



**MINUTES OF THE REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ**  
**THURSDAY, September 3, 2015, TOWN CLUBHOUSE, 12033 N. CLUBHOUSE SQUARE**

1. **Call to Order:** Mayor LeVault at 7:01 p.m.
2. **Roll Call:** Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, June Miller and Charles Vickers  
Council excused: Councilmember Judy Johnson  
Staff present: Town Manager Jeanne Blackman, Town Attorney Trish Stuhan, Public Safety Manager Mike Kessler, Community Development Manager Gregory Arrington, Citizen Services Specialist Nicole Dubé, Court Administrator Lisa Lipinski and Town Clerk Stacy Anderson.
3. **Pledge of Allegiance and Invocation:** The Pledge was led by Councilmember Miller 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

- Council, you will find an envelope in front of you. The contents inside are for the annual review for Town Manager Blackman. If you could please complete that form by a rating system and get them back to me by the end of next week. We will then have an Executive Session after the next Regular Council Meeting to discuss the findings.
- Just a reminder that the Peoria Straightening Project is scheduled to start sometime this month or the beginning of October. When this construction job is completed, the crazy dog leg that is at 115<sup>th</sup> and Peoria Avenues will be straightened. The construction schedule is projected to take as long as six months.
- The Town Manager, Lt. Dowell from the Maricopa County Sheriff's Office (MCSO) and myself attended a Town Hall meeting at the Riverbend II Apartments last week. There were about 30 in attendance. The topic largely was centered on the level of safety in our community. Some really good things came out of the discussions. We have a renewed commitment out of Lt. Dowell and we are going to see a tightening of law enforcement policies and procedures here in the Town. MCSO and the Town's Code Enforcement Department will be more proactive in enforcing Code violations. When you look at law enforcement agencies across this country that are being told to stand down by elected officials in going after "quality of life" crimes, you find yourself having to deal with much bigger crimes more frequently. The Town is smarter than that and we are going to be moving aggressively to start nipping those "quality of life" crimes before they escalate to larger crimes; starting with the alleged drug use in Caliche Park. A large part of the problem is that a third of the homes in Youngtown are not owner occupied. They are rented/leased out or are vacant and this seems to be true across the Valley. The renter does not have the same mindset as an owner and sometimes the renter needs a little more prompting at to what the laws and Town codes are.
- The Town Manager and I met with a group that is trying to develop a conservancy of the White Tank Mountains. The Town is being asked to participate with that group. It is an honor that we are being asked to be part of the conservancy group. The group is talking about taking 50,000 acres of the White Tanks Mountains and setting them aside as a preservation area for recreation and a barrier from development. The White Tanks are an asset to the west valley. In the east valley, Scottsdale set aside some of their desert for this purpose. I really think that we should do the same. More information is forth coming.
- The Town Manager and most of the Council attended the Arizona League of Cities and Towns Conference in August. We had a number of breakout sessions that talked about very important issues. I was happy to see that just about every breakout session was standing room only. There was a lot of good information shared and the League does a great job in helping Arizona cities and towns. They really are our advocate by watching for things that roll up from the Legislature, a great resource for information for municipalities and my hat is off to them. They did a great job.
- October is Domestic Violence Awareness Month and the Governor on October 1<sup>st</sup> is going to be lighting the Capital dome purple and I have asked staff to explore ways for us to use lighting here on top of our buildings to go purple.

Councilmember Chittenden

- I really felt that the breakout sessions were very informative.
- I visit the White Tanks often and would like to volunteer to assist with the White Tanks Conservancy.
- In the September issue of the Youngtown Village Reporter (YVR), the Dog Park has now established a P.O. Box. There is more information in the YVR.

Councilmember Miller

- Mayor LeVault will you let me know when the sessions for the League conference are posted on the League website?

Mayor LeVault

- I believe they are already posted.

Councilmember Vickers

- As a first time attendee to the League conference, I learned a lot in a short period of time. I enjoyed myself and hope to go to the next one.

Councilmember Mello

- I was amazed with the content of the sessions and I really think that the League out did themselves this year. The session about the Central Arizona Project (CAP) was so informative and I didn't realize that Arizona has been storing water in storage tanks from the Colorado River for the last 20 years plus to make sure that we have water for the future.

**B. Communications from Staff:**

Town Manager Blackman

- Introduction of Nicole Dubé as the new Citizens Services Specialist. Nicole started with the Town on August 3<sup>rd</sup>. It is nice to have a full staff. She has stepped in and taken charge and I am looking forward to working with her for a long time.
- Chief Financial Officer Alcantar is at the University of Arizona Wildcats opening football game in Tucson, Library Manager Speed is on her way to Connecticut and Public Works Manager Mosbrucker is surfing in Florida.
- I enjoyed the League conference as well. Community Development Manager Arrington did an excellent job as a participant in a session.
- The Mayor and I did meet on the White Tanks Conservancy. This is a cause that we certainly need to consider. I have a speaker coming tomorrow morning for my Rotary Club meeting speaking about this subject.
- See attached staff report.

**5. Response to Call to the Community:**

Town Manager Blackman

- No response to Call to the Community

**6. Citizen Comments/Appearance from the Floor:**

Resident Tim Ayers wanted to let the Council know what a great job Community Development Manager Arrington did on the re-roof inspections at the Youngtown Methodist Church.

**7. Consent:**

**A. Approval of Minutes:** Regular Meeting Minutes of July 16, 2015, Special Meeting Minutes of July 22, 2015 and the Special Meeting Minutes of August 6, 2015 with removal of incomplete sentence from the July 16, 2015 minutes and adding Councilmember Vickers as present at the August 6, 2015 meeting.

Motion - Councilmember Mello

2<sup>nd</sup> – Vice Mayor Duran

Motion passed unanimously with a voice vote

**8. Business**

**A. Discussion and/or Action Re:** Approval of a Proclamation declaring the month of September, Grandfamily / Kinship Care Month

Councilmember Mello

- This is something that is very dear to my heart. I would be willing to do a banner about Grandfamily/Kinship Care Month to hang within one of the Town's buildings.

Motion - Councilmember Miller

2<sup>nd</sup> – Councilmember Chittenden

Motion passed unanimously with a voice vote

**B. Discussion and/or Action Re:** Adoption of Resolution No. 15-20 amending the Policy and Administrative Guidelines Manual of the Town of Youngtown by amending Policy 640 Sick Leave related to the donation of sick leave for Town employees

Town Manager Blackman

- Currently in our Policy there is a cap of 16 hours that employees could donate to a co-worker in need of additional sick leave for a catastrophic or medical illness or situation. When an employee is going through an illness we certainly do not wish for them to worry about running out of sick leave and not being able to bring home a pay check. This adds to the stress and recovery of the employee. With the proposed changes, if an employee wishes to donate sick leave they must maintain a balance of 80 accrued hours after the transfer. Employees may not receive more than 160 hours of donated leave in a calendar year.

Mayor LeVault

- Back before Kathryn and I came to Arizona, we made a journey together as Kathryn was diagnosed with breast cancer. It was a long process and I went through my sick and vacation leave fairly quickly. The company that I worked for at the time was Verizon and employees from all over the country donated sick leave to me so that I was able to stay with Kathryn and help her fight this disease. I have personal experience with this situation and I think that it makes a lot of sense.

There was a discussion among Council as what the policy was when the Town had an active police department and at what rate of accrual do employees get for sick leave.

Town Attorney Stuhan

- This Policy was vague and we wanted to bring forth a clarification of the Policy. We wanted to make sure that our base line policy was clear and that anyone has the ability if they run through all of their sick and vacation leave that they are provided the opportunity to have sick leave transferred to them. Just to reiterate that the employee must retain the 80 hours after the transfer.
- This revision in the Policy puts a cap on the amount of sick hours that an employee can receive in a calendar year (160) and also if an employee chooses to donate their sick leave and then quit, the remaining sick leave will be paid out at \$1.50 per hour. The caps and rate of accrual for sick and vacation leave are in different Policies. We are only amending Policy 640 that provides the 160 hours of donated leave in a calendar year and if an employee wishes to donate sick leave they must maintain a balance of 80 accrued hours after the transfer. Later in the meeting we are amending Policy 600 that addresses the rate of accrual of sick and vacation leave.

Mayor LeVault

- Where does this put us in regard to where other cities are?

Town Attorney Stuhan

- We seem to be about in the middle. There are some cities that have a higher number of hours that can be transferred as well as some cities that have a lower rate of transfer. These policies are standard for the public sector.

Motion – Councilmember Miller

2<sup>nd</sup> – Councilmember Vickers

Motion passed unanimously with a voice vote

**C. Discussion and/or Action Re:** Adoption of Resolution No. 15-21 amending the Policy and Administrative Guidelines Manual of the Town of Youngtown by amending Policy 600 Attendance and Leave to clarify the accrual of vacation leave for Town employees

Town Manager Blackman

- This Policy change is a house keeping item. This was brought forward to you earlier in the year; however there was a typo that said non-exempt that would require amending to exempt.

Councilmember Chittenden

- On Section D (Sick Leave) the employees all have a cap of 720 hours. Do all employees have the same cap of 720 hours?

Town Manager Blackman

- Yes, all employees have the same cap of 720 sick leave hours. The cap of 720 sick leave hours has not changed since 2009. We have not made any changes to the policy since the inception in 2009. We are simply correcting a typo so that the policy coincides with other policies in the Manual.

Motion – Councilmember Vickers

2<sup>nd</sup> – Vice Mayor Duran

Motion passed unanimously with a voice vote

**D. Discussion and/or Action Re:** Adoption of Resolution No. 15-22 amending the Policy and Administrative Guidelines Manual of the Town of Youngtown by amending Policy 800 Discipline and Appeal Process to clarify the time to initiate the appeal process after an adverse personnel action

Town Manager Blackman

- This is also a housekeeping item as we continue to walk the process as we are looking at Code and Policies. We had two different areas within the policy one stated five days and the other stated ten days. To have it clear across the board we have put the appeal process at five working days.

Motion – Councilmember Chittenden

2<sup>nd</sup> – Councilmember Mello

Motion passed unanimously with a voice vote

**E. Discussion and/or Action Re: Adoption of Resolution 15-23 amending the Town Social Media Policy to allow two-way communication**

Town Clerk Anderson

- This is also another housekeeping item. When the original Social Media Policy was brought to Council, Facebook allowed your organization to have a one-way facing page. This meant that a post placed on the Town's Facebook page would not allow comments or additions from anyone other than the administrator. Since then, Facebook has amended their policy and now allows only two-way communication. This means that we will have to monitor the page very closely. We have the capability of taking down or deleting any comments that violate our policy. This would include vulgar comments, businesses trying to advertise their products or comments that have nothing to do with the posting.
- Because of the retention schedules from the State of Arizona; the comments that we choose to take down will be printed, sent to the Town Attorneys for review and filed according to date and destruction timeline. The reason that we need to keep a file of the comments removed is to protect the Town from liability and also because of public records requests.

Mayor LeVault

- Who maintains the Facebook page and how often do we check the posts?

Town Clerk Anderson

- Currently I maintain the page and I check it daily. We haven't done much with the page for some time because we wanted to get the policy updated. Currently the posting are only of events that are pulled from the calendar on the Town website.
- Town Manager Blackman and I have discussed who we thought would be the best person to maintain the Facebook page and we have decided that it most likely will be the Citizen Services Specialist's responsibility to maintain and post. I would still oversee the page, but Nicole will maintain it. That responsibility will be handed over to Nicole when we feel her comfort level and knowledge of retention schedules are at a level that the Town is not a risk.

Mayor LeVault

- By Facebook allowing a two-way communication; what does that do to the Town's liability?

Town Attorney Stuhan

- What we did originally was that the resolution was the safest by saying that only a one-way communication initiated by the Town was allowed. This was the most conservative approach and the posts are not a public forum. This is not what most cities and towns are doing with their social media sites. Social media is just that; social. Our goal legally is to minimize risk, but we still need to consider the Constitution. If we have no rules and allow everyone to post what they want we are basically creating a public forum. That means that it is no different than a sidewalk or a public park. You can say what you want and criticize who you want when you want and how you want and the Town could not remove those comments. It is very problematic for social media sites to have no rules. We have prepared this resolution to balance that and come in the middle. What we recommend that you do is to adopt this resolution to create a limited public forum. In a limited public forum you say that this is open to free speech, but it limited by topics. We can't just take off negative comments. People might criticize political leaders. Just because you don't agree with their views or like their comments, we cannot remove the comments. If they comment on a posting that is about economic development of the business district and they are commenting about how terrible the mayor is; then we can take the comment down because it is off topic.
- If you take a look at the resolution, you will find a list of what we can and cannot have on the comment side of the posting. This is a tool that we can encourage public involvement. We encourage public involvement, but just with the set of rules that we have provided. These rules will be on the website and on Facebook so that people have a clear understanding of what is expected and what is not allowed.

Mayor LeVault

- Do we have any idea about how many people are visiting our Facebook page?

Town Clerk Anderson

- We have approximately 26 followers. We have had very limited postings and have not encouraged people to like our page until the Social Media Policy has been revised and the resolution passed. Most followers get on the page to see when our events will take place, what time meetings are and the operating hours of the Library. I feel that once we start posting more aggressively, our number of followers will increase. Just to remind you that we may only have 26 followers; but those 26 followers have followers that read our posts and those 200 followers will see our postings and those 200 followers have followers and those 300 followers will see our postings. This goes on and on.
- The information that will be posted to Facebook will never be controversial in nature and will be an event at the Library, pictures of any new improvements at the parks, etc.
- We can reach far more people by using Facebook than we can by posting items on the website. The Town website is limited in the ability to disseminate information quickly and we can reach more people. We can advertise our events and promote our Town far easier, quicker and reach more people with Facebook than using the website.

Councilmember Mello

- I have a Facebook page for my store and it is not as bad as you think. You will be alerted when comments are posted. It is very easy to respond to. I don't think that it will take as much time as you think to maintain it.

Town Clerk Anderson

- Keep in mind, that when a department head wants an item published on the Facebook page, they have to do all the leg work and then there is an approval process that they must go through. The material must be presented to Town Manager Blackman for approval prior to having me post it. She may change the content or choose not to post it at all.

Councilmember Mello

- I allow any of my employees to post on our page. Are you going to limit as to who can post or will anyone be able to post?

Town Clerk Anderson

- Currently I am the only one who can post or delete comments. That will remain that way until Nicole assumes the responsibility. As of right now, our intentions are to limit any postings and deletions to one designated person.

Town Manager Blackman

- After we revitalize the page in a few months we will bring back a report to Council and let you know if there are any positive outcomes as well as any negative issues.

Councilmember Mello

- I would recommend any of the Councilmembers who do not have a Facebook account to sign up and start following the Town's page. For those who have an account, "like" the Town's page and start following it. You will be able to see for yourself what is being posted.

Mayor LeVault

- Are other municipalities using Twitter?

Town Attorney Stuhan

- You would be amazed as to what other cities and towns are using. The cities and towns have accounts for Facebook, Twitter, Face Time, Next Door, Flickr, InstaGram, etc.; and then each city or town has multiple accounts for each social media sites. The police, fire, parks and recreation, library, economic development, mayor, court, public works, boards and commissions, engineering all have their own accounts to multiple social media sites. In large cities like Phoenix, Scottsdale and Chandler all have a media staff that does nothing but maintain the city's social media accounts. Small cities and towns are showing an interest in social media and are beginning to have weekly posts to Facebook and Twitter to promote events such as; having coffee with the Mayor.

Motion – Vice Mayor Duran

2<sup>nd</sup> – Councilmember Mello

Motion passed unanimously with a voice vote

**F. Discussion and/or Presentation Re:** Discussion and update on the 2015 Municipal Council Chambers Renovation Project  
Community Development Manager Arrington

- This is a quick update on the bid process for the Municipal Council Chambers Renovation Project. We have had some real challenges on this process. I will give you a brief overview of the process so far:
  - First bid went out on July 8<sup>th</sup> with bids due back on the 20<sup>th</sup>. We receive no bids back. After speaking with a few local contractors, we discovered that they did not want the purchase of the carpet, window treatments and AV equipment in the bid.
  - We revised the bid documents and the second bid went out on July 27<sup>th</sup> with bids due back on August 14<sup>th</sup>. We received three bids back; two of which were extremely over budget and one was incomplete.
  - Third bid went out on August 18<sup>th</sup> with bids due back on August 28<sup>th</sup>. We received five bids packets
    - JMW Construction, Inc. \$65,938.47
    - Sierra Building Systems, LLC \$58,950.00
    - Ruiz & Nicholson Construction \$49,975.00
    - Air-Co Consolidated, LLC \$30,870.00
    - Sunland Plumbing & Construction Heating & Air Conditioning \$28,420.00
- The fifth bid was the most unique because we did not ask for the carpet and the window treatments in the bid packet. This bid included these two items. If we pull out the cost of the carpet and window treatments it puts the bid at about \$18,000.00 and that is about the amount that we were looking for. The lowest bidder was Sunland Plumbing & Construction based right here in Youngtown. We have a meeting scheduled for Tuesday to go over the contract with the contractor.

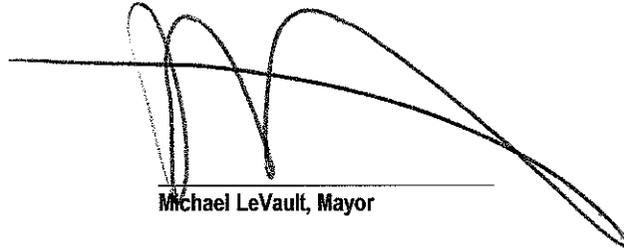
**9. Call for Executive Session:**

No call was made.

10. **Future Agenda & Meetings:**

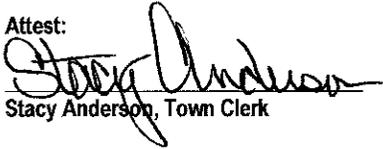
- A. There may be discussion of whether to place an item on a future agenda and the date, but not the merits of the item.
- B. Announcement of Regular Council Meeting on September 17, 2015 at 7:00 p.m.

Motion to Adjourn: Councilmember Mello  
Second – Councilmember Miller  
Meeting Adjourned 8:10 p.m.



Michael LeVault, Mayor

Attest:



Stacy Anderson, Town Clerk

Minutes approved at September 17, 2015 regular meeting