



MINUTES OF REGULAR MEETING OF THE COMMON COUNCIL OF YOUNGTOWN, AZ
THURSDAY, October 6, 2011, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. Call to Order Mayor LeVault called the meeting to order at 7:31 p.m.
2. Roll Call Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Dorena Mello, Shirley Oglesby-Gustafson, and Susan MacKay.
Council excused: Councilmember Judy Johnson.
Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Police Chief Terry McDonald, Public Works Manager Jim Fox, Programs Projects Grants Manager Mark Hannah, Finance Officer Jackie Hoffman, Library/Museum Manager Heidi Speed, and Town Clerk/Treasurer Letty Goldberg.
3. Pledge of Allegiance and Invocation Pledge led by Pastor Charles Ring. Invocation offered by Pastor Charles Ring.
4. Communications:
 - A. Communications from Council

Mayor LeVault

 - The City of El Mirage will hold a public hearing on annexing property adjacent to the Agua Fria Ranch Subdivision next Thursday evening at 6 p.m. I'm asking citizens who care to show up for the hearing. El Mirage plans to zone the annexed land I3 Mining/Industrial. Salt River Materials Group plans to mine the property when the economy improves. We think this is not appropriate to have a gravel mine operating next to a high-density residential development.
 - The G.A.I.N. event is Saturday beginning with 10K, 5K runs and a 1Kk Fun Run/Walk starting and ending at Town Complex. Fire Department will be conducting a controlled burn. Other public safety agencies will have equipment on display. A lot of things for people to see and do.
 - I'm hosting a Town Hall Meeting Monday, October 10 at 6 p.m. in the Clubhouse for further discussion of the Future of Youngtown.

Councilmember Mello

 - I invite you all to join me in running the 10K on Saturday.

Councilmember Chittenden

 - The Dog Park group will be meeting Saturday, October 15, at 9 a.m. at the United Methodist Church. I've signed up for the 5K run.
 - B. Communications from Staff: Town Manager's Report

Town Manager Robinson

 - We have our financial statement through August. Our revenues are 10.8% to date. We had projected 16.6%. Our expenses were 12.5%. If revenues continue to lag, we will have to cut back on expenditures.

Finance Officer Hoffman

 - Our auditors from Larson Allen were on site last week. We had 4 to 5 auditors here Monday through Wednesday, and one auditor on Thursday and we had Friday off – from auditors, not from work. I believe we are going to have a very good audit. We should have the draft audit report by the end of the month and the final audit report about four weeks after that.

PPG Manager Hannah

 - I've been working on the G.A.I.N. event with the Fire Department from an emergency management standpoint. Jim Fox has been planning the logistics of the event and he and his staff are doing a commendable job for this event. Fire Marshall Ken Rice has been involved in the planning but will miss the event this year. He and his wife will be visiting their daughter at West Point where she is a Cadet.

Chief McDonald

- We've been having a busy time. When I came here one of my goals was to bring up the standards of reporting. The Circle K store had a liquor theft. During the investigation we discovered a "for-profit" ring working as a group. We have also identified a possible "fence" person. We have shared this with other agencies. In visiting the store we observed that the high-priced liquor was at a location that was out of view of the sales counter. It was as if they had a "steal me" sign on them. We have asked store management to reconsider the physical structure of the store and relocate the liquor where the customer does not have direct access to it. Circle K's have been described as crime magnets. I may have to ask support of Council to get more control. We have had some prosecutions and we're getting to know the participants like the "Grey Goose Guzzler".
- We do have an endangered mission adult. He went missing about this time last year. We were able to locate him and give him a ride back to his residence.
- We did make an arrest in a child molestation case this week. It is possible that there are more victims.
- Prince has had three or four successful searches this week. His manners may need some work but his narcotics detection abilities are good. He assisted in a MCSO (Maricopa County Sheriff's Office) and ICE (U.S. Immigration and Customs Enforcement) arrest of a Border Patrol Officer who was already on Administrative Leave while being investigated for a similar offense.
- I attended the final last Planning meeting for the G.A.I.N. event; Officer Sharonda Dean is doing a great job along with Mark Hannah and Ken Rice. Jim Fox is absolutely amazing with his sense what needs to be done. This event will be successful because these people put it together.
- I nominated Sgt. Mike Kessler for an award to be presented by the Elks Club on November 17, 2011 for meritorious service. Sgt. Kessler negotiated with a suicidal man who had pointed his weapon at Sgt. Kessler. Shortly after that Sgt. Kessler arrested a burglar and an armed robber on the same day. The arrest was MCSO's, but Sgt. Kessler held the suspect until the Sheriff's Office could take him into custody.

Public Works Manager Fox

- The Public Works crew has been working hard to prepare for the G.A.I.N. event. They have been sprucing up the parks since we will have a lot of visitors using them. There will be lots of events for kids. We will have a "jumper" in Greer Park and there will be face painting and other activities. The Fire Department, SWAT, and DPS will have live demos. The Run is new to us. We hope to do a good job and learn so we can make next year even better. Three hundred runners have pre-registered. Other runners will be able to register the day of the event at the Ramada in Greer Park. There will also be a car show.

5. Consent:

- A. Approval of Minutes: Minutes of September 15, 2011 Work Session and Regular Meeting.

Motion to approve Consent Agenda – Councilmember Mello
Second – Councilmember Oglesby-Gustafson
Motion passed unanimously on a voice vote.

6. Business

- A. Present "Youngtown Person of the Year 2009" honor to Jim and Arlene Schuh. (ROBINSON)

Mayor LeVault read Proclamation declaring Jim and Arlene Schuh Youngtown Persons of the Year 2009".
Proclamation attached.

- B. Discussion and/or Action Re: Final report of Town Survey results conducted by Theresa Gunn of Gunn Communications, Inc.

Theresa Gunn

- I'd like to give a quick overview of the Survey. If there are no changes to the report it will be uploaded to the Town website so that interested people can read it or download it. An Executive Summary had been made available. We have received a great welcome to your community. Residents made offers of water to our students who were out on the weekend picking up surveys. Seven hundred seventy seven (777) surveys were completed by September 26 and were included in the survey report. Ten surveys have been received since that date. We spoke to about 250 residents. The September 7 edition of the Youngtown Village Reporter contained information on the five options and had a hard copy of the survey. The survey was also posted to the Town website so that residents and business owners could complete it there. We

also spent time at Brenda's Kitchen talking with residents. According to the most recent Census, Youngtown has 4,457 adult residents. Our survey results are plus or minus 4 points at 99%. We applied demographics to the survey and noted that the under 40 age group was under represented and renters were under represented. 59% of the responders live north of Peoria Avenue, 32% live south of Peoria Avenue and 9% live out of Town (property owners or business owners). Sixty-nine percent have lived here less than 10 years and 31% have lived here more than 10 years.

- Reasons for living in Youngtown: Affordable, safe, small town feel, and valued the police force. Of services offered by the Town, readership of the Village Reporter is high. Least used are the ESL (English as Second Language) classes and the Town Museum. Some responders were concerned about cuts to the Police Department.
- Of the future five options least liked was municipal bankruptcy, next was disincorporation. Of de-annexation with annexation to another city the response was Peoria not El Mirage. On property tax option there was equal support for and against the tax. Local control was important to most responders.

Mayor LeVault

- This is great stuff. Lots of usable information. Have you done surveys like this before?

Ms. Gunn

- Our company did a survey for Avondale for a neighborhood shuttle service. It just started service with a high volume of users. We've also worked on Flagstaff's bond elections. It is important to communicate with constituents.

Vice Mayor Duran

- We appreciate the work you did on this survey.

Councilmember Chittenden

- Members of the United Methodist Church were pleased that you visited them. Excellent job.

Mayor LeVault

- Ms. Gunn, are you confident with the sample?

Ms. Gunn

- From a market research perspective they would say we over-sampled. But market research would take a random sample of residents to participate in the survey. Some things were considered frivolous by the responders. In particular the Dog Park. The public needs to understand the costs and how things will be paid for. I would recommend you pull a group of citizens together if you want specific comments. Youngtown is still having growing pains transitioning from age-restricted to families.

Mayor LeVault

- We need some cross-mentoring. We need to be pulling both parts of Town together.

Councilmember Mello

- We have discussed an Adopt a Grandparent program.

Councilmember Chittenden

- Look at all that Jim and Arlene Schuh have done for this community. They are involved. With renters, is it that they don't think they'll be here long so they don't want to be involved?

Councilmember MacKay

- In Agua Fria Ranch there is a disconnect.

Mayor LeVault

- I have spoken with Councilmember Johnson about spearheading a Renters Council.

Town Manager Robinson

- A plus from this survey is that we now have email addresses that we can send information to about what is happening in Youngtown. I am amazed at how intense the survey process has been. Theresa and Joe have been everywhere. We have worked with lots of consultants, but it is nice to have a delightful one.

Mayor LeVault

- Local control is why we form a community.

C. Discussion and/or Action Re: Approval of Resolution 11-27, to close LGIP Youngtown Community Outreach Account (HOFFMAN)

Finance Officer Hoffman

- In 2007 this account was created to accept donations to be used to support local youth in participating in sports activities. Two residents donated, but there have been no requests for these funds. We have contacted both of the donors and they have agreed to the closing of the account with the funds to be used for another youth purpose.

Motion to approve Resolution 11-27, to close LGIP Youngtown Community Outreach Account – Vice Mayor Duran
Second – Councilmember Chittenden
Motion passed unanimously on a voice vote.

- D. Discussion and/or Action: Approval of Ordinance 11-15 accepting the corrections to the Zoning Map of Youngtown dated September 19, 2011. (ROBINSON)
Town Manager Robinson

- It is important that the Town's Zoning Map be correct. It was recently discovered that our existing map didn't match reality. In comparing it with the Zoning Map from 2004 it was discovered that some zoning did not get transferred to the new Zoning Map previously adopted. This ordinance is to accept the map with those corrections.

Motion to approve Ordinance 11-15 accepting the corrections to the Zoning Map of Youngtown dated September 19, 2011 – Councilmember Mello
Second – Councilmember Chittenden
Motion passed unanimously on a voice vote.

7. Call for Executive Session
None needed.

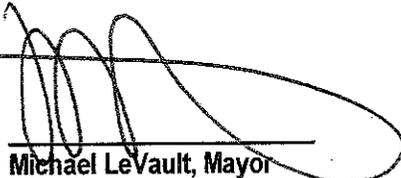
8. Citizens Comments/Appearances from the floor:
No comments.

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 20, 2011 at 7:00 p.m.

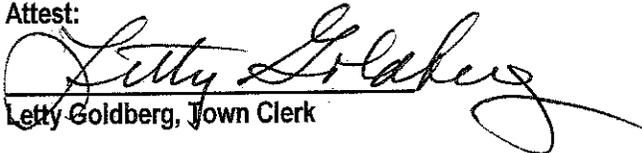
Adjournment

Motion to adjourn – Councilmember Mello
Second – Vice Mayor Duran
Meeting adjourned at 8:40 p.m.



Michael LeVault, Mayor

Attest:



Letty Goldberg, Town Clerk

Minutes approved at the November 3, 2011 Regular Meeting.

RESOLUTION NO. 11-27

A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, MARICOPA COUNTY, ARIZONA REPEALING RESOLUTIONS 07-01 AND 07-02 AND AUTHORIZING THE WITHDRAWAL OF FUNDS FROM THE LOCAL GOVERNMENT INVESTMENT POOL YOUNGTOWN COMMUNITY OUTREACH ACCOUNTS TO BE DEPOSITED IN THE TOWN OF YOUNGTOWN GENERAL FUND; PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS; AND PROVIDING FOR SEVERABILITY.

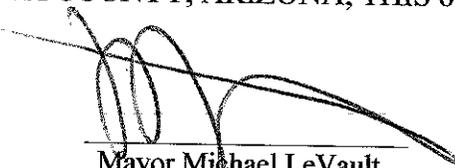
BE IT RESOLVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA:

1. The Town Manager is hereby authorized and directed to withdraw all funds currently on deposit with the Arizona State Treasury in the Local Government Investment Pool (LGIP), in a fund entitled "Youngtown - Community Outreach" and to deposit said funds in the Town of Youngtown, Arizona General Fund;
2. Resolution 07-01 is hereby repealed.
3. Resolution 07-02 is hereby repealed.

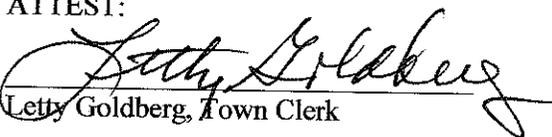
BE IT FURTHER RESOLVED that all resolutions and parts of resolutions in conflict with the provisions of this Resolution No. 11-27 are hereby repealed.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, phrase, or portion of this resolution or any part of this resolutions, is for any reason held to be invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

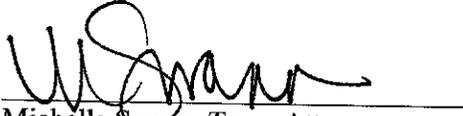
PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, MARICOPA COUNTY, ARIZONA, THIS 6TH DAY OF OCTOBER, 2011.


Mayor Michael LeVault

ATTEST:


Letty Goldberg, Town Clerk

APPROVED AS TO FORM:


Michelle Swann, Town Attorney
Curtis, Goodwin, Sullivan, Udall and Schwab PLC

ORDINANCE NO. 11-15

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF YOUNGTOWN, MARICOPA COUNTY, ARIZONA, AMENDING THE MUNICIPAL CODE TITLE 17 ZONING, CHAPTER 17.16 ZONING DISTRICTS ENUMERATED BY AMENDING SECTION 17.16.020 BOUNDARIES ON DISTRICT MAP TO UPDATE THE DISTRICT MAP TO CONFORM TO REZONING ORDINANCES ADOPTED BY THE TOWN COUNCIL AND TO PROVIDE FOR THE CONTINUOUS UPDATING OF THE DISTRICT MAP AS ZONING CHANGES ARE ADOPTED; BY AMENDING CHAPTERS 17.20 R RURAL DISTRICT, 17.24 R-3 SINGLE-FAMILY DWELLING DISTRICT, 17.32 R-1 MULTIPLE-FAMILY DWELLING DISTRICT, 17.36 C-1 COMMERCIAL DISTRICT AND 17.40 C-2 COMMERCIAL DISTRICT BY DELETING THE MAPS SET FORTH IN SAID CHAPTERS AND REPLACING SAID MAPS WITH THE DISTRICT MAP ADOPTED PURSUANT TO SECTION 17.16.020; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Town of Youngtown Zoning Ordinance is set forth in the Youngtown Town Code, Chapter 17; and

WHEREAS, in Chapter 17.16 Zoning Districts Designated, the Town adopted a District Map that sets forth the zoning districts in the Town, but said District Map has not been updated to conform to the rezoning ordinances that have been adopted by the Town Council; and

WHEREAS, the Town Council desires to update the District Map and delete the outdated maps contained in Chapters 17.20 R Rural District, 17.24 R-3 Single-Family Dwelling District, 17.32 R-1 Multiple-Family Dwelling District, 17.36 C-1 Commercial District and 17.40 C-2 Commercial District; and

WHEREAS, the updated District Map does not change zoning district boundaries or change land use regulations on property located within the Town; and

WHEREAS, that certain document known as the "District Map dated September 19, 2011", three copies of which shall remain on file in the office of the Town Clerk, is hereby declared to be a public record.

NOW THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Common Council of the Town of Youngtown, Arizona as follows:

Section I. In General.

The Town Council of the Town of Youngtown hereby adopts the District Map dated September 19, 2011 as the District Map for the Town, pursuant to Section 17.16.020 of the Youngtown Town Code.

The Town of Youngtown Municipal Code, Title 17 Zoning, is amended by deleting the maps set forth in Chapters 17.20 R Rural District, 17.22 R-43 Rural Residential Dwelling District, 17.24 R-3 Single-Family Dwelling District, 17.28 R-2 Two-Family Dwelling District, 17.32 R-1 Multiple-Family Dwelling District, 17.36 C-1 Commercial District and 17.40 C-2 Commercial District, and replacing said maps with the District Map adopted pursuant to Section 17.16.020.

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 provision of this Ordinance shall be held invalid, its invalidity shall not affect any other provision of this Ordinance that can be given effect without the invalid provisions, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

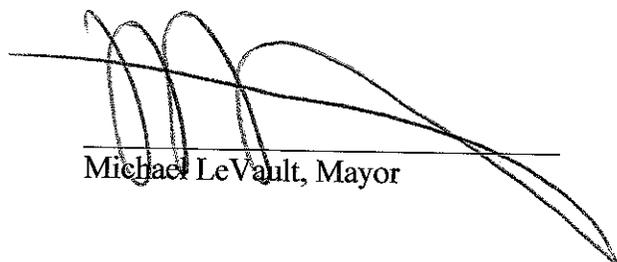
PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 6th day of October, 2011, by the following vote:

AYES: 6

NAYES: 0 ABSENT: —

EXCUSED: 1 ABSTAINED: —

APPROVED this 6th day of October, 2011.

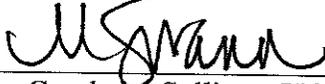


Michael LeVault, Mayor

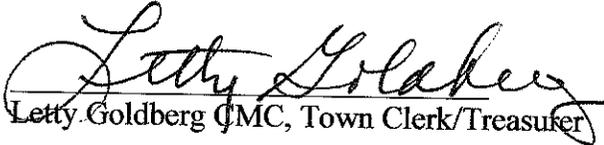
ATTEST:


Letty Goldberg, Town Clerk

APPROVED AS TO FORM:


Curtis, Goodwin, Sullivan, Udall & Schwab, PLC
Town Attorneys
By Michelle Swann

I, LETTY GOLDBERG, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 11-15 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 6TH DAY OF OCTOBER, 2011, WAS POSTED IN THREE PLACES ON THE 7TH DAY OF OCTOBER, 2011.


Letty Goldberg CMC, Town Clerk/Treasurer

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