

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
July 1, 2009**

CALL TO ORDER

Mayor Evans called the meeting to order at approximately 5:30 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

INVOCATION

Pastor D.I. Buttram, Rim Valley Church of God.

PLEDGE OF ALLEGIANCE

PRESENT: Mayor Kenny J. Evans, Vice-Mayor Mike Vogel, Council Member Ed Blair, Council Member Su Connell, Council Member Richard Croy, Council Member Michael Hughes, and Council Member John Wilson.

STAFF PRESENT: Debra Galbraith - Town Manager, LaRon Garrett - Town Engineer, Don Engler - Police Chief, Cameron Davis - Parks, Recreation and Tourism Director, Silvia Smith - Town Clerk, and Ray Erlandsen - Acting Community Development Director.

OTHERS PRESENT: Tracie Bailey - Deputy Town Clerk, Tim Wright - Deputy Town Attorney, Kim Becker - Executive Assistant, Officer Brandon Buckner, Nancy Fahrenbacker - 911 Dispatcher and Wytnee Halvacek - 911 Dispatcher.

A. PUBLIC COMMENTS

Shirley Colin had strong beliefs about where this country was headed. Ms. Colin believed the people must not let the rulers load us with perpetual debt and asked the Council where the one million dollars that was lost was found and what the Town was going to do with it. Ms. Colin believed America was about a hand up not a hand out and asked the Town to give back the money taken from the Humane Society.

B. CONSENT AGENDA

Items listed on the agenda with an asterisk are considered to be routine in nature and will be enacted by one motion.

Motion: to approve all Items listed on the Consent Agenda.
Moved by Council Member John Wilson, seconded by Council Member Ed Blair.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Mike Vogel, Council Member Ed Blair, Council Member Su Connell, Council Member Richard Croy, Council Member Michael Hughes, and Council Member John Wilson.

C. CURRENT EVENTS PRESENTATION BY THE TOWN MANAGER, MAYOR,

JUL 23 2009 E.I.*

AND/OR COUNCIL MEMBER

Cameron Davis, Parks, Recreation and Tourism Director, reminded everyone about the events this weekend for the 4th of July. Mr. Davis listed the events. There would be busses running from the High School Parking lot to Green Valley Park.

Council Member Wilson announced the 4th of July activities at the Presbyterian Church.

Council Member Connell announced First Friday on Main Street and a dance at the Ox Bow Saloon on Friday and Saturday night.

Mayor Evans announced the Tonto Natural Bridge would be open this weekend.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. **Proclamation.** Council Member Vogel read into the record a proclamation declaring Tuesday, August 4, 2009 as the 26th Annual National Night Out. Donald Engler, Payson Police Chief, and Kim Becker, Executive Assistant Payson Police Department, were present to accept the proclamation.
2. **Proclamation.** Mayor Evans read into the record a proclamation declaring Harry Shill as the official Town of Payson Rodeo Ambassador. Harry Shill was present to accept the proclamation.

E. MINUTES

1. * Council Meeting Minutes:
06.04.09 Regular Meeting Minutes Pages 1 -9
06-18-09 Special Meeting Minutes Pages 1 -5
06-19-09 Special Meeting Minutes Page 1
06-19-09 Community Event Meeting Minutes Page 1
***CONSENT* APPROVAL**

BOARDS/COMMISSIONS MEETING MINUTES (Note: Minutes of various boards/commissions/committees are for Council information only and may or may not have been approved by the respective board/commission.)

2. * **Parks and Recreation Commission Minutes:**
05-13-09 Regular Meeting Minutes Pages 1 -4
CONSENT* INFORMATION ONLY
3. * **Surface Transportation Advisory Board Minutes:**
05-06-09 Regular Meeting Minutes Pages 195 -197
***CONSENT* INFORMATION ONLY**
4. * **Design Review Board Minutes:**
04-28-09 Regular Meeting Minutes Pages 98 -99
05-12-09 Regular Meeting Minutes Pages 100 -102
***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. **Public Hearing.** Mayor Evans opened the Public Hearing concerning an application for a special event liquor license filed by Judy A. Baker, agent for the Mogollon Health Alliance, for a fundraising event to be held Friday, August 7, 2009 from 4:00 p.m. to 11:00 p.m., Saturday, August 8, 2009 from 8:00 a.m. to 12:00 midnight and Sunday, August 9, 2009 from 9:00 a.m. to 5:00 p.m. at 1400 South Beeline Highway, Payson, Arizona.

There were no public comments. Mayor Evans closed the Public Hearing.

Motion: to Approve an application for a special event liquor license filed by Judy A. Baker, agent for the Mogollon Health Alliance, for a fundraising event to be held Friday, August 7, 2009 from 4:00 p.m. to 11:00 p.m., Saturday, August 8, 2009 from 8:00 a.m. to 12:00 midnight and Sunday, August 9, 2009 from 9:00 a.m. to 5:00 p.m. at 1400 South Beeline Highway, Payson, Arizona.
Moved by Council Member John Wilson, seconded by Council Member Su Connell.

Vote: Motion carried 7 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Mike Vogel, Council Member Ed Blair, Council Member Su Connell, Council Member Richard Croy, Council Member Michael Hughes, and Council Member John Wilson.

G. RESOLUTIONS AND ORDINANCES

1. * **Resolution No. 2496.** Council approved, on the Consent Agenda, Resolution No. 2496, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADOPTING A RESIDENTIAL ANTIDISPLACEMENT AND RELOCATION ASSISTANCE PLAN FOR FY 2009, AS REQUIRED UNDER SECTION 104 (d) OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974 AS AMENDED.
***CONSENT* APPROVED**
2. **Ordinance No. 765.** Mayor Evans opened the Second Reading and Public Hearing concerning Ordinance No. 765, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, ORDINANCE NO. 466 AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 1601 E. UNDERWOOD LANE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-84-023, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-90 TO R1-44 (TUSCANY ESTATES).

Paula Bentley expressed her opposition of this rezoning. Ms. Bentley felt there was tension between preserving Payson's rural area and development and that this ordinance failed to maintain the rural character of the area. Ms. Bentley urged the Council to vote no.

Mel Thornton, representing the Kirkpatrick's who are housebound, read a letter they

had written opposing the rezoning. Mr. Thornton stated the Kirkpatricks were passionate about this. Mr. Thornton asked staff what constitutes in a dead end street how many homes can exist with only one ingress egress and what was the standard. Mayor Evans replied that depended on a series of variables for the dimensions of the street. Mayor Evans explained this had to have a super majority vote to pass.

Scott Nossek publically thanked the Underwoods for providing them with a beautiful neighborhood. Mr. Nossek felt the Underwoods have been champions to their community and were thoughtful land developers and that the rezoning would provide a few jobs. Mr. Nossek thanked the Council.

Marty Lamb presented story boards for the council to view. Mr. Lamb believed there was no need for the rezoning and felt the story boards represented that. Mr. Lamb believed there was an abundance of empty lots and felt the rezoning would have no economic boost.

Hallie Overman asked the Council to reconsider voting against this and felt people have to adjust with the changes.

Roger Bentley asked the Council to vote no on Ordinance No. 765 and believed there was not a sufficient demand for one acre lots and that the rezoning was not justified. Mr. Bentley felt the ordinance was unfair to the neighbors and asked the Council to vote against this.

Richard Ormand believed the Underwoods were very good stewards of the development and felt that people were not thankful that they lived in an area that could of had many more houses. Mr. Ormand stated the CC&Rs were very strict.

Mike Foil listed lots available in Payson from the MLS. Mr. Foil believed there was no demand for two acre lots and felt increasing the number of two acre lots would bring down lot values. Mr. Foil asked Council to consider changing the condition that any fencing be built within the building envelope.

Margie Oldencamp believed the government needed to be fair and equitable with everyone. Ms. Oldencamp felt other parcels would want to be rezoned also and that Council had to consider that more people would want the same thing for the same reasons.

Pete Jenning was opposed to this rezoning and believed this would not help the economy in Payson or help affordable housing.

Barbara Underwood apologized to anyone who she had offended. Ms. Underwood felt the previous Council's promise should be considered that when water was available they could bring this back. The Council had rescinded this before and the Underwoods had waited. Ms. Underwood felt the need would be there and that this fits the General Plan. Developing this would be a win win situation and keep a few construction workers busy. Ms. Underwood would make a contribution to the PATS system in memory of Cynthia Poole. Ms. Underwood asked the Council to consider the facts because she felt the people opposing this tried to jumble the facts. Ray Jones who was sick had asked Ms. Underwood to state there were no agreements that this property would remain two acres.

Ted Williams felt this was for financial gain only.

Ralph Bossert explained that the Underwood's did not develop Sciema Creek into smaller lots because it was not feasible and that there were two ways in and out. Mr. Bossert believed the Underwoods have the right to ask to develop their property. Mr. Bossert asked the Council to do the right thing.

Len Little referred to Payson's zoning map and opposed the rezoning.

There were no more public comments. Mayor Evans closed the Second Reading and Public Hearing

Motion: to Approve Ordinance No. 765, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, ORDINANCE NO. 466 AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 1601 E. UNDERWOOD LANE, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-84-023, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-90 TO R1-44 (TUSCANY ESTATES).

Moved by Council Member John Wilson, seconded by Council Member Richard Croy.

Council Member Croy asked Mayor Evans to explain the majority vote. Mayor Evans explained that with a seven member Council there has to be six votes in favor to pass. Tim Wright, Deputy Town Attorney, explained state law provision states owners of twenty percent of property on any side of the property could file a protest of the lot that is to be rezoned. Council Member Croy felt one acre parcels were appropriate for the area and supported the rezoning.

Council Member Connell looked at this project as a smart growth project and believed the Town needed family housing. Council Member Connell supported the rezoning.

Council Member Blair believed the Underwoods had served the community, but that this was not the way to pay them back and believed sufficient demand should exist. Council Member Blair spoke for the majority who were opposed to the rezoning.

Mayor Evans stated the Council had listened to three hours of discussion and believed the outcome of the decision was significant. The Mayor had directed staff, as the General Plan process began, to come to a better understanding of the communities needs. The Mayor took exception to the comment that this was economic and believed there were other environmental issues to consider. Mayor Evans felt the Town needed more structured zoning and needed to be proactive and prevent this kind of confrontation between neighbors. Staff would actively solicit input.

Mayor Evans called for the vote and explained that it would take a super majority of the Council to vote yes for this to pass. The motion could only pass by 6 -1.

Vote: Motion failed, 5-2

Yes: Mayor Kenny Evans, Council Member Su Connell, Council Member Richard Croy, Council Member Michael Hughes, and Council Member John Wilson.

No: Council Member Ed Blair and Vice-Mayor Mike Vogel.

3. **Ordinance No. 766.** Mayor Evans opened the Second Reading and Public Hearing concerning Ordinance No. 766, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, ORDINANCE NO. 466 AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 1800 NORTH BEELINE HIGHWAY, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-35-004K, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO C-2 (PONDEROSA BAPTIST CHURCH).

Council Member Hughes recused himself from discussion/possible action on Ordinance No. 766.

There were no public comments. Mayor Evans closed the Second Reading and Public Hearing.

Motion: to Approve Ordinance No. 766, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE OFFICIAL ZONING MAP FOR THE TOWN OF PAYSON, ORDINANCE NO. 466 AND THE ZONING CODE FOR THE TOWN OF PAYSON BY REZONING CERTAIN REAL PROPERTY GENERALLY LOCATED AT 1800 NORTH BEELINE HIGHWAY, BEING GILA COUNTY ASSESSOR'S PARCEL NUMBER 302-35-004K, AS MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO, FROM R1-175 TO C-2 (PONDEROSA BAPTIST CHURCH).

Moved by Council Member John Wilson, seconded by Council Member Ed Blair.

Vote: Motion carried 6 - 0

Yes: Mayor Kenny J. Evans, Vice-Mayor Mike Vogel, Council Member Ed Blair, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.

H. UNFINISHED BUSINESS

1. There were no items in this section.

I. NEW BUSINESS

1. There were no items in this section.

J. CLAIMS

1. * **List of checks.** Council approved, on the Consent Agenda, a list of checks paid from 06/09/09 through 06/22/09, Check Nos. 006017 through 006233, except Check No. 006209, and authorization to file the checks for audit.
***CONSENT* APPROVED**
2. * **Check No. 006209.** Council approved, on the Consent Agenda, Check No. 006209 and authorization to file check for audit. (Note: due to a perceived and/or conflict of interest, Council Member Vogel will be considered to have abstained from voting on this item).
***CONSENT* APPROVED**

K. MISCELLANEOUS

1. Should the need arise, Council reserves the right to suspend the order of the agenda for consideration of a motion to recess/adjourn to executive session, pursuant to ARS 38-431.03 et seq, to discuss any item(s) listed on the regular meeting agenda that would be authorized for executive session under ARS 38-431.03.
2. * Acceptance, with regrets, of the **resignation of Mareena Cords** from the Design Review Board and thanks for a job well done.
***CONSENT* APPROVED**

L. PUBLIC COMMENTS

Mayor Evans believed the world was undergoing an economic shock just as big as in the 1930s, but felt the good news was policy response was good.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 7:04 p.m.

APPROVED:

_____ Date: _____

Kenny J. Evans, Mayor

ATTEST:

Silvia Smith, Town Clerk

Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Payson held on this day the 1 of July, 2009. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2009.

Tracie Bailey, Deputy Town Clerk