



**MINUTES OF THE REGULAR MEETING
COMMON COUNCIL OF YOUNGTOWN, AZ
12033 N. CLUBHOUSE SQUARE, TOWN COUNCIL CHAMBERS
THURSDAY, JANUARY 17, 2019 – 5:30 P.M.**

1. **Call to Order:** Mayor LeVault called the meeting to order at 5:30 p.m.
2. **Roll Call:** Council present: Mayor Michael LeVault, Vice Mayor Charles Vickers, Council Members Margaret Chittenden, June Miller, Susan Hout and Karen Haney Duncan.

Councilmember Jacob Duran was excused.

Mayor LeVault noted that a quorum is established for transacting business.

Staff present: Town Manager Jeanne Blackman, Town Attorney Trish Stuhan, Town Clerk Mary Reynolds, Library Manager Heidi Speed, and Community Development Coordinator Nicole Smart

3. **Pledge of Allegiance and Invocation:** Councilmember Miller led the Pledge and Councilmember Haney Duncan gave the Invocation.
4. **Summary of Current Events:**
 - A. Summary of Current Events from Mayor and Council.

Mayor LeVault reported that he has had a busy week. The administrative law judge for the Arizona Corporation Commission made a determination this week and will be urging the Water Commission not to proceed with the Epcor Water consolidation. Mayor LeVault testified on Tuesday against the consolidation to avoid a rate increase of 100%.

Mayor LeVault attended the Governor's State of the State address in Phoenix and the Mayor, Councilmembers and staff represented the Town at the West Valley State of the State Luncheon.

Mayor LeVault met with the Glendale Chamber of Commerce, as well as legislators that will be assisting with the process, to work on putting together a West Valley coalition to push forward initiatives that are important to West Valley communities.

Councilmember Chittenden reported that the Community Dog Park committee would be meeting this Saturday at the church beginning at 9:00 a.m.

Councilmember Chittenden also reported on the Community Development Advisory Council meeting this week. The reasons for the increased request for grant funding was explained and staff will continue to speak out for the Town in order to move forward with the process.

- B. Summary of Current Events from Town Manager.

Town Manager Blackman reported on the progress of the Street Light Improvement Project, updates in the Finance Department and Community Development Block Grant Sidewalk Project.

Community Development Manager Arrington reported that the first phase of the sidewalk project is expected to be out to bid in the next few weeks. Staff anticipates bringing a contract forward within the next 30 days.

5. Staff Reports:

- A. Library:** Library Manager Speed reported on the grant the library has received and noted that the backup documents for the grant are available in the Council packets this evening.
- B. Public Works:** Town Manager Blackman reported that the new trucks have been delivered and the stickers and lighting have been installed.
- C. Community Development:** No formal report was given.
- D. Finance:** No formal report was given.
- E. Town Clerk:** No formal report was given.
- F. Municipal Court:** No formal report was given.

6. Response to Call to the Community: No response to Call to the Community.

7. Citizens Comments/Apearances from the Floor:

Betty Trollen addressed the Council regarding the paper product drive that is being held to benefit the safe shelter. The donations can be dropped off with Mrs. Trollen, as well as Town Hall or the Library. Donations made be made through February 5, 2019.

Mike Francis addressed the Council and gave an update on the Youngtown Community Garden. There is a large amount of produce ready to harvest and the potlucks are being held every Saturday evening beginning at 6:00 p.m.

8. Consent

A. Approval of Minutes: Special Meeting minutes of **January 7, 2019**

Motion to approve the consent agenda as presented – Councilmember Chittenden.

Second – Councilmember Haney Duncan.

Motion passed unanimously on a voice vote with all Councilmembers in attendance voting.

9. Business

A. Presentation and/or Discussion Re: Sun City Fire and Medical District (SCFD) Report, which may include discussion of inspections, fire prevention, staffing levels, response times, community needs, and ambulance services

Fire Marshall Jim Fox gave the December monthly report, as well as the 2018 yearly report. Calls have increased year over year throughout the District.

Fire Marshall Fox introduced Inspector Kenny Kovak.

Councilmember Miller asked for an example of a "Hazardous Condition – No Fire" call. Fire Marshall Fox gave the example of a car leaking gasoline in a parking lot; any incident that requires public protection would be the reason for this type of call.

Councilmember Chittenden commented that a fire truck came to her church and asked to inspect the basement and attic. They also said they would be back tomorrow. Fire Marshall Fox explained that this was probably preplanned inspections on significant buildings within the district. Fire Marshall Fox is not aware of this inspection but he will follow up on it.

Town Manager Blackman asked for additional detail on the calls that have increased volumes. Additionally, it was requested that the Town, preferably the Town Manager, be notified if there is a fire in Town.

Mayor LeVault commented that there is a gas leak, possibly sewer gas, in the area of the Public Works building on Peoria Avenue. Fire Marshall Fox encouraged the use of 9-1-1 if there is an odor of any gas material; this would result in the dispatch of a hazmat unit and Epcor will be brought in if necessary.

B. Presentation and/or Discussion Re: Maricopa County Sheriff's Office (MCSO) Report, which may include discussion of crime statistics, prevention, staffing levels, community needs, and response times

Captain Paul Chagolla reported the 2018 yearly closeout report. This report included information on where the deputies are experiencing activity in the community.

Captain Chagolla informed the Council of a new program that it being implemented. This program will allow for the collection of data regarding traffic stops, and allow him to build a traffic enforcement team that will focus solely on traffic stops. Mayor LeVault commented that there has been talk about the increase in unsafe driving and he is happy to hear about this program being implemented.

Captain Chagolla noted that these patrols will not be required to make directive stops, but will be guided to make decisions of their own that will benefit the community. Councilmember Chittenden expressed that she is happy to hear this and wished the program luck.

Councilmember Haney Duncan asked if the patrols will be conducted by posse members or sworn officers. Captain Chagolla replied that only sworn officers would be making these stops.

C. Presentation and/or Discussion Re: Proposed Notice of Intent to adopt a fee structure for Building Permits, Plans and Zoning

Community Development Manager Arrington review the proposed increase to the fee structure, which has not been adjusted in over 10 years, with the last updated being with the 2006 codes. A thorough comparison was done with the other communities in the West Valley and this schedule is being proposed with the results in mind.

Community Development Manager Arrington used the RidgeView subdivision as an example of funds lost. With just the planning and review process, the Town lost over \$6,700.00 in time, publications and resources, including the use of the contracted Town Engineer. Without impact fees, it is attractive to have developments on the available parcels and the Town needs to recuperate these fees. If the Town were to adopt the proposed fees, they would fall mid-range on the fee comparison chart with other West Valley communities.

Attorney Stuhan explained that this process begins with the Council reviewing the proposal and, if giving no objection, it will be posted on the website tomorrow and the 60-day period will begin the notice. At the next Council Meeting, a proposed date for the public hearing will be brought forward and the Notice of Intent will be published, which can be done no later than 15 days before the public hearing.

Vice Mayor Vickers asked if there would be more development in the area of the Community Garden, similar to the building that is happening in two lots now. Community Development Manager Arrington explained that this builder is always looking for opportunities and there is potential he may build more in Town. Vice Mayor Vickers asked if this would affect this

particular builder, and it was explained that this will not affect any permitted projects. If someone comes in for a permit after the approval time, they will be held to the additional fees.

Council directed staff to move forward with this process.

D. Presentation, Discussion and/or Action Re: Proposed Ordinance 19-01 amending the Town Code, Section 12.10, Urban Camping

Attorney Stuhan reviewed the timeline of events in this process and the proposed changes to Section 12.10 of the Town Code in response to Ninth Circuit Court of Appeals decision (*Martin v. City of Boise*) which prohibits the imposition of criminal penalties for camping on outdoor public property for homeless individuals who cannot obtain shelter. It was discussed that if there were no shelter space, this would not be enforceable. Additionally, the Town closing time of the park cannot be enforced because that would also be a violation of the court decision.

Discussion followed regarding the rights of the homeless population in contrast to those that are not, such as crime for survival, because they are underprivileged. There may also be a challenge to the Ninth Circuit Court ruling, and the courts can avoid making a decision for an extended time.

Aggressive panhandling was discussed, which is not permitted by Town ordinance but is hard to enforce because of practical difficulties.

Mayor LeVault commented that he does not see the need to change the ordinance at this time when there is the possibility that the decision could be overturned. Attorney Stuhan agreed that it could be possible to wait for six months or a year, look at other communities and make a decision at that time. Enforcement on this item would also be dependent on the enforcement, and a conversation would need to happen with MCSO and the County Attorney's Office, which is the next step.

Brian Olson, resident, asked if there would be a way to make the river bottom a construction zone, which would then make it illegal to live on. It was explained that this would be public property and if it were an active construction zone, the Town would have to move them from one location to another. Mr. Olson also commented that the City of Phoenix has a shuttle van that they use to move people from the streets to shelters, and that may be an option.

Betty Trolen asked for clarification that if a homeless person is in the parks after 10:00 p.m. they could not be asked to leave. It was confirmed that they could not be asked to leave.

No action was taken on this item and it will be reviewed at a later date.

E. Presentation and/or Discussion Re: Youngtown 2025 Parks, Open Space, Trails and Recreation Master Plan – First Reading

Community Development Manager Arrington presented the proposed plan and timeline. Council comments were requested to be sent to Community Development Manager Arrington no later than January 30th to ensure they are incorporated into the second reading, which is scheduled for February 7th.

F. Presentation and/or Action Re: Proposed Resolution 19-01 appointing Mary Reynolds, Interim Chief Financial Officer, as the Alternate Trustee to the Arizona Metropolitan Trust Board of Trustees

Town Manager Blackman explained that this is a housekeeping issue. With the departure of Jernon Kelly, a new trustee needs to be appointed and have representation.

Motion to approved Resolution 19-01 as presented – Vice Mayor Vickers.

Second – Councilmember Miller.

Motion passed unanimously on a vote voice with all Councilmembers in attendance voting.

10. Call to Executive Session: No Call to Executive Session.

11. 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.

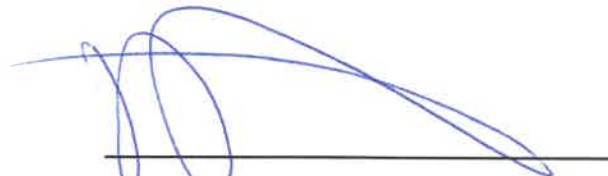
Orvil Druhl, Illinois Avenue, addressed the Council regarding the homeless situation in Town. When and if the Council takes action on the proposal they will be enabling them to stay wherever they want. Mr. Druhl shared a few stories about his encounters with homeless people.

B. The next Regular Meeting will be on February 7, 2019 at 5:30 p.m.

Motion to Adjourn – Councilmember Miller.

Seconded – Councilmember Haney Duncan.

Meeting Adjourned 7:48 p.m.



Michael LeVault, Mayor

Attest:


Mary Reynolds, Town Clerk

Minutes approved at the February 7, 2019 regular meeting.