



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

THURSDAY, April 16, 2009, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. **Call to Order** Mayor LeVault called the meeting to order at 7:00 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, Public Works Manager Mark Hannah, and Town Clerk Letty Goldberg.
3. **Pledge of Allegiance and Invocation** Pledge led by Councilmember MacKay. Invocation offered by Pastor Charles Ring.
4. **Communications:**
  - A. **Communications from Council**

Mayor LeVault

    - Youngtown north of Peoria Avenue, minus 11 parcels, has been an unorganized territory as far as school districts were concerned. It was a remnant of the age overlay. When the number of children attended school in a particular school district adjacent to the unorganized territory reached a number set by statute it made it possible for that school district to begin the process to annex the unorganized territory and put it within the boundaries of the school district. The Governing Board of the Peoria Unified School District voted unanimously Tuesday evening to be willing to accept the unorganized territory of Youngtown into the District. They notified the County Superintendent of Schools of their willingness to annex Youngtown north of Peoria Avenue into their District. State Statute provides the process for annexation. When more than 150 students are attending schools in the district from an unorganized territory than the process can be started to annex. Youngtown has 404 students from the affected area attending Peoria Unified School District schools, 266 of them attend Country Meadows Elementary School. The annexation process calls for the holding of two hearings to allow residents to voice their concerns and have their questions answered. The Clubhouse has been offered for these hearings. It makes sense to do this now.
    - It will mean a bump in property taxes. We have requested an example of a typical levy and have asked when it would take place. I spoke in favor of the annexation. Residents will be better off in the Peoria Unified School District. They offer a better educational product. It will also help our property values. I would like to find a mechanism to move Agua Fria Ranch subdivision out of the Dysart School District.

Councilmember Mello

    - Peoria is one of the best school districts in the state. I sent my son to a Peoria school on a variance. Taxes will be offset by the increase in property values.
    - Genealogy Library is hosting a dedication on Friday, April 17, 9:30 a.m.
    - Youth Council is having a Water Day on April 26 at Uribe Park.

Councilmember Rethford

    - We do need to educate our children, but older senior citizens can't afford it. This will be a burden for older people who won't be able to afford their taxes. We have 50% seniors here. I understand why, but still need to put in a word for the seniors.

Councilmember Chittenden

    - I first became aware of the school situation when one of my neighbors notified me that their children were going to be bused to another school further from home. I agree with Councilmember Rethford that this is going to be a hardship for some of our older residents.

Mayor LeVault

    - It is a function of the numbers. Town Attorney Swann and I attended that meeting at Country Meadows School with more than 200 parents of Youngtown school children concerned about where their children would be attending school. We knew then that at some time we would become part of some school district.

Councilmember Mello

    - You are going somewhere – which District? You want to be in the Peoria Unified School District. There is a neighborhood next to Agua Fria Ranch that isn't as nice but the property values are 15% higher because the subdivision there is in the Peoria Unified School District.

**Councilmember MacKay**

- We have had two meetings of the Historic Preservation Committee. The documents will be transferred to the State Library and Archives by the end of the calendar year. Our discussions have concerned the artifacts that will remain in the building here and how to catalog them. The Library staff has indicated that they could conduct tours by appointment.

**B. Communications from Staff**

**Town Manager Robinson**

- AARP Shredathon is Saturday, April 18, from 8 a.m. to noon at Clubhouse Square. They are requesting a dollar per copier paper box or equivalent size bag.
- We had the start of our annual CDBG audit this week on our street light project from last year, and a preliminary audit of our current alley project.
- Budget briefings with Staff and Council have been completed and we are working toward the final version of the tentative budget. Department Heads will be meeting next week to look at the possibility of a merit raise.
- Due to heavy agendas during May and June Council meetings will begin at 6 p.m.

**Chief Johnson**

- We have purchased the two Sun City Sheriff's Posse vehicles and already have them in service. We are in the process of getting the two 1999 vehicles that were replaced ready for sale.

**5. Consent**

- A. Approval of Minutes:** Regular Meeting April 2, 2009, Work Session April 2, 2009.

**Motion to approve Consent Agenda – Councilmember Chittenden  
Second – Vice Mayor Duran  
Motion passed unanimously on a voice vote.**

**6. Business**

- A. Discussion and or Action Re: Approval of Ordinance 09-03 amending the code of Youngtown, Arizona, Title 2 Administration and Personnel, Chapter 2.12 Town Officers Generally, by amending Section 2.12.110 Building Official, to vest the powers of the building official, building code inspection, and code compliance officer in the office of the public works manager rather than town manager; providing by repeal of conflicting ordinance; and providing for severability (ROBINSON).  
Town Manager Robinson**

- Prior to creation of the Town Manager position, the Building Official was the Public Works Director who supervised the building code officer. This ordinance would place the Building Official responsibility on the Public Works Manager who supervises the Building Code Officer and the Code Compliance Officer.

**Councilmember Chittenden**

- Makes sense to put this responsibility on the Public Works Manager who would be familiar with what is being requested to be approved.

**Councilmember Rethford**

- Historically, there were abuses. Certificates and permits were approved that should not have been approved. Town Manager has much to do, so it makes sense to make this change giving responsibility to Public Works Manager who supervises the Building Code Officer. This will simplify the process.

**Motion to approve Approval of Ordinance 09-03 amending the code of Youngtown, Arizona, Title 2 Administration and Personnel, Chapter 2.12 Town Officers Generally, by amending Section 2.12.110 Building Official, to vest the powers of the building official, building code inspection, and code compliance officer in the office of the public works manager rather than town manager; providing by repeal of conflicting ordinance; and providing for severability – Councilmember Oglesby  
Second – Councilmember Rethford  
Motion passed unanimously on a roll call vote.**

**B. Discussion and/or Action Re: Approval of new Appendix A for Intergovernmental Agreement (IGA) with Maricopa County Animal Care and Control (MCACC) for FY 09-10 at a cost of \$6,930.00 for animal control services (JOHNSON).**

**Chief Johnson**

- This request is for a new funding amount for the Intergovernmental Agreement with Maricopa County Animal Care and Control for Fiscal Year 2009-2010 with an adjustment based on service calls during the current Fiscal Year. The amount is \$6,930, which includes an increase of \$330.
- Residents need to call the non-emergency phone number and request an officer. The officer will determine if a call needs to be made to MCACC. If MCACC can not respond immediately, the officer may take the stray dog to the Police Department to await pick up by MCACC.

**Councilmember Chittenden**

- MCACC was to provide a variety of services as part of this contract. What have they done or when are they going to do that?

**Chief Johnson**

- MCACC will be coming to Town in June to do a clinic. We have to decide if it will be a spay/neuter clinic or a vaccination clinic. We will be scheduling a second clinic so that we will have it on the calendar.

**Councilmember Mello**

- I would recommend the vaccination clinic be held in June as summer is the beginning of Parvo season for dogs.

**Motion to approve new Appendix A for Intergovernmental Agreement (IGA) with Maricopa County Animal Care and Control (MCACC) for FY 09-10 at a cost of \$6,930.00 for animal control services –**

**Councilmember Rethford**

**Second – Vice Mayor Duran**

**Motion passed unanimously on a roll call vote.**

**C. Discussion and/or Action Re: Approval of Memorandum of Understanding (MOU) between Maricopa County and 15 municipalities including the Town of Youngtown for allocation of 2009 Recovery Act Byrne/JAG Grant Funds (JOHNSON).**

**Chief Johnson**

- This Memorandum of Understanding (MOU) between Maricopa County and 15 municipalities will let us receive funds from the 2009 Recovery Act Byrne/JAG Grant Funds. All of the parties to the MOU must participate for any of the parties to receive funds. Our allocation is based on OCR stats for violent crimes.
- Participation in this MOU will provide the Youngtown Police Department with \$13,800 to be used for upgrading the Police Department's audio and video recording equipment and the PC in our interview room to digital format. Also each patrol officer will have a digital camera to record crime scenes. A 24-month supply of CDs and DVDs will be purchased to download photographs, audio/video, and are easier to reproduce. It will help us to prosecute cases better as our recordings will be compatible with equipment available for courts and prosecutors.

**Councilmember Chittenden**

- Officers need to take photos. For domestic violence cases there is evidential value in photographs.

**Motion to approve Approval of Memorandum of Understanding (MOU) between Maricopa County and 15 municipalities including the Town of Youngtown for allocation of 2009 Recovery Act Byrne/JAG Grant Funds – Councilmember Rethford**

**Second – Councilmember MacKay**

**Motion passed unanimously on a roll call vote.**

**7. Call for Executive Session**

**Executive Session:**

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

**Ed Johnson, Resident**

- Peoria Unified School District has been accommodating our young people. More than 200 students attend Country Meadows Elementary School.

**Town Attorney Swann**

- It is in the Town residents' benefit to be in the Peoria Unified School District. The number of Certificates of Educational Convenience or students attending through open enrollment from an unorganized territory has exceeded 150, so the superintendent of public instruction has notified the county school superintendent. The county school superintendent will hold two public hearings to notify the residents that they are required to join the school district. This is what is happening in Youngtown.

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

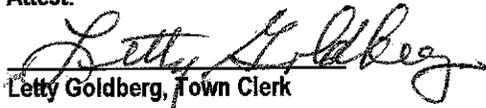
**Adjournment.**

Motion to adjourn – Councilmember Mello  
Second – Councilmember Chittenden  
Meeting adjourned at 7:50 p.m.



**Michael LeVault, Mayor**

**Attest:**



Letty Goldberg, Town Clerk

**Minutes approved at the May 7, 2009 Regular Meeting.**

## ORDINANCE NO. 09-03

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 SECTION 2.12.110 BUILDING OFFICIAL, TO VEST THE POWERS OF THE BUILDING OFFICIAL, BUILDING CODE INSPECTOR, AND CODE COMPLIANCE OFFICER IN THE OFFICE OF THE PUBLIC WORKS MANAGER RATHER THAN TOWN MANAGER; 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 2.12.110 Building Official, to read as follows (deletions in ~~strikeout~~; additions in ALL CAPS):

## CHAPTER 2.12

### TOWN OFFICERS GENERALLY

#### 2.12.110 **Building official.**

The building official, ~~the public works director~~, the building code inspector, ~~code compliance officer~~ and administrative authority as may be referenced in any section of this code for all matters pertaining to any plumbing, mechanical, electrical or any other inspectors shall be vested in the office of the ~~town manager~~ PUBLIC WORKS MANAGER; provided however, that the PUBLIC WORKS MANAGER AND town manager may authorize such deputies as needed to perform any inspection work or functions that may be required of this code.

### 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.

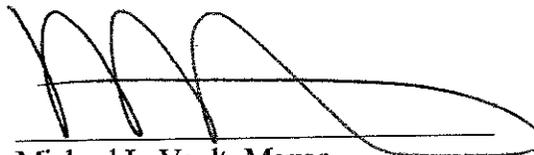
PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 16th day of April, 2009, by the following vote:

AYES: 7

NAYES: 0 ABSENT: —

EXCUSED: — ABSTAINED: —

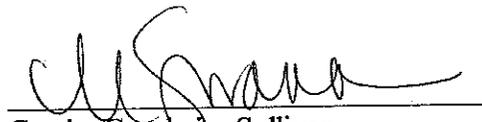
APPROVED this 16th day of April, 2009.

  
Michael LeVault, Mayor

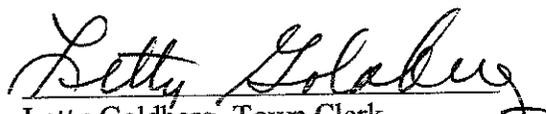
ATTEST:

  
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. 09-03 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 16<sup>TH</sup> DAY OF APRIL, 2009, WAS POSTED IN THREE PLACES ON THE 17<sup>TH</sup> DAY OF APRIL, 2009.

  
Letty Goldberg, Town Clerk