



MINUTES OF REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ

THURSDAY, October 15, 2009, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. **Call to Order** Mayor LeVault called the meeting to order at 7:05 p.m.
2. **Roll Call** Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Oglesby, Susan MacKay, and Judy Johnson.
Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Interim Chief of Police Dennis Young, Lt. Duren Robertson, Public Works Manager Mark Hannah, Finance Officer Jackie Hoffman, and Town Clerk/Treasurer Letty Goldberg.
3. **Pledge of Allegiance and Invocation** Pledge led by Councilmember Chittenden. Invocation offered by Vice Mayor Duran.
4. **Communications:**
 - A. **Communications from Council**

Mayor LeVault

 - I'd like to introduce Interim Police Chief Dennis Young who started to work for us on Tuesday.
 - Sun City Fire Chief Jim Haner is present this evening.
 - Community P.R.I.D.E. Neighborhood Events – Zone 3 and 4 Agua Fria Ranch 3 to 7 p.m., October 17, Flyers have locations. Zones 1 and 2 October 24 from 2 to 4 p.m. at Maricopa Lake Park.
 - GAIN event last Saturday. Great event, lots of activity, low cost to Town. "Fire Up Freedom" fire truck served hot dogs. Thanks to the Sun City Fire Department for again participating with us.
 - 1st Annual Harvest Fest hosted by the Youngtown Friends of the Library Saturday, October 31 from 9 a.m. to 1 p.m. on the Library lawn.
 - Mayor's Town Hall Meeting, Monday, October 26, from 6 to 8 p.m. in Town Clubhouse. No agenda, open to questions.
 - Attended Mayors and Managers Meeting in Surprise where Arizona State Treasurer Dean Mean discussed economic status of the State - \$1.5 billion deficit for current Fiscal Year, \$3 billion deficit next year.
 - Gov. Jan Brewer and West Valley Mayors (minus El Mirage) met to give our support to plans to attract the F-35 Fighter Jets to Luke Air Force Base. F-16s are being retired. Luke needs a new flight mission. Critical to Valley and State.

Councilmember Mello

 - Councilmember Johnson and I visited Sahuarita, Arizona to work on ideas for community. In passing out flyers for Neighborhood Watch event, realized that renters need to be encouraged to feel community.

Councilmember Chittenden

 - Attended Open House for new Surprise City Hall. Tried out their new Council Chambers. Prefer ours where we are close to the residents.
 - \$140 was raised for the Susan G Komen Race for the Cure to cure breast cancer. Thank you for your help.
 - GAIN event – great job thanks to staff and Diane Cordova.
 - Sunland Cemetery in Sun City is having an anniversary celebration.

Councilmember Oglesby

 - GAIN Event was very nice. Good turnout.

Vice Mayor Duran

 - GAIN Event was good.
 - Youngtown Charter School has an Oktoberfest on October 30 from 5:30 to 9:30. All are invited. There will be refreshments for sale.
 - Someone broke in and painted graffiti at the new church building.

Councilmember MacKay

 - At the GAIN Event I enjoyed the extraction and police dog demonstrations. Missed the tasing demonstration. Didn't volunteer to try it.

- Historical Preservation Committee will be meeting October 28, 2009 at 5 p.m. at the log cabin. Committee will give recommendation in early November. Several items of early Youngtown have been purchased on e-bay, including a sales brochure and an article about Youngtown in Arizona Highways from 1957. Lucille Rethford has supplied us with a video that has been converted to DVD. It shows Dave Garroway's *Wide, Wide World* featuring the 3rd anniversary party of original Youngtown residents

Councilmember Johnson

- Planning committee for the Zones 1 & 2 Neighborhood Watch event had a wonderful meeting with Police Department staff and volunteers. Thanks to Town Manager Robinson.

B. Communications from Staff

Town Manager Robinson

- Very pleased to have Dennis Young serving as our Interim Chief of Police. He has 37 years of experience with DPS.
- Mountain View Apartments Task Force formed to deal with public safety issues. Sun City Fire Department and Building Safety Inspector are taking action on issues of immediate concern for safety. Problems since 1985 when property was split up with seven owners for 11 buildings.
- Long time resident Roberta Northrup died last week. Her brother told me Roberta moved here in 1957. A wealth of information and I missed it. We need to take time to visit with people before it's too late.
- Finance – Town is making it by the skin of its teeth. Warned again that urban revenue sharing could be lost. \$795,684 less would make a huge hole in our budget.
- I will be on vacation next week. Public Works Manager Mark Hannah will be Acting Town Manager.

Finance Officer Hoffman

- Town Audit was conducted by the LarsenAllen firm last week. Draft audit will be available in three to four weeks. Final audit should be brought to Council in January.

Police Chief Young

- I retired from DPS on September 30. Did not expect to be suiting up so soon. I feel like Brett Favre who retired from the Green Bay Packers. Three weeks later he was wearing a Vikings uniform. Here I am in dark blue. About 14 years ago I served for four years at the DPS station at 111th Avenue and Peoria. I was Commander for Central Phoenix and the West Valley so I am familiar with the West Valley. I live in North Central Phoenix. At DPS there are people whose job is to work with the Legislature. This is my first Council meeting ever. I'm here to help.

Fire Chief Haner

- I have copies of the incidents in Youngtown for the month of September 2009. (Report attached)

Mayor LeVault

- Impressed with volunteer hours logged for your Department. Volunteers are the Holy Grail of local government.

5. Consent

- A. Approval of Minutes:** Minutes of Special Meeting, Work Session and Regular Meeting, October 1, 2009.

Motion to approve Consent Agenda – Councilmember Johnson

Second – Vice Mayor Duran

Motion passed unanimously on a voice vote.

6. Business

- A. Public Hearing Re: Request for public comments on Community Development Block Grant (CDBG) 2010-2011 Project Selection based on Town's Priorities in the 5-year CDBG Plan FY 2011-2015 (HANNAH).**

Public Works Manager Hannah

- We recently completed the Community Development Block Grant (CDBG) Five-Year Consolidated Plan for FY 2011 – 2015. This hearing is the start of the process for the application for a CDBG project for FY 2011.

1. Hearing open.
Mayor LeVault opened the hearing.
No public comments.
2. Hearing closed.
Mayor LeVault closed the hearing.

B. Discussion and/or Action Re: Approval of award of LTAF Grants to local nonprofit organizations in amounts totaling \$2,845 (GOLDBERG).

Town Clerk Goldberg

- Earlier this year Council approved distribution of \$2,845 in LTAF funds as grants to local nonprofit organizations meeting certain criteria as required by statute. Three organizations have submitted applications for grants totaling \$3,300. There is a chart with information about the organizations and the dollar amount of their requests. Council will need to determine the amounts of the grants that will be awarded.

Mayor LeVault

- I believe these organizations serve more than the numbers indicated on their applications.

Councilmember Chittenden

- I would like to hear from the applicants that are here.

Arky Muscato, President of AARP Youngtown Chapter #1

- Our grant request will help up provide services to the community in the form of another Shredathon, health fairs and other activities. We don't pay for speakers. We use coupons and discounts to purchase supplies. We try to keep printing costs down. We are looking for a mechanism to do a Hazardous Waste Disposal day.

Motion to approve award of LTAF grants to local nonprofit organizations in the following amounts: AARP Youngtown Chapter #1 \$500, Youngtown Community Fund \$800, and You Are Special \$1,545 for a total of \$2,845 - Councilmember Mello

Second – Councilmember Oglesby

Motion passed unanimously on a roll call vote.

C. Discussion and/or Action Re: Ratification of Arizona Governor's Office of Highway Safety (GOHS) grant to reimburse over-time pay for Youngtown Police Officers participating in "Click It or Ticket" project at a cost not to exceed \$6,000 in FY 2009-2010 (ROBINSON).

Town Manager Robinson

- We had not expected a GOHS grant this year. This grant came to us in August with a rush to get it processed. It got dropped. Humbly ask your indulgence and accept my apology. Request that Council ratify the contract.
- Lt. Robertson scheduled participation in the program.

Lt. Robertson

- Governor's Office of Highway Safety offered Youngtown Police Department an opportunity to participate in a grant program to educate the public about wearing seatbelts called "Click It or Ticket" The first and third weeks officers surveyed vehicles to note if drivers and passengers were using their seat belts. The second week officers cited drivers when they and/or their passengers were not using seat belts. In Arizona secondary offense not to use seatbelts. Officers used radar or equipment violations to stop vehicles for seatbelt citations.
- 100 citations – 80 people said they were on a short trip. Statistics show that most accidents occur within 5 miles of home base. 20% of child restraints not correctly installed. Sun City Fire Department does child restraint inspections.

Motion to ratify Arizona Governor's Office of Highway Safety (GOHS) grant to reimburse over-time pay for Youngtown Police Officers participating in "Click It or Ticket" project at a cost not to exceed \$6,000 in FY 2009-2010 –

Councilmember Oglesby

Second – Councilmember Chittenden

Motion passed unanimously on a roll call vote.

D. Discussion and/or Action Re: Approval of Ordinance 09-07, amending the Code of Youngtown Title 2 Administration and Personnel, Chapter 2.32 Municipal Court Section 2.32.060 Proceedings of the Court to allow Council to increase or decrease Municipal Court enhancement fees and other Court fees by Resolution (SWANN).

Town Attorney Swann

- In 2004 Council passed an Ordinance to establish Court fees and then passed a resolution to set the amounts of those fees. In July 2009 Council passed a Resolution to increase fees and establish new fees. The Town Prosecutor questioned the imposing of new fees for the Court. This Ordinance clarifies the power to add or increase fees by ordinance or resolution. The ordinance would be retroactive to the day before the Resolution was passed.

Motion to approve Ordinance 09-07, amending the Code of Youngtown Title 2 Administration and Personnel, Chapter 2.32 Municipal Court Section 2.32.060 Proceedings of the Court to allow Council to increase or decrease Municipal Court enhancement fees and other Court fees by Resolution – Councilmember Mello
Second – Vice Mayor Duran
Motion passed unanimously on a roll call vote.

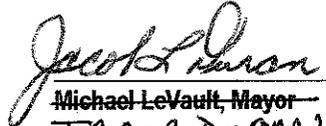
7. Call for Executive Session
None needed.

8. Citizens Comments/Appearances from the floor:
No comments.

Announcement of next Work Session and Regular Meeting: Thursday, November 5, 2009 at 7:00 p.m.

Adjournment.

Motion to adjourn – Councilmember Mello
Second – Vice Mayor Duran
Meeting adjourned at 8:10 p.m.


~~Michael LeVault, Mayor~~
JACOB DURAN, VICE MAYOR

Attest:


Letty Goldberg, Town Clerk

Minutes approved at the November 5, 2009 Regular Meeting.

ORDINANCE NO. 09-07

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE CODE OF YOUNGTOWN, ARIZONA, BY AMENDING TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.32 MUNICIPAL COURT, SECTION 2.32.060 PROCEEDINGS OF THE COURT TO ALLOW COUNCIL OF THE TOWN OF YOUNGTOWN TO INCREASE OR DECREASE COURT ENHANCEMENT FEES AND OTHER COURT FEES BY RESOLUTION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND DECLARING RETROACTIVE EFFECT FROM SEPTEMBER 9, 2009.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Town of Youngtown, Arizona, as follows:

Section I. In General.

The Code of Youngtown, Arizona, Title 2 Administration and Personnel, Chapter 2.32 Municipal Court, Section 2.32.060 Proceedings of the Court, is hereby amended to allow Council of the Town of Youngtown to increase or decrease court enhancement fees and other court fees by Resolution as follows (deletions in ~~strikeout~~; additions in ALLCAPS):

2.32.060 Proceedings of the court.

* * *

A. Proceedings.

* * *

4. Court Enhancement Fund.

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F. THE COUNCIL OF THE TOWN OF YOUNGTOWN SHALL HAVE THE AUTHORITY TO INCREASE OR DECREASE COURT ENHANCEMENT FEES OR OTHER COURT FEES BY RESOLUTION.

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Section II. Providing for Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance or any part of the Code adopted herein by reference, are hereby repealed.

Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Declaring Retroactive Effect.

This Ordinance shall be in full force and effect from and after its passage, adoption and approval by the Common Council of the Town of Youngtown, and this Ordinance shall be retroactive from September 9, 2009.

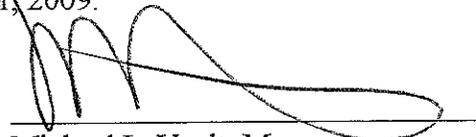
PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 15th day of October, 2009 by the following vote:

AYES: 7

NAYES: 0 ABSENT: —

EXCUSED: — ABSTAINED: —

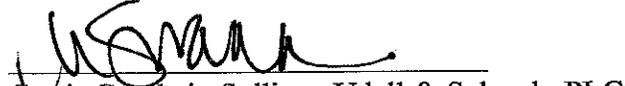
APPROVED this 15th day of October, 2009.


Michael LeVault, Mayor

ATTEST:


Letty Goldberg, Town Clerk

APPROVED AS TO FORM:


Curtis Goodwin Sullivan Udall & Schwab, PLC
Town Attorneys
Michelle Swann

I, LETTY GOLDBERG, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 09-07 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 15th DAY OF OCTOBER, 2009, WAS POSTED IN THREE PLACES ON THE 16th DAY OF OCTOBER, 2009.


Letty Goldberg, Town Clerk