



MINUTES OF WORK SESSION OF THE COMMON COUNCIL OF YOUNGTOWN, AZ

THURSDAY, October 7, 2010, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. **Call to Order** Mayor Michael LeVault called the meeting to order at 7:08 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, Police Chief Terry McDonald, Public Works Manager Mark Hannah, Code Compliance Coordinator Lora Isaacs, and Deputy Town Clerk Diane Cordova.
3. **Business**
 - A. Discussion Re: HB 2246-Consumer Fireworks effective December 2, 2010 and establishment of areas to allow use with parental supervision. (MCDONALD)
Chief McDonald
 - Sun City Fire Marshal, Ken Rice and I have discussed this matter and I will rely on his expertise.Ken Rice
 - The sale of consumer fireworks will become effective on December 2, 2010. Presently Arizona is one out of four states that does not allow the sale of fireworks. It is expected that fireworks use will begin shortly after its first sale. It is illegal to try to prohibit the sale of fireworks. Tent sales are allowable under the House Bill 2246. It is geared for non-profits where no business license will be required. For-profit tent sales will require a business license and permit. The Town cannot stop the selling of fireworks, however, the Town can establish designated areas and times of use. Persons sixteen and older will be allowed to purchase fireworks. A retail establishment like Wal-Mart can sell fireworks seasonally.
 - There are cities that want to ban the complete use of fireworks. Fireworks that are designed or intended to rise into the air and explode or to detonate in the air are not legal in Arizona. Explosion or shooting into the air is considered illegal.
 - The Town's options would be to ban fireworks or establish areas for use or wait until legislature bans fireworks statewide.
 - If fireworks are confiscated, where would we store them?Mayor LeVault
 - No Aerial devices are allowed. I don't agree with the Legislature on regulating the use of fireworks. It will fall on the Chief's shoulders to enforce with the Town's limited resources. What are the other municipalities concerns? Town may be well served to wait and see what the Legislature will do. Then we can bring it back for action.Councilmember Johnson
 - The ones that don't explode like sparklers are allowed, however, that can be a fire hazard. Chief what are your concerns?Chief McDonald
 - We are not sure what problems will arise. We will address if it becomes a problem. If we legislate it now, we could have to change it later. Sales cannot be stopped; however, we can regulate conduct. Let us have a wait and see attitude. Our officers have leverage with our existing Town ordinance.Councilmember Chittenden
 - This is a statewide concern. We can regulate the use and designate an area. I went on a ride-along last New Year's and we had two calls for fireworks. Will a permit be required for a tent sale?

Councilmember Mello

- Sparklers are okay. I've never heard about fireworks setting a fire. We can designate a safe area; Maricopa Lake, a green area, a park. Let us wait and see if the Legislature will ban fireworks.

Councilmember MacKay

- I would like to see them banned and not sold at all. I support having a supervised area, neither in backyards nor front yards. A house fire is very scary.

Town Attorney Swann

- The Town does have a noise ordinance.

B. Discussion Re: Restrictions for on-street and/or off-street parking of oversized vehicles in Commercial and Residential Districts. (ISAACS/MCDONALD)

Code Enforcement Coordinator Isaac

- It is Staff's request for Council to provide feedback on commercial vehicle parking restrictions. When a commercial vehicle with a gross vehicle weight rating (GVWR) of more than 10,000 pounds is parked in a residential area and moved, it becomes a safety issue to adults, children, and other property, due to the heightened level of the vehicle causing limited view. Town Code prohibits the parking of recreational vehicles, yet nothing is stated about the parking of large commercial vehicles. This proposed revision will place restrictions on commercial vehicles. We have found that commercial vehicle parking is regulated by using either gross vehicle weight rating (GVWR) or chassis maximum. I've included pictures of GVWR of 6,800; 10,000; 12,000; 14,200; 14,500; 15,400; 18,000; 26,000 and 80,000. In residential areas commercial vehicles will be in violation.

Mayor LeVault

- Is it either GVWR or chassis weight rating? The Homeowners Association in Agua Fria Ranch had to stop a resident from opening their garage and parking the back tail of their commercial vehicle because the driveway wasn't long enough. In the older part of Town, we have alleys and vehicles can be parked in the backyard, not so in the Agua Fria Ranch development.

Councilmember Mello

- For commercial vehicles the chassis weight is included in the GVWR. For delivery vans and the bigger rigs the chassis alone will cause the weight to be over the limit. Pulling a fifth wheel, the chassis and GVWR will make it illegal.

Chief McDonald

- I want to thank Lora for the great illustrations provided. The GVWR is cut and dried. This takes police officers from weighing vehicles. Best evidence in court would be registration of vehicle.

Councilmember Johnson

- On Connecticut Avenue there is a 24-hour service commercial truck, large one 14,000 GVWR. What happens if this service vehicle is a person's job?

Code Coordinator Isaacs

- Other municipalities and utility companies have experienced this. The driver would have to find another place to park, such as a storage facility. We will research alternatives for parking.

Mayor LeVault

- The business, Another Garage, down on Peoria Avenue has space for vehicles to park. Our next step is a public hearing before any action is taken. Council to bring back for consideration after we get input from public.

Councilmember MacKay

- A satellite truck was not allowed in Agua Fria Ranch. Thanks for bringing this issue back.

Attorney Swann

- We recommend a public hearing on parking restrictions for street and property zoning. A citizen review hearing, followed by a zoning hearing, then back to council for final consideration.

Councilmember Chittenden

- The alternative parking for Agua Fria Ranch would be Another Garage. On 113th and Wisconsin there is a landscaper with a truck and trailer, what would be the weight?

Councilmember Oglesby

- A big cab going over the sidewalk will break our sidewalks. There has been a recreational vehicle parked at the end of my street for over a month.

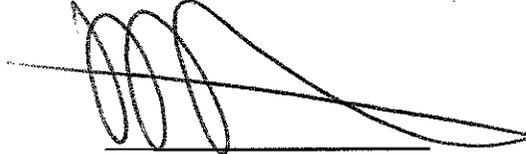
Regular Council Meeting: Thursday, October 7, 2010 immediately following Work Session.

Adjournment.

Motion to adjourn – Councilmember Mello

Second – Councilmember Oglesby

Meeting adjourned at 8:00 p.m.



Michael LeVault, Mayor

Attest:



Diane Cordova, Deputy Town Clerk

Minutes approved at the October 21, 2010 Regular Meeting.