandling, such as soliciting monetary donations from people trying to make an ATM withdrawal or closely following someone and repeatedly asking for money, constitute threats to public health and safety. The ordinances before Council are aimed at providing the necessary tools to combat these types of behaviors.

Mayor LeVault noted that the Town needs to go after these types of offenses to protect Town residents. These types of behaviors harm the quality of life of residents. Some communities have failed to address these types of behaviors and the local communities suffer.

Town Manager Blackman said that MCSO supports the ordinance and is ready to start enforcing it if it is approved. People are bathing in the Town's sinks and sleeping on tables, gazebos, and congregating in public places in a way that prevents other residents from using these public spaces. There are liquor bottles in the parks and acts of public urination.

Mayor LeVault inquired as to the legality of selling 1-shot liquor bottles in the Town. He directed the Town Attorney to investigate the ability to regulate.

Council next discussed the penalties for violation of the proposed urban camping and aggressive solicitation ordinances. Town Attorney Stuhan explained that the ordinances have general misdemeanor penalties. Council also discussed the need to pass the ordinances on an emergency basis in order to immediately begin enforcement activities.

Councilmember Johnson was concerned for the homeless but did not want people using Town facilities for public camping. This is not an appropriate use of facilities. They were neither intended in this way nor appropriate for daily living. The Town needs safe parks.

Motion – Councilmember Mello  
Second – Councilmember Johnson  
Motion passed unanimously with a voice vote

**B. Discussion and/or Action Re:** Adoption of Ordinance No. 15-04 amending the Town Code of the Town of Youngtown by amending Title 9 Public Peace, Morals and Welfare by creating a new Chapter 9.05 Aggressive Solicitation, related to regulating aggressive solicitation in specific locations and manners.

Council discussed the types of behaviors prohibited by the ordinance and how far it would reach. For example, the Circle K has an ATM in Town and there are concerns about people intimidating residents as they withdraw money from the machine. It is also very uncomfortable and potentially dangerous when solicitors follow you around asking for money and continue requests when you've said no or are stuck in a small area and cannot move. Council discussed the goals of the ordinance and examples of threatening behaviors prohibited by the Code amendment.

Motion – Councilmember Miller  
Second – Councilmember Vickers  
Motion passed unanimously with a voice vote

9. **Call for Executive Session:**  
No call was made.

**10. Future Agenda & Meetings:**

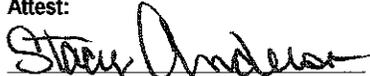
- A. Councilmember Johnson would like to consider making Town Librarian Heidi Speed's dog the Town mascot. Staff will investigate.
- B. Announcement of Special Council Meeting: Thursday, Regular Council Meeting on September 3, 2015 at 7:00 p.m.

Motion to adjourn: Councilmember Chittenden  
Second – Councilmember Mello  
Meeting Adjourned 7:48 p.m.



Michael LeVault, Mayor

Attest:



Stacy Anderson, Town Clerk

Minutes approved at September 3, 2015 regular meeting.