



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

THURSDAY, September 15, 2011, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. Call to Order Mayor Michael LeVault called the meeting to order at 6:10 p.m.
2. Roll Call Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Oglesby-Gustafson, Susan MacKay, and Judy Johnson.
Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Special Attorney Fred Rosenfeld, Police Chief Terry McDonald, Public Works Manager Jim Fox, Town Engineer Grant Anderson, Finance Officer Jackie Hoffman, Programs Projects and Grants Manager Mark Hannah, Judge Lex Anderson, Court Administrator Diana Kutcher, Library Manager Heidi Speed, Deputy Town Clerk Diane Cordova, and Town Clerk/Treasurer Letty Goldberg.
3. Pledge of Allegiance and Invocation Pledge led by Vice Mayor Duran. Invocation offered by Vice Mayor Duran.
4. Communications:
 - A. Communications from Council
 - Councilmember Mello
 - I would like to give a presentation about sessions I attended at the Annual Arizona League of Cities Conference at the next meeting. I learned that libraries are vital to a Town's sense of community. We are missing opportunities.
 - I attended a CDAC (Community Development Advisory Committee) meeting and I am pleased to report that there is no change in the grants to be awarded. We are waiting for Release of Funds so we can start the bidding process.
 - Councilmember Chittenden
 - I also would like to give a report at the next meeting regarding sessions I attended at the Annual League Conference.
 - The Dog Park group will meet Saturday, September 17, 2011 at 9 a.m. at the United Methodist Church. The group will be bringing its dog park plan to Council for approval at the October 20, 2011 meeting.
 - Councilmember Johnson
 - The Community Garden group will meet at 11 a.m. Saturday, September 17, 2011 at 11 a.m. in the Clubhouse Kitchen area.
 - Mayor LeVault
 - There will be a Mayor's Town Hall Meeting Monday, September 19, at 6 p.m. in the Clubhouse. This is an opportunity to ask anything about anything.
 - B. Communications from Staff
 - Town Manager's Report, Fire Department Report, Police Department Report.
 - Town Manager Robinson
 - Records Management has become a priority focus at Town Hall under coordination of Deputy Town Clerk Diane Cordova.
 - PPG Manager Hannah
 - ADOT- Arizona Department of Transportation will be closing west bound traffic on Grand Avenue and 91 Avenue.
 - Town Clerk Goldberg
 - I'm proud to announce that Deputy Town Clerk Diane Cordova has received certification as a "Certified Elections Official." Congratulations, Diane.
 - Public Works Manager Fox
 - We have finished Phase I and are waiting on a change order that will allow more hydrants to be installed.
 - We now have satellite dishes at the Police Department and the Public Works Facility to allow access to the internet and email at the Public Works Facility.

Judge Anderson

- The Court is in the process of issuing back warrants. This is increasing our jail costs. We are working with the Police Chief to see if we can deliver notice of a warrant and that they will be arrested if they don't come in. Some are unable to pay, and some just won't pay.

Chief McDonald

- The Police Department is rocking along. Sgt. Michael Kessler had a first in 42 years of law enforcement. First he caught a burglar, then he caught a bank robber who had just robbed the Bank of America branch at 107th Avenue and Grand Avenue. The Maricopa County Sheriff's Office reported that bank robber had been in line at the Fry's just before they robbed the Bank of America.

5. Consent Agenda: .

- A. Consideration and Action on Meeting Minutes: Minutes of July 21, 2011 Work Session and Regular Meeting, and August 2, 2011 Special Meeting.
- B. Consideration and Action Re: Approval of Ordinance 11-14 amending Town Municipal Code Title 12 Streets, Sidewalks and Public Places, Chapter 12.08 Parks, by amending Section 12.08.010 Rules for Use of All Parks and Undeveloped and/or Common Areas Owned by Town, Section 12.08.020 Special Rules for Specific Parks and Section 12.08.025 Fees to add definitions and set forth rules for use of the Town's public parks and recreation areas; providing for repeal of conflicting ordinances; providing for severability; and providing for penalties. (HANNAH)

Motion to approve Consent Agenda – Councilmember Johnson

Second – Councilmember Mello

Motion passed unanimously on a voice vote.

6. Business

- A. Public Hearing Re: Re-formation of the North Youngtown Street Lighting Improvement District (NYT SLID). (ROSENFELD/ANDERSON)
Mr. Fred Rosenfeld, Special Counsel
 - At the time this hearing was scheduled, the protest period was still in effect and we did not know the extent of the protests. The hearing is an opportunity for property owners to speak for or against the formation of the District.Elvin Barker, Youngtown resident
 - If the Town can't afford them, then turn them off. It's mathematics.Charlotte Johnson, Youngtown resident
 - I want the street lights left on.The hearing was closed.
- B. Discussion and/or Action Re: Receive affidavits of posting, publication and report on sufficiency of protests against resolution 11-25. If there are one or more objections to the extent of the proposed district the Council will act to set a date for hearing such objections. (ANDERSON/GOLDBERG).
Town Clerk Goldberg
 - Two protests were filed during the protest period. One of the protests was withdrawn in writing before the filing deadline of 5 p.m. Monday, September 12, 2011. An additional protest was received on Tuesday, September 13, 2011 and is not included in the protests.Town Engineer Anderson
 - The District contains 119,000 linear feet. The protest was 100 linear feet, 0.0008% of the District filed protest. Even if the other protest had been included it would have accounted for less than 1% of the District.Mr. Rosenfeld
 - If the protest had been 50% plus 1 inch of the linear feet of the District, it would have tabled the formation of the District by a minimum of six months. There seems to have been an overwhelming ambivalence to the formation of the District. The Intent to form the District required notification. There is an Affidavit of Publication and an Affidavit of Posting. September 12 was the end of the protest period.

Councilmember Chittenden

- Originally I was not in favor of the District's formation. However many people are walking in the evening and where there is more light there is less crime. I changed my mind. I want to keep our residents safe. We all have to pay for the lights. I didn't read or understand the purpose of the SLID. It is for energy to keep the street lights lit.

Councilmember Oglesby-Gustafson

- I'm in favor of keeping the street lights on. It can really get dark out there.

- C. Discussion and/or Action Re: If there were no objections to the extent of the District and the report on protests shows that the owners of a majority of the frontage fronting on streets within the district have not filed protests, introduce, discuss, amend if desired, and act on Resolution 11-26 ordering the work, forming the NYT SLID and declaring an emergency. (ROSENFELD)

Motion to approve Resolution 11-26 ordering the work, forming the NYT SLID and declaring an emergency –

Councilmember MacKay

Second – Vice Mayor Duran

Motion passed unanimously on a roll call vote.

- G. Discussion and/or Action Re: Approval of plan for Community Garden. (HANNAH/COUNCILMEMBER MELLO)
Councilmember Mello

- The Community Garden committee is asking approval from Council to use the land on 114th Drive for a Community Garden project. Initially we discussed raised beds, but are now considering partially-raised beds for the handicapped. We are trying to learn from others and not make the same mistakes in setting up the garden. El Mirage is working on a garden project but they are not as far along as we are. I see this garden as an education opportunity where we can partner with the Library as an educational program for our youth and children. The Buckeye Community Garden has organized as a 501 (c)(3) nonprofit.

PPG Manager Hannah

- The Community Garden will need permission to use Town staff and equipment to set up the garden.

Town Attorney Swann

- I have discussed with Town Manager Robinson and Mr. Hannah that the Town consider re-zoning this land as a park to protect the Town from liability. This does not need to be done prior to Council approving the use of the property.

Mayor LeVault

- The Community Garden and Dog Park committee are groups of citizens. These projects should cost the Town virtually nothing except for equipment usage and manpower.

Councilmember Johnson

- I'm looking forward to volunteering to get donations..

Councilmember Chittenden

- I appreciate what Councilmembers Mello and Johnson, and Town Resident Mike Fehlig have done for these projects. We are learning from other towns about building community.

Motion to approve plan for Community Garden – Councilmember Chittenden

Second – Councilmember MacKay

Motion passed unanimously on a voice vote.

- D. Discussion and /or Action Re: Approval of contract with Interim Public Management, LLC, for Economic Development Consultant, Phase 2, 3 and 4 for a total contract price of \$30,200. For service rendered from September 16, 2011 to December 31, 2011, and giving authority to the Town Manager to execute contract. (ROBINSON)

Town Manager Robinson

- I'd like to introduce Tim Pickering and Gayle Cooper from Interim Public Management, LLC. Tim is a former City Manager in the Midwest and Fountain Hills, Arizona, and Gayle is a certified Economic Development professional. They are on board to assist us with some economic development projects assisting our business community. The first milestone is the design of a brochure to give to participants in the G.A.I.N. event on October 8 about the opportunities for businesses in Youngtown and the development of a database of the available commercial properties in Youngtown. She has met with, Jim Blosl, Dick Meese, and John Romack, the owners of a 6+ acre vacant parcel along Olive Avenue next to QuikTrip..

Ms. Cooper

- “Forever YoungTown” was developed for this brochure targeting participants at the G.A.I.N. event. We would like your comments, but understand that the time is short for completing the brochure in time for the event on October 8.

Mayor LeVault

- This is a first for Youngtown to have an Economic Development consultant given our finite resources. We want to increase the quality of businesses. This came from the Visionaries’ recommendations and is one of the eight or nine projects selected to pursue this year. Much of the Town’s revenue comes from local sales tax. We need to maximize the properties that exist here. “Cheap rent” is not a foundation for a viable commercial district. This is a giant step.

Councilmember Johnson

- This is a beautiful brochure for the G.A.I.N. event, but do we get to vote on it?

Mayor LeVault

- This is not the Town brand; that decision has not been made. Hundreds of nonresidents are expected to attend the race. Some of these people will be entrepreneurial types. We are working with the Surprise Regional Chamber of Commerce to establish a Youngtown Chapter to assist our businesses.

Town Manager Robinson

- We want to draw interest in Youngtown. This brochure and race are a first for us. We need to find new revenue in our commercial areas.

Councilmember MacKay

- Instead of the flags, I’d like to see something unique to Youngtown like the Cactus Garden.

Councilmember Mello

- The Neon color reads “cheap”. Lime green is the equivalent of “fire sale.” I have been a manager of FastSigns for 22 years and have experience with advertisements.

Ms. Cooper

- We need to attract retail business like Las Vegas draws you with “wild” color and lights. Two reasons for “green”. It is a young color and you have families that need to shop. Also going green means thinking ecologically. Green also symbolizes money. It speaks to vibrancy and youth.

Mayor LeVault

- If Councilmembers have other thoughts on this brochure, they should get their comments to Town Manager Robinson by the end of business tomorrow. They can email or telephone their suggestions.

Ms. Cooper

- Part of our Economic Development plan includes the branding of Youngtown, development of a brochure, development of a database of existing businesses and commercial space available, and contacting businesses that may want to relocate here. The Town needs retail and retail is tricky.

Councilmember MacKay

- Economic Development should be our #1 priority.

Mr. Pickering

- By December 31, we will have a great game plan for Economic Development in place. We will be talking to new businesses and we will be looking at retention programs. The focus should be on more new businesses with jobs or more new jobs with existing businesses. The goal is to increase revenue to the Town. We need to guide resources to what businesses need.

Councilmember Oglesby-Gustafson

- I like the brochure.

Motion to approve contract with Interim Public Management, LLC, for Economic Development Consultant, Phase 2, 3 and 4 for a total contract price of \$30,200. For service rendered from September 16, 2011 to December 31, 2011, and giving authority to the Town Manager to execute contract – Councilmember Gustafson

Second – Councilmember MacKay

Motion passed unanimously on a roll call vote.

E. Discussion and Update Re: Status of Town Survey by Theresa Gunn of Gunn Communications, LLC.

Ms. Gunn

- We had a great conversation last Saturday at the Mayor's Town Hall Meeting. We will be sending out "last chance" emails, attending the Pet Spay/Neuter event, and any other events that we are invited to talk about the survey. We've attended the Agua Fria Ranch Homeowners Association meeting and have been invited the United Methodist Church potluck on Friday. We will be going door to door to collect surveys – midweek in the central part of Town and Agua Fria Ranch on the weekend. To date 244 surveys have been returned.
- Residents need to express how to use the Town's resources. It affects your Police Department and how property values are impacted.

Mayor LeVault

- This isn't just about cutting services. Commercial and residential properties will be impacted by the decisions. There are a lot of ways that this affects people.

Councilmember MacKay

- Ms. Gunn, thank you for all your efforts.

Councilmember Mello

- Thank you for the insights you've shared.

Ms. Gunn

- Among the public meeting comments, several residents voiced that they think Youngtown is worth fighting for.

Barbie Bright, Youngtown resident

- I don't think you should be advertising for young people. You should be advertising for seniors.

Town Manager Robinson

- I'd like to introduce our new Library/Museum Manager, Heidi Speed.

F. Public Hearing, Discussion and/or Action Re: Request for recommendation to Arizona State Liquor Board for Liquor License Application Class 12 Liquor Sales (Restaurant) for Judith Ann Guarino, dba Elbows, 12600 N. 111th Avenue. (GOLDBERG)

Tabled to October 6, 2011.

H. Discussion and/or Action Re: Approval of a Change Order to the contract with NFra, Inc. in the amount of \$23,030 for Youngtown Peoria Avenue Realignment Project 10-177 (ARRA-STP-YTN)-(201)/ADOT TRACS No. SS940-03D) and authorizing the Town Manager to execute the change order on behalf of the Town. (HANNAH)

PPG Manager Hannah

- The change order is for NFra, Inc. to redesign the intersection of Peoria Avenue and 115th Avenue to make it more "user friendly". Staff is asking Council to approve the expenditure of \$23,020 to move forward with the design.

Motion to approve a Change Order to the contract with NFra, Inc. in the amount of \$23,030 for Youngtown Peoria Avenue Realignment Project 10-177 (ARRA-STP-YTN)-(201)/ADOT TRACS No. SS940-03D) and authorizing the Town Manager to execute the change order on behalf of the Town – Councilmember Chittenden Second – Councilmember MacKay

Motion passed unanimously on a voice vote.

I. Discussion and/or Approval Re: Adoption of Resolution 11-24 Declaring as a public record that certain document entitled "The 2010-2011 Amendments to the Tax Code of the Town of Youngtown" (GOLDBERG).

Town Clerk Goldberg

- The Model City Tax Code Commission meets each year and makes recommendations on necessary amendments to the Model City Tax Code (MCTC). Some of the changes are to keep the code current with legislative changes. Some of the changes in the "2010-2011 Amendments to the Tax Code" include change the definition of Medical Marijuana so that it can not be defined as Food and it is taxable under the MCTC. Other changes affect sunset dates in several areas that are retroactive in implementation.

- The first step in the process is to declare "The 2010-2011 Amendments to the Tax Code of the Town of Youngtown" as a public record.

Motion to approve adoption of Resolution 11-24 Declaring as a public record that certain document entitled "The 2010-2011 Amendments to the Tax Code of the Town of Youngtown" – Councilmember Johnson

Second – Vice Mayor Duran

Motion passed unanimously on a voice vote.

- J. Discussion and/or Approval Re: Approval of Ordinance 11-12 adopting "The 2010-2011 Amendments to the Tax Code of the Town of Youngtown" by reference; establishing an effective date; providing for severability and penalties. (GOLDBERG).

Town Clerk Goldberg

- The second step in the process is for Council to approve Ordinance 11-12 adopting "The 2010-2011 Amendments to the Tax Code of the Town of Youngtown" by reference.

Motion to approve Ordinance 11-12 adopting "The 2010-2011 Amendments to the Tax Code of the Town of Youngtown" by reference; establishing an effective date; providing for severability and penalties – Vice Mayor Duran

Second – Councilmember Mello

Motion passed unanimously on a voice vote.

- K. Discussion and/or Action Re: Approval of Ordinance 11-13 amending Municipal Code Title 3 Revenue and Finance Section 3.08.010 deleting reference to 2007 Tax Code Amendments; providing for severability and penalties. (GOLDBERG)

Town Clerk Goldberg

- When the Model City Tax Code was amended in 2007 the ordinance included language that described the changes in the Youngtown Municipal Code. It has determined that this language is unnecessary in the Municipal Code. Staff is asking Council to approve this Ordinance removing the 2007 tax change detail from the Municipal Code. The Town Clerk is charged by statute and resolution with keeping three copies of the Municipal Tax Code for the Town of Youngtown on file at Town Hall.

Motion to approve Ordinance 11-13 amending Municipal Code Title 3 Revenue and Finance Section 3.08.010 deleting reference to 2007 Tax Code Amendments; providing for severability and penalties – Councilmember Mello

Second – Councilmember Gustafson

Motion passed unanimously on a voice vote.

- L. Discussion and/or Action Re: Approval of Resolution 11-28 supporting the Grand Avenue Corridor. (ROBINSON)
Mayor LeVault

- There has been some objection to plans for the Grand Avenue Corridor by some cities along Grand Avenue. Resolution 11-28 takes a multimodal approach to the Grand Avenue Corridor. Phoenix, Glendale, Wickenburg, El Mirage has approved the Resolution. Surprise has it on an upcoming agenda. I am meeting with the Peoria Mayor to encourage their participation. The Northwest Valley Mayors will be contacting the Southwest Valley Mayors to get their Councils to support the Grand Avenue Corridor. This is a West Valley issue and not just a North West Valley issue. Our highways tie the West Valley together.

Motion to approve Resolution 11-28 supporting the Grand Avenue Corridor – Councilmember Chittenden

Second – Vice Mayor Duran

Motion passed unanimously on a voice vote.

7. Call for Executive Session

None needed.

8. Citizens Comments/Apearances from the floor:

Barbie Bright, Youngtown resident

- I don't think the Town should tax marijuana. Youngtown shouldn't allow marijuana here at all.

Mayor LeVault (responding to this criticism)

- The Town has zoned a very small area to allow for medical marijuana dispensaries or cultivation facilities to exist. On advice of our attorney we did this. If the Town were too restrictive, it could have been sued and then they could have located anywhere in town. The voters approved medical marijuana facilities and dispensaries.

Ms. Bright

- The restrooms need to be opened at the park. Children can't use the restrooms because they are locked up. They should be open until park closing, not locked up at 2:30 or 3 p.m. You can fund a dog park but you can't keep the restrooms open. I've hear that the restrooms are locked because children put sand in the toilets, but are you really sure that children did it and not adults.

9. Future Agenda & Meetings:

- A. There may be discussion of whether to place an item on a future agenda and the date, but not the merits of the item.
- B. Announcement of next Regular Meeting: Thursday, October 6, 2011 at 7:00 p.m.

10. Response to Call to the Community

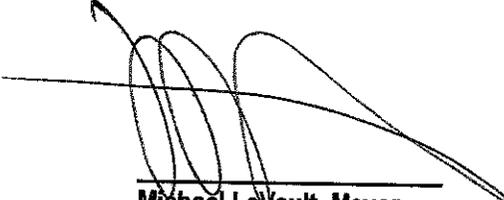
None scheduled.

Adjournment.

Motion to adjourn – Councilmember Mello

Second – Vice Mayor Duran

Meeting adjourned at 8:30 p.m.



Michael LeVault, Mayor

Attest:



Letty Goldberg, Town Clerk

Minutes approved at the October 6, 2011 Regular Meeting.