TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
May 19, 2011

CALL TO ORDER

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

INVOCATION

An invocation was offered by Dr. Joe Falkner, Senior Pastor, Ponderosa Baptist Church.

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, Silvia Smith - Town Clerk, LaRon Garrett - Public Works Director, and Cameron Davis - Parks, Recreation and Tourism Director.

OTHERS PRESENT: Gaye Stidham - Deputy Town Clerk, Ray Erlandsen - Community Development Director.

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.

   There were no comments from the public.

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.

Motion: to approve the Consent Agenda.
Moved by Council Member John Wilson, seconded by Council Member Fred Carpenter.

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.

Mayor Evans explained that because of the quarantine problems with the spread of the

JUN 16 2011 E.1*

equine HV1 virus, and the cancellation of the junior rodeo finals in Payson, the Gracie Lee Haught activities were cancelled and there was no need for their special event liquor license application. Normally the Council does not put items on or pull items from the agenda without due notice, but he asked this liquor license application be pulled because of the circumstances. Mayor Evans reported there was one confirmed horse fatality from this virus in Arizona so far.

Motion: to pull Item F.2 from the agenda.
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.

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.

   Cameron Davis, Parks, Recreation and Tourism Director, announced the Aero Fair beginning at 7:30 a.m. next weekend at the Airport. The Spring rodeo is not cancelled. May 20, 2011 the gates will open at 5:00 p.m. He also reported that there are eight different events for the upcoming Mountain High Games.

   Mayor Evans announced the community memorial services for Don Crowley. Mr. Crowley passed away this spring. He was an avid volunteer and instrumental in bringing the college camps project forward. Services begin at 1:00 p.m.

   Council Member Connell announced that Armed Forces Day is Saturday and to be sure to display the Red, White and Blue. There will be flag raising and memorial events at the Pioneer Cemetery on Saturday, May 28, Mountain Meadows Cemetery on Sunday, May 29 and the casino and Green Valley Park on Sunday, May 30th.

2. Documents, materials and information for Council review. There was no information for Council review.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

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

2. Proclamation declaring May 27, 28 and 29, 2011 as Buddy Poppy Days. Dwayne Cunningham, Post Commander, and other members of the VFW Post 2829 will be present to accept the proclamation.

   Vice-Mayor Hughes read the proclamation in full. Post Commander Cunningham and other members of the VFW Post 2829 distributed poppies and received donations from the Council and others who were present.

E. MINUTES

1. * Council Meeting Minutes:
   05-03-11 Special Meeting Minutes Pages 1 - 7
   05-05-11 Special Meeting Minutes Pages 1 - 2
   05-05-11 Regular Meeting Minutes Pages 1 - 9
   CONSENT APPROVED

2. * Transportation Advisory Board Minutes:
   04-06-11 Regular Meeting Minutes Pages 249 - 253
   CONSENT APPROVED

3. * Payson Advisory Youth Council Minutes:
   04-14-11 Regular Meeting Minutes Pages 1-4
   CONSENT APPROVED

F. HEARINGS AND APPEALS

1. This is a Public Hearing concerning an application for a Series 12 Liquor License filed by Cynthia Jean Kofile, agent for MoJoe's Cafe, 307 South Beeline Highway, Suite J, Payson, Arizona.

   Mayor Evans opened the public hearing.

   Cynthia Kofile was present to answer questions. She thanked those people who made it possible for them to expand from a small coffee shop to their new location. They are open for business now, but will have a grand opening on June 11.

   Mayor Evans closed the public hearing.

   Motion: to Approve an application for a Series 12 Liquor License filed by Cynthia Jean Kofile, agent for MoJoe's Cafe, 307 South Beeline Highway, Suite J, Payson, Arizona.
   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.

2. This is a Public Hearing concerning an application for a Special Event Liquor License filed by Judy Baker, agent, Mogollon Health Alliance for the 5th Annual Gracie Lee Haught Memorial Ropin' to be held at the Payson Event Center, 1400 S Beeline Highway, Payson, Arizona, Friday, June 17, 2011 from 9:00 a.m. to 12:00 p.m., Saturday, June 18, 2011 from 9:00 a.m. to 12:00 p.m., and Sunday, June 19, 2011 from 9:00 a.m. to 12:00 p.m.

   This item was pulled from the agenda.

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. Mayor Evans opened the Second Reading and Public Hearing concerning Ordinance No. 803 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA AMENDING ORDINANCE NO. 466 THE ZONING MAP 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)

   Peter Menghini said he shared some frontage with the property in question. He said that the overwhelming majority of people in Town are in opposition.

   Don Fife said he would be able to see the development from his deck. He opposed more density in the area.

   Paul Bentley asked the Council to vote no on the Underwood project.

   Elizabeth Gruber voiced her opposition to the Ordinance.

   John Worton spoke in opposition to the Ordinance.

   Mike Foil asked the Council to remember the property rights of the Underwoods.

   Marty Lamb asked the Council to develop within the present zoning.

   Court Corbin opposed rezoning.

   Barbara Underwood said that of the 24 properties owners within the 300 foot radius, 9 were against and 13 were in favor. She asked the Council to vote in favor of rezoning.

   Motion: to Approve Ordinance No. 803 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA AMENDING ORDINANCE NO. 466 THE ZONING MAP 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 Carpenter asked Community Development Director Erlandsen if

Mrs. Underwood had correctly stated the number of people in favor of the Ordinance. Mr. Erlandsen replied that she had.

Council Member Blair stated that rezoning was a big deal. He sited the responses of members of the Planning and Zoning Commission in their recommendation for denial. He said he would vote to deny.

Mayor Evans said there had been allegations that were spurious or false. He was hurt and sorry about that. To presume his actions were some how related to returning special favors is wrong. Mayor Evans stated they have studied the issue and there are other reasons for their decisions rather than to profit some development or neighbor. He has seen the Town grow and watched a lot of contentious fights. He said there seemed to be a division within the community that believes the only reason for higher zoning is to capitulate to the developer. Mayor Evans said that he sees the additional five houses as not five units for profit but five homes that people will live in as contributing members of society. He postulated that for most people moving to the area, it is not the trees or the open space as much as it is the people. He noted that the Council had listened to their concerns, but that didn't mean they didn't have other reasons to consider when they make a decision. They also look to what is best for Payson's future. Mayor Evans asked that they recognize the Council had other motives different than what had been speculated here.

Council Member Carpenter asked if a super-majority was required to pass this Ordinance. Mr. Wright said, yes, it required six votes from the Council.

Council Member Connell said this Ordinance was right, prudent and the property meets the needs of the community.

Vote: Motion carried 6 - 1

Yes: Mayor Kenny J. Evans, Vice-Mayor Michael Hughes, Council Member Fred Carpenter, Council Member Su Connell, Council Member Richard Croy, and Council Member John Wilson.
No: Council Member Ed Blair.

Mayor Evans opened the First Reading and Public Hearing concerning Ordinance No. 806 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SECTION 15-02-016 AND AMENDING SECTIONS 15-02-003 AND 15-11-002 OF CHAPTER 154 (THE UNIFIED DEVELOPMENT CODE) OF THE CODE OF THE TOWN OF PAYSON, CREATING AN EDUCATIONAL FACILITIES ZONING DISTRICT. (EDUCATION FACILITIES ZONING DISTRICT)

Mayor Evans explained that there are political subdivisions that can ignore our zoning and build whatever they want. Schools are one of those subdivisions and can be built in any zoning. Once a school has been decommissioned, the zoning rolls back to the old zoning. Frontier Elementary is zoned as small residential lots so the building cannot be leased out or used for a commercial purpose. He explained that this zoning as a school zone could help all that.

Mayor Evans opened public hearing.

Jim Ederwood said he wouldn't want to see Frontier Elementary school become an industrial zone or a commercial zone. He described the Ordinance as a perplexing quandary.

Barbara Underwood, Payson Unified School District Board member, said they were having a Board meeting on June 3, 2011 to find options for Frontier Elementary. She noted that with the current zoning, the property could not be sold or leased without reverting to the original zoning.

Mayor Evans explained the educational facilities zoning is fairly common in the Midwest. Mr. Erlandsen stated that the underlying zoning for Frontier Elementary is R1 -10 MH.

Vice-Mayor Hughes said the Frontier Elementery property was part of a larger parcel and has more stringent deed restrictions on it.

Mike Foil said he was optomistic for Payson and thought Frontier Elementery should be kept zoned for a school.

Council Member Carpenter asked if existing School District schools will need to become part of a zoning district and go through the zoning process. Attorney Wright said they would.

Mayor Evans explained the educational facilities zoning only creates the ability to have the zoning, nothing is designated now. The schools will have to ask for the zoning.

Council Member Blair asked if Frontier Elementery could become a private college. Mayor Evans said it couldn't without rezoning as that would be a lease and require commercial zoning.

There were no further comments and Mayor Evans closed the public hearing.

H. UNFINISHED BUSINESS

1. Update by Town Manager re: 2-deep management restructuring (Council Decision Request previously presented to Council on 05-17-11.)

   Manager Galbraith gave an update on the proposed management restructuring. The resolution will be brought to Council on the meeting of June 2. This restructuring would take the 11 divisions or departments that directly report to the Town Manager to four. An assistant manager, two deputy managers and the Town Clerk. The estimated cost savings would be about $33,000. Future years would see could see savings estimated over $81,000. These savings depend on the pay grade or level of the director positions that would be vacated. The deputy town managers would take on more of the roll of a director and the department manager would direct operations. There would be no demotions, terminations or changes to departments.

   Council Member Blair said he was in favor whenever money can be saved for the

Town. He asked how pulling a deputy manager from some of the understaffed departments would work. Manager Galbraith said no department would be shorted staff because of this change.

I. NEW BUSINESS

1. Council Decision Request filed by Cameron Davis, Parks, Recreation and Tourism Director to approve the fireworks display contract in the amount of $20,000 with FPA in substantially the form attached for the annual fireworks display at Green Valley Park and authorize the Town Manager to sign such contract and addendum.

   Mr. Davis commented that $10,000 would come from the Payson Water fund and $10,000 from the Northern Gila County Sanitary District.

   Motion: to Approve a Council Decision Request filed by Cameron Davis, Parks, Recreation and Tourism Director to approve the fireworks display contract in the amount of $20,000 with FPA in substantially the form attached for the annual fireworks display at Green Valley Park and authorize the Town Manager to sign such contract and addendum.
   Moved by Council Member Ed Blair, 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 paid from 04-27-11 through 05-12-11, Check Nos. 013852 through 014121, and authorization to file the checks for audit.
   CONSENT APPROVED

K. MISCELLANEOUS

L. PUBLIC COMMENTS

1. Public Comments: There were no comments from the public.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 7:02 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 May, 2011. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____day of _____, 2011.

_____

Gaye Stidham, Deputy Town Clerk