

AMENDED

**COMMON COUNCIL OF THE TOWN OF PAYSON
AGENDA OF THE REGULAR MEETING
OCTOBER 21, 2010**

CALL TO ORDER: 5:30 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

INVOCATION (Participation Voluntary) Pastor Harold Fleeger, U-Turn for Christ

PLEDGE OF ALLEGIANCE

ROLL CALL: KE __ MH __ EB __ FC __ SC __ RC __ JW __

STAFF PRESENT: DG __ TW __ MD __ DBE __ SS __ LG __ TM __ CD __

OTHERS PRESENT: _____

The Council may discuss, consider or take action on any item listed on this agenda.

Council reserves the right to consider any matter out of sequence.

To accommodate all those who wish to address the Town Council and to facilitate the expeditious consideration of the agenda, it is requested that each person wishing to address the Mayor and Common Council under an agenda item limit his or her comments to a maximum of three minutes.

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

1. Communications and comments or suggestions from citizens present who have submitted a Speaker's Request Form to the Mayor, Town Clerk, or designee, prior to the meeting being convened, concerning matters other than those listed on the agenda for consideration, shall be heard by the Council. All remarks shall be addressed to the Council as a whole and not to any member thereof. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(G), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. No public discussion of comments under this section is permitted, except that other members of the public may, at the discretion of the Mayor, present follow-up comments on a matter raised by a Speaker's Form.

B. CONSENT AGENDA

Items listed on the agenda with an asterisk which are considered to be routine in nature and which will be enacted by one motion. No separate discussion of these items shall be held unless a Council Member so

requests, in which event the item will be removed from the Consent Agenda and will be considered in its normal sequence on the main agenda.

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)

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.
2. **Proclamation** declaring November 2010 as **Veterans Recognition and American Patriotism Awareness Month**. Sherman Alston, Payson Patriotic Events Committee and Commander American Legion Post 69 will be present to accept the proclamation.
3. **ADDED Recognition**, the Arizona Newspaper Association on Saturday declared the Payson Roundup the best non-daily newspaper in Arizona for the 12th year in a row. **Added 10-18-10 at 3:34 p.m.**

E. MINUTES

1.* Council Meeting Minutes:

09-30-10 Special Meeting Minutes Pages 1 - 5
10-07-10 Regular Meeting Minutes Pages 1 - 10

***CONSENT* APPROVAL**

F. HEARINGS AND APPEALS

1. There are 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* APPROVAL**

2. The following two items will be heard together: Resolution No. 2575 and Ordinance No. 790.

A. Discussion/possible action concerning **Resolution No. 2575** captioned as follows: A RESOLUTION OF THE MAYOR AND

COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 130.20 (NOISE) OF THE CODE OF THE TOWN OF PAYSON, MAKING CONFORMING CHANGES TO SECTIONS 73.05, 90.04, 111.09, AND 130.18 OF THE CODE OF THE TOWN OF PAYSON AND SECTIONS 15-02-013 AND 15-11-002 OF THE UNIFIED DEVELOPMENT CODE, AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD. (NOISE AMENDMENTS)

- B. **Second Reading and Public Hearing** concerning **Ordinance No. 790** captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 130.20 (NOISE) OF THE CODE OF THE TOWN OF PAYSON AND MAKING CONFORMING CHANGES TO SECTIONS 73.05, 90.04, 111.09, 130.18, AND 130.99 OF THE CODE OF THE TOWN OF PAYSON AND SECTIONS 15-02-013 AND 15-11-002 OF THE UNIFIED DEVELOPMENT CODE. (NOISE AMENDMENTS) **Second Reading and Public Hearing.**
3. **First Reading and Public Hearing** concerning **Ordinance No. 791** captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 15-14 (HOME OCCUPATIONS), AMENDING SECTION 15-11 (DEFINITIONS), AND AMENDING SECTION 15-02-004(B)(2) (HOME-BASED BUSINESSES) OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON. (HOME OCCUPATIONS) **First Reading and Public Hearing.**
4. Discussion/possible action concerning **Resolution No. 2584** captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ACCEPTING FEE TITLE IN AND TO CERTAIN REAL PROPERTY, ALL DESCRIBED ON EXHIBIT "1" ATTACHED HERETO COMPRISING RIGHT-OF-WAY ACQUISITION FOR THE ST. PHILIPS ST. CONSTRUCTION PROJECT.

H. UNFINISHED BUSINESS

There are no items in this section.

I. NEW BUSINESS

1. **This is a Public Hearing.** **Council Decision Request** filed by Ray Erlandsen, Community Development Director, regarding the citizen application to amend the Unified Development Code concerning the keeping of poultry hens. **This is a Public Hearing.**
2. **Council Decision Request** filed by Cameron Davis, Parks, Recreation and Tourism Director, to (1) approve the contract for operation of Taylor Pool between the Town of Payson and EVO Swim School and (2) authorize the Town Manager to sign such contract. (3) If agreed by both parties within

30 days of the end of the summer swim season, authorize the Town Manager to agree to a contract extension for the following calendar year on behalf of the Town.

- 3.* **Council Decision Request** filed by LaRon Garrett, Public Works Director, to add the names of Denis Parish and General James Hunt to the list of persons approved to be alternate board members or regular board members of the Payson Regional Airport Authority (PRAA) Board.

***CONSENT* APPROVAL**

J. CLAIMS

- 1.* List of checks paid from 09-30-10 through 10-08-10, Check Nos. 011659 through 011757, and authorization to file the checks for audit.

***CONSENT* APPROVAL**

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.

L. PUBLIC COMMENTS

1. Public Comments:

Note: Communication and comments or suggestions from citizens present who have not submitted a Speaker's Request Form, on matters other than those listed on the agenda for consideration, shall be heard by the Council. All remarks shall be addressed to the Council as a whole and not to any member thereof. The Council cannot discuss nor take action upon comments received; however, the Council may direct staff to address the issue and/or it may be referred to a later agenda. No public discussion of comments under this section is permitted.

ADJOURNMENT

CLASSIFICATIONS FOR EXECUTIVE SESSION

Note: Should an executive session be convened on any item(s) listed on the regular meeting agenda, Council will review, discuss, or receive advice of Counsel, which will be considered under the respectively approved classifications listed below:

- a. ARS 38-431.03.A.1 - Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration

occur at a public meeting. The public body shall provide the officer, appointee, or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.

- b. ARS 38-431.03.A.2 – Discussion or consideration of records exempt by law from public inspection; including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.
- c. ARS 38-431.03.A.3 – Discussion or consultation for legal advice with the attorney or attorneys of the public body.
- d. ARS 38-431.03.A.4 – Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body’s position regarding contracts that are the subject of negotiations, in pending or contemplated litigation, or in settlement discussions conducted in order to avoid or resolve litigation.
- e. ARS 38-431.03.A.5 – Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.
- f. ARS 38-431.03.A.6 – Discussion, consultation or consideration for international and interstate negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town.
- g. ARS 38-431.03.A.7 – Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiation for the purchase, sale or lease of real property.

THE TOWN OF PAYSON ENDEAVORS TO MAKE ALL PUBLIC MEETINGS ACCESSIBLE TO PERSONS WITH DISABILITIES. WITH 48 HOURS ADVANCE NOTICE, SPECIAL ASSISTANCE CAN ALSO BE PROVIDED FOR SIGHT AND/OR HEARING IMPAIRED PERSONS AT PUBLIC MEETINGS. PLEASE CALL 474-5242 (VOICE) OR 472-6449 (TDD) TO REQUEST AN ACCOMMODATION TO PARTICIPATE IN THIS MEETING.

NOTE: The information discussed in the Executive Session and the minutes of the Executive Session are confidential.

CERTIFICATION OF POSTING

The undersigned hereby certifies that a copy of the attached notice was duly posted at the following location: Payson Town Hall bulletin board, 303 N. Beeline Highway, Payson, Arizona, on the ____ day of _____, 2010, at _____, in accordance with the statement filed by the Town of Payson with the Payson Town Clerk.

By: _____
Silvia Smith, Town Clerk