TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE SPECIAL MEETING
September 30, 2010

CALL TO ORDER

Mayor Evans called the Special Meeting to order at approximately 4:00 p.m. at the Town Hall Council Chambers, 303 N. Beeline Highway, Payson, Arizona.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was omitted.

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

STAFF PRESENT: Debra Galbraith - Town Manager, Timothy Wright - Town Attorney, Silvia Smith - Town Clerk, Donald B. Engler - Police Chief, Martin deMasi - Fire Chief, and Cameron Davis - Parks, Recreation & Tourism Director.

Council Member Connell was present telephonically.

OTHERS PRESENT: Gaye Stidham - Deputy Town Clerk, Ray Erlandsen - Community Development Director, Tonia Erin - Information Technology Technician.

PURPOSE OF MEETING

1. Discussion/possible action concerning Resolution No. 2579 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE 2010/2011 FEE AND CHARGES SCHEDULE TO INCLUDE A REDUCED BUSINESS LICENSE FEE FOR TEMPORARY BUSINESS LICENSES, AND DECLARING AN EMERGENCY.

   Mr. Erlandsen explained this temporary business license would serve out of town businesses who need only to do business in Town for a few days. Currently, all out-of-town licenses are $90. The temporary license would be good for only 14 days at a time for a cost of $25. He explained this change falls in line with what other communities are doing and charging.

   This license would be for selling a product and not for distributing pamphlets, etc.

   Council Member Blair asked if this was the same as a "vendor" fee. Mr. Erlandsen said it could be called that because vendors often fall into this

category. Mayor Evans pointed out that vendors sometimes may choose to have an annual business license.

Council Member Blair asked if sales tax would be paid. Mr. Erlandsen said, yes, the application requires their state sales tax number for collection of those taxes. Applicants can purchase this license throughout the year with each license costing $25.

Council Member Carpenter asked if the upcoming motorcycle rally event instigated this additional license. Mr. Erlandsen explained it was in the works for the last 24 months but the upcoming events brought it to a head.

Motion: to Approve Resolution No. 2579 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE 2010/2011 FEE AND CHARGES SCHEDULE TO INCLUDE A REDUCED BUSINESS LICENSE FEE FOR TEMPORARY BUSINESS LICENSES, AND DECLARING AN EMERGENCY.
Moved by Council Member Ed Blair, seconded by Council Member John Wilson.

Vote: Motion carried 7 - 0

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

2. Presentation by the Information Technology Department and interaction between Council and staff regarding the use of Open Town Hall -Citizen's Online Participation Forum.

Mayor Evans explained this software would give the opportunity for the public to send their feelings and ideas to us in a different form than we have now. Town Manager Galbraith explained further that this company came to her attention through literature from the Alliance for Innovation. It would allow public comment on anything we put out for review, whether agenda items or other things. Council would get a report before a meeting. This allows people to get involved without having to actually attend a meeting.

Tonia Erin, Information Technology Technician, presented the software as it would appear on our website with a test topic that staff responded to. She and Ms. Galbraith answered questions from the Council.

Ms. Galbraith explained that Council would choose the topic suggesting that it might be appropriate to decide the topics at the agenda setting meeting. Mayor Evans agreed saying this would ease up tension between Council and staff. Ms. Galbraith believed the agenda setting meeting was

well enough in advance of the meeting to give the public enough time to respond. Council Member Hughes asked if the topic were not on the agenda, who would serve as gatekeeper. Ms. Galbraith asked if individual Council members would be allowed to bring topics forward or would a quorum of the Council be needed. Council Member Connell commented that it might be good to bring topics forward at a Council meeting for a quorum to decide, at least until we are familiar with how the system will work. Mayor Evans explained it would be any two members of the Council (attending the agenda setting meeting that week) and the Mayor at the agenda setting meeting choosing items for comment. Another Council member could recommend to a colleague, who is attending the agenda setting meeting, an item they wish to bring to the public, whether it was on the agenda or not. He said the full Council could override any choice and get items for public comment.

Ms. Galbraith cautioned that differentiating between agenda items and non-agenda items for topics was essential.

Council Member Croy clarified that the public would have to go through a Council member to put a topic out.

Council Member Blair reiterated that at the agenda setting meeting the three Council members there would choose from of the upcoming agenda which items they think would be of public interest. They could ask for topics other than agenda items and make a distinction between an agenda topic and other topics. Mayor Evans suggested the distinction be very obvious. Ms. Galbraith suggested possibly a disclaimer in bold before the topic, "THIS IS NOT AN AGENDA ITEM". Council Member Carpenter pointed out that not everybody would have a computer, so this would be only a slice of the opinion out there. Ms. Galbraith said that this will give us a slice we haven't had before. Survey software is also available and has been used. However, it was not met with much success.

Attorney Wright cautioned that the current Attorney General believed that surveys can't be done with public resources to poll a community. Attorney Wright said technology is outpacing the open meeting law and the next Attorney General may have a different view. Council Member Hughes asked if this software could be a vehicle for staff use. Ms. Galbraith said the software can do both, but suggested that more research was needed to find out if Council can seek information through this media. Mayor Evans thought they could ask for opinions, but not ask how Council should vote and they should talk to the Attorney General's office. Council Member Hughes commented that these questions would be solicitating and Mayor Evans agreed it might be seen as a "push" to people. Ms. Galbraith said this is not supposed to be a "push", but a way to comment at a meeting without actually being there.

Council Member Wilson suggested allowing comments without asking for a "yes", "no" or "maybe" and keep it from being a poll. Attorney Wright

didn't think the Attorney General's office would have an issue if comments were presented that way. He said the further from the agenda the comments, the more of a grey area. Since we already have subscribers to the agenda and Planning and Zoning Commission meeting agendas, that portion of the software shouldn't be an issue. Ms. Galbraith suggested every ordinance, resolution and council decision request be available for comment. Attorney Wright suggested staying away from making choices in the agenda setting meeting, but presenting every agenda item for comment just like the commenter was at the podium.

Council Member Blair urged getting this going real soon so comments could be heard concerning the noise ordinance on the next agenda. Council Member Carpenter asked if this software was implemented in any other city in Arizona. Ms. Galbraith did not believe it was, but even if it had been used before, she cautioned that it might not be right to go forward. Council Member Croy asked if these comments would be part of the public comment section of a meeting. Ms. Galbraith said they would not, but would be a part of the permanent record, attached to the written minutes.

Ms. Galbraith asked if the Council would require names for all comments with no anonymous comments. Council Members Croy, Connell and Carpenter agreed that the same format as required at a Council meeting should be used, everyone asked to give their name.

Ms. Galbraith asked in what format they would like to receive reports. The Council indicated they would like to save as much paper as possible and receive reports by email.

Ms. Galbraith asked when the report needed to be to Council. It was determined that the Wednesday morning before a Council meeting would be sufficient time for Council to read through the comments. Council Member Wilson suggested closing the comment period 48 hours before a meeting, approximately Tuesday at 3:00 p.m. The questions for comment would be published the same day as the agenda was posted to the website.

Ms. Galbraith asked if the Council would be interested in having links on local online newspaper websites allowing citizens the ability to go directly to this comments site. Mayor Evans suggested waiting until we see how it goes first. Council Member Connell cautioned that all newspapers need to be included if we did this.

Ms. Galbraith asked what date they proposed comments begin. It was agreed to begin with the next meeting, October 7, 2010.

Attorney Wright commented that we were using this for open, public meetings and felt we were in safer territory. Ms. Galbraith explained that the software was not just designed for council meetings but could gather information that the Town staff needed. She said we would start with agenda

items and talk with the Attorney General's office later to clarify.

Council Member Blair urged an immediate press release to advise the public of the new avenue to participate in meetings.

Council Member Connell commented that this meets a Corporate Strategic goal for the Council.

ADJOURNMENT

Mayor Evans adjourned the special meeting at approximately 5:01 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 special meeting of the Town Council of the Town of Payson held on this day the 30 of September, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____day of _____, 2010.

_____

Gaye Stidham, Deputy Town Clerk