



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

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

1. Call to Order Mayor LeVault called the meeting to order at 7:03 p.m.
2. Roll Call Council present: Mayor Michael LeVault, Vice Mayor Jacob Duran, Councilmembers Margaret Chittenden, Shirley Oglesby-Gustafson, Susan MacKay, and Judy Johnson. Council excused: Councilmember Dorena Mello.
Staff present: Town Manager Lloyce Robinson, Town Attorney Michelle Swann, Public Safety Manager Michael Kessler, Public Works Manager Jim Fox, Programs Projects Grants Manager Mark Hannah, Finance Officer Jackie Hoffman, Library Manager Heidi Speed, 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:
 - Communications from Council
Mayor LeVault
 - On a trip with the Maricopa Association of Governments (MAG), along with other elected officials, I toured the Port of Entry (POE) at Nogales. We got the scoop on the volume of traffic at the POE. Construction will triple the size of the POE. Mexico is Arizona's third largest trade partner after Canada and China. The State is lagging on trade with Mexico. Arizona has part-time rail entry from Mexico while Texas has six rail entries operating 24/7.
 - We've now had two weeks of the Sheriff's Office patrolling Youngtown and the reports have been positive. I haven't received any negative comments. Thirty-seven citations were sent to Youngtown Municipal Court. Some people mistakenly think Youngtown is an open town – not true. You've probably seen the reports that the DOJ (US Department of Justice) has commented on Sheriff Arpaio practices. We did not hire Sheriff Joe; we hired a Sheriff's Department that is well-equipped and well-managed, professional policing organization.
 - Councilmember Chittenden
 - I want to thank Staff and Council for their work on the Holiday Event last Saturday. I helped serve cocoa and cookies.
 - I also want to thank Jackie and Staff for helping me locate the home of a lost dog. Jackie found the Lost Dog information while on a lunch-time errand.
 - Councilmember Johnson
 - I think this year's Holiday event was the best ever during the 14 years I've lived in Youngtown. It was so organized and pleasant to be there.
- B. Communications from Staff: Town Manager's Report, Fire Department Report
Town Manager Robinson
 - Jim Fox and Mac Araiza were busy Saturday morning changing out the water heater in the Clubhouse after Jim discovered Saturday morning that the old water heater had "died". Heidi Speed painted faces and Robin Rennells created caricature sketches even in the dark. The teenagers attending were very well behaved. It was good to see the Sheriff's Deputies supporting this event. Diane Cordova put a lot of effort into coordinating the event.
 - I saw the Transport van for prisoners at the Court earlier today. This is another bonus of the contract with the Sheriff's Office. We would have to schedule an officer to pick up and return a prisoner to jail and it would cost overtime or we wouldn't have an officer on patrol. Public Safety Manager Mike Kessler is not with us this evening. He was in Payson finishing up his certification in Code Enforcement. In Code we have one full-time officer and one part-time. We are going to have to convert the part-time officer to full-time. Manager Kessler as a certified police officer can cite code violators into Court. The transition team is working on inventories. The two investigators are cleaning up, clearing out files so the files can be handed off to the Sheriff's Office along with the property and evidence that goes with them. The part-time

Management Assistant is making an inventory of everything at the Police Department. We will be hiring an appraiser to appraise the Department's armory. Youngtown Police Officers will have the first opportunity to purchase their firearms. We are hoping that the Sheriff's Office will take the two 2010 Police vehicles. This would take about \$100,000 off the costs for the first year. We have not disbanded the Police Department. There is Police Department with Public Safety Liaison and Code Enforcement.

Library Manager Speed

- The Library is now open on Saturdays from 10 a.m. to 1 p.m.

PPG Manager Hannah

- We have received a draft Memorandum of Understanding (MOU) from Maricopa County Community Development for the Fire Flow Phase II project. The Town will receive a \$400,000 grant.

Public Works Manager Fox

- I work with a good group of people. I sent a letter to the Department of Public Safety thanking them for the services of their Explorers. They were very helpful in controlling activities around the snow. The Explorers helped with the G.A.I.N. event in October

5. Consent Agenda:

- A. Consideration and Action on Meeting Minutes:** Minutes of November 18, 2011 Special Meeting, December 1, 2011 Regular Meeting.

Motion to approve Consent Agenda – Councilmember Chittenden

Second – Councilmember Oglesby-Gustafson

Motion passed unanimously on a voice vote.

6. Business

- A. Discussion and/or Action Re:** Approval of strategy to challenge Olive Avenue LLC sand and gravel operation in the Agua Fria River adjacent to Agua Fria Ranch Subdivision. (MANGONE)

Mayor LeVault

- The City of El Mirage has re-filed a blank petition to annex the parcel located next to Agua Fria Ranch in the Agua Fria River owned by the Salt River Pima Maricopa Indian Community Division, Olive Avenue, LLC.

Councilmember Chittenden

- Won't this increase truck traffic? Will they build a road?

Mayor LeVault

- They plan to mine on the east side adjacent to the Agua Fria Ranch Subdivision and truck the material to the crushing plant that is south of Olive Avenue. There is an existing road along the west side. Trucks would come out onto Olive Avenue.

Motion to approve strategy to challenge Olive Avenue LLC sand and gravel operation in the Agua Fria River adjacent to Agua Fria Ranch Subdivision – Councilmember MackKay

Second – Councilmember Johnson

Motion passed unanimously on a voice vote.

- B. Discussion and/or Action Re:** Consent to Assignment of Cable Television License Agreement from CoxCom, LLC to Cox Communications Arizona, LLC. (SWANN)

Town Attorney Swann

- Over the summer Cox was purchased. When we last negotiated the cable service agreement, the agreement included a clause that required a \$5,000 payment to the Town should the agreement need to be assigned. Also when we negotiated the Youngtown agreement, Attorney Anja Wendel had already researched agreements for other municipalities reducing the legal expense to the Town.

Motion to consent to Assignment of Cable Television License Agreement from CoxCom, LLC to Cox Communications Arizona, LLC – Councilmember Johnson

Second – Vice Mayor Duran

Motion passed unanimously on a voice vote.

- C. Discussion and/or Action Re:** Approval of agreement for professional economic development consulting services with Gayle Cooper for \$26,000 ending on June 30, 2012. (ROBINSON)

Town Manager Robinson

- Although the agreement talks about creating a logo or branding for Youngtown, this was for the purpose of Phase 1 – the creating of a brochure for the G.A.I.N. event. I want to assure Council that we would not create a new logo or branding for the Town without first bringing it to Council for approval. Gayle Cooper will be working on the “live/work zoning” that was proposed by the Visionaries Committee. We need to find revenues in other areas. This project will require the review of ordinances. Ms. Cooper will also be working on business retention. Economic Vitality is the shoring up of existing businesses while attracting new businesses. You can’t market without knowing what you have. Ms. Cooper’s first task under the agreement is to development an action plan by December 27, to be presented to Council on January 5.

Mayor LeVault

- This is something Youngtown has not done before. We are looking to keep the Town viable and sustainable.

Councilmember Johnson

- The plan talks about a loan program for landowners to improve their properties and a 50/50 match program for business owners to fix up the façades of their businesses. Would this include landscaping?

Ms. Cooper

- Landscaping is very important to the look of a business. Trees lend shade and cool the environment. The Mayor had a meeting with commercial property owners and we showed them examples of how some buildings would look with some freshening that included landscaping. One business owner indicated that he would like to do something but that money was an issue.

Councilmember Chittenden

- The Face of Youngtown Committee considered this several years ago but didn’t have the leadership to follow through.

Ms. Cooper

- Successful businesses attract more businesses that lead to more tax revenues. The more businesses available, the more people shop. It’s not just competition that puts a Home Depot across from a Lowes. Smart retailers know if the customer doesn’t find what he wants at one place, he’ll try the other. You’ve heard the expression “priming the pump”. When a pump runs dry, you have to find a new source to start from scratch to get the water flowing again. It is a long process. Economic Development people have to be tenacious, patient and willing to want to help the community.

Motion to approve agreement for professional economic development consulting services with Gayle Cooper for \$26,000 ending on June 30, 2012 – Councilmember Oglesby-Gustafson

Second – Vice Mayor Duran

Motion passed unanimously on a voice vote.

D. Discussion and/or Action Re: Adopting Resolution 11-29 modifying existing rules for the use of the Town Clubhouse facilities. (HANNAH/FOX)

PPG Manager Hannah

- The basis of the new rules for the Clubhouse are the same as the ordinance recently adopted by Council for recreational areas/parks. We will be discussing proposed usage fees for the clubhouse and recreational areas at a Work Session on January 19, 2012.

Town Manager Robinson

- Staff’s concern is that fees cover the costs associated with use of the parks and Clubhouse. The Visionaries Committee recommended opening up the use of the Clubhouse to generate more revenues. There is a proposal that clubs that meet before 5 p.m. would not have to pay usage fees.

Kathryn French, Youngtown resident and President of Agua Fria Ranch Homeowners Association

- I was on the Visionaries Committee that made this proposal. I ask that Council keep a very open mind when you consider usage and fees. If you have too many free hours, you won’t recoup the costs. There is no reason not to take advantage of fees for cleanup and setup and utility costs. I don’t want my Town to go away because an organization doesn’t want to pay fees. This is an opportunity to have the groups that use the facility help pay for the costs.

Jim Trolen, Youngtown resident

- I belong to small clubs that meet at 6 or 7 p.m. We can’t afford fees.

**Motion to adopt Resolution 11-29 establishing new rules for the use of the Town Clubhouse facilities –
Councilmember Johnson
Second – Vice Mayor Duran
Motion passed unanimously on a voice vote.**

- E. Discussion and/or Action Re:** Approval of ADA Paratransit Service Agreement Amendment to the IGA Contract No. 200-34-2008, between the Regional Public Transportation Authority (RPTA) and the Town, adding Section 4.7, which provides that the Town agrees to participate in the ADA Platinum Pass program which allows users free use of fixed route bus and light rail services, to be paid up to a maximum reimbursement by the RPTA of \$1,374, through June 30, 2012.

PPG Manager Hannah

- This is related to the next item. The Platinum Pass allows ADA-qualified persons free use of fixed route bus and light rail services. The amendment would extend the program through June 30, 2012. The Town would be reimbursed costs of to \$1,374.

Motion to approve ADA Paratransit Service Agreement Amendment to the IGA Contract No. 200-34-2008, between the Regional Public Transportation Authority (RPTA) and the Town, adding Section 4.7, which provides that the Town agrees to participate in the ADA Platinum Pass program which allows users free use of fixed route bus and light rail services, to be paid up to a maximum reimbursement by the RPTA of \$1,374, through June 30, 2012 –

Councilmember Chittenden

Second – Vice Mayor Duran

Motion passed unanimously on a voice vote.

- F. Discussion and/or Action Re:** Approval of Intergovernmental Agreement (IGA) No. 200-48-2012, an amendment to the IGA No. 200-48-2010, between the Regional Public Transportation Authority (RPTA) and the Town, whereby the RPTA will provide On-Demand Shared-Ride services to ADA-qualified town residents, in an amount not to exceed \$7,104 in local funds, through June 30, 2012.

PPG Manager Hannah

- The IGA ending June 30, 2011 called for an automatic renewal for 180 days. This amendment is to continue the agreement through June 30, 2012. LTAf-II monies will be used to fund the program.
- The RPTA will pick up the applicant and take them to their facility at 40th Street and evaluate what transportation services would work best for them and then take them home at no cost to the applicant. They call Valley Metro to make arrangements. We will place this information on the website if it isn't already there. We had information in the Youngtown Village Reporter last June. We can put that information in again.

Motion to approve Intergovernmental Agreement (IGA) No. 200-48-2012, an amendment to the IGA No. 200-48-2010, between the Regional Public Transportation Authority (RPTA) and the Town, whereby the RPTA will provide On-Demand Shared-Ride services to ADA-qualified town residents, in an amount not to exceed \$7,104 in local funds, through June 30, 2012 – Councilmember Oglesby-Gustafson

Second – Vice Mayor Duran

Motion passed unanimously on a voice vote.

- G. Public Hearing, Discussion and/or Action:** Approval of Ordinance 11-16, Case PZ 11-04, an ordinance of the Mayor and Town Council of the Town of Youngtown, Arizona, amending current code Title 17 Zoning, Chapter 17.64 Signs, by amending Section 17.64.070 Specific Sign Regulations, prohibiting the placement of political signs to sixty (60) days prior to the election to which the sign refers and to extend the time requiring the removal of political signs from the public right-of-way to fifteen (15) days following the general election or primary election if the candidate does not advance to the general election. (GOLDBERG)

Mayor LeVault

- This appears to be a housekeeping measure to comply with new state law.
1. Staff Report.
Town Clerk Goldberg
 - This ordinance is to establish time limits for the posting of political signs prior to and after an election on private property. It has been properly noticed, and required hearings have been held.
 2. Zoning Hearing Officer Recommendations.

- Zoning Hearing Officer Ray Jacobs recommends approval as presented (copy attached)
3. Open Public Hearing.
Mayor LeVault opened the public hearing.
 4. Close Public Hearing.
Mayor LeVault closed the public hearing.

Motion to approve Ordinance 11-16, Case PZ 11-04, an ordinance of the Mayor and Town Council of the Town of Youngtown, Arizona, amending current code Title 17 Zoning, Chapter 17.64 Signs, by amending Section 17.64.070 Specific Sign Regulations, prohibiting the placement of political signs to sixty (60) days prior to the election to which the sign refers and to extend the time requiring the removal of political signs from the public right-of-way to fifteen (15) days following the general election or primary election if the candidate does not advance to the general election – Councilmember Chittenden
Second – Vice Mayor Duran
Motion passed unanimously on a voice vote.

- H. **Discussion and/or Action Re:** Approval of Ordinance 11-17, an ordinance of the Mayor and Town Council of the Town of Youngtown, Arizona, amending current code Title 9 Public Peace, Morals and Welfare, Chapter 9.08 Offenses Relating to Property, by adding Section 9.08.090 Signs and Banners, relating to restrictions on the placement of political signs in the public right-of-way. (GOLDBERG)

Town Clerk Goldberg

- This ordinance mirrors the previous ordinance regarding time limits before and after an election and applies to political signs in the public right-of-way. This ordinance will apply the same rules in title 9 Public Streets as the Town has in Title 17.

Town Attorney Swann

- Rather than setting time limits, the Town has the opportunity to prohibit signs in the public right-of-way.

Mayor LeVault

- I don't want to shutdown political speech. We have discussed the time limits and I think they are reasonable.

Motion to approve Ordinance 11-17, an ordinance of the Mayor and Town Council of the Town of Youngtown, Arizona, amending current code Title 9 Public Peace, Morals and Welfare, Chapter 9.08 Offenses Relating to Property, by adding Section 9.08.090 Signs and Banners, relating to restrictions on the placement of political signs in the public right-of-way – Councilmember Johnson
Second – Vice Mayor Duran
Motion passed unanimously on a voice vote.

- I. **Public Hearing, Discussion and/or Action Re:** Approval of Ordinance 11-18, Case PZ 11-05, an ordinance of the Mayor and Town Council of the Town of Youngtown, Arizona, amending current code Title 17 Zoning, Chapter 17.04 General Provisions, Administration and Enforcement, by amending Section 17.04.030 Definitions by adding definition for "Public Safety Facility", Chapter 17.40 C-2 Commercial District by amending Section 17.36.020 Use Regulations to add "Public Safety Facility" as permissible use. (GOLDBERG)

1. Staff Report.

Town Clerk Goldberg

- The Sun City Fire District has purchased the property formerly owned by Willi Ritter for the location of a new fire station. The District asked that "Public Safety Facility" be added as a permitted use in C-2 Commercial District even though they aren't required to follow our zoning code. This ordinance has been legally notices and the appropriate zoning hearings held for public comment.

2. Zoning Hearing Officer Recommendations.

- Hearing Officer Ray Jacobs approved the Ordinance as presented.

3. Open Public Hearing.

Mayor LeVault opened the public hearing.

Dr. French

- As a resident I support this. Ritters in the past few years had some issues. This will be an upscale improvement to our community. This is a positive thing. The District supports us and we should support them back.

4. Close Public Hearing.

Mayor LeVault closed the public hearing.

Councilmember Oglesby-Gustafson

- I think a fire station will be a good thing on that corner.

Motion to approve Ordinance 11-18, Case PZ 11-05, an ordinance of the Mayor and Town Council of the Town of Youngtown, Arizona, amending current code Title 17 Zoning, Chapter 17.04 General Provisions, Administration and Enforcement, by amending Section 17.04.030 Definitions by adding definition for "Public Safety Facility", Chapter 17.40 C-2 Commercial District by amending Section 17.40.020 Use Regulations to add "Public Safety Facility" as permissible use – Councilmember Chittenden
Second – Councilmember Oglesby-Gustafson
Motion passed unanimously on a voice vote.

7. Call for Executive Session

Executive Session: None needed.

8. Citizens Comments/Appearances from the floor:

Geo Gutierrez, Youngtown resident

- If MCSO is writing more tickets where does the money go?

Mayor LeVault

- They are cited into Youngtown Municipal Court.

Joy Lucas, Youngtown resident

- Who is responsible for getting streetlights repaired? There are four in a row out at Cheryl and the Agua Fria Ranch Parkway where children catch the school bus.

Town Clerk Goldberg

- This is a frequent question. Each pole has an ID number. If that number is reported to APS they will have the street light repaired within a couple of days unless there is a major utility emergency in the valley. Then it might take a little longer.

Ms. Lucas

- I can see if it is on private property that the owner would request the repair but what about on arterials?

Town Manager Robinson

- We used to ask our Police Officers on night shifts to note the street lights that needed repair so that they could be reported. I will speak with Lt. Booker to see if the Deputies can do this for us.

Mayor LeVault

- Street lights needing repair can also be reported on line. A link will be added to the Town website for reporting street lights needing repair.

9. Future Agenda & Meetings:

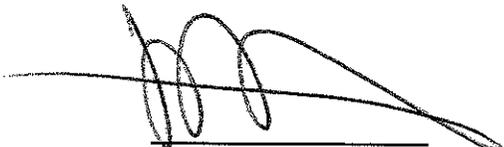
- A. There may be discussion of whether to place an item on a future agenda and the date, but not the merits of the item.
- B. Announcement of next Regular Meeting: Thursday, January 5, 2012 at 7:00 p.m.

Adjournment.

Motion to adjourn – Vice Mayor Duran

Second – Councilmember Oglesby-Gustafson

Meeting adjourned at 8:26 p.m.



Michael LeVault, Mayor

Attest:



Letty Goldberg, Town Clerk

Minutes approved at the January 5, 2012 Regular Meeting.

ORDINANCE NO. 11-16

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE CODE OF YOUNGTOWN, ARIZONA, TITLE 17 ZONING, BY AMENDING CHAPTER 17.64 SIGNS, BY AMENDING SECTION 17.64.070 SPECIFIC SIGN REGULATIONS, PROHIBITING THE PLACEMENT OF POLITICAL SIGNS TO SIXTY (60) DAYS PRIOR TO THE ELECTION TO WHICH THE SIGN REFERS AND TO EXTEND THE TIME REQUIRING THE REMOVAL OF POLITICAL SIGNS FROM THE PUBLIC RIGHT OF WAY TO FIFTEEN DAYS FOLLOWING THE GENERAL ELECTION OR PRIMARY ELECTION IF THE CANDIDATE DOES NOT ADVANCE TO THE GENERAL ELECTION; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY.

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

Section I. In General.

The Youngtown Municipal Code, Title 17 Zoning is hereby amended by amending Chapter 17.64 Signs, to amend Section 17.64.070 Specific Sign Regulations to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

17.64.070 Specific sign regulations.

* * *

F. Political signs

* * *

3. Political signs PLACED IN THE PUBLIC RIGHT-OF-WAY MAY NOT BE POSTED MORE THAN SIXTY (60) DAYS PRIOR TO THE ELECTION TO WHICH THE SIGN REFERS AND SHALL COMPLY WITH STATE LAW. POLITICAL SIGNS PLACED IN THE PUBLIC RIGHT-OF-WAY shall be removed no later than ~~ten (10) days after the election to which they refer~~ FIFTEEN (15) DAYS AFTER THE GENERAL ELECTION, EXCEPT THAT A SIGN FOR A CANDIDATE IN A PRIMARY ELECTION WHO DOES NOT ADVANCE TO THE GENERAL ELECTION SHALL BE REMOVED NO

LATER THAN FIFTEEN (15) DAYS AFTER THE PRIMARY
ELECTION.

* * *

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.

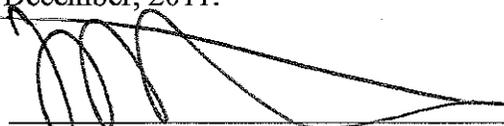
Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 15th day of December, 2011, by the following vote:

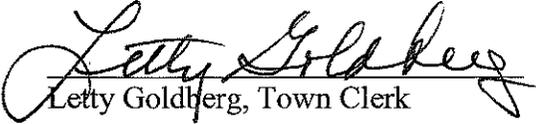
| | | |
|----------|----------|---------------------|
| AYES: | <u>6</u> | |
| NAYES: | <u>0</u> | ABSENT: <u>—</u> |
| EXCUSED: | <u>1</u> | ABSTAINED: <u>—</u> |

APPROVED this 15th day of December, 2011.



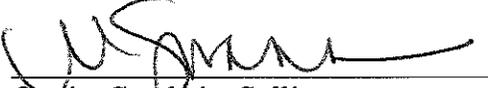
Michael LeVault, Mayor

ATTEST:



Letty Goldberg, Town Clerk

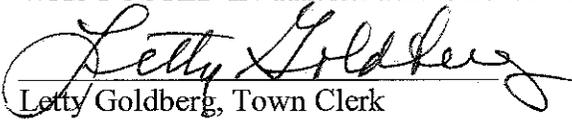
APPROVED AS TO FORM:



Curtis, Goodwin, Sullivan,
Udall & Schwab, P.L.C.

Town Attorneys
By Michelle Swann

I, LETTY GOLDBERG, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 11-16 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 15TH DAY OF DECEMBER, 2011, WAS POSTED IN THREE PLACES ON THE 16TH DAY OF DECEMBER, 2011.


Letty Goldberg, Town Clerk

ORDINANCE NO. 11-17

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE CODE OF YOUNGTOWN, ARIZONA, TITLE 9 PUBLIC PEACE, MORALS AND WELFARE, CHAPTER 9.08 OFFENSES RELATING TO PROPERTY, BY ADDING SECTION 9.08.090 SIGNS AND BANNERS, RELATING TO RESTRICTIONS ON THE PLACEMENT OF POLITICAL SIGNS IN THE PUBLIC RIGHT OF WAY; PROVIDING FOR PENALTIES; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; AND PROVIDING FOR SEVERABILITY

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

Section I. In General.

The Code of Youngtown, Arizona, Title 9 Public Peace, Morals and Welfare, Chapter 9.08 Offenses Relating to Property, is hereby amended by adding Section 9.08.090 Signs and Banners to read as follows (deletions in ~~strikeout~~; additions in ALL CAPS):

9.08.090 Signs and banners.

It is unlawful for any person to place any sign upon any streetlight pole, traffic signal pole or utility pole, street, curb, alley, sidewalk or other public place within the town without first obtaining authorization from the town manager. All signs shall be maintained in good condition, free of peeling paint, loose materials or similar conditions. Political signs shall not be placed on private property without the consent of the property owner. Political signs may be placed in the right-of-way if they do not block visibility to any street or property. Signs located within fifteen (15) feet of back of curb, or edge of pavement if there is no curb, shall be presumed to block visibility. NO POLITICAL SIGNS PLACED IN THE RIGHT-OF-WAY MAY BE POSTED MORE THAN SIXTY (60) DAYS BEFORE THE ELECTION TO WHICH THE SIGN REFERS AND ALL POLITICAL SIGNS SHALL COMPLY WITH STATE LAW. All political signs must be removed within ~~ten (10) days after the date of election~~ FIFTEEN (15) DAYS AFTER THE GENERAL ELECTION, EXCEPT THAT A SIGN FOR A CANDIDATE IN A PRIMARY ELECTION WHO DOES NOT ADVANCE TO THE GENERAL

I, LETTY GOLDBERG, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 11-17 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 15TH DAY OF DECEMBER, 2011, WAS POSTED IN THREE PLACES ON THE 16TH DAY OF DECEMBER, 2011.



Letty Goldberg, Town Clerk

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Title 9 Political Signage 9-26-11.doc

ELECTION SHALL BE REMOVED NO LATER THAN
FIFTEEN (15) DAYS AFTER THE PRIMARY ELECTION.

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.

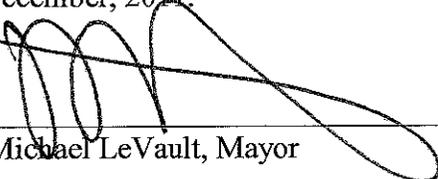
Section III. Providing for Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 15th day of December, 2011, by the following vote:

AYES: 6
NAYES: 0 ABSENT: —
EXCUSED: 1 ABSTAINED: —

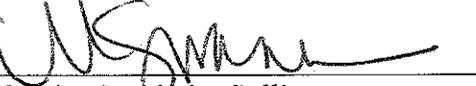
APPROVED this 15th day of December, 2011.


Michael LeVault, Mayor

ATTEST:


Letty Goldberg, Town Clerk

APPROVED AS TO FORM:


Curtis, Goodwin, Sullivan,
Udall & Schwab, P.L.C.
Town Attorneys
By Michelle Swann

ORDINANCE NO. 11-18

AN ORDINANCE OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF YOUNGTOWN, ARIZONA, AMENDING THE CODE OF YOUNGTOWN, ARIZONA, TITLE 17 ZONING, CHAPTER 17.04 GENERAL PROVISIONS, ADMINISTRATION AND ENFORCEMENT BY AMENDING SECTION 17.04.030 DEFINITIONS BY ADDING DEFINITION FOR "PUBLIC SAFETY FACILITY", CHAPTER 17.40 C-2 COMMERCIAL DISTRICT BY AMENDING SECTION 17.40.020 USE REGULATIONS TO ADD "PUBLIC SAFETY FACILITY" AS APERMISSIBLE USE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES

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

Section I. In General.

The Youngtown Municipal Code, Title 17 Zoning is hereby amended by amending Chapter 17.04 General Provisions, Administration and Enforcement, Section 17.04.030 Definitions to add definitions of "Public Safety Facility" to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

17.04.030 Definitions

For the purpose of this title, certain terms and words are defined in this section. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural, the singular and the word "shall" is mandatory and not directory.

* * *

"PUBLIC SAFETY FACILITY," INCLUDES ADMINISTRATIVE OFFICES, FIRE STATION, POLICE STATION, AND AMBULANCE SERVICE.

* * *

The Youngtown Municipal Code, Title 17 Zoning Chapter 17.40 C-2 Commercial District, is hereby amended by amending Section 17.36.020 Use Regulations to read as follows (additions shown in ALL CAPS; deletions shown in ~~strikeout~~):

17.36.020 USE REGULATIONS.

A building or premises in a C-2 commercial district shall be used only for the following purposes:

1. Any use permitted in the C-1 commercial district;
2. Auto car wash, automated or self-service;
3. Bars and nightclubs;
4. Bicycle sales and repair;
5. Catering establishment;
6. Cabinet shop or store, but not more than ten (10) percent of the lot or tract occupied by such establishment shall be used for the open or unenclosed storage of material and equipment;
7. Garage repair shop;
8. Golf practice driving range;
9. Hotel or motel;
10. Key shop;
11. Milk distributing station which does not involve any bottling operation on the premises;
12. Nursery and greenhouse;
13. Plumbing shop;
14. Printing shop;
15. Retail sales and service of spirituous liquors solely for consumption on licensed premises, in connection with an established restaurant, which may contain a cocktail lounge, but the principal business of which is serving food, and having a seating capacity of not less than fifty (50) persons in its dining area exclusive of any cocktail lounge or bar facility. Dancing is allowed in restaurants which conform to above provisions. Drive-in car services are permitted;

16. Sales or show room;
17. Telephone exchange or telegraph office;
18. Tire store sales and services including vulcanizing and involving no manufacturing on the premises;
19. Upholstery shop not involving any furniture manufacturing;
20. Cremation retort;
21. Sexually oriented businesses;
22. Municipal facilities, including administrative offices and equipment storage facilities;
23. Mini-storage facility;
24. Vehicle storage facility, provided that vehicles, trailers and boats are fully screened by a finished masonry or concrete wall not to exceed ten (10) feet in height and xeriscape (drought-tolerant) landscape vegetation.
25. PUBLIC SAFETY FACILITY, INCLUDING ADMINISTRATIVE OFFICES, FIRE STATION, POLICE STATION, AND AMBULANCE SERVICE.

* * *

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 section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section IV. Providing for Penalties.

Any person found guilty of violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500) or by imprisonment for a period not to exceed six (6) months, or both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as herein described.

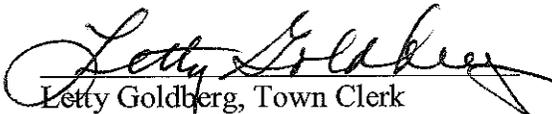
PASSED AND ADOPTED by the Common Council of the Town of Youngtown, Arizona, this 15th day of December, 2011, by the following vote:

AYES: 6
NAYES: 0 ABSENT: —
EXCUSED: 1 ABSTAINED: —

APPROVED this 15th day of December, 2011.


Michael LeVault, Mayor

ATTEST:


Letty Goldberg, Town Clerk

APPROVED AS TO FORM:


Curtis, Goodwin, Sullivan,
Udall & Schwab, P.L.C.
Town Attorneys
By Michelle Swann

I, LETTY GOLDBERG, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 11-18 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF YOUNGTOWN ON THE 15TH DAY OF DECEMBER, 2011, WAS POSTED IN THREE PLACES ON THE 16TH DAY OF DECEMBER, 2011.


Letty Goldberg, Town Clerk