

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
August 19, 2010**

CALL TO ORDER

Mayor Evans called the meeting to order at approximately 4:30 p.m. (the meeting had been rescheduled to start at 4:30 p.m.) in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

INVOCATION

Mayor Evans gave the invocation.

PLEDGE OF ALLEGIANCE

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

STAFF PRESENT: Debra Galbraith - Town Manager, Tim Wright - Town Attorney, Don Engler - Police Chief, Marti deMasi - Fire Chief, Cameron Davis - Parks, Recreation and Tourism Director, Silvia Smith - Town Clerk, and LaRon Garrett - Public Works Director.

A. PUBLIC COMMENTS (SPEAKER'S REQUEST FORM SUBMITTED)

There were no public comments.

B. CONSENT AGENDA

Motion: to approve all items listed on the Consent Agenda.
Moved by Council Member John Wilson, seconded by Council Member Richard Croy.

Vote: Motion carried 7 - 0

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

C. CURRENT EVENTS PRESENTATION BY THE TOWN MANAGER, MAYOR, AND/OR COUNCIL MEMBER

1. Brief presentation of current events by the Town Manager, Mayor, and/or Council Members. The Arizona Open Meeting Law specifies that the Town Council may not discuss or take action on any matter mentioned during this presentation or on the attached materials unless the specific matter is properly noticed for legal action.
2. Documents, materials and information for Council review. (The Council will not discuss or take action on the attached; they are provided for information only)

There were no documents for Council review.

LaRon Garrett, Public Works Director, announced the roundabout construction on Highway 87 would start soon and be done in 90 days. The work would last through November.

Council Member Blair announced there would be a summer music festival at the Merritt Center on Saturday, August 21, 2010. People could go to merrittcenter.org for more information.

Council Member Connell asked everyone to remember to vote Tuesday.

Mayor Evans announced it was the 126th Annual Worlds Oldest Continuous Rodeo this weekend. The Mayor thanked everyone who had helped with the rodeo and encouraged everyone to go to the rodeo. Council Member Connell announced the rodeo parade was Saturday morning at 9:00 a.m. on Main Street. There were 54 entries.

Cameron Davis, Parks, Recreation and Tourism Director, stated he was late because he had been out doing some interviews for a satellite TV Channel. Mr. Davis announced the rodeo days and times and felt it would be a great rodeo. The FLW fishing tournament was also coming to town and there would be an FLW fun day September 18, 2010.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.

Tim Wright, Town Attorney, introduced the new Town Prosecutor Co Horgan. Mr. Wright was excited to have Co with their office. Co enjoyed working for the town and hoped to stay with the town until she retired.

E. MINUTES

1. * Council Meeting Minutes:
08.05.10 Regular Meeting Pages 1 -12
***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. * Payson Advisory Youth Council:
04.22.10 Regular Meeting Pages 1 -4
05.10.10 Regular Meeting Pages 1 -4
05.17.10 Special Meeting Pages 1 -2
07.06.10 Regular Meeting Pages 1 -3
***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. There were no items in this section.

G. RESOLUTIONS AND ORDINANCES

1. * As Council, staff, and the audience have the titles to all resolutions and ordinances, authorization to forego verbal title readings.
***CONSENT* APPROVED**
2. The following two items will be heard together: Resolution No. 2569 and Ordinance No. 785. Mayor Evans opened discussion/possible action concerning Resolution No. 2569 and the Second Reading and Public Hearing concerning Ordinance No. 785:
 - A. **Resolution No. 2569**, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THAT PORTION OF THE UNIFIED DEVELOPMENT CODE (SECTIONS 15-03-001 AND 1503-002) RELATING TO LANDSCAPING, SCREENING, BUFFERING, AND LIGHTING, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.
 - B. Second Reading and Public Hearing concerning **Ordinance No. 785**, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THAT PORTION OF THE UNIFIED DEVELOPMENT CODE (SECTIONS 15-03-001 AND 15-03-002) RELATING TO LANDSCAPING, SCREENING, BUFFERING AND LIGHTING.
Second Reading and Public Hearing.

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

Motion: to Approve Resolution No. 2569, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THAT PORTION OF THE UNIFIED DEVELOPMENT CODE (SECTIONS 15-03-001 AND 1503-002) RELATING TO LANDSCAPING, SCREENING, BUFFERING, AND LIGHTING, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD.

And

Ordinance No. 785, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THAT PORTION OF THE UNIFIED DEVELOPMENT CODE (SECTIONS 15-03-001 AND 15-03-002) RELATING TO LANDSCAPING, SCREENING, BUFFERING AND LIGHTING.

Moved by Council Member Ed Blair, seconded by Council Member Su Connell.

Vote: Motion carried 7 - 0

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

Note: Ordinance No. 785 was inadvertently misnumbered, No. 786 was assigned to this ordinance.

3. * **Resolution No. 2573.** Council approved, on the Consent Agenda, Resolution No. 2573, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING DEBRA A. GALBRAITH, TOWN MANAGER OF THE TOWN OF PAYSON, TO EXECUTE CERTAIN DOCUMENTS CHANGING SIGNATORIES RELATING TO THE VARIOUS ACCOUNTS MAINTAINED AT JPMORGAN CHASE BANK, AND DECLARING AN EMERGENCY.
***CONSENT* APPROVED**
4. **Ordinance No. 787.** Mayor Evans opened the Second Reading and Public Hearing concerning Ordinance No. 787, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.82(B) OF THE CODE OF THE TOWN OF PAYSON RELATING TO WATER CONSERVATION PLUMBING STANDARDS.

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

Motion: to Approve Ordinance No. 787, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.82(B) OF THE CODE OF THE TOWN OF PAYSON RELATING TO WATER CONSERVATION PLUMBING STANDARDS.

Moved by Council Member John Wilson, seconded by Council Member Su Connell.

Vote: Motion carried 7 - 0

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

5. **Ordinance No. 788.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 788, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 130.39 TO THE CODE OF THE TOWN OF PAYSON. (FIREWORKS REGULATION).

Mayor Evans explained the Town was working with the League of Cities and Towns on this.

Tim Wright, Town Attorney, advised the State had changed the regulations on fireworks. Towns could outlaw fireworks if they wanted to. People would be allowed to possess fireworks, but not shoot them off and would have to have a permit from the Fire Department to have fireworks.

Sara Sparman, Williams and Associates, stated her firm had helped draft this legislation. Ms. Sparman asked the Council to look at the ordinance because she believed it was in conflict with the State law. Ms. Sparman noted the State Fire

Marshal would be sending out a letter to towns.

Council Member Blair asked that Ms. Sparman point out the parts of the ordinance she was referring to. Ms. Sparman noted the areas in the ordinance concerning roadside sales. Council Member Blair asked if the Fire Chief and Town Attorney had copies of the concerns. Marty deMasi, Fire Chief, stated the State Fire Marshal does not have jurisdiction in the Town and believed that this would be like regulating any other business.

Council Member Wilson noted the general rule was that the town could make a more restrictive law than State law. Mr. Wright referred to the statute. If someone attempted to sell something they would have to get an inspection by Payson's Fire Marshal. Mr. Wright believed the Town had good legal footing to move forward.

Ms. Sparkman stated her firm was in talks with the League to work on the model ordinance.

Tina Vogess was opposed to fireworks in Payson and felt it was contradictory to allow people to own fireworks and not ignite them.

Council Member Carpenter was concerned about the definition of the word sparkler. Mr. Wright noted the statute used sparkler in several different areas and was described further in the statute. Council may want to clarify what sparklers can be used, such as nonignition sparklers. Council Member Carpenter felt the State Statute opened up having some sparklers the Town may not want here.

Mayor Evans asked if it was Council consensus to make sure it was nonignition sparklers. Council agreed it was.

Council Member Carpenter expressed his concern about signage. Council Member Wilson believed signage would be regulated by the sale. Council Member Blair asked for information regarding the direction Gila County was going to take with this by the second reading of this ordinance. Mayor Evans closed the First Reading and Public Hearing.

6. **Ordinance No. 789.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 789, captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 50.59 OF THE CODE OF THE TOWN OF PAYSON. (WATER DEVELOPMENT FEE -TIME FOR PAYMENT).

Colin Walker, Water Superintendent, explained that the Town currently allowed a five year period to pay fees. This would allow a total payment over ten years to pay fees.

H. UNFINISHED BUSINESS

There were no items in this section.

I. NEW BUSINESS

1. *** Council Decision Request.** Council approved, on the Consent Agenda, a Council Decision Request filed by Tim Wright, Town Attorney, to direct Town Staff to discontinue the use of standard paragraph 13 (RE: Town Business Licenses) in contracts and agreements with other governmental entities.

***CONSENT* APPROVED**

2. **Council Decision Request** filed by LaRon Garrett, Public Works Director, to deny the request for removing the existing trees in Town of Payson rights-of-way on the west side of Highway 87 south of Aero Drive
OR

to approve issuing a permit for the removal of trees and minor trimming of two additional trees in Town of Payson rights-of-way on the west side of Highway 87 south of Aero Drive with the following conditions: (1) The area from where the trees are to be removed shall be re-landscaped with colorful plants and a 4' high evergreen hedge; and (2) The billboard owner shall provide 2 new trees (minimum size 24" box) to be planted elsewhere within the Town at the direction of the Public Works Department for each tree removed.

LaRon Garrett, Public Works Director, explained the trees the Town had planted were obstructing the view of a billboard along Highway 87. The owner was willing to replace the trees with a shrub and other landscaping.

Council Member Blair asked if this billboard was related to the business on the property or if it was rentable.

Mark Lauller, owner, stated it was a rentable billboard.

Motion: to approve issuing a permit for the removal of trees and minor trimming of two additional trees in Town of Payson rights-of-way on the west side of Highway 87 south of Aero Drive with the following conditions: (1) The area from where the trees are to be removed shall be re-landscaped with colorful plants and a 4' high evergreen hedge; and (2) The billboard owner shall provide 2 new trees (minimum size 24" box) to be planted elsewhere within the Town at the direction of the Public Works Department for each tree removed.

Moved by Council Member Fred Carpenter, seconded by Council Member John Wilson.

Vote: Motion carried 7 - 0

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

J. CLAIMS

1. *** List of checks.** Council approved, on the Consent Agenda, a list of checks paid from July 29, 2010 through August 6, 2010, Check Nos. 010947 through 011070, and authorization to file the checks for audit.

***CONSENT* APPROVED**

K. MISCELLANEOUS

There were no items in this section.

L. PUBLIC COMMENTS

There were no public comments.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 5:13 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 19 of August, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2010.

Tracie Bailey, Deputy Town Clerk