

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
November 4, 2010**

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 Anthony Garrizi, Payson First Baptist Church.

PLEDGE OF ALLEGIANCE

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

ABSENT: Vice-Mayor Michael Hughes.

STAFF PRESENT: Debra Galbraith - Town Manager, Tim Wright - Town Attorney, Don Engler - Police Chief, Silvia Smith - Town Clerk, LaRon Garrett - Public Works Director, and Terry Morris - Library Director.

OTHERS PRESENT: Tracie Bailey - Deputy Town Clerk, Hope Cribb - Finance Manager, Ray Erlandsen - Community Development Director, and Mike Vogel - Economic Development.

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

There were no public comments.

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 Fred Carpenter.

Vote: Motion carried 6 - 0

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

Absent: Vice-Mayor Michael Hughes.

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 review.

LaRon Garrett, Public Works Director, gave a brief report on the status of the Airport Road roundabout. The current schedule was to pave next week and to be finished by the end of November.

Mike Vogel, Economic Development, reported that Payson had been fighting a bad reputation about bringing in businesses. Mr. Vogel's goal was to salvage 100 existing jobs and he had reached 138 jobs. Mr. Vogel had talked to fourteen businesses and not one had a bad thing to say. The businesses had met or exceeded their goals. Mr. Vogel noted staff has been fantastic and thanked the Council.

Council Member Blair noted he had made a mistake by not telling someone who was looking at land to build apartment buildings to go to Mr. Vogel.

Mr. Vogel stated the rule of thumb was to let a company announce when they were coming and that it was very important to send people to him first. Mayor Evans noted Payson's approach was different from other communities because the Town was out soliciting businesses that would be good community partners. The Town was doing well and was in discussions with many businesses. Mr. Vogel stated people thought it was great that he, Debra, or the Mayor went through the process with them. Mayor Evans believed the key was to have a good foundation and thanked Mr. Vogel for his efforts.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

Council Member Connell asked everyone to go see Peter Pan at the Payson High School auditorium and announced there would be a business meeting Tuesday afternoon. Council Member Connell asked all businesses to come to the meeting. Veterans Day was next Thursday and there would be a celebration at 11:00 a.m. at the high school auditorium. There was also a new program called take a veteran to lunch sponsored by the Car Club. Council Member Connell asked everyone to put up their flag on Thursday.

Council Member Blair announced the chilli supper at the Elks Lodge.

Council Member Wilson stated Peter Pan was a wonderful performance and announced tomorrow was First Friday. There would be a spaghetti supper at the Presbyterian Church and the next day was the Health and Care Fair.

2. **Proclamation.** Council Member Croy read into the record a proclamation declaring November as National Hospice Month. Mary Jane Roger, Executive Director, and Kathleen Hughes were present to accept the proclamation.

Mary Jane Roger thanked the Council for the proclamation and announced the Hospice open house on Tuesday. Mayor Evans thanked Hospice for the tender and caring way they took care of people.

3. **Proclamation.** Council Member Connell read into the record a proclamation declaring November 11-14, 2010 as Rim Country Quilt Roundup Days. John Stanton and Laura McCoy were present to accept the proclamation.

John Stanton thanked the Council and staff. Mr. Stanton stated in the last two years they have tried to establish the Rim Country and Payson as the quilting mecca.

E. MINUTES

1. * Council Meeting Minutes:
10.21.10 Regular Meeting Minutes Pages 1 -11
***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:
06.16.10 Regular Meeting Minutes Pages 1 -3
***CONSENT* INFORMATION ONLY**
3. * Design Review Board:
09-28-10 Regular Meeting Minutes Pages 150 -151
***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

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. 2577 and Ordinance No. 791.

- A. **Resolution No. 2577.** Discussion/possible action concerning Resolution No. 2577 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 15-14 (HOME OCCUPATIONS) AND AMENDING SECTION 15-11 (DEFINITIONS) OF THE UNIFIED DEVELOPMENT CODE OF

THE TOWN OF PAYSON AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD. (HOME OCCUPATIONS).

- B. **Ordinance No. 791.** Second 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 1502-004(B) (2) (HOME-BASED BUSINESSES) OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON. (HOME OCCUPATIONS).

Motion: to Approve Resolution No. 2577 captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 15-14 (HOME OCCUPATIONS) AND AMENDING SECTION 15-11 (DEFINITIONS) OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON AND DECLARING SUCH AMENDMENTS TO BE A PUBLIC RECORD. (HOME OCCUPATIONS).

And

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 1502-004(B) (2) (HOME-BASED BUSINESSES) OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON. (HOME OCCUPATIONS).

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

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

Vote: Motion carried 6 - 0

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

Absent: Vice-Mayor Michael Hughes.

3. **Ordinance No. 792.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 792 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 130.03 (REGULATION OF LIBRARY USE) OF THE CODE OF THE TOWN OF PAYSON.

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

4. **Ordinance No. 793.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 793 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING SECTION 72.04 (PARKING RESTRICTIONS; SIGNAGE) AND ADDING SECTION 71.09 (TEMPORARY STREET CLOSURES; SIGNAGE) TO ALLOW THE POLICE CHIEF AND/OR THE PUBLIC WORKS DIRECTOR TO

TEMPORARILY RESTRICT PARKING AND/OR CLOSE STREETS.

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

Council Member Connell asked Don Engler, Police Chief, what merited this.

Chief Engler replied he wanted a clear ordinance on who can close streets. Mayor Evans noted that now this can be documented. The Chief stated that it would also help with court proceedings. Council Member Connell asked if someone asked to have a street closed was there a procedure and a fee. Chief Engler replied there was currently a parade application anyone could fill out to close a street for an event. The events will be looked at individually and a decision would be based on each event.

Council Member Blair asked what the process was for telling the residents when their street would be closed. Chief Engler responded there was already a process in place. Parks and Recreation had an employee who went door to door to let people know when the street would be closed. If no one answered they left a note on the door.

Council Member Carpenter asked for a brief presentation on the background for the need to change the Code with Ordinance No. 792. Mayor Evans suggested staff do that at the second reading.

5. **Ordinance No. 794.** Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 794 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING UNIFIED DEVELOPMENT CODE SECTION 15-05-003(A)(1)(f) AND ADDING A DEFINITION OF 'AUTOMATED SIGNS' TO THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON. (AUTOMATED SIGNS).

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

Council Member Blair asked what the difference was between animated and automated signs. Ray Erlandsen, Community Development Director, responded it was the difference in the way the sign was changed. Mayor Evans noted this was a wave that was coming and Council had asked staff to come to them with an ordinance for these signs. Mayor Evans explained an automated sign was like the flashing sign with words displayed and changing and animated signs were like a giant plasma TV with a moving scene. Mr. Erlandsen noted animated signs were also the giant characters with a blower at the bottom that makes them move.

Council Member Carpenter asked if staff was looking at a variety of animated sign regulations or was there a model. Ray Erlandsen, Community Development Director, responded he had not found a model and after the first of the year staff would review the entire sign ordinance and this would be a part of it.

Council Member Wilson asked what was the criteria for determining the 20 second delay. Mr. Erlandsen replied this had been determined with LaRon LaRon Garrett, Public Works Director, that 20 seconds was a safe reading and driving rate.

H. UNFINISHED BUSINESS

There were no items in this section.

I. NEW BUSINESS

1. **Council Decision Request** to waive construction permit and review fees for a building at 409 S. Tonto Street as requested by the Payson Community Kids Inc.

Ray Erlandsen, Community Development Director, explained Payson Community Kids, Inc. had submitted a letter requesting a waiver of the fees for the construction of a building.

Suzy Tubbs came to the podium to answer questions from the Council.

Council Member Blair was in favor of helping this non-profit. Council Member Blair noted this would go to the Design Review Board, but felt the parcel was too small and asked if Ms. Tubbs had increased the area there. Ms. Tubbs replied the neighbors were not going anywhere, but they had torn down the fence in front and had put up a privacy fence by the neighbors' property. Ms. Tubbs stated she had talked to the neighbor about his property.

Council Member Carpenter asked if that issue was taken care of by Design Review. Mr. Erlandsen responded yes.

Council Member Connell felt the Payson Community Kids have done a wonderful thing, but could not support this because of a deviation of \$4,000. Council Member Connell did not want to set a precedence for other non-profits.

Council Member Croy could not support this because of the fees and did not want to set a precedence for other non-profits.

Motion: to waive construction permit and review fees for a building at 409 S. Tonto Street as requested by the Payson Community Kids Inc.
Moved by Council Member Fred Carpenter, seconded by Council Member Ed Blair.

Mayor Evans noted some of these fees were determined by a schedule. Mr. Erlandsen responded the fees were based on the preliminary plan and were estimated until the final, but this was probably very close. Ms. Tubbs stated the total cost would be \$50,000 and could be an additional \$5,000 for the Sanitation District. Mayor Evans noted it was the Town's role to try to re-cover these costs.

Mayor Evans suggested amending the motion to waive the plan review fee of \$1,744.22, but keep all other fees in place. Council Member Carpenter and Council Member Blair agreed to the amendment. Council Member Wilson restated the amended motion was to waive \$1,744.22 and the rest of the fees would stay in place.

Motion: to amend the previous motion.
Moved by Mayor Kenny J. Evans, seconded by Council Member Fred Carpenter.

Mayor Evans called for the vote to amend the motion.

Vote: Motion carried 6 - 0

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

Absent: Vice-Mayor Michael Hughes.

Mayor Evans called for the vote on the amended motion.

Motion: to Approve to waive the plan review fee of \$1,744.22, but keep all other fees in place for a building at 409 S. Tonto Street as requested by the Payson Community Kids Inc.

Moved by Mayor Kenny J. Evans, seconded by Council Member Fred Carpenter.

Vote: Motion carried 5 - 1

Yes: Mayor Kenny J. Evans, Council Member Ed Blair, Council Member Fred Carpenter, Council Member Richard Croy, and Council Member John Wilson.

No: Council Member Su Connell.

Absent: Vice-Mayor Michael Hughes.

J. CLAIMS

1. * **List of checks.** Council approved, on the Consent Agenda, a list of checks paid from October 8, 2010 through October 28, 2010, Check Nos. 011757 through 011967, 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 6:31 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 4 of November, 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