



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

THURSDAY, May 21, 2009, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. Call to Order Mayor LeVault called the meeting to order at 6:05 p.m.
2. Roll Call Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Lucille Rethford, Margaret Chittenden, Dorena Mello, Shirley Oglesby, and Susan MacKay.  
Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Chief of Police Kimberly Johnson, Lt. Duren Robertson, Public Works Manager Mark Hannah, Finance Officer Jackie Hoffman, Volunteer Coordinator Diane Cordova, and Town Clerk Letty Goldberg.
3. Pledge of Allegiance and Invocation Pledge led by Councilmember Rethford. Invocation offered by Pastor Charles Ring.
4. Communications:
  - A. Communications from Council

Mayor LeVault

    - We have two birthdays to celebrate this evening, Councilmember Lucille Rethford and Town Manager Lloyce Robinson. Councilmember Chittenden will lead us in singing "Happy Birthday".

Councilmember Mello

    - We are unveiling our new signs for Community P.R.I.D.E. Cisco is our best-know police officer. The new signs are to get everyone involved in the Community P.R.I.D.E. program. We want to get residents involved and have pride in their community. Residents need to be the eyes and ears for our police officers.
    - Building Safety Officer John Stigsell is in the process of updating the Town's sign code to make it better for the Town and Better for businesses.

Councilmember Chittenden

    - I was pleased to attend the retirement celebration for the retire Fire Chiefs at the Sun City Fire Department today along with Mayor LeVault and Town Manager Robinson.
  - B. Communications from Staff

Chief Johnson

    - P.R.I.D.E. stands for Police and Residents Interacting Directly and Effectively. It is a program to get residents involved and reduce our crime rate. Residents and business owners are asked to be involved. The Town is divided into four zones with day and evening shift officers assigned to the zones. Officers have been asked to interact more with the public. Phone message numbers have been established where residents or business owners can report suspicious activities or leave a message for the officer(s) assigned to their zone.

Town Manager Robinson

    - Copies of the tentative Town budget are now ready for Council to review prior to the meeting on June 4.
5. Consent
  - A. Approval of Minutes: Regular Meeting May 7, 2009, Work Session May 7, 2009.  
  
Approval of minutes unanimously by a voice vote.
6. Business
  - A. Presentation by Youngtown Business Group with Jim Rumpeltes, Facilitator (ROBINSON).

Town Manager Robinson

    - I'd like to introduce Project Manager Jim Rumpeltes.

Mr. Rumpeltes

    - I came onboard in March to facilitate Youngtown Businesses in forming a business organization. Jon Forsythe, of Desert Golf Carts is spokesman for the group.

Mr. Forsythe

    - Seven Youngtown business owners have been meeting to lay the groundwork for launching a business group to be called Voice of Youngtown or VOYT. Participants in the group are Tom McCormick, General Exterminating; Larry Ornelius, National Glass and Mirror; Kent Carpenter, Insure 2 Health; Steve Heiserman, Sunland Plumbing and Construction; Frances Johnson, Wisconsin Plaza; Larry Elsea, Team Logic, and myself, Jon Forsythe, Desert Golf Cars.
    - We see business as a pyramid with increased revenues at the top and a partnership of businesses and the Town forming the foundation.

- We have been exploring: 1) advertising as a group of businesses, 2) business licensing, and 3) business signage. Businesses need more revenue and the Town needs more revenue. We want customers and businesses to come to Youngtown. There needs to be asphalt repair and buildings need facelifts – a clean fresh look to attract customers and tenants. Like other business communities, if we advertised together we'd get a better deal. We'd like a business coordinator position created in the Town government.
- Our short-term goal is to have 20 businesses participate in the formation of VOYT. The group would meet twice a month. The current group would be the steering committee to get this organization going. There would be four elected officers and bylaws. Purpose of the organization would be to bring customers to Youngtown and be the voice for the business community. We need a marketing and advertising strategy to get people off of Grand Avenue and do business in Youngtown. We would review business licensing and permitting procedures. Also signage is of special concern. Also improving Town relations by having a specific voice in communicating with the Town; the business coordinator.
- Town support is part of this effort. A Town staff person (part-time) that would serve as contact for licensing, be knowledgeable about available property and space, coordinating services, maintain a business directory, provide support for events, and coordinate business improvement projects.

**Mayor LeVault**

- We want businesses to partner with the Town. It takes a spark to get a fire. We want to think in unconventional ways.

**Councilmember Rethelford**

- Youngtown Center parking lot shows a responsible owner who has made an effort – not a patch job but totally re-done.

**Councilmember Chittenden**

- What is your response from other businesses?

**Larry Ornelius**

- We have prepared a mini survey to go out to businesses.

**Mayor LeVault**

- This is Genesis of a process going forward. Town dates back to circa 1954. Needs a facelift – a new façade. Looking for ways to reach out to businesses.

**Mr. Forsythe**

- June 18 is the first official meeting of Voice of Youngtown. We've learned from ourselves already.

**Town Manager Robinson**

- The business group Voice of Youngtown is an effort from our February Business Forum. It is a great start.
- I'd like to schedule a Work Session with VOYT and the Council for July 16 to discuss some of these issues.

**B. Presentation on playing field improvements at Uribe Park (HANNAH).**

**Public Works Manager Hannah**

- We have had discussions on how to improve the grounds at Uribe Park.
- Fiscal Year 2009 has been buildings – The Town Hall footprint and the Public Works Facility. The fire suppression system is almost complete at the Public Works facility.
- Next year's project is to upgrade our parks. Daniel Delgado is our garden expert. He has recommended a fertilization program, raise the cutting height, and leave grass clippings to form natural compost. Uribe Park is the only park that will be closed for four to six weeks while the grounds are hydro-seeded. The estimated costs for these improvements are about \$5,000. Information regarding the park closure will be on the Town website, in the Village Reporter, and forwarded to the Agua Fria Ranch Homeowners Association. The Cactus Garden is scheduled for special attention next year.

**Councilmember Oglesby**

- Is hydro-seeding where they spray the seeds on? What about birds getting the seeds?

**Mr. Hannah**

- The spraying process forces the seeds into the soil cutting down on the likelihood of birds eating the seeds.

**Councilmember Chittenden**

- Why hasn't our mowing contractor suggested a fertilizing program for the lawns?

**Town Attorney Swann**

- This is becoming a discussion while it is on the agenda as a presentation. An Attorney General's Office opinion regarding presentations allows only clarifying questions.

**Councilmember Chittenden**

- Will hydro-seeding require additional watering?

Mr. Hannah

- Yes, in duration and frequency.

Gilbert Gomez, Town Resident

- My family utilizes the Town parks. I have spoken with Mr. Hannah about ways to reduce vandalism of the light switches, by possibly placing the light switches out of reach. Timers should be set to allow play time in the evening that doesn't violate curfew – 7:30 to 9:30 p.m. in the summer. Also, the volley bowl court lights flicker and should be fixed. Also lights at the pavilion are above the pavilion instead of under it where they would illuminate the children's play area. I like seeing police officers patrolling the parks.

C. Discussion and/or Action Re: Case # 09-01 A Special Use Application by Daniel Duarte, pastor of Apostolic Faith Center, for a church use at 12200 N. 111<sup>th</sup> Avenue, Youngtown, AZ

Town Clerk Goldberg

- Pastor Daniel Duarte, pastor of Apostolic Faith Center submitted a Special Use application for a church use at 12200 N. 111<sup>th</sup> Avenue, Youngtown in April and we have completed a Citizen Review and a Zoning hearing and Zoning Hearing Officer Ray Jacobs approved the application with three stipulations: 1) Completion of occupancy check and fire safety inspection, 2) Hours not to exceed 9 p.m., and 3) Building Safety Inspector to be notified of other uses.

1. Staff Report.

John Stigsell, Building Safety Officer's report attached.

2. Zoning Hearing Officer Recommendations.

3. Open Public Hearing.

Pastor Daniel Duarte, Pastor of Apostolic Faith Center

- We started Apostolic Faith Center in Peoria in 2000 but have outgrown our space. My family resides in Youngtown and we started looking for a building in Youngtown for our church. We found this building and saw a notice from the Sun City Fire Department about not occupying the building without contacting the Fire Department first. We met with Fire Marshal Ken Rice and \$10,000 later have made the changes to upgrade the fire alarm system for the building and placed smoke detectors in each room. We are awaiting approval of our Special Use Application before scheduling the final inspection.
- The building was a bank before it was a church. It needed to be updated.

Councilmember Chittenden

- You live in Agua Fria Ranch, was your church in Youngtown before? I am concerned about a play area for the children. You are next to a very busy street. How many children does your church have?

Pastor Duarte

- Our church has not been in Youngtown before. We have between 40 and 50 children. We want to make a nice area to play and would consider a wall on the 111<sup>th</sup> Avenue side, but we don't know the codes yet, and want to comply.

Councilmember Oglesby

- Having a church there is nice. We need more churches.

Daphne Green, Town Resident

- Does the church have adequate parking?

Town Clerk Goldberg

- The church does have adequate off street parking in compliance with the Town Code.

4. Close Public Hearing.

Mayor LeVault closed the hearing.

Motion to approve a Special Use Permit for Apostolic Faith Center for a church use at 12200 N. 111<sup>th</sup> Avenue – Vice Mayor Duran

Second – Councilmember Mello

Motion passed unanimously on a roll call vote.

**D. Discussion and/or Action Re: Approval of renewal and extension of the current contract with Regency Cleaning Solutions, LLC, in the amount of \$1,750 per month for janitorial services for the Town's offices from July 1, 2009 through June 30, 2010 (HANNAH)**

**Public Works Manager Hannah**

- About a year ago we asked Council to approve a contract for janitorial service instead of hiring an employee to do janitorial work. With the contract we have saved about \$250 to \$300 this year. We are requesting that Council approve continuing the service for another year. Having the contract guarantees us cleaning five days per week. I think they missed just one day in the whole year. Regency has done an outstanding job and exceeded our expectations. Regency is now ordering supplies directly from the vendor where we have a separate account. We are saving money because only the supplies needed are being ordered and we aren't guessing at the supplies needed. Cost of supplies has gone down and staff is not expending time to order supplies.

**Councilmember Mello**

- No increase in the contract. I like that.

**Mayor LeVault**

- There was a small savings this year in contracting the service.

**Motion to approve renewal and extension of contract with Regency Cleaning Solutions, LLC, in the amount of \$1,750 per month for janitorial services for the Town's offices from July 1, 2009 through June 30, 2010 - Councilmember Chittenden**

**Second – Councilmember Mello**

**Motion passed unanimously on a voice vote.**

**E. Discussion and/or Action Re: Approval of renewal and extension of the Landscape Maintenance Contract with Westscape Environmental, Inc., in the amount of \$3,879 per month for the weekly maintenance of the Town's park landscaping effective July 1, 2009 through June 30, 2010 (HANNAH).**

**Public Works Manager Hannah**

- Last year we contracted for mowing of all park grass. Crews from Westscape mow three days per week and are doing a superior job. In renewing the contract Westscape offered a 5% savings without a cut in services for the coming Fiscal Year. We would have to hire two additional Town employees to do the work of this contract. Renewing this contract is a win/win for the Town.

**Motion to approve renewal and extension of the Landscape Maintenance Contract with Westscape Environmental, Inc., in the amount of \$3,879 per month for the weekly maintenance of the Town's park landscaping effective July 1, 2009 through June 30, 2010 – Vice Mayor Duran**

**Second – Councilmember Oglesby**

**Motion passed unanimously on a voice vote.**

**F. Discussion and/or Action Re: Approval of Ordinance 09-02 amending the code of Youngtown, Arizona, Title 2 Administration and Personnel, Chapter 2.12 Town Officers Generally, by amending Sections 2.12.010 Officers, and 2.12.130 Town Manager, all related to appointment, removal, and supervision of the town clerk and to the town manager duties; providing by repeal of conflicting ordinance; and providing for severability (ROBINSON).**

**Mayor LeVault**

- I asked the Town Attorney to prepare another Ordinance we are calling Ordinance 09-02A which would clarify that the Town Manager supervises and disciplines the Town Clerk but Council retains hire/fire authority.

**Town Attorney**

- Ordinance 09-02A (or Alternate) would have Town Manager supervise and do day to day discipline and accommodations. Council retains hire/fire authority with input from the Town Manager.
- Ordinance 09-02 would give all to the Town Manager.

**Mayor LeVault**

- It's messy. Hired by someone and supervised by someone else happens all the time in government. Having the Town Clerk an employee of the Council is a check and balance. Our boss is the people. Town Manager's boss is the Council. I think politically it's a mistake to change it.

**June Miller, Town Resident**

- I agree with the Mayor that having the Clerk subject to the Council is a good check and balance.

**Daphne Green, Town Resident**

- I was Mayor when we hired our first Town Manager. Town Manager was to have hire/fire authority except for contracts. Town Manager informed Council of his selection for Town Clerk.

**Kathryn French, Town Resident**

- Clerk should be independent. Shouldn't be changed. I agree with the Mayor that Town Clerk should be under the Council for hiring/firing.

**Judy Johnson, Town Resident and Councilmember Elect**

- Town Clerk position should be retained by Council. I agree we don't know the day to day and rely on the Town Manager for this information, but I think it is important for Council to have final decision.

**Councilmember Rethelford**

- I am opposed to the Mayor on this regarding the responsibilities of the Town Clerk. Council is responsible for policy making. What we are voting on is directly related to Operations.

**Mayor LeVault**

- Our role is advise and consent. Council should ratify the appointment of the Town Clerk.

**Councilmember Chittenden**

- Then the Town Clerk should have a contract also.

**Town Attorney Swann**

- That would be a policy decision of Council. Currently you have three Town Officers with contracts and one without. With a contract Council could terminate it at any time. As an officer/employee Town Clerk is entitled to a pre-termination hearing and a post-termination hearing which would be conducted by the Town Manager but the Town Council would make the firing decision.

**Mayor LeVault**

- Ordinance 09-02A would be a compromise.

**Councilmember Mello**

- We don't have to do that now. I don't think the Town Clerk has to have a contract.

**Councilmember MacKay**

- I support Ordinance 09-02. The choice is due process or a contract.

**Town Manager Robinson**

- Town Manager Mark Fooks did not come to the Council for approval of his choice for Town Clerk. He informed Council of his choice which was outside the Code.

**Councilmember Rethelford**

- Mr. Fooks stated "I'm going to have my own people here". Council didn't have an opportunity to vote.

**Town Manager Robinson**

- The Town Clerk and I have a good working relationship. I want to de-politicize the position. There is a West Valley Clerk who has a contract with the Council and does not interact with the City Manager. The Administrative Assistants that the Town Clerk supervises have more public interface than the Town Clerk has. The Town Clerk reporting to Council doesn't balance it at all. I was here five years as the Town Clerk/Treasurer, then I was Assistant to the Mayor and Council for five years in Goodyear and I've been here almost three years as Town Manager. I know the problems that can happen when a position becomes political.
- Who would the Town Clerk appeal to if there was a grievance? The Council would be pulled back into Human Resources. The Town Manager is not all powerful. There are rules that protect the Town. The Town Manager protects the Council in employment issues. I wanted the Code clarified since it hadn't been followed in the past.

**Mayor LeVault**

- They say that politics is like making sausage, the process isn't very attractive. The Town Clerk as Elections Official should be independent.

**Town Manager Robinson**

- The Town Clerk as Elections Official has laws to be followed.

**Mayor LeVault**

- We sub out our elections to the County. It is not a perfect system, flawed by design. I am looking down the road. Our legacy is to be caretakers in this office.

**Councilmember Mello**

- What if we had an energetic Town Clerk and the Town Manager felt threatened by the Town Clerk?

**Town Attorney Swann**

- Council has three options: 1) do nothing leaving Code as it is now, 2) approve Ordinance 09-02 clarifying the Town Manager as supervising, hiring and firing the Town Clerk, or 3) approve Ordinance 09-02a giving supervising of the Town Clerk to the Town Manager, but reserving hiring and firing for the Council (ratified).

**Councilmember Chittenden**

- We're getting the political into this. Ordinance 09-02a would need to have a contract.

**Town Manager Robinson**

- Both Cathy Connelly, former Executive Director and current Elections Consultant, and Tom Belshe, Deputy Director of the Arizona League of Cities and Towns, when asked advise municipalities to place the Town Clerk position under the Town Manager like any other department head.

**Councilmember Rethford**

- Cathy Connelly assisted us in hiring both of our Town Managers and I have the utmost respect for her opinion.

**Motion to approve Ordinance 09-02 amending the code of Youngtown, Arizona, Title 2 Administration and Personnel, Chapter 2.12 Town Officers Generally, by amending Sections 2.12.010 Officers, and 2.12.130 Town Manager, all related to appointment, removal, and supervision of the town clerk and to the town manager duties; providing by repeal of conflicting ordinance; and providing for severability – Councilmember Chittenden**

**Second – Councilmember MacKay**

**Motion passed four (4) Yes (Rethford, Chittenden, Oglesby, MacKay), three (3) No (LeVault, Duran, Mello) on a roll call vote.**

**G. Discussion and/or Action Re: Approval of Resolution 09-07 authorizing the Town to submit an application to the Gila River Indian Community for a grant in the amount of \$81,022.80 for mobile data computer terminals for Fiscal Year 2009-2010 (JOHNSON).**

**Chief Johnson**

- Last year we received a grant from the Gila River Indian Community to paint street numbers on curbs to assist emergency vehicles in locating addresses. If Council approves Resolution 09-07 we will be applying for a grant from the Gila River Indian Community for funds to purchase 10 mobile data computer terminals (mdc) for our patrol cars (excluding the Tahoe). The \$81,022.80 will purchase the 10 mdcs and all accessories including lap tops, GPS units, and mounting equipment. Our system matches the system used by the Maricopa County Sheriff's Office and is compatible with their dispatch system. We will be responsible for purchases of internet services and air cards from Verizon at a cost of \$5,398.80. Our officers will be certified for the criminal justice system and National Crime Information Center (NCIC). June 30, 2009 is the deadline for submitting our grant application. Notification of receipt of the grant will be in October.

**Jackie Hoffman**

- Please note when looking at the tentative budget that the Internet service is include in line 7520 of the Police budget and the \$82,000 is included in line 7776 Police grants.

**Councilmember Rethford**

- I hope we get this grant. More power to you. This will enhance methods and be more efficient to receive information directly. Will there be instruction/training for the officers?

**Councilmember Chittenden**

- I'm trying to visualize how this equipment will be mounted in the patrol cars. Concerned about safety of officers. Is a match required for the grant?

**Chief Johnson**

- The laptops will be mounted so that they do not impede the officer. These are full screen laptops like what the Sheriff's deputies are using currently. No matching funds are required.

**Lt. Robertson**

- Regarding safety, officers are not to run requests while moving. Most polices require that the officer be stopped, usually at a red light or stop sign. They will be able to see Youngtown calls holding and notify dispatch if they are in the vicinity and able to take the call. They can see priorities. They will be able to reduce response times. Also there is new technology that scans license plates of any vehicles passed by the patrol car and searches the database for stolen vehicle reports. GPS is part of the system and will help with officer location. Records management will be updated. System will be inter-operable with other agencies.

Motion to approve Resolution 09-07 authorizing the Town to submit an application to the Gila River Indian Community for a grant in the amount of \$81,022.80 for mobile data computer terminals for Fiscal Year 2009-2010 – Councilmember Rethford

Second – Vice Mayor Duran

Motion passed unanimously on a voice vote.

- H. Discussion and/or Action Re: Approval for the purchase of two new fully-equipped Ford Crown Victoria Police Cars in Fiscal Year 2009-2010 budget in the amount of \$75,828.42 (JOHNSON).

Chief Johnson

- During budget discussions, we made the decision to continue with Ford Crown Victoria police vehicles. We have a short window in which to order to keep the pricing we have now. We need to order before July 1 for the new budget year. Five Star Ford has the state contract. We will be using Agua Fria Ranch Developer Fees and Town Impact Fees to pay for the new vehicles. Registration costs \$4.00 per vehicle. We will be replacing our two oldest vehicles - #871 and #872.

Councilmember MacKay

- How will the vehicles be disposed?

Chief Johnson

- The old vehicles will be sold by auction as directed by statute.

Motion to approve the purchase of two new fully-equipped Ford Crown Victoria Police Cars in Fiscal Year 2009-2010 budget in the amount of \$75,828.42 – Councilmember Rethford

Second – Vice Mayor Duran

Motion passed unanimously on a voice vote.

- I. Discussion and/or Action Re: Approval of Resolution 09-08 to further the mission of the Youngtown Historical Preservation Committee, expanding duties of Committee to establish procedures to preserve items that the Committee believes may become of historical significance and allow Committee to receive donated artifacts pertaining to the Town and residents of Youngtown (ROBINSON).

Town Manager Robinson

- I will turn this over to Councilmember MacKay as chair of the Historic Presentation Committee. I want to applaud the members of the Committee who worked on this.

Councilmember MacKay

- The Committee is working with Lucille Rethford and the Youngtown Historical Society on recommendations for the Log Cabin and how items there will be handled. The Committee is concerned about what to do in the future with donations of items, newspaper clippings, and will there be a staff person, volunteers, and etc..

Councilmember Rethford

- Committee needs to move forward with the building itself. The Committee needs the ability to do something with incoming items, any further collection of historical information. People are keeping obituaries going. History taking place needs to be addressed.

Councilmember Chittenden

- I appreciate Lucille Rethford and Susan MacKay and their efforts to preserve Town history.

Councilmember MacKay

- The Committee is asking the Council to amend the Resolution establishing the Committee to allow the Committee to handle future donations to the Town's historical collection.

Motion to approve Resolution 09-08 to further the mission of the Youngtown Historical Preservation Committee, expanding duties of Committee to establish procedures to preserve items that the Committee believes may become of historical significance and allow Committee to receive donated artifacts pertaining to the Town and residents of Youngtown – Councilmember Chittenden

Second – Councilmember Oglesby

Motion passed unanimously on a voice vote.

- J. Discussion and/or Action Re: Approval of Exhibit C, an addendum to the agreement for professional services between Willdan Engineering, Inc. and the Town, for full engineering and project management services to complete the paving of additional alleys, as part of the town's FY 2009-2010 alley Paving project (FY 2009-2010 CDBG Project), in the amount of \$149,950.

**Public Works Manager Hannah**

- This is an addendum to the professional services contract we have with Willdan, the Town Engineers, for engineering, design and project management for the second phase of the Town's Community Development Block Grant (CDBG) alley paving project.
- Currently funds for the CDBG project are on hold because El Mirage has filed suit against Maricopa County Community Development and asked for an injunction prohibiting MCCD from distributing grants funds. In the past El Mirage used CDBG funds to building a youth center. They now want to use the building for other purposes and are required to reimburse HUD for the building. El Mirage is saying it is a retireable loan. MCCD is saying HUD rules are specific and there is no wiggle room regarding payback.

**Town Attorney Swann**

- An injunction would be decided within 30 days.

**Mr. Hannah**

- We originally requested \$450,000 for our CDBG grant request for alley paving and the Community Development Advisory Board granted us \$400,000. Recently MCCD received stimulus funding of \$588,000 and said that out of those funds they would give Youngtown the full \$450,000 for the alley paving project and Guadalupe would receive the remaining \$138,000. The \$450,000 stimulus funding has a very narrow time line.
- The engineering and design are in the Fiscal Year 2009-2010 budget and will need to be done for the alley paving project whatever the paving timeline turns out to be.

Motion to approve Exhibit C, an addendum to the agreement for professional services between Willdan Engineering, Inc. and the Town, for full engineering and project management services to complete the paving of additional alleys, as part of the town's FY 2009-2010 alley Paving project – Councilmember Retheford  
Second – Councilmember Mello  
Motion passed unanimously on a voice vote.

**7. Call for Executive Session**

Not needed.

**8. Citizens Comments/Appearances from the floor:**

Kathryn French, Town Resident

- The parking lot on 111<sup>th</sup> Avenue looks great. Sending out a "Thank You" to the business owner.

**Announcement of next Work Session and Regular Council Meeting:** Thursday, June 4, 2009 at 7:00 p.m.

**Adjournment.**

Motion to adjourn – Councilmember Mello

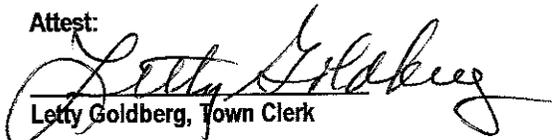
Second – Vice Mayor Duran

Meeting adjourned at 9:30 p.m.



Michael LeVault, Mayor

Attest:



Letty Goldberg, Town Clerk

Minutes approved at the June 4, 2009 Regular Meeting.

**ORDINANCE NO. 09-02**

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE CODE OF YOUNGTOWN, ARIZONA, TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.12 TOWN OFFICERS GENERALLY, BY AMENDING SECTIONS 2.12.010 OFFICERS, AND 2.12.130 TOWN MANAGER, RELATED TO APPOINTMENT, REMOVAL, AND SUPERVISION OF THE TOWN CLERK AND TO THE TOWN MANAGER DUTIES; PROVIDING BY REPEAL OF CONFLICTING ORDINANCE; AND PROVIDING FOR SEVERABILITY.

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 2.12 Town Officers Generally, is hereby amended by amending Section 2.12.010 Officers, to read as follows (deletions in ~~strikeout~~; additions in ALL CAPS):

**2.12.010 Officers.**

A. There are created the offices of the town manager, town clerk, police chief, town engineer, town attorney, town magistrate, building code inspector, code compliance officer, and public works manager. The town manager, ~~town clerk~~, town attorney, and town magistrate shall be appointed by the town council, all other officers shall be appointed by the town manager.

B. The TOWN manager may appoint and remove from time to time such other officers as he may deem necessary and that are not provided for in this code or statute.

The Code of Youngtown, Arizona, Title 2 Administration and Personnel, Chapter 2.12 Town Officers Generally, is hereby amended by amending Section 2.12.130 Town Manager, to read as follows (deletions in ~~strikeout~~; additions in ALL CAPS):

**2.12.130 Town Manager.**

\* \* \*

F. Powers and Duties. The town manager shall be the administrative head of the town government under the direction and control of the council, except as otherwise provided in this chapter. He shall be responsible to the council for the proper administration of all affairs of town. In addition to his general powers as administrative head and not as limitation thereof, he/she shall have the following additional powers and duties:

1. Appoint, suspend and/or remove and direct all officers and employees of the town except the town magistrate and his staff, and the town attorney and his staff. In the case of the town attorney, the manager shall consult with him/her and act as the liaison between the council and the attorney. The magistrate shall be independent as set forth herein and by state law. ~~In the case of the town clerk, the manager will direct and supervise and make recommendations to the council concerning hiring, firing and discipline;~~

\* \* \*

**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.

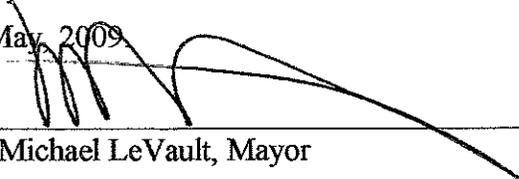
**Section III. Providing for Severability.**

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.

PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 21<sup>st</sup> day of May, 2009, by the following vote:

AYES: 4  
NAYES: 3 ABSENT: —  
EXCUSED: — ABSTAINED: —

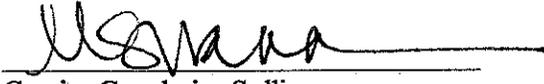
APPROVED this 21<sup>st</sup> day of May, 2009.

  
Michael LeVault, Mayor

ATTEST:

  
Letty Goldberg, Town Clerk

APPROVED AS TO FORM:

  
Curtis, Goodwin, Sullivan,  
Udall & Schwab, P.L.C.  
Town Attorneys  
By Michelle Swann

I, LETTY GOLDBERG, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 09-02 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 21ST DAY OF MAY, 2009, WAS POSTED IN THREE PLACES ON THE 22ND DAY OF MAY, 2009.

  
Letty Goldberg, Town Clerk

# Youngtown Business Improvement Strategy

May 21, 2009

## Background

A meeting was held on February 27th with businesses of the Town, the Surprise Regional Chamber of Commerce and the Small Business Development Center of Maricopa Community Colleges County. At that meeting, most of those attending volunteered to help in an effort to improve the business environment in Youngtown. A committee was formed and they started meeting to determine a strategy. Those attending the strategy meetings included the following people:

- Tom McCormick- General Exterminating
- Jon Forsythe- Desert Golf Carts
- Frances Johnson- Wisconsin Plaza
- Kent Carpenter- Insure 2 Health
- Larry Ornelis- National Glass and Mirror
- Steve Heiserman- Sunland Plumbing and Construction
- Larry Elsea- Team Logic IT

There are three components to the proposed strategy.

1. The formation of a business organization in Youngtown.
2. Adoption of a work program for the business organization.
3. Resources provided by the Town of Youngtown to support this effort.

## Business Organization

It is proposed that an organization of Youngtown businesses be formed. There have been groups in the past that have met and have been beneficial to the community. This formation would be done in the immediate future. Membership would be open to all town businesses and would initially meet twice a month. A short term goal would be twenty businesses. The committee currently in place would be the steering committee to get this organization going. There would be four elected officers and bylaws. The main purpose of the organization would be to bring customers to Youngtown businesses and be the voice for the business community. There would be a web site to support the efforts of the organization. The name of the organization would be the Voice Of Youngtown or VOYT.

## VOYT Work Program

The work program would be fourfold. The first part would be marketing and advertising. A directory and map of businesses would be included in this work. This would be an on-going effort to keep the directory up to date as businesses change. There would also be an effort to use this data to promote businesses in the Town. The inventory would also help communication to and between businesses. Determining the needs of businesses through a survey would also be done. Marketing campaigns would also be held to encourage residents to use Town businesses, and to get people off Grand Avenue to do

business in Youngtown. Businesses could also pool resources to buy advertising promoting Town businesses. Billboards could also be used to promote businesses.

A review of Town licensing and permitting procedures would be a second part to the work program. There is a concern about predictability and consistency in the licensing and permitting process with the Town. Dealing with the Town on signage is of special concern. There also could possibly be incentives in the process to encourage physical improvements, expansion and in-fill.

Events would be the third part of the work plan. Two or more events would be held to promote the businesses in the Town. Ideas for events include a community clean-up day and business promotion raffle.

Improving Town relations would be the fourth part of the work program. Having a formal organization would give the business community a specific voice in communicating with the Town. VOYT would be represented at the Town Council meetings and would have regular meetings with Town staff.

### **Town Support**

It is proposed that the Town provide support for the above efforts. It is proposed that an individual with the Town be designated to assist businesses with the following:

- Serve as contact for permitting and licensing.
- Knowledgeable about available property and space.
- Serve as contact for coordination of services regarding businesses like utilities and streets.
- Maintain a business directory.
- Provide support as needed for VOYT events and meetings (especially in the first year).
- Coordinate business related improvement projects.

This individual would be the conduit for business issues, questions and assistance between the Town and the business community. This individual would also be a resource in a proactive way for new businesses regarding Town regulations related to businesses. Another way would be to use other resources of the Town to support the work program such reviewing the licensing and permit process, or organizing improvements to Town businesses. The Town could use its procurement capacity to coordinate improvement projects.