



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

THURSDAY, February 4, 2010, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. **Call to Order** Mayor Michael LeVault called the meeting to order at 7:03 p.m.
2. **Roll Call** Council present: Mayor Michael LeVault, Vice Mayor Jack 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, and Town Clerk/Treasurer Letty Goldberg.
3. **Pledge of Allegiance and Invocation** The Pledge was led by Vice Mayor Duran. Invocation was offered by Chaplain Charles Ring.
4. **Communications:**
 - A. **Communications from Council**

Mayor LeVault

 - I attended the Salvation Army Volunteers banquet where the Youngtown Police Department was presented an award for participation in the Hydration Program last summer where officers handed out cold bottled water to local residents. Received a lot of compliments for our Police Officers.
 - Attended a press conference at the WigWam this afternoon with State and County officials and municipal representatives supporting prevention of residential encroachment of Luke Air Force Base. This is the last big hurdle toward landing the F-35 at Luke.
 - Attended WESTMARC's annual meeting and Economic Forecast Breakfast. Dr. Dennis Hoffman, a professor at W. P. Carey School of Business, ASU, spoke about where the economy is now. Of all the states, Arizona has the largest percent of jobs lost. Phoenix is in worse condition than Detroit. Arizona bounced back quickly in the past, but the current recession is deep and will last a long time. The current recession started in 2007. Traditional opportunities for Arizona – climate, affordability, jobs, and friendly business climate. Threats – Employer Sanctions Act, construction boom over, and fiscal house not in order.
 - When it comes to Town's budget - How much revenue do we have? What programs do we need? Don't have control over state or volatile revenue streams. Let our residents decide about a property tax. They need to tell us what they want us to do.

Councilmember Chittenden

 - Attended the Surprise Regional Chamber of Commerce Awards Dinner. Lucille Rethford was named the Chamber's Youngtown Citizen of the Year. Three Youngtown businesses were represented at the Dinner – National Glass/Sun City Sun Control, General Exterminator/Curly's Custom, Kopyy's Body Shop, Albrecht Construction, and Sun City Radiator.

Councilmember MacKay

 - Youngtown Historical Museum will have a soft opening for Council and former members of the Youngtown Historical Society on March 13 from 10 to 11 a.m. Guests will be receiving invitations. Grand Opening of the new museum will be Saturday, March 27, from 11 a.m. to 1 p.m., following the Mayor's Town Hall Meeting at 9 a.m. in the Clubhouse.

Councilmember Oglesby

 - CDAC (Community Development Advisory Committee) will hear grant application presentations on February 17. Public Works Manager Mark Hannah will be making the presentation for the Youngtown grant application. There is a place on the agenda for the public to make comments. Council should plan to attend. The meeting starts at 6:30 p.m. downtown Phoenix.
 - B. **Communications from Staff: Town Manager's Report: Upcoming Town Events; Status of Memorial Park Construction Activity; Library Computer System Improvements; 2009 Annual Town Report Status**

Town Manager Robinson

- Staff is already working on FY 2010-11 budget. Dates for Council Budget Briefings will be March 23 and 25 and April 6 and 8 at 4 p.m. to analyze each Department's budget.
- Public computers at the Library were shut down due to inappropriate use. Our IT consultant is working on measures to block offending sites and remove inappropriate materials from the computers on an automatic schedule. Computers will be back online tomorrow.
- Annual Report is in process and will be ready mid-March.
- Memorial Park construction is by Southwest Gas. It is a hideous structure for a park. In actuality it is a backflow pressure valve for a high-pressure gas line located in the County right-of-way located next to our park. Plans were in the middle of a stack of plans for Grand Avenue. Even so, we did not have the authority to deny it. Town Engineer Grant Anderson has lodged a complaint with SW Gas. Not only is it next to a park, it is a short distance from a day care center. Appropriate buffering by SW Gas might help it blend with the park. SW Gas says they are customer oriented. We will let them prove that.

Councilmember Johnson

- It would have been a courtesy to notify the Town. We were looking at that property for possible economic development.

Mayor LeVault

- This structure could be an attractive nuisance to children.

Town Clerk Goldberg

- I have prepared a time line for the May 18 Primary Property Tax election showing dates of activities or events associated with the election. I will change the advertising from The Peoria Times to The Arizona Republic and the Daily News-Sun.

Chief Young

- Arrangements have been made to have a driver education program for all ages of drivers. "Keeping the Keys" will be offered by the Arizona AAA on May 12 from 9 a.m. to noon. It is free, but we need a minimum of 10 participants for this free workshop.

5. Consent

- A. Approval of Minutes:** Minutes of January 21, 2010, Work Session, and Regular Meeting.

**Motion to approve Consent Agenda with corrections to Work Session minutes – Vice Mayor Duran
Second – Councilmember Oglesby
Motion passed unanimously on a voice vote.**

6. Business

- C. Discussion and/or Action Re:** Planning & Zoning Case # 10-01 A Special Use Application by Jade Ward, Sr., pastor of New Testament Holy Ministries, for a church use at 11200 W. Michigan Avenue, Youngtown, AZ (GOLDBERG)

Town Clerk Goldberg

- Pastor Ward is not present and I know he was notified at the beginning of this process that he would need to be present at all hearings.
 - We have followed the zoning hearing process for Special Use applications. Upon receipt of Pastor Ward's application, notices were sent to all Youngtown property owners within 1,000 feet of 11200 W. Michigan Avenue. We held a Citizen Review Meeting and a Planning and Zoning Hearing to gather information about the proposed church use in a commercial zone. Building Safety Officer John Stigsell in his Staff Report expressed concerns about parking in this congested business area where it has been reported that parking is a frequent issue. Hearing Officer Jacobs approved the Special Use with three recommendations 1) detailed plans be submitted to the Building Safety Officer and Sun City Fire Department, 2) plans for restriping the parking lot including two handicapped accessible parking spaces be submitted to the Building Safety Officer as soon as possible, and 3) that hours be limited for use of the facility. (Reports are attached.)
1. Staff Report.
Building Safety Inspector's Report is attached.
 2. Zoning Hearing Officer Recommendations.
Zoning Hearing Officer Ray Jacobs' recommendations are attached.

3. **Open Public Hearing.**
Not held

4. **Close Public Hearing.**

Councilmember Chittenden

- I think we should table this discussion until the applicant is present. I have a list of questions to ask him.

Motion to table P&Z Case # 10-01 until February 18, 2010 - Councilmember Chittenden

Second – Councilmember Mello

Motion pass unanimously on a roll call vote.

B. Discussion and/or Action Re: Resolution No. 10-02, Amending the Policy and Administrative Guidelines Manual of the Town of Youngtown, Arizona, by amending Guideline 390 Nepotism and Personal Relationships to amend the policy relating to the hiring of immediate family members to reflect State law; Providing for the repeal of conflicting resolutions; and providing for severability. (ROBINSON)

Town Manager Robinson

- Resolution 10-02 calls for the amending of Guideline 390 of the Policy and Administrative Guidelines Manual, also called the Personnel Code. When you adopted the Personnel Code last year, I reminded you that the Code was a living document and there would be changes in state law, changes in the Town's needs. This change will enhance government by making the code consistent with state law. This is a small community and there may be skills that we need. We are protected by the Personnel Code, Purchasing Code, and Town Code.
- In the past we have had employees in the same family, but not working in the same department, and not related to Council and Town Manager. Guidelines protect all of us. Would like to have that latitude.

Town Attorney Swann

- Current code is more restrictive. If Council adopts the state statute, code will be less restrictive. Council would still not be allowed to vote for an appointment of a family member if confirmation was required. Current policy is an absolute prohibition from hiring family members of elected or appointment officials. State statute is the floor. You can go above the floor (more restrictive) but below the floor (less restrictive).

Councilmember Mello

- Is there a reason why we are doing this? I think our guideline is fine the way it is. There shouldn't be the appearance of preference. Guideline should stay the way it is.

Councilmember Chittenden

- We're a small town. We need to be more restrictive.

Vice Mayor Duran

- Has someone complained?

Town Manager Robinson

- There have been no complaints.

**Motion to deny Resolution No. 10-02, Amending the Policy and Administrative Guidelines Manual of the Town of Youngtown, Arizona, by amending Guideline 390 Nepotism and Personal Relationships to amend the policy relating to the hiring of immediate family members to reflect State law – Councilmember Mello
Second – Councilmember Chittenden**

Motion passed unanimously on a roll call vote.

C. Discussion and/or Action Re: Resolution No. 10-03, Amending the Policy and Administrative Guidelines Manual of the Town of Youngtown, Arizona, by amending Guideline 10 Policy and Guideline Definitions to amend the policy relating to the definition of Compensatory Time Off; and to add a definition of "Trial Period" and "Trial Service" Employees are the same as Probationary Employees; Providing for the repeal of conflicting resolutions; and providing for severability. (ROBINSON)

Town Attorney Swann

- We discovered that a better definition of Compensatory Time Off was needed. You have before you the current definition and the proposed definition. To give you a better understanding I will ask Town Clerk/Treasurer Goldberg to explain.

Town Clerk Goldberg

- The current definition of Compensatory Time Off is confusing. To better understand the proposed definition, let me explain. When non-exempt employees work overtime, we allow them the choice of being paid for the overtime hours at a rate of one and one-half times the hourly rate or saving that time, at the one and one-half rate, to be used at another time. Employees can accrue a maximum of 40 hours in compensatory time.

Town Attorney Swann

- It was noted that the Guidelines uses both Trial Period, Trial Service Period, and Probationary Period interchangeably, rather than make multiple changes throughout the Guidelines we are adding to the definition of Trial Period to state that it is the same as Probation.

Motion to approve Resolution No. 10-03, Amending the Policy and Administrative Guidelines Manual of the Town of Youngtown, Arizona, by amending Guideline 10 Policy and Guideline Definitions to amend the policy relating to the definition of Compensatory Time Off; and to add a definition of "Trial Period" and "Trial Service" Employees are the same as Probationary Employees – Councilmember Mello

Second – Councilmember Johnson

Motion passed unanimously on a roll call vote.

7. Call for Executive Session

None Needed.

8. Citizens Comments/Apearances from the floor:

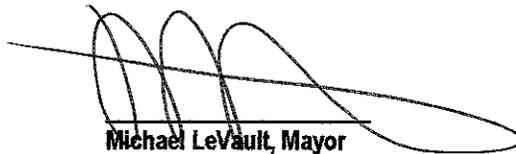
William Winkler, Sun City resident

- I encourage the Youngtown Council not to discontinue your Police Department. I have talked with some of your officers and they are doing a good job. I am a retired contractor and lived in a Town in Washington that gave up their Police Department and contracted with the Sheriff's Office. The costs got astronomical. Council made a mistake but then didn't have enough money to get back its own Police Department. They can't get the protection they want today.

Announcement of next Work Session and Regular Meeting: Thursday, February 18, 2010, at 7:00 p.m.

Adjournment

There being no further business, Mayor LeVault adjourned the meeting at 8:13 p.m.



Michael LeVault, Mayor

Attest:



Letty Goldberg, Town Clerk

Minutes approved at the February 18, 2010 Regular Meeting.



Town of Youngtown
12030 N. Clubhouse Square
Youngtown Arizona 85363-1212

John Stigsell
Building Inspector
Plans Reviewer

e-mail: jstigsell@youngtownaz.org

DATE: January 8, 2010

TO: Mayor and Common Council, Town Manager Lloyce Robinson, Public Works Manager Mark Hannah, Hearing Officer Ray Jacobs, Town Attorney Michelle Swann, Town Clerk Letty Goldberg, New Testament Holy Ministries Pastor Ward

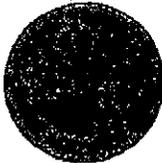
FROM: John Stigsell, Building Inspector and Plan Reviewer

RE: Staff Report for Special Use Permit, P & Z Case # 10-01

Churches are allowed in Rural and Residential Districts, but a Special Use Permit and approval is required for a church in a commercial district. This has been done in other locations in a commercial district with no apparent problems. Some issues need to take place prior to occupancy of the space. Required parking places for members and for handicap and permission letters from adjacent owners for overflow parking of members for the church services. Plans need to be submitted, approved and a permit issued for modifications of the building to comply with building and fire safety codes and inspection approval from Youngtown Building Safety and Sun City Fire Department.

I recommend approval of the Special Use Permit and occupancy to take place once final approval has been accomplished of the above requirements.

John Stigsell



12030 Clubhouse Square, Youngtown, AZ 85363

**MINUTES OF
TOWN OF YOUNGTOWN
CITIZEN REVIEW**

Tuesday, January 12, 2010, Town Clubhouse, 12033 Clubhouse Square, Youngtown, Arizona

Call to Order- Citizen Review was called to order at 10:00 a.m. by Zoning Hearing Officer Ray Jacobs

Staff present: Zoning Hearing Officer Ray Jacobs, Building Safety Officer John Stigsell, Deputy Town Clerk Diane Cordova, and Town Clerk Letty Goldberg.

Applicant present: Jade Ward, Sr., Pastor of New Testament Holy Ministries

Citizen Review on Case # 10-01: A Special Use Application by Jade Ward, Sr., pastor of New Testament Holy Ministries for a church use at 11200 W. Michigan Avenue, Youngtown, Arizona 85363 in a C-2 Commercial District.

(a.) Staff Report.

Building Safety Officer Stigsell (Report attached)

- A Special Use Permit is required by Town Ordinance if a church wishes to locate in a commercial district.
- Sufficient parking is a concern as are marked handicapped parking spaces. Suggestion was made to applicant to secure agreements from business neighbors to allow church parking when businesses are closed.
- Plans have not been submitted for review by the Building Safety Officer or the Sun City Fire Department to see if the building changes will meet the fire safety requirements for assemblies, a stricter code than business commercial.

Town Clerk Goldberg

- Ninety-eight notice letters were sent to property owners within 1,000 feet of Mr. Ward's leased property.

Questions by Hearing Officer Jacobs answered by Applicant, Mr. Ward

- How many will be seated in the sanctuary?
- Our architect says 100.
- How large is your church?
- 3,026 sq.ft., office is about 800 sq. ft. of that space.
- What hours will you be using the church facility?
- Sundays from 10 a.m. to 3 p.m., Wednesdays from 7 to 9 pm., Thursdays for Choir practice from 6 to 8 p.m., daytime office hours Tuesday, Wednesday and Thursday. Once a year we host a regional/district meeting for a weekend.
- How many parking spaces are there?
- 23.
- Are there other uses of the property, such as a school?
- Not at this time.

Comments from Hearing Officer Jacobs

- Mr. Ward, Parking is an issue. You need to contact your landlord or property manager to determine in writing how many parking spaces belong to your lease. Have you contacted the surrounding property owners for permission to park on their lots when they are closed? Code calls for one parking space for every five members.
- Why haven't you submitted building plans to the Building Safety Officer and the Fire Department for review? The Special Use Application and the Fire and building safety plans are two separate processes.

Mr. Ward

- Can I use the Office since it is separate from the rest of the building?

Hearing Officer Jacobs

- Not at this time. This hearing process is to determine the zoning for this property.

Mr. Ward

- Since I'm paying rent for a building I can't use, can the Town write a letter to the landlord saying I shouldn't have to pay rent because I can't use the building?

Town Clerk Goldberg

- That is something that you will have to negotiate with your landlord.

(b.) Citizen Comments.

Lora Rice, Co-owner of Koppy's Body Shop and Towing

- Parking is an issue everyday on that street. Our office is open Monday through Saturday and we run tow trucks on call 24 hour per day, seven days a week. We are concerned that people may park and block the entrance to our storage yard. We have owned the business there for 38 years and parking has always been a problem. We only have eight spaces and we have to find parking for our employees so our customers have a place to park. We have an agreement with the funeral home to use their parking lot when there isn't a funeral. I believe Pastor Duran also have an agreement to use the funeral home parking lot when they need overflow parking and there isn't a funeral. Sundown Plaza is posted for their customers only and others will be towed. Weekends when Willi Ritter has an event going at his restaurant and bar all of the available parking will be taken, including the dirt lot behind the Motel 6, and down to our parking lot.

Hearing Officer Jacobs

- Parking is a major concern. Parking requirements are different for churches than for commercial property. Mr. Ward, it looks like you will need an additional 10 to 15 parking spaces available when you have your events. You need to contact neighboring property owners and work that out. This is not a new issue.

Adjournment of Citizen Review by Zoning Officer.

Hearing Officer Jacobs adjourned the meeting at 10:40 a.m.

Announcement: Planning & Zoning Hearing, Tuesday, January 19 at 10:00 a.m. Youngtown Clubhouse, 12033 Clubhouse Square, Youngtown, AZ 85363.



Ray Jacobs, Hearing Officer

Attest:



Letty Goldberg, Town Clerk

**TOWN OF YOUNGTOWN
PLANNING AND ZONING HEARING OFFICER'S
PUBLIC HEARING**

January 19, 2010

Application: P&Z Case # 10-01

**Applicant: Jade Ward, Sr., Pastor, New Testament
Holy Ministries**

SUBJECT

**A Special Use Application for a church use at 11200 W. Michigan Avenue,
Youngtown, Arizona.**

RECOMMENDATIONS

_____ APPROVED AS REQUESTED.

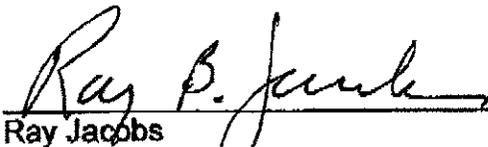
X

APPROVED AS MODIFIED WITH THE FOLLOWING CONDITIONS:

1. Applicant will submit plans in sufficient detail for review and approval by Building Safety and the Fire Department so that occupancy can be established.
2. Submit a revised striping plan for parking including two handicapped parking spaces, as soon as possible.
3. Operating hours are to be Sundays from 10 a.m. to 3 p.m., Wednesdays from 7 to 9 p.m., Thursdays from 6 to 8 p.m., and office hours Tuesday through Thursday from 9 a.m. to 5 p.m.

_____ DENIED

Date: 1/19/2010



Ray Jacobs
Planning and Zoning Hearing Officer

12030 Clubhouse Square, Youngtown, AZ 85363

MINUTES OF TOWN OF YOUNGTOWN PLANNING & ZONING HEARING

Tuesday, January 19, 2010, Town Clubhouse, 12033 Clubhouse Square, Youngtown, Arizona

Call to Order- Zoning Hearing Officer Ray Jacobs called the Hearing to order at 10:05 a.m.

Staff present Zoning Hearing Officer Ray Jacobs, Town Attorney Michelle Swann, Town Marshal Dan Connelly, Building Safety Officer John Stigsell, Deputy Town Clerk Diane Cordova, and Town Clerk/Treasurer Letty Goldberg.

Planning & Zoning Hearing on Case # 10-01: A Special Use Application by Jade Ward, Sr., pastor of New Testament Holy Ministries for a church use at 11200 W. Michigan Avenue, Youngtown, Arizona 85363 in a C-2 Commercial District.

(a.) Staff Report.

Building Safety Inspector Stigsell

- My report has not changed from the Citizen Review Meeting. I think parking is still an issue. Also no plans have been submitted for review and approval by Building Safety or the Sun City Fire Department.

Hearing Officer Jacobs

- Mr. Ward, has anything transpired in the last week regarding parking?

Mr. Ward

- Occupancy for the Sanctuary is 100 according to our architect. Otherwise we get into other fire code issues.

Inspector Stigsell

- According to Town Code, they will need a minimum of 20 parking spaces plus two handicapped designated spaces.

Hearing Officer Jacobs

- Does the architect have parking on the plans?

Mr. Ward

- Here are copies of the plans from the architect. You can probably read them better than I can.

Inspector Stigsell

- It shows 29 parking spaces for the church. I think there are 24 on the existing lot.

Diane Kotula, Property Owner and Realtor

- I am Mr. Ward's Landlord. My records show the lot as having 29/30 parking spaces. I would insure that parking in the lot would be available on Sundays by putting a "no parking on Sunday" clause in new leases.

Hearing Officer Jacobs

- About half of the center is now vacant. The usual understanding for Commercial property is the use is supposed to park itself. Parking is an issue. There is a funeral home and another church and this doesn't appear to be a strictly 9 to 5 area.

Ms. Kotula

- You will find that others use my lot. I had "customer parking only" signs and they disappeared. The Gunsmith retired and went out of business, the taxidermist only used one or two parking spaces but he moved out. The insurance office rarely has anyone come to the office. Geno's Carpet that had the front suites was upset that other businesses employees parked in front of his store. They called me often. It probably wouldn't have been a problem if they had parked at the back of the lot.
- These are difficult times for getting tenants. I assure that future tenants will not need to use the parking lot on Sundays.

Marshal Connelly

- I drove by this morning and four vehicles in the lot belong to the upholstery shop next door. Neighbors typically overflow to other lots. The times the church meets should not be a problem.
- I should introduce myself, I am the Code Officer. I've worked for the Town for 14 years. The building needs to meet building safety and fire codes.
- There is no parking on the street. Overflow parking is typically at other businesses. Many of the businesses allow others to park.

Hearing Officer Jacobs

- Mr. Stigsell, do the plans show the location of the handicapped parking?

Mr. Stigsell

- The handicapped parking spaces are located by the Sanctuary.

Hearing Officer Jacobs

- Mr. Ward, do you wish to make any comments.

Mr. Ward

- My attorney advised that we should get the zoning issue taken care of before we proceeded with the building plans. It is going to cost about \$20,000 for the needed improvements.

Ms. Kotula

- We have been working on a possible purchase or right of first refusal, or an extended lease. This is a lot of money to spend by the tenant. It doesn't increase the value to me. I have been trying to work with them and get the special zoning permit.

Hearing Officer Jacobs

- Ms. Kotula, the parking agreement will be that there will be no parking in conflict with the church and the solution will be through new leases.

Town Attorney Swann

- Marshal Connelly says there is enough space for parking.

Ms. Kotula

- I have owned the property for several years and the tenants have not had a need for Sundays and evening parking. Recently I had a tenant retire, another move to his basement, another declare bankruptcy. I'm willing to work with the Town in any way I can. I need to have my properties occupied.

Inspector Stigsell

- There were odor complaints when the taxidermist was located there. I didn't smell the odor myself.

Ms. Kotula

- The experts wanted \$1,000 to \$2,000 to do tests. Only one person claimed he had headaches from the odor. If it was a serious problem it would have affected more people. The employee got weeks off. The employer didn't want a worker's comp claim. But she never even went to the doctor for her headaches. Then the shuttle moved out about a year ago. I've had the building checked for mold and we had fire inspections.

Hearing Officer Jacobs

- Are there any further comments?

Town Attorney Swann

- A Special Use Permit expires in six months if not acted upon. You will need to do the changes for building and fire safety before occupying the premises.

Hearing Officer Jacobs

- We have more information today than we had for the Citizen Review meeting. This is only one step in the process. Plans will need to be approved by Building Safety and the Fire Department before the property can be used as proposed. Depending on parking demands, signs may or may not be necessary.
- Recommend approval of the Special Use Permit with the following stipulations:
 1. Applicant will submit plans in sufficient detail for review and approval by Building Safety and the Fire Department so that occupancy can be established.
 2. Submit a revised striping plan for parking including two handicapped parking spaces, as soon as possible.
 3. Operating hours are to be Sundays from 10 a.m. to 3 p.m., Wednesdays from 7 to 9 p.m., Thursdays from 6 to 8 p.m., and office hours Tuesday through Thursday from 9 a.m. to 5 p.m.

(b.) Citizen Comments.

None.

Hearing Officer Jacobs

- Planning & Zoning Case # 10-01 will be referred to the Town Council for a hearing on Thursday, February 4, 2010 at 7 p.m.
- Mr. Ward, you should complete as much as possible before the next hearing.
- I appreciate that the property owner is working with the tenant on the Town's concerns. I also thank the Marshal for his assistance in this matter.

Adjournment of Planning & Zoning Hearing by Zoning Officer.
 Hearing Officer Jacobs adjourned the Hearing at 10:42 a.m.


 Ray Jacobs, Hearing Officer

Attest:


 Letty Goldberg, Town Clerk