



**PUBLIC NOTICE
REGULAR MEETING OF THE COMMON COUNCIL OF
YOUNGTOWN, ARIZONA**

Pursuant to A.R.S. 38-431.02, notice is hereby given to the members of the Common Council and the General Public that the Common Council of the Town of Youngtown will hold a **Regular Meeting** open to the public on:

DATE: THURSDAY, MARCH 3, 2016
TIME: 7:00 PM
PLACE: COUNCIL CHAMBERS
12033 NORTH CLUBHOUSE SQUARE

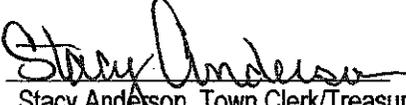
1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance and Invocation**
4. **Communications:** Comments, Commendations and Presentations by Mayor, Council Members, staff or members of the public. The Council may not propose, discuss, deliberate or take any legal action on the information presented pursuant to A.R.S. 38-431.02.
 - A. **Communications from Council**
 - B. **Communications from Staff: Town Manager's Report**
5. **Response to Call to the Community:**
6. **Citizens Comments/Appearances from the Floor:** Please complete a speaker request form for the Town Clerk, listing the subject you would like to discuss. Each speaker is limited to five (5) minutes. Before you begin to speak, identify yourself by clearly stating for the record, your name and address. Non-Agenda items: This is the time for citizens who would like to address the Town Council on any non-agenda item. The Council will listen to comments, and may take any one of the following: 1) Respond to criticism, 2) Request that staff investigate and report on the matter, or 3) Request that the matter be scheduled on a future agenda.
7. **Consent**
 - A. **Approval of Minutes:** Approval of the Regular Meeting Minutes of February 18, 2016
8. **Business:**
 - A. **Presentation and/or Action Re:** Approval of the Façade Improvement Program for façade improvements to Youngtown's retail/commercial centers (Arrington)
 - B. **Presentation and/or Discussion Re:** Presentation of the Draft Code Enforcement Strategic Plan (Arrington)
9. **Call for Executive Session**

Convene Executive Session pursuant to A.R.S. 38-431.03(A) (3) for discussion or consultation for legal advice with the Town Attorney for legal advice regarding any above agenda items, as needed.
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 next Regular Council Meeting: Thursday, March 17, 2016 at 7:00p.m.**
11. **Adjourn**

*NOTE: Persons with special accessibility needs, including large print materials or interpreter, should contact the Town Clerk's office at 623-933-8286 or TDD 623-974-3665 no later than 24 hours in advance of regular scheduled meeting time. To speak on an Agenda item, a comment form must be presented to the Town Clerk at least five (5) minutes before the Council Meeting. Citizens may appear before the Council to present their views on any subject concerning Town Government. The Council, however, may not discuss, consider, or decide items NOT on the Agenda (A.R.S. 38.431.02 (H)). The Council will, if necessary, follow up at a later date. Due to the limitation of time, citizens' comments are requested not to exceed five (5) minutes.

POSTING CERTIFICATION OF THIS NOTICE

The undersigned hereby certifies that a copy of the attached notice and agenda were duly posted 3:00 p.m. on Friday, February 26, 2016 in accordance with the statement filed by the Town Clerk, with the Attorney General's office.


Stacy Anderson, Town Clerk/Treasurer



MINUTES OF THE REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ
THURSDAY, February 18, 2016, COUNCIL CHAMBERS, 12033 N. CLUBHOUSE SQUARE

1. **Call to Order:** Mayor LeVault called the meeting to order at 7:02 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, Library Manager Heidi Speed, and Town Clerk Stacy Anderson.
Staff excused: Chief Financial Officer James Alcantar, Public Works Manager Marty Mosbrucker, and Community Development Manager Gregory Arrington
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
 - Mayor LeVault discussed the Grand Avenue project that would improve Grand Avenue to the Loop 303. The intersection of Bell Road and Grand Avenue has been designed. Bell Road will be lifted up and will cross over Grand and the BNSF Railroad tracks. They are in the process of moving the utilities now. Construction will start just after the spring training season and will last for approximately six months. Youngtown hosted a meeting with several fire departments and fire districts and the Maricopa Association of Governments (MAG) to discuss the planning of the Grand Avenue reconstruction. Residents of Youngtown and Sun City live south of Grand Avenue and most of the health care facilities are north of Grand Avenue and Mayor LeVault expressed his appreciation of the efforts by MAG to discuss the challenges of transporting patients north of Grand Avenue.
 - Mayor LeVault spoke about the refinancing of the Agua Fria Ranch Community Facility District's (CFD) bonds and reported that the cash on hand in the CFD account was greater than the original estimates that were provided and this would make the savings to the residents of Agua Fria Ranch subdivision even greater than originally anticipated. The closing on the refinance is scheduled for February 24th.
 - Mayor LeVault thanked all the individuals who are involved with the Community Garden for all their hard work to get it up and running.
 - Mayor LeVault spoke about the Greater Phoenix Economic Council (GPEC) presentation that the Town Manager Blackman and he attended last week to showcase the West Valley.
 - Councilmember Vickers
 - Spoke about the Grand Opening of the Community Garden in conjunction with the Grand Opening of the Peoria Avenue Realignment Project on Saturday, March 12th at 10:00 a.m.
 - Councilmember Chittenden
 - Announced that the permanent Citizens' Dog Park sign was installed last week.
 - Announced that the Citizens' Dog Park will have a booth at the Health and Pet Fair on Saturday, February 20th in Greer Park.
 - B. **Communications from Staff:**
 - Town Manager Blackman gave the staff report (see attached)
5. **Response to Call to the Community:**

There was no Response to Call to the Community.
6. **Citizen Comments/Appearance from the Floor:**
 - Resident Tim Ayers spoke about the weeds and debris in the empty lot and alley just south of Jack in the Box on 111th Avenue. Mayor LeVault asked Fire Marshall Jim Fox if the Town and Sun City Fire & Medical District (SCFD) could collaborate to clean up the lot. He also spoke about his concerns regarding the alley asphalt crumbling due to the trash refuse trucks emptying the dumpsters.
 - Larry Wise spoke about a new agreement between the Community Garden and Discover U School. The children will grow vegetables in pots at the school and then plant them in the garden, tend the plants until harvest, and donate the crop to the Valley View Food Bank. Mr. Wise also informed the Council that for the Grand Opening of the Community Garden that he would be bringing his class of Home Depot students.
 - Resident Cynthia Upchurch spoke about how proud she is of the Community Garden and the wonderful things that Larry Wise and Councilmember Vickers are doing.

- Resident and Agua Fria Ranch Homeowner's Association AFR HOA) President Katherine French spoke about her concerns with the homeless population in the Agua Fria River.

7. Consent

A. **Approval of Minutes:** Approval of the Regular Meeting Minutes of February 4, 2016

Motion –Councilmember Chittenden

2nd – Vice Mayor Duran

Motion passed unanimously with a voice vote

8. Business

A. **Presentation and/or Discussion Re:** Sun City Fire and Medical District (SCFD) Report (see attached)

- Fire Marshall Fox reported that the SCF&MD Special Services Technician (SST) will be doing some maintenance on the empty lot on 111th Avenue.
- Updated the Council on the 2015 Year End Report. Fire Marshall Fox reported that there were 12,370 calls District-wide averaged thirty-four (34) calls per day and that averages out to be 1.5 hours per medical call and could be up to three to four hours for a fire call. 92% of the calls were medical.
- He reported that there were two fires in December, 2015. One was a car fire and the other was a structure fire involving a Youngtown business. On the structure fire, engines from SCFD, El Mirage, Peoria, Surprise and Glendale were called. Not all engines arrived on scene.

B. **Presentation and/or Discussion Re:** Maricopa County Sheriff's Office (MCSO) Report (see attached)

- Lt. Chris Dowell reported that for the calendar year of 2015 there were 24,279 calls for service for District 3. There were 2,900 calls for service in Youngtown.
- The Youngtown beat is the fourth busiest in the District. The busiest time for the District is on Monday's at 3:00 p.m. The busiest times for Youngtown are Saturdays at noon.
- He reported that the District has initiated or reinstated programs that include: Bike Patrol, ATV's, 4-10 work schedule, body cameras, and ride-along with residents.
 - Lt. Dowell spoke with the manager of Motel 6 about continuing the bike patrol in the vicinity of their property.
 - There was a discussion about the homeless population in the Agua Fria River. There are currently fourteen (14) known homeless residents in six (6) camps in the riverbank. Most of them reside on the west side next to El Mirage. Councilmember Miller wanted to know if the homeless population is trespassing. Lt. Dowell stated that they most likely are, but to get the property owners to prosecute is very difficult. Councilmember Johnson wanted to know if the homeless population included children and wanted to know if the homeless need blankets or personal hygiene products. Lt. Dowell said that there were no children living in the camps. We have had conversations with Swell Farmacy about sponsoring a blanket and coat drive, personal hygiene kits and water during the summer months. We plan on using the items donated in our outreach when we visit the homeless community.
 - The 4-10 schedules have been put on hold. The District needs to determine how many sergeants will be required.
 - Body cameras are now being worn by all Deputies.
 - Lt. Dowell encouraged any resident to request a ride-along with a Deputy.
- Mayor LeVault stated that the entire Council has MCSO's "back" and will provide any political means to assist them to continue doing their jobs.

C. **Presentation and/or Discussion Re:** Presentation on the January, 2016 Financial Monthly Report (see attached).

- Town Manager Blackman gave the January, 2016 Financial Monthly Report and reported that there is a surplus in the Town's checking account.

D. **Discussion and/or Action Re:** Approval of Ordinance 16-01 amending Title 8 Health and Safety, by creating a new Chapter 8.10 Donation Bins and Private Recycling Containers, related to the size, location, and collection of materials collected in donation bins and private recycling containers and providing for appeal of conflicting ordinances; severability; and adopting on an emergency basis.

- Mayor LeVault stated that he requested that the Town Attorney and the Town Manager to look into an Ordinance regarding the indiscriminate placement of donation bins throughout the Town to help regulate the placement and curb the trash that accumulates around them.
- Town Manager Blackman reported that there has been a second bin placed on the property next to the QT parking lot on the Agua Fria Ranch Parkway. She reported that the area has become a dumping ground and hopefully this proposed Ordinance will help to curb this activity.
- Town Attorney Stuhan explained that the Ordinance would require a permit to place a recycling bin within the Town. There is no fee for the permit and it is good for one (1) year. With the permit, the Town has a way to reach out to the individuals responsible if there is debris dumped next to the bin or if the bin is in need of repair. It also gives parameters on the size and type of bins allowed. It also regulates what is placed in the bin. The owner of the bin would be required

to provide a written statement from the property owner giving them authority to place their bin on their property. The Ordinance states that it is unlawful to place items inside or outside the bins that are not specifically listed on the bin. This gives the Town the ability to enforce illegal dumping. The Ordinance requires that the permit must be renewed yearly and allows the Town Manager to approve or deny the renewal. There is also a due process provision that would allow the owner to request a hearing for the denial. The last portion of the Ordinance provides the Town's ability to impound the bin in the case of multiple violations. The Ordinance provides some flexibility on impounding the bin by evaluating it on a case by case scenario and all impounding and storage costs would be the responsibility of the owner.

- Councilmembers expressed their concerns about the unsightly garbage that is dumped by the bins on the Agua Fria Ranch Parkway.
- Resident and Agua Fria HOA President Katherine French stated that the HOA is in favor of the new Ordinance and would like to know if the Town could limit the number of bins that would be allowed Town-wide. Town Attorney Stuhan cautioned against telling who and who cannot locate a bin in the Town because charities and the right to give are protected under the Freedom of Speech.

Motion to approve Ordinance 16-01 on an emergency basis– Councilmember Miller

Second – Councilmember Vickers

Motion passed unanimously with a voice vote

- E. **Discussion and/or Action Re:** Approval of Ordinance 16-02 amending Title 2 Administration and Personnel, Chapter 2.20.020 Boards and Commissions, by repealing Section 2.20.020 Tree Board, and adopting Section 2.20.010 Appointment, 2.20.020 Membership; Terms of Office, 2.20.030 Powers and Duties, 2.20.040 Meetings, 2.20.050 Vacancies; Removal from Office, 2.20.060 Rules and Regulations, 2.20.070 Advisory Nature of Recommendations, 2.20.080 Compensation; Expenses, and 2.20.090 Application, all related to establishing procedures for the creation of Boards and Commissions, Appointing Members, and Enumerating Duties; providing for repeal of conflicting ordinances; and providing for severability

- Town Manager Blackman explained that this is a housekeeping item and it establishes rules and regulation for the creation and implementation of Boards and Commissions. The existing Code does not address this and Ordinance 16-02 allows us to provide a framework for how those Boards and Commissions conduct business.
- Town Attorney Stuhan addressed the difference between a group of citizens and Town sponsored Boards or Commissions and the ground rules in which they serve at the pleasure of the Council. The Town does not need to take every group and make them a Council appointed committee or board. The proposed Ordinance just sets the framework for when the Council does wish to form a formal Board or Commission.
- Councilmember Johnson spoke about the committee called Unity in Community that helped the elderly and disabled with their yard work.

Motion to approve Ordinance 16-02– Councilmember Vickers

Second – Councilmember Miller

Motion passed on a voice vote.

- F. **Discussion and/or Action Re:** Creating a Youngtown Parking Committee, establishing scope of duties, establishing qualifications for members, making recommendations for members, and possibly appointing members to serve on committee.
- Mayor LeVault spoke about his visions of the direction that the Parking Committee would look at not only for Agua Fria Ranch (AFR), but for the issues on 113th Avenue. This committee will have to collaborate with the AFR HOA to come up with a strategy to assist with the intersection of Nofs and Fooks. The CC&R's for AFR allow parking for 2 vehicles in the garage and 2 vehicles on the driveway and the street for last resort parking. Emergency vehicles have a difficult time maneuvering around the vehicles parked on the street.
 - Councilmember Mello spoke about why the parking issues are different from AFR and north Youngtown. She explained that when Pulte Homes developed AFR they reduced the width of the streets for additional lots.
 - Resident and Agua Fria Ranch Homeowner's Association AFR HOA President Katherine French spoke out in favor of appointing the Parking Committee.

Motion to approve the creation of a Youngtown Parking Committee, establishing scope of duties, establishing qualifications for members, making recommendations for members, and possibly appointing members – Councilmember Johnson

Second – Councilmember Miller

Motion passed on a voice vote.

Motion to appoint Mayor LeVault, Councilmember Johnson, Councilmember Miller, Resident Mercy Vickers, and Resident/Agua Fria Ranch HOA President Dr. Katherine French to serve on the Parking Committee – Councilmember Chittenden

Second – Vice Mayor Duran

Motion passed on a voice vote.

Motion at 9:05 p.m. to convene for Executive Session was made by Councilmember Miller

Second – Vice Mayor Duran

Motion passed unanimously with a voice vote

9. Call for Executive Session:

Convene Executive Session A.R.S. 38-431.03(A) (3) for discussion or consultation for legal advice with the Town Attorney regarding zoning restrictions and hours of operations for medical marijuana dispensaries.

Motion to adjourn the Executive Meeting and reconvene into the Regular Council Meeting: Vice Mayor Duran

Second: Councilmember Miller

Motion passed unanimously with a voice vote

10. Future Agenda & Meetings:

A. Mayor LeVault requested a discussion on the homeless population.

Councilmember Miller requested a discussion regarding Parks and Sons of Sun City to provide recycling bins for Youngtown residents. Town Manager Blackman will report back to the Council.

B. Announcement of Regular Council Meeting on March 3, 2016 at 7:00 p.m.

Motion to Adjourn: Councilmember Mello

Second – Councilmember Johnson

Meeting Adjourned: 10:00 p.m.

Michael LeVault, Mayor

Attest:

Stacy Anderson, Town Clerk

Minutes approved at March 3, 2016 regular meeting



TOWN COUNCIL ACTION FORM

| | |
|---|--|
| SUBJECT: Approval of the Façade Improvement Program for façade improvements to Youngtown's retail/commercial centers | STAFF PRESENTER: Gregory Arrington, Community Development Manager |
|---|--|

RECOMMENDATION:

Approval of the Facade Improvement Program and the improvement funds budgeted through the Community Development Department for façade improvements to our retail/commercial centers.

COMMUNITY BENEFIT:

The Facade Improvement Program will make available grants to businesses or property owners to facilitate economic development in the Town by enhancing and restoring business storefronts.

DISCUSSION:

Encouraging upward development of our business centers would create greater capacity for redevelopment, higher state-shared revenues due to population increase, and increased sales and rental taxes.

FISCAL IMPACT:

Existing \$20,000 line item in the Fiscal Year 2015/2016 Community Development Budget.

REVIEWED BY:


Jeanne Blackman, Town Manager

PREPARED BY:

E-Mail _____
Gregory Arrington, Community Development Manager

E-Mail _____
Trish Stuhan, Town Attorney
Gust Rosenfeld, PLC

Facade Improvement Program

The Facade Improvement Program provides grants to businesses or property owners to facilitate economic development in the Town by enhancing and restoring business storefronts.

If the Town determines that the façade improvements will further the goal of economic development, then the grant may also include signage, awnings, and limited landscaping. These noticeable improvements help to attract customers, leverage private investment from owners, and inspire improvements to neighboring buildings.

Grants are provided as reimbursements to the participant after the project is completed and do not have to be repaid. The Facade Improvement Program includes:

- Exterior painting, cleaning, or façade repair
- Exterior veneer
- Plants and landscaping
- Awnings
- Doors and windows
- Façade and display window lighting
- Addition of a patio or outdoor space
- Consideration of exterior signage and parking lots/stripping based on a complete package.



FACADE IMPROVEMENT PROGRAM GUIDELINES

Thank you for partnering with the Town of Youngtown and our Façade Improvement Program. A Façade improvement project typically takes 3 to 6 months from start to finish. The standard procedure for the Façade Improvement Program is as follows:

APPLICATION PHASE (2 - 4 WEEKS)

1. An application form must be completed and submitted to the Town for review.
 - a. If a **business owner/tenant** is applying for a grant, the application must be signed by all legal property owners as well as all legal business owners.
 - b. If a **property owner** is applying for a grant, the application must be signed by all legal property owners. In addition, documentation must be submitted showing that the business owner/tenant has been notified of the proposed storefront improvements.
2. The Applicant must submit a copy of existing leases as a part of the application package. Applicants who are building tenants should have a minimum of three years remaining on a lease from the date of the application. If the lease is for a term of less than three years, the property owner must agree in writing to limit rent increases to no more than 5 % per year for three years as a result of façade improvements.
3. The Applicant confirms by his or her signature on the application that there are no outstanding code enforcement violations against the building or the business, and that any such violations will be corrected as a part of the proposed improvements.
4. The Applicant must complete and submit a W9 form.
5. Staff will review the application and determine eligibility.
6. If the application is approved, Applicant must complete and sign an Accountability Agreement.

Design, Bidding and Agreement Phase (4 - 8 weeks)

1. Applicant selects design consultant.
 2. Town staff sets up a meeting with the designated contact person for the Applicant and design consultant to discuss proposed storefront improvements to be implemented under the grant.
 3. Design consultant works with Applicant to determine initial design proposal.
 4. Town staff reviews initial design proposal and notifies the Applicant of approved improvements.
 5. The Applicant obtains bids for all approved facade improvements. Any improvement over \$5,000 requires three written bids (except signage). All contractors must be licensed by the State of Arizona.
 6. Town staff schedules a meeting with the Applicant to finalize improvements to be implemented under the grant and to determine the level of funding to be awarded to the Applicant.
 7. Town staff prepares an agreement and transmits it to the applicant for signature.
 8. The Applicant executes contract with contractor(s).
 - Applicant sets up work schedule with contractor(s).
 - Applicant has thirty (30) days from the date that the Town signs the agreement to authorize contractor(s) to begin work.
- If Applicant has not authorized contractor(s) to begin work within thirty (30) days, the Town has the right to terminate the agreement.

Construction and Completion Phase (4 – 8 weeks)

1. Applicant / contractor(s) obtain(s) all appropriate permits and licenses required by the Town prior to proceeding with work. Town assistance with the permitting process is available upon request.
2. Applicant is responsible for all agreements with and payments to contractors; however, contractor change orders may not be made without the written approval of Town staff.
3. Applicant is responsible for monitoring contractor's work. Applicant and Town staff must approve project completion.
4. Applicant pays invoices following Town and applicant approval of work.
5. Applicant forwards a copy of invoices and copies of checks issued to Town staff for reimbursement as per grant agreement.
6. Once all the Town checks are issued, project is complete.

Maintenance Requirements

By accepting grant funds, the Applicant shall maintain all improvements in good condition and keep storefronts, as well as sides and back of buildings, clean and free of graffiti for a minimum of five (5) years at the Applicant's own cost and expense. Any damage to the facade is to be repaired immediately by the Applicant so that the building remains in good condition and positively contributes to the business area. On an ongoing basis, the Applicant is required to touch-up painted areas and perform any other repairs needed to maintain the appearance of the building, including the annual cleaning of awnings (if applicable).

If you have questions about this program, please contact Gregory Arrington at:

Town of Youngtown
Community Development
12030 Clubhouse Square
Youngtown, AZ 85363
Phone: (620) 933.8286
Email: garrington@youngtownaz.org

FACADE IMPROVEMENT PROGRAM APPLICATION

BUSINESS NAME: _____ BUSINESS OWNER: _____

ADDRESS: _____ PHONE: _____ EMAIL: _____

DATE: _____ PROPERTY OWNER: _____

ADDRESS: _____ PHONE: _____ EMAIL: _____

LIST ALL LEGAL OWNERS/PARTNERS (*Attach additional sheets if necessary*)

PROPOSED PROJECT (described proposed improvements here; attach photos of all areas for which improvements are proposed):

WHO IS TO BE THE PRIMARY CONTACT ON THIS PROJECT?

NAME: _____ PHONE: FAX: _____

MAILING ADDRESS: _____ EMAIL: _____

- I/we certify that the building owner is the owner of the property.
- I/we certify that there are no current code enforcement actions pending against this property.*
- I/we have attached a copy of all current leases.
- I/we have attached relevant photos of the building façade(s) to be included in this program.
- I/we have reviewed the program overview and guidelines, have familiarity with responsibilities of each party and understand that:

• The Façade Improvement grant is paid to the applicant as reimbursement of paid invoices to third party contractor(s).

• All services to be performed by third party contractors shall be the subject of agreement between applicant and contractor(s).

• **The Town of Youngtown shall not assume any liability for such agreements, except as specifically authorized by the program.**

* IF THERE ARE OUTSTANDING VIOLATIONS, I/WE CERTIFY THAT THEY WILL BE ADDRESSED PRIOR TO OR THROUGH THE FAÇADE IMPROVEMENT PROGRAM.

Please describe outstanding violations:

I/WE HAVE READ AND UNDERSTAND THE PROGRAM GUIDELINES, ACCEPT THE QUALIFICATIONS AND CONDITIONS AND THROUGH SIGNATURE(S) BELOW CERTIFY THAT I/WE ARE QUALIFIED AND WILL ABIDE BY SUCH CONDITIONS SET FORTH IN THIS APPLICATION AND ALL REASONABLE CONDITIONS WHICH MAY BE ISSUED BY THE TOWN OF YOUNGTOWN IN THE IMPLEMENTATION OF THIS PROGRAM.

BUSINESS OWNER: _____ By: _____
(Signature)

BUSINESS OWNER: _____ By: _____
(Signature)

Date: _____

PROPERTY OWNER: _____ By: _____
(Signature)

PROPERTY OWNER: _____ By: _____
(Signature)

Date: _____

Attach additional sheets if necessary.

This form should be completed and returned to Town of Youngtown, Community Development, 12030 Clubhouse Square, Youngtown, AZ 85363.

For additional information, please call (623) 933.8286 or email garrington@youngtownaz.org.

**FAÇADE IMPROVEMENT PROGRAM
ACCOUNTABILITY CONTRACT**

This Agreement is entered into the ___ day of ____, 20__ by and between the Town of Youngtown, Arizona, an Arizona municipal corporation (hereinafter referred to as Town) and _____ (hereinafter referred to as Grantee).

Now, therefore, in consideration of the mutual covenants between the parties, it is agreed as follows:

1. **DURATION OF AGREEMENT:** The duration of the Agreement shall be from _____, 20__ until _____, 20__.
2. **SCOPE OF WORK:** Grantee agrees to use funds received from Town to provide façade improvements (“Improvements”) meeting the criteria set forth in Exhibit A of this Agreement. Grantee also agrees to maintain accurate financial records to enable the Town to verify that the funds provided under this Agreement are expended in accordance with this Contract.
3. **COMPENSATION:** Town shall compensate Grantee for the Improvements in the amount of \$ _____. Such funds shall only be used for the purposes set forth in Exhibit A.
4. **REPORTING:** At the completion of the Improvements, Grantee shall submit to Town an itemized report setting forth how the funds received from Town were expended.
5. **INSPECTION:** Within five (5) days of receipt of a written request from Town, Grantee agrees to open for inspection and to make available all financial records relating to the Improvements.
6. **CONTRACT NONCOMPLIANCE:** If Town, in its sole discretion, determines Grantee is in breach of this Agreement, Town shall give written notice to Grantee of the specific area of noncompliance. Grantee shall comply within 30 calendar days of the date of notice.
7. **TERMINATION FOR CAUSE:** If Grantee does not comply within 30 calendar days from the date of the notice of breach, Town may terminate this Agreement. Grantee shall immediately return to Town all funds not spent for the Improvements described in Exhibit A.
8. **TERMINATION PURSUANT TO A.R.S. § 38-511:** Town may terminate this Agreement pursuant to A.R.S. § 38-511.
9. **INDEMNIFICATION:** Grantee agrees to hold harmless and indemnify Town from any loss, damage, liability, cost, charge or expense, whether direct or indirect, including reasonable attorney’s fees, and whether to any person or property to which Town, its agents, employees or said parties may be subject to related to the Improvements, including, but not limited to, actions for bodily injury, illness, death, or property damage.

10. **INDEPENDENT CONTRACTOR:** Grantee is an independent contractor and not an agent or employee of Town. Grantee shall supervise and direct the Improvements using Grantee's best skill and attention. Grantee shall be solely responsible for all staffing, curriculum, scheduling, transportation, supplies, and equipment for the Improvements. Grantee shall be responsible to its employees, volunteers, Town employees, and other persons performing any services related to the Improvements as set forth in this Agreement.
11. **ENTIRE AGREEMENT; AMENDMENTS:** This agreement represents the entire agreement between the parties with respect to the subject matter hereof. This Agreement may not be amended except through an appropriate writing signed by both parties.
12. **ASSIGNMENT PROHIBITED:** Grantee shall not assign any rights acquired hereby, without first obtaining the written consent of Town.
13. **INSURANCE:** Grantee agrees that it will carry the following insurance coverage during the term of this Agreement:

General Liability Insurance: \$1,000,000.00 per occurrence.

Grantee shall submit certificates evidencing compliance with the requirements of this Paragraph to Town and warrants that such coverage(s) shall be maintained in full force and effect until Grantee is released from this Contract. Further, Town is to be named as an additional insured with respect to the Improvements to be performed under this Contract. The certificate(s) of insurance shall name Town as an additional insured without offset against Town's existing insurance and provide for a minimum of thirty (30) DAYS notice to Town prior to cancellation, reduction in coverage or other substantial modification to the required certificate of insurance. The certificate of insurance shall set forth at least the following information:

Name and address of the insured;

A statement that Town of Youngtown is named an additional insured;

The location of the operations to which the insurance applies;

The number of the policy and the type or types of insurance in force under it on the date of the certificate;

Evidence of the amounts and types of coverage;

The expiration date of the policy and the limit or limits of liability under it on the date of the certificate;

A statement that all coverage is on an occurrence basis rather than a claims made basis;

A statement that a minimum of thirty (30) days notice shall be given to the Town prior to cancellation, reduction in coverage, or other substantial modification to the required certificate;

A signature of an authorized representative of the insurance company.

- 14. **NO DISCRIMINATION:** Neither Grantee nor its employees or agents will discriminate on the basis of race, religion, handicap, gender or national origin in providing the Improvements.
- 15. **NOTICES:** All notice provided for herein shall be hand delivered, delivered by overnight courier (e.g., Federal Express) or sent by certified or registered mail, return receipt requested, addressed to all parties hereto at the address designated for each party below or at such other address as the party who is to receive such notice may designate in writing. Notice shall be deemed completed upon: (i) such hand delivery or courier delivery or (ii) three (3) days after the deposit of same in a letter box or other means provided for the posting of mail, addressed to the party and with the proper amount of postage affixed thereto. Except as otherwise herein provided, actual receipt of notice shall not be required to effect notice hereunder.

Grantee

Town of Youngtown
12030 North Clubhouse Square
Youngtown, Arizona 85363

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names,

For Grantee

For Town

(Signature)

Michael LeVault, Mayor

Title

Date

Date

Attest:

Stacy Anderson, Town Clerk

Date

Approved as to Form:

Gust Rosenfeld, P.L.C., Town Attorney

EXHIBIT A
SCOPE OF WORK

The Grantee agrees to use the funds received from Town only for the following Improvements:



TOWN COUNCIL ACTION FORM

| | |
|---|--|
| SUBJECT: Code Enforcement Strategic Plan | STAFF PRESENTER: Gregory Arrington, Community Development Manager |
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RECOMMENDATION:

No action may be taken. This is a non-action agenda item only and is presented for discussion and information. Staff will present some history, along with some short and long range planning goals.

COMMUNITY BENEFIT:

A code enforcement officer is an important part of the effort to provide a safe and healthy environment for the public and plays a vital part in the overall quality of life for the citizens of Youngtown.

DISCUSSION:

Staff believes the development of a Strategic Plan for Code Enforcement will set priorities, focus energy and resources, strengthen operations, ensure that employees and other stakeholders are working toward common goals, establish agreement around intended outcomes/results, and assess and adjust the organization's direction in response to a changing environment.

FISCAL IMPACT:

To be determined based on future personnel needs, resources, etc.

REVIEWED BY:



Jeanne Brackman, Town Manager

PREPARED BY:

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CODE ENFORCEMENT 2016 STRATEGIC PLAN

INTRODUCTION

The Town of Youngtown Code Enforcement Department recognizes the value of setting goals, developing priorities for our objectives and the ability to measure departmental effectiveness. The Code Enforcement Department Strategic Plan is therefore submitted. It is our intention through writing this plan to bring clarity and a greater unification to the Department and communicate to others who we are and what we plan to accomplish.

MISSION STATEMENT

It is the mission of the Code Enforcement Department to provide for the health, wellbeing and general quality of the life of residents on properties within the Town of Youngtown through enforcement of relevant Town Codes and provisions of the Zoning Ordinance and International Property Maintenance Code.

DEPARTMENT OVERVIEW

Code Enforcement is responsible for enforcing the Property Maintenance Code, Sign Ordinance, Zoning Ordinance and various regulatory ordinances in the Towns Municipal Code. Additional functions include actively working with citizens and neighborhood groups to provide public education on Town Code requirements.

Our process...

- Potential violations are discovered through proactive enforcement, citizen complaints and referrals from other agencies or departments.
- Once a violation is identified, the responsible party is issued a notice providing reasonable time to correct the issue.
- Periodic follow-up inspections may be conducted to determine if compliance has been met.
- If compliance has not been achieved, additional time may be provided depending on the circumstances and severity of the violation.

A great deal of emphasis is placed on obtaining voluntary compliance. However, if a responsible party fails or refuses to voluntarily comply with Town Codes then a criminal citation may be issued. A criminal citation is a Class 1 misdemeanor which is punishable by fines, jail and/or probation.

CODE ENFORCEMENT – TARGET & STRATEGIES

In conjunction with the performance measurements, the Code Enforcement Department proposes creating correlating targets with their associated strategies.

1-Target:

Establish and maintain an ongoing code enforcement education program for residents, businesses and property owners.

Strategies:

Educate property owners about property maintenance matters. Topics will include: ordinance requirements, property maintenance and upkeep practices and projects, preservation values, health and safety issues, and crime related issues.

There will be dedicated space in each Youngtown Village Reporter (YVR) spotlighting particular code enforcement issues and/or requirements of certain ordinances.

2-Target:

Adopt a more consistent and systematic approach to code enforcement with commercial areas of the Town.

Strategies:

Employ a standard schedule of inspections of commercial areas in the Town at set intervals for code enforcement violations. Issue necessary notices and exercise essential follow-up procedures.

Educate the commercial tenants and commercial property owners of the benefits of quality property maintenance.

3-Target:

Adopt a more consistent and systematic approach to code enforcement with rental and multi-family properties in the Town.

Employ a standard schedule of inspections of rental property areas in the Town at set intervals for code enforcement violations. Issue necessary notices and exercise essential follow-up procedures.

Recently the Town met with the management and owners of different rental properties throughout the Town along with Maricopa County Sheriff's Office (MCSO) to discuss issues and/or concerns. This has opened up the lines of communication and opportunities for discussion from both the Town's perspective and the managers and owners. The Town intends to continue this outreach on a regular basis as initial discussions have netted positive results.

Create a registry for all rental properties within the Town, using the information maintained by the Maricopa County Assessor pursuant to A.R.S. Sections 33-1902.

4-Target:

Improve the effectiveness of interaction with the Municipal Court system.

Strategies:

Request substantially increased minimum fines to violators to remedy code violations.

Request that repeat offenders be required to appear before the Municipal Court Judge, if found guilty of repeat offenses, maximum fines be levied to deter future violations.

Better communication to the Municipal Court the gravity of property violation in the Town, its cumulative effects on property destabilization and decline in values, and the Town's emphasis on remedying this growing problem.

Utilization of a civil citation granting greater flexibility to the Code Enforcement Inspector when attempting to gain voluntary compliance.

5-Target:

Employ an aggressive and diversified program to effectively remedy property violations.

Strategies:

Periodically target specific types of code violations Town-wide. Focus enforcement activity on a particular property maintenance or appearance issue, perhaps selecting a different topic each period ("clean sweeps" e.g., junk vehicles, rear yard storage, etc.). Make use of the local media, YVR and informational flyers to inform citizens of target violations.

Target specific neighborhoods for concentrated code enforcement attention; covering a broad range of code violations. Such a program would entail identification of a specific neighborhood, providing advance notice to all residents and property owners within the area, then thorough property-by-property inspections with prompt issuance of notices.

6-Target:

Create the Youngtown Property Maintenance Code.

Strategies:

Develop a Property Maintenance Code that reflects the history, changes, and current challenges of Youngtown.

7-Challenges:

Over the past 2-1/2 years the Code Enforcement Department has been short staffed due to turnover in personnel. We currently have two full-time Code Enforcement Inspectors and have posted for another Inspector to be on board within the next 30 to 45 days. This new Code Enforcement Inspector will work evenings and weekend hours to extend coverage for enforcement and compliance.

8-Successes:

Over the past 18 months, Code Enforcement has been diligent in putting together a comprehensive document, which was delivered to each and every home in our Town, outlining the most common violations that occur. (See attached)

Code Enforcement also worked hard to deliver the notice on the new trash ordinance that was passed by Council. This took a significant amount of collaboration between Code Enforcement and Parks & Sons of Sun City, Inc., and will continue as renters move in and out of our community.

The Code Enforcement Inspectors now have tablets for documenting and reviewing cases while on site. This saves time as they are able to automatically upload reports and pictures directly into our Citizen Serve database.

An outside agency is now handling Court security every Thursday. This provides for 4+ hours of additional time for Code Enforcement to be out in the community instead of providing security for the Court which should not fall under Code Enforcement.

The Town also worked with Parks & Sons of Sun City, Inc. to implement bulk trash pickup twice a year.

9-Goals:

Over the next 6 to 8 months, Town staff will form a Code Review Committee to update our Municipal Code. All changes and/or recommendations must come before the Town Council for review and approval.

Within the next 30 to 45 days, Code Enforcement will be providing more comprehensive communication/reporting to Council on the progress of our Strategic Plan to tackle Code Violations in order to maintain the quality of life in our community.

We are currently working with Parks & Sons of Sun City, Inc. to implement two additional days for bulk trash pickup, which will result in bulk trash being picked up on a quarterly basis. We will also be working with Parks & Sons of Sun City, Inc. to implement recycling in North Youngtown. Recycling is currently available to the Agua Fria Ranch subdivision.

We thank you for the opportunity to share our Strategic Plan with you!

Town of Youngtown
Community Development Department
CODE ENFORCEMENT EDUCATIONAL NOTICE

Code Enforcement will begin doing proactive enforcement within your area. We will be addressing code violations and allowing residents seven (7) days to comply with removing the violations from the property. If you need more time and resources in complying with the violations, please contact us and communicate your goals to the Code Enforcement Department at 623-933-8286. Failure to comply will result in a criminal citation being issued.

These are the top violations that we encounter:

ITEMS IN PUBLIC VIEW: It is prohibited to use carports/driveways or the exterior of a property to store items such as: chairs, tables, mops, buckets, desk, recliners, building material, etc. **ONLY** outdoor furniture is permitted. Trash or debris stored in your rear yard that is visible to the public is also prohibited.

WEEDS/DEAD OR OVERGROWN PLANTS/TREES: Over-height or any dry/dead vegetation weeds and grasses must be trimmed and may not grow to exceed a height of six (6) inches. Keep rock landscape free of any weeds. Dead trees must be removed.

TRASH/DEBRIS: You must keep the exterior free of all trash and debris. All materials and items must be stored within an enclosed container. **ALLEYWAYS:** You must keep alleyways free of weeds and debris. Dumping in the alleyways is prohibited.

INOPERABLE VEHICLES: No vehicle can remain on the premise that is inoperable, unlicensed or in any state of disrepair, which includes vehicles with flat tires. Vehicles that are not licensed or operable are **PROHIBITED** anywhere on your property, including the back yard.

COMMERCIAL VEHICLES: Gross weight vehicles in excess of 10,000 lbs. or exceeding a 1 ton chassis is prohibited in any residential or commercial district except for actively loading and unloading.

PARKING -FRONTYARD: (from the sidewalk up to and including the front of the home) may **ONLY** be on asphalt or concrete. **SIDE YARD:** (Behind front set back) You are permitted to park on gravel/asphalt or concrete. **REARYARD:** Must be dust proof (rocks/ concrete/asphalt) and free of weeds and grass. **CORNER** – The front yard of a corner lot includes the yard adjacent to both street frontages.

CORNER LOTS

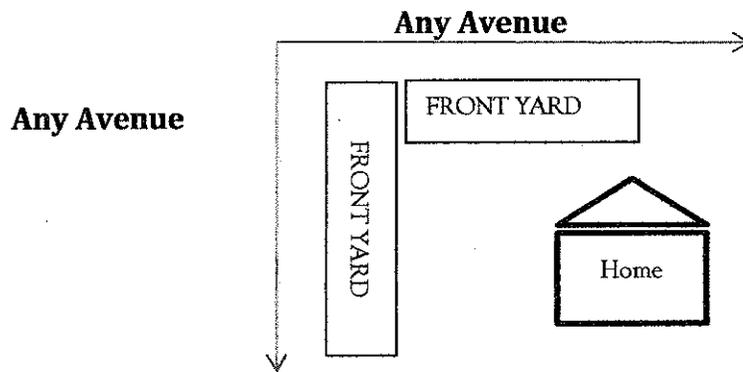
What is the definition of front yard?? Yard/front. "Front yard" means a yard extending across the front width of a lot being the minimum horizontal distance between the street line and the main building, or any projection thereof, other than steps, unenclosed balconies and unenclosed porches.

The front yard of a corner lot includes the yard adjacent to both street frontages except those properties along 111th Avenue which have the front entrance to the structure on a street other than 111th Avenue and have an address other than 111th Avenue.

Town of Youngtown
Community Development Department
CODE ENFORCEMENT EDUCATIONAL NOTICE

All codes that pertain to front yards are to be used for two areas on corner lot. These are the most corner lot violations seen.

- 1 It's prohibited to park in the front yard on an unimproved surface. Park is only permitted on concrete and asphalt.
- 2 It's prohibited to park boats and trailers on front yards and all utility trailers must be parked in rear yard only.
- 3 Storage of materials, debris or personal items is prohibited. Only patio furniture is allowed in the front yard.



RECREATIONAL VEHICLE PARKING: You may **ONLY** park **ONE** boat, boat trailer, and one utility trailer on a residential lot. Recreational vehicles shall be parked on side or rear yard on rocks/concrete/asphalt and free of weeds/grass.

UTILITY TRAILERS: Must be parked in the rear yard **ONLY** on dust and weed free surfaces.

CONSTRUCTION, ALTERATION OR DEMOLITION: It's unlawful to construct, alter or demolish any part of a structure without first obtaining a permit, including re-roofing, fencing or replacement of an a/c unit.

GRAFFITI PROHIBITED: All graffiti must be removed within 48 hrs. on your property,

BARKING DOGS: It's unlawful to have dogs excessively barking at any time of the day. **DOG**

DROPPINGS: You must keep your property free of health nuisance or hazard from animal waste.

LICENSING: Dogs must be licensed per Maricopa County.