



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

THURSDAY, November 3, 2011, TOWN CLUBHOUSE, 12033 CLUBHOUSE SQUARE

1. Call to Order Mayor LeVault called the meeting to order at 7:02 p.m.
2. Roll Call Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Susan MacKay, and Judy Johnson. Council excused: Councilmember Dorena Mello and Shirley Oglesby-Gustafson.
Staff present: Town Manager Robinson, Town Attorney Michelle Swann, Police Chief Terry McDonald, Public Works Manager Jim Fox, Program Projects Grants Manager Mark Hannah, and Town Clerk/Treasurer Letty Goldberg.
3. Pledge of Allegiance and Invocation Pledge led by Councilmember Johnson. Invocation offered by Pastor Charles Ring.
4. Communications:
 - A. Communications from Council

Mayor LeVault

 - Town Manager Robinson and I will be meeting with Business Property Owners on Tuesday for lunch. I want to tell them that Youngtown wants to partner with them and make Youngtown commercial areas more viable. We want to attract more businesses.
 - A Special Council Meeting is scheduled for Tuesday, November 8, at 6 p.m. to discuss the results of the Speak Up Survey and where we want to go from here. We are talking about the future of Youngtown. We are talking about the long-term viability and sustainability of the Town.
 - I attend many meetings with other municipalities throughout the valley. I want to thank our Council and Staff for the great work that we do. We want to do the best job we can for the Town. We've seen how some other cities operate. Youngtown would make a good model for other cities to be open and transparent. Here decisions are made in the full light of day. Residents can have as much input as they care to. These are difficult times to be involved in government. We are doing our jobs and trying to do the best we can for the Town.
 - The proceeds from the G.A.I.N. event were approximately \$4,500 which will be donated to the Burn Center.

Councilmember Chittenden

 - I read my copy of the Youngtown Village Reporter today from end to end and I think this may be the best issue we've produced. The coverage of the G.A.I.N. event was great and I really enjoyed the article about Veterans.
 - The Dog Park group is meeting Saturday, November 5, at 9 a.m. at the Youngtown United Methodist Church. Since the Council approved the location for the dog park, our work has really picked up. Vicki Williams, secretary for the Compass Bible Church, has been very helpful to this project. Her husband passed away last Saturday. I ask that you keep Vicki in your prayers.
 - B. Communications from Staff: Town Manager's Report

Town Manager Robinson

 - Youngtown Municipal Judge Lex Anderson authored the article about our Veterans.
 - Council has received the budget schedule for the next Fiscal Year. Please mark your calendars.
 - Economic Development Consultant Gayle Cooper has sent a letter out to Youngtown business owners and has been scheduling appointments to meet with them. The Mayor will be meeting with commercial property owners. Programs, Projects and Grants Manager Mark Hannah has been working on economic development projects. He is working with Ms. Cooper on development of a database that will show square footage and type of business for available commercial properties. We only have the consultant for a short while and we are trying to get a great deal accomplished.

PPG Manager Hannah

 - As you know I retired from the Glendale Police Department. The Glendale Police Department lost an officer in the line of duty earlier last week. I will be attending the service.

- Maricopa County Community Development released the new application forms for Community Development Block Grants (CDBG). I will be working on putting our application together. The environmental work was done for our last project so we won't have to wait for that.
- The statewide emergency management simulation is going well. The West Valley survived a "Flood". Downtown Phoenix is dealing with a simulated nuclear incident. About 8,000 people are involved in the project from local, state and federal agencies.

Public Works Manager Fox

- The Village Reporter has an announcement for the Town Holiday Festival to be held on December 10 at the Town complex. The Public Works Staff looked at the calendar and realized that with a holiday next week, then a week of work followed by another holiday week that after Thanksgiving the time would be very short for getting the Town decorated for the holidays. So staff decided to start installing the decorations now. So as you go about you may see holiday decorations, but they won't be lit until after Thanksgiving.

5. Consent:

- A. **Approval of Minutes:** Minutes of October 6, 2011 Work Session, October 20, 2011 Work Session and Regular Meeting.

Motion to approve Consent Agenda – Councilmember Johnson

Second – Vice Mayor Duran

Motion passed unanimously on a voice vote.

6. Business

- A. **Discussion and/or Action Re:** To accept the Town Audit for Fiscal Year ended June 30, 2011. (ROBINSON)

Town Manager Robinson

- Our Auditor, Sandy Cronstrum of Larson Allen is with us this evening. Ms. Cronstrom has been the Town Auditor for several years.

Ms. Cronstrom

- Your staff and our auditors worked very hard to get the audit completed before October 31 so that we didn't have to file an extension with the Arizona Auditor General. I draw your attention to Page 16 General fund to actual statements. The good thing is that expenditures were under budget. We examine HURF for compliance. There were no issues. The Town does not have sufficient funding (\$500,000 or more) to require a single audit. We look at internal controls to see if there could be some improvements. We do the Town's financial reports and we did make some adjustments for year end.

Mayor LeVault

- When it comes to finances, Town Manager Robinson has been said to be as tight as bark on a tree. She rides heard on Department Heads regarding expenditures.

Town Manager Robinson

- Finance Officer Jackie Hoffman gets all the credit for a successful audit. She sweats over this. She does a lot of work before the auditors on site getting things ready for them. She also responds to the auditors requests when they leave and return to their offices. I applaud this group of auditors. They asked a lot of questions.

Motion to accept the Town Audit for Fiscal Year ended June 30, 2011 – Councilmember Chittenden

Second – Councilmember MacKay

Motion passed unanimously on a voice vote.

- B. **Presentation of Certificates of Appreciation from Police Department to three businesses and one Youngtown resident -Intelligent Imaging Systems, Padgett Business Services, Advantage Funeral and Cremation Services and Ms. Betty Alton. (MCDONALD)**

Chief McDonald

- I like to showcase my department's employees. With me this evening is Management Assistant Linda Nilles. Mrs. Nilles applies for grants for the Police Department and deals with the books and helps me do my job. Also with me this evening is Investigator Robin Rennells. I had met Robin on several occasions over the years, but she didn't remember me. She was Aunt Robin to one of my son's soccer friends and we met professionally at several occasions. She retired from the Mesa Police Department and held a Private Investigator license as did I. Shortly after I became Chief here, Letty forwarded an email to me

from someone who wanted to volunteer with the Youngtown Police Department. That person was Robin Rennells. Robin started out as a volunteer Investigator. She is not a certified officer, but I say certification only allows you to shoot or arrest someone. Then Robin became a part-time employee and then for this year's budget I asked Town Manager Robinson and the Council to make her a full-time investigator. Robin will do the presentations this evening.

Ms. Rennells

- We have developed a Community Heroes List. What is the definition of "Hero"? Someone who does something selfless. Unsung heroes do things behind the scenes. These people need recognition for the things they do. The Town had been experiencing a lot of vandalism in the commercial areas and the Police Department needed help. Code Enforcement was vigilant and noted patterns and suspects. With help of some of our local businesses vandalism has been reduced.
- We would like to recognize Charles Johnson of Intelligent Imaging Systems for his assistance. When we were setting up his equipment, we were confronted by Councilmember Chittenden who wanted to know what we were up to. We used Mr. Johnson's expertise and equipment in reducing graffiti.
- Advantage Funeral and Cremation Services was solicited to help fight vandalism in the Michigan Avenue business district. Bill Fleming was very helpful. We utilized cameras and a theft was brought to closure.
- Kent Bower, owner of Padgett Business Services answered "Yes" when we asked for his help. Even though his business wasn't one that was affected he was willing to help. It was not at all apparent what was going on in the alley in the dark. A sting operation with El Mirage was also helpful.
- Several months ago an older resident was having health issues and her family came to take care of her things. She had a large number of pets – dogs and birds. We contacted different organizations and they were able to find foster homes for all but one of the dogs. A fire fighter was going to take the dog, but the dog snapped at him and he said I can't deal with this. Then we tried a "no-kill" shelter but because the dog had snapped at someone they couldn't take it. Then someone suggested Betty Alton, Manager of Youngtown Home Apartments, active in the community and she likes dogs. She agreed to take the dog. This dog with aggression issues weighs all of six pounds. We want to recognize Betty for her contributions to Youngtown.

C. Public Hearing for Liquor License Application: Class 12 Liquor License (Restaurant) for Judith Ann Guarino dba Elbows, 12006 N. 111th Avenue. (GOLDBERG)
Mayor LeVault

- Liquor License Applicant Judith Ann Guarino is the owner of WOW Café in Sun City.

Town Clerk Goldberg

- Ms. Guarino made application for a Series 12 (Restaurant) Liquor License with the Arizona Liquor Department. This license requires that 40% of the business be in the sale of food. The Liquor Department forwarded the application to the Town for a public hearing and possible recommendation to approve the granting of the liquor license. The application has been posted for the appropriate time period and a hearing will be held this evening. At a Special Meeting on Tuesday, Council will decide to approve or deny a recommendation for this license to the Liquor Board.

Judith Ann Guarino, License Applicant

- I have a copy of my resume for each of the Councilmembers. I am the owner of the WOW Café at Del Webb Boulevard and Bell Road in Sun City. Last week I received a call from the Liquor Board Investigator saying that they were probably going to deny my application and that I should consider withdrawing the application. They have already done a background check and I've told them what my plans are for this business. They tell me I should get a Series 6 license because this has always been bar. My plans for this business is for it to be a nice place to go and have something to eat and listen to live music every night of the week. I don't want an establishment that is alcohol only. I have made arrangements with a shuttle service to drive customers home between 10 and 11 p.m. if they have had a couple of drinks. I'm a music person. I'm trying to get the Liquor Department to see this picture through my eyes. The space needs renovations. I see it as a place to hold weddings and reunions. From 1991 to 1995 I ran a similar business in Surprise that had food, music, drinks and off-track betting. I figure I have three options: 1) withdraw the application – I'm from New Jersey, that is not going to happen, 2) Stick with my Series 12 application. I looked at Series 6 licenses and the cheapest was \$60,000; or 3) Liquor department denies my application and I get an immediate appeal hearing where I can explain what my business is about. I have a Series 12 License now in Sun City.

Town Attorney Swann

- Town Council has the option of making a recommendation to the State Liquor Board.

Councilmember Johnson

- I think this is a great thing to have here. Tivoli's in Sun City has food, drinks and music. It would be a meeting place and lots of people like music. I welcome your business. Your sample menu lists beer and wine. Do you serve cocktails? I like that you are concerned about your clientele and offer them a ride home if needed.

Councilmember MacKay

- It isn't clear from your sample menu, are you open every night?

Ms. Guarino

- We are not a bar. We are a restaurant that allows you to order beer, wine or cocktail. We will be open from 4 p.m. to 11 p.m. We will not be open until 1 or 2 a.m. Eventually we would like to be open from 11 a.m. to 11 p.m. We are closed on Sunday. We will have rides available between 10 and 11 p.m. for those customers who shouldn't be driving. I want to keep my customers. I will be keeping my other restaurant. We will have different kinds of music each night of the week from 7 to 10 p.m.

Mayor LeVault

- I'm glad you are willing to stay the course.

Vice Mayor Duran

- Why can't it work without alcohol?

Ms. Guarino

- For my other restaurant I pay \$2,600 for the license but I don't make it in liquor sales. Half of my customers are on medications and don't drink. If a couple is going out to dinner and the wife wants a glass of wine, they will choose a restaurant where she can have her glass of wine. If four people are going out for sandwiches and one of them wants a beer with his sandwich, they will choose a restaurant to accommodate him. I want my restaurant to be able to be a choice. People don't drink like they used to. I can't make it without customers. Fourteen people who have jobs won't have if I can make the restaurant successful.

Councilmember Johnson

- How did you come up with the name "Elbows"

Ms. Guarino

- I asked my employees for suggestions. Someone suggested "Cranky's". "Elbows" I liked. I went on EBay and bought every (mannequin) elbow I could find.

Town Manager Robinson

- My husband and I have visited the WOW Café and the food is phenomenal. Like Judy says, "What you see is what you get." We've been there several times and the food is consistently good.

Ms. Guarino

- We are somewhere between a community center and assisted living.

1. Open Public Hearing.

Mayor LeVault opened the public hearing.

Betty Alton, Resident Manager, Youngtown Home Apartments

- I don't think that music will be a problem. Kindred Spirits has music on its patio weekend afternoons. Our residents sit on their patios and listen for free. The noise is more disturbing from the Martial Arts establishment.

2. Close Public Hearing.

Mayor LeVault closed the public hearing.

D. Discussion and/or Action Re: Approval of Settlement Agreement with US Energy to pay for the costs of materials and no payment for labor by amending contract USES-YGTN-10 executed September 1, 2010 for payment in full in the amount of \$38,722. (SWANN/ROBINSON)

Town Attorney Swann

- This is an amendment to the contract for energy improvements settling a dispute with the contractor. The Town will be paying for materials only – no labor. There are grant monies remaining which I understand could be used for another energy project.

Motion to approve Settlement Agreement with US Energy to pay for the costs of materials and no payment for labor by amending contract USES-YGTN-10 executed September 1, 2010 for payment in full in the amount of \$38,722 – Councilmember Johnson
Second – Vice Mayor Duran
Motion passed unanimously on a voice vote.

E. Discussion Re: Council's consideration of options for the Town to pursue relating to the results gathered during the Speak Up! Youngtown Survey. (ROBINSON)

Town Manager Robinson

- Tuesday night, November 8, these issues will be discussed in detail. Does Council have any directions for staff? Any materials you are missing? Finance Officer Jackie Hoffman is on vacation but we will gather any detailed financial information that is required.

Councilmember Chittenden

- Residents need to understand that with the option of Annexation, the other municipality has to want us.

Councilmember MacKay

- I'd like to know how our property tax would compare to El Mirage and Peoria.

Mayor LeVault

- I would like to see property tax calculations on a home in El Mirage and one in Peoria, such as Pueblo El Mirage and Sun Cliffs. I think they would be comparable. The question is "Are you willing to give up local control for a couple of "Happy Meals" or a couple of cups of coffee. This meeting is not to put a property tax on the ballot. There are other options. We need to look at all of the pieces. The survey was a huge sampling of our adult population.

7. Call for Executive Session

None needed.

8. Citizens Comments/Apearances from the floor:

None.

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, November 17, 2011 at 7:00 p.m.

Adjournment.

Motion to adjourn – Councilmember MacKay

Second – Vice Mayor Duran

Meeting adjourned at 8:45 p.m.



Michael LeVault, Mayor

Attest:



Letty Goldberg, Town Clerk

Minutes approved at the December 1, 2011 Regular Meeting.