



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

THURSDAY, November 18, 2010, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. Call to Order: Mayor Michael 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, Police Chief Terry McDonald, Town Engineer Grant Anderson, and Deputy Town Clerk Diane Cordova.
3. Pledge of Allegiance and Invocation Pledge led by Councilmember MacKay. Invocation offered by Chaplain Charles Ring.
4. Communications:
 - A. Communications from Council
 - Mayor LeVault
 - The Sun City Taxpayer's Association commissioned by Arizona American Water has a rebate program for those who live in condominiums. Program is for single family low income and runs from Nov. 2010 through May 2011. Many units are on a single water meter. It's about a \$4.00 rebate per month.
 - This past Saturday morning, we had a mini Town Hall meeting at Bob Gauchat's home. About twenty residents were present. It started at 9:30 am and went well into noon time. Anything and everything was open for discussion. Anyone interested in holding one in their home please let me know.
 - Attended a MAG (Maricopa Association of Governments) Economic Development meeting. There was good representation from the entire valley, about twenty plus Mayors from other communities, business owners, ADOT (Arizona Department of Transportation), representatives. Everyone is looking at it globally. It was all about roads before, now it's about being better prepared for economic development.
 - Has anyone seen this map? (Mayor displayed MAG map reflecting foreclosures in metro-Phoenix.) The red dots on the map represent foreclosures and most of them are in the West Valley. It was recorded in September 2010 that 59,449 properties are in foreclosure.
 - Our sales tax figure is up three percent.
 - Last Sunday night, there was a tagging (graffiti) incident. It started from the QT (QuikTrip) on Olive and went throughout the Agua Fria subdivision and up to my house. Tagging (graffiti) is a magnet, call 911 and report it.
 - Councilmember Oglesby
 - For Rural Metro I pay in advance for ambulance service, \$50 a month ^{2 YEAR} and Medicare pays \$100.
 - A woman came to my door asking for a sample of our water. A man then returned at night selling water softeners.
 - My neighbor lives in her van in her backyard. Three or four weeks ago at about midnight, someone broke her van window and stole a gun that she had on the front seat.
 - Councilmember Mello
 - My son, Zack, left for Greenland.
 - Councilmember Chittenden
 - Attended the grand opening of the Aurora Village housing complex in Guadalupe.

Same builders that came to council several months ago regarding building one here in Youngtown. If this was built here in Youngtown, it would be impressive. I was impressed with the location, its layout; three stories on less than two acres. Rooms are a nice size. They do have an exercise room but no pool and no pets are allowed. It is subsidized for low income.

Councilmember Johnson

- I will be out next week beginning on Wednesday, for a couple of weeks, having knee surgery.

B. Communications from Staff

Town Manager's Report

Town Manager Robinson

- Calendar of event for the month of November 2010 and December 2010; November 23, 2010 Citizen Review on Ordinance 10-05 Tractor Parking and Ordinance 10-08 Sign Regulation; November 30, 2010 Public Hearing on the same ordinances #10-05 and #10-08; Administrative Offices will be closed Nov. 25 & 26, 2010 for the Thanksgiving Holiday; Saturday, Dec. 11, 2010, 5-7 pm is our Winter Holiday Event; Village Reporter deadline is Nov. 29, 2010 and Dec. 27, 2010.
- Councilmembers need to give an RSVP on the Rural Metro 60th Legacy Celebration located at 9221 E. Via De Ventra, Scottsdale.
- Karen Wellert, Adultcare Assistance Homecare, has provide two holiday food drive boxes, one in Town Hall and one at the Library. It's an opportunity to give. Also, there is a flyer on the back table to purchase a turkey by the pound to donate to the turkey drive.
- Code Enforcement has found that notices are being placed on vacant homes. The Police Department and Code Compliance are looking into it. There is concern there might be a group casing vacant houses to burglarize.

Mayor LeVault

- This might be activity by some realtors regarding the vacant property.

Chief McDonald

- Police Department Sergeant Dave Evans responded to a call at 115th and Duran. A mental issue, yelling and cursing, a man about 260 pounds, subject had just lost his job, and his mother recently passed away. Subject was carrying a baseball bat out in the middle of the street. Citizens came out with guns. Sergeant Evans maintained and did an excellent job keeping the subject calm and keeping crowd control while he waited for backup. Officer Hennessy came on duty and was at the scene without uniform. The subject was hit with a Taser. It was a tough situation. Our officers did an excellent job.
- A young child, two years old, was severely burned by coffee. Grandparents did not seek medical attention. Child Protective Services got involved. After intensive follow up, we found narcotics. The appropriate people will be charged.
- I met with Steve Campbell, Assistant Chief of Police, City of El Mirage, regarding the tagging (graffiti) problem. When taggers are caught, there is a decline on graffiti.

Hank Oleson, Assistant Chief Sun City Fire Department

- Attending tonight with me are Sun City Fire Department Board Members Walter Link and Tom Stroozas.
- We had 73 emergency response calls for the month of October, along with other calls for a total of 87. We had 63 inspections completed for the town with only six violations.
- I want to thank the town for allowing Sun City Fire Department to conduct our fire demonstration on Fire Safety Week. We do have it on video and we will give a copy to the town.

Grant Anderson, Town Engineer

- Update on Public Works; The pump and compressor at Maricopa Lake are fixed. We will wait about two weeks to clean lake and make the lake livable again for the fish. Your Staff has been busy with street sweeping and maintaining the facilities.
- The Peoria Avenue realignment project contract and environmental review contract will

be on the council agenda for Dec. 16th, 2010 along with the IGA (Intergovernmental Agreement) and ADOT (Arizona Department of Transportation).

- The CDBG (Community Development Block Grant) Application will be on council agenda for Dec. 2nd, 2010 for approval of Phase II of the fire flow. It is due to the CDAC by Dec. 17th, 2010.
- EECBG (Energy Efficiency Block Grant) installation of energy devices of new light fixtures and windows will start on Dec. 6th, 2010.

5. Consent

A. Approval of Minutes: Minutes of November 4, 2010 Regular Meeting

Motion to approve – Vice Mayor Duran

Second – Councilmember Oglesby

Motion passed unanimously on a voice vote.

6. Business

A. Discussion and/or Action Re: Approval of Ordinance 10-18 amending Town Code Title 5 Business Licenses and Regulations by amending Chapter 5.18 Massage Establishments, Section 5.18.010 Definitions, to include a definition of “Recklessly,” and amending Section 5.18.030 Licensing of Massage Establishments required, to render it unlawful to knowingly or recklessly employ as a Massage Practitioner any person who does not hold a valid Massage Practitioner License. (Swann)

Swann, Town Attorney

- Currently town code prohibits somebody from knowingly employing an unlicensed massage therapist. With this ordinance, the intent instead of “knowingly” would be replaced with “Recklessly.” One would not have to prove someone was unlicensed, one can prove that they acted so “recklessly.” It’s a tool to make law officers and code enforcement jobs easier and to hold people accountable.

Mayor LeVault,

- This is a housekeeping item. On a past situation we got burned for not having such a definition.

Motion to approve Ordinance 10-18 amending Town Code Title 5 Business License and Regulations by amending Chapter 5.18 Massage Establishments, Section 5.18.010 Definitions, to include a definition of “Recklessly,” and amending Section 5.18.030 Licensing of Massage Establishments required, to render it unlawful to knowingly or recklessly employ as a Massage Practitioner any person who does not hold a valid Massage Practitioner License.

Councilmember Johnson

Second – Councilmember Mello

Motion passed unanimously on a voice vote.

B. Discussion and/or Action Re: Approval of Ordinance 10-19 amending Town Code Title 5 Business Licenses and Regulations by amending Chapter 5.12 Peddlers and Solicitors to amend Section 5.12.020 Application for Licenses; Chapter 5.17 Sexually Oriented Businesses to amend Section 5.17.050 Application for Sexually Oriented Business License, and Section 5.17.070 Application for Sexually Oriented Business Employee License; Chapter 5.18 Massage Establishments to amend Section 5.18.050 Massage Establishment License Application-Contents-Separate License, and Section 5.18.070 Manager Permit Application-Contents; Chapter 5.19 Tattoo and/or Body Piercing Establishments to amend Section 5.19.050 Application for Tattoo and/or Body Piercing Establishment License, and Section 5.19.070 Application for Tattoo and/or Body Piercing Establishment Employee License, to eliminate the requirement that an applicant obtain a fingerprint clearance card from the Arizona Department of Public Safety and substitute that such card may be obtained from an authorized agency or law enforcement agency. (Swann)

Swann, Town Attorney

- The Town Code section on Peddlers, Sexually Oriented Businesses, Massage and Tattoo Establishments are Public Health and Safety Establishments. Laws were

written that Arizona Department of Public Safety was responsible for processing fingerprint clearance cards for the purpose of conducting a background check for civil or criminal offenses. D.P.S. (Department of Public Safety) is no longer issuing fingerprint clearance cards, so this ordinance proposes removing D.P.S. and allowing any authorized law enforcement agency to issue fingerprint cards.

Mayor LeVault

- D.P.S is no longer fingerprinting for anyone? Has it become a budgetary situation on their part?

Swann, Town Attorney

- Possible concerns of liability. Other law enforcement agencies, Peoria Police and also the Sherriff Department fingerprints for lawyers and educators.

McDonald, Chief of Police

- I believe any law enforcement can fingerprint, the questions is whether they will? We send ours to D.P.S. for criminal justice purposes. Taking the fingerprints is the easy part; not having a terminal to do the criminal investigations is the hard part. Youngtown Police does not have a terminal.

Councilmember Johnson

- In the Health Care Industry, it is a must to have fingerprints. Do those establishments know where to send their fingerprint cards? Does the Sheriff Department do fingerprinting?

Councilmember Chittenden

- Will our Police Department continue to charge for fingerprinting?

Motion to approve Approval of Ordinance 10-19 amending Town Code Title 5 Business Licenses and Regulations by amending Chapter 5.12 Peddlers and Solicitors to amend Section 5.12.020 Application for Licenses; Chapter 5.17 Sexually Oriented Businesses to amend Section 5.17.050 Application for Sexually Oriented Business License, and Section 5.17.070 Application for Sexually Oriented Business Employee License; Chapter 5.18 Massage Establishments to amend Section 5.18.050 Massage Establishment License Application-Contents-Separate License, and Section 5.18.070 Manager Permit Application-Contents; Chapter 5.19 Tattoo and/or Body Piercing Establishments to amend Section 5.19.050 Application for Tattoo and/or Body Piercing Establishment License, and Section 5.19.070 Application for Tattoo and/or Body Piercing Establishment Employee License, to eliminate the requirement that an applicant obtain a fingerprint clearance card from the Arizona Department of Public Safety and substitute that such card may be obtained from an authorized agency or law enforcement agency.

Vice Mayor Duran

Second – Councilmember Oglesby

Motion passed unanimously on a roll call vote.

C. Discussion and/or Action Re: Member additions and/or deletions to Nov. 4, 2010 Council Approved Committee, "Youngtown Visionaries". (Mayor LeVault)

Mayor LeVault

- Our first meeting is scheduled for Monday, Nov. 29th, 2010 at 7:00 pm here in the council chambers. I like to add to the list for approval; Pastor Joe Oswald, Compass Bible Church, Jeanne Blackman, APS, and Jesse Ramirez, Director of Valley View Food Bank.

Councilmember Mello

- How about Jamie Boyett?

Mayor LeVault

- I called her and left a message, however, if she decides to run for a council seat she cannot be part of the committee. I've yet to receive a return call from Lora Rice, Kopyy's Body Shop and Marilyn Page, Best Western.
- What we are looking for is a think tank to look for unique opportunities on how to make our town sustainable. Many times we have to think outside of the box.

However, we have to build the box first and then put ourselves outside of the box. I believe many great opportunities and ideas will come out of this group.

Motion to approve Discussion and/or Action Re: Member additions and/or deletions to Nov. 4, 2010 Council Approved Committee, "Youngtown Visionaries". Councilmember Chittenden 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:

Paul Carniglia, Asst. District Commissioner Boy Scouts of America,

- We would like to start a Boy Scout Troop for boys here in Youngtown. I do live here in Youngtown. We are looking for five volunteer adults to assist us and also seeking sponsorship, perhaps the Youngtown Police Department and/or Youngtown Council to be the Charter Representative. Like to introduce Dr. Joseph Curtis Kovacs, District Advancement Placement, Boy Scouts of America.

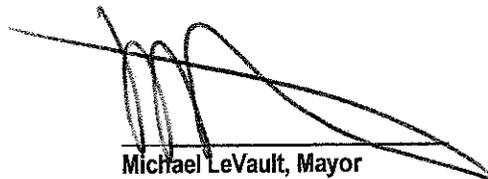
Dr. Kovacs

- The structure of the Boy Scouts is a civic organization, be a church group, a group of citizens that sponsor the organization and provide administrative support like a meeting place and provide some structure. It does not require any funding. We have the boys and their parents raise their own funds.
- Boy Scouts teaches character and outdoor skills. The underlying message is leadership skills.

Announcement of next Work Session and Regular Meeting: Thursday, December 2nd, 2010, at 7:00 p.m.

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 December 2, 2010 Regular Meeting.