

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
April 4, 2013**

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

Rev. Charles Proudfoot, Community Presbyterian 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, LaRon Garrett - Assistant Town Manager, Tim Wright - Town Attorney, Don Engler - Police Chief, Silvia Smith - Town Clerk, Cameron Davis - Parks, Recreation and Tourism Director, and Emily Linkey - Library Director.

OTHERS PRESENT: Tracie Bailey - Deputy Town Clerk.

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

1. 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 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.

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.

APR 18 2013 *E.L.C.*

Cameron Davis, Parks, Recreation and Tourism Director, announced this weekend at Green Valley Park was the Rim Country Optimist Club Kid's Fishing Festival. The Beeline Cruise In Car Show was on April 27th from 8:00 a.m. to 4:00 p.m. and the Harlem Ambassadors Basketball Team event was on April 30th. May 31st through June 2nd was the Mountain High Games. The Mogollon Monster Mudder 5k was a new event at the Mountain High Games.

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.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.
2. Presentation regarding PetSmart funds for the Dog Park Improvements. **Note:** This presentation was postponed until a later date.
3. **Proclamation.** Council Member Carpenter read into the record a proclamation declaring April 26 & 27, 2013 as Rim Country Classic Auto Club Days. Mary Cailey and Members of the Rim Country Classic Auto Club were present to accept the proclamation.

Mayor Evans stated this show was a favorite of his and thanked the club members for the shows they have done. Steve Fowler, President of the Club, and Mary Cailey thanked the Council and Parks and Recreation for thier support.

E. MINUTES

1. Council Meeting Minutes:
There were no items in this section.

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. There were no items in this section.

F. HEARINGS AND APPEALS

1. ***Application for a Special Event Liquor License.** Council approved, on the Consent Agenda, an application for a Special Event Liquor License filed by Daniel Wile, agent for the Payson Pro Rodeo Committee, for a fundraiser to be held at 1400 S. Beeline Highway, Payson, Arizona, Thursday, May 16, 2013, 8:00 a.m. to 11:30 p.m, Friday, May 17, 2013, 8:00 a.m. to 11:30 p.m. and Saturday, May 18, 2013, 8:00 a.m. to 11:30 p.m.
***CONSENT* APPROVED**

2. ***Application for a Special Event Liquor License.** Council approved, on the Consent Agenda, an application for a Special Event Liquor License filed by Sara Hock, agent for the Humane Society of Central Arizona, for a fundraiser to be held at 1105 North Falcon Crest Drive, Payson, Arizona, Friday, May 10, 2013, 5:00 p.m. to 7:30 p.m.
***CONSENT* APPROVED**

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. ***Resolution No. 2709.** Council approved, on the Consent Agenda, Resolution No. 2709, Captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE GOVERNOR'S OFFICE OF HIGHWAY SAFETY FOR FUNDS FOR A TRAFFIC ENFORCEMENT DETAILS AND CHILD SAFETY SEATS.
***CONSENT* APPROVED**
3. **Public Hearing on Resolution No. 2706 and Ordinance No. 829** regarding signage. Mayor Evans opened the Second Reading and Public Hearing.
 - A. **Resolution No. 2706** Captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PORTIONS OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON BANNERS, TEMPORARY PORTABLE SIGNS, AND ELECTRONIC MESSAGING CENTERS; AND APPROVING CONFORMING CHANGES.
 - B. **Ordinance No. 829.** Second Reading and Public Hearing concerning Ordinance No. 829 Captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PORTIONS OF OF THE TOWN'S SIGN REGULATIONS, INCLUDING BANNERS, TEMPORARY PORTABLE SIGNS, ELECTRONIC MESSAGE CENTERS, AND APPROVING CONFORMING CHANGES.

Robert Schmidt thanked the Council and expressed his concern regarding a sign regulation that he believed was not being enforced. Mr. Schmidt believed the smoke free signs were not being enforced and noted those signs generate revenue for the State. Mr. Schmidt asked the Council to enforce these signs and believed it was a \$150 fine if the sign was not posted on a business door.

Matthew Miles thanked the Council and stated he was a small business owner. Mr. Miles felt businesses relied heavily on traffic and was concerned that the fifteen day limit on feather signs would hurt his business. Mayor Evans explained that at the last Council meeting staff was asked to eliminate the fifteen day law.

John Griffith believed any decrease in his ability to advertise his business would

adversely affect his business. Mayor Evans explained the Town was losing those laws.

Joshua Thomas was concerned about permits being issued for signs every month and felt the sandwich boards were needed for businesses to be seen.

Tim Wright, Town Attorney, gave a Power Point presentation on the sign ordinance and went over proposed changes for all signs.

Council Member Carpenter believed the fifteen day restriction was going to be removed. Mayor Evans replied yes, it would be. Mr. Wright stated he could provide language for the motion.

Council Member Croy noted at the last meeting Council wanted to take away the fifteen day limit and asked if it was still there. Mr. Wright replied yes, but the a-frame signs could be out 365 days.

Council Member Blair asked what does .3 candle feet mean on electronic message centers and could Council change that if it was not bright enough for the business. Mr. Wright explained it was the industry standard for brightness and if it had to be changed it could take sixty to ninety days. Council Member Blair asked if that was the brightness used in Phoenix. Mr. Wright explained it was for dark sky areas.

Council Member Carpenter asked what candle power the school's electronic sign used. Mr. Garrett responded it should be close to what Council was looking at.

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

Vice-Mayor Hughes **moved** to remove exhibit 6.a.2 and approval of Ordinance 829 and Resolution 2706 Council Member Blair **seconded** the motion. Following some discussion Vice-Mayor Hughes **withdrew** the motion Council Member Blair **withdrew** the second.

Motion: to Approve Resolution No. 2706 Captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PORTIONS OF THE UNIFIED DEVELOPMENT CODE OF THE TOWN OF PAYSON BANNERS, TEMPORARY PORTABLE SIGNS, AND ELECTRONIC MESSAGING CENTERS; AND APPROVING CONFORMING CHANGES.

and

Ordinance No. 829 Captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING PORTIONS OF OF THE TOWN'S SIGN REGULATIONS, INCLUDING BANNERS, TEMPORARY PORTABLE SIGNS, ELECTRONIC MESSAGE CENTERS, AND APPROVING CONFORMING CHANGES.

Moved by Vice-Mayor Michael Hughes, 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.

Motion: amend Resolution 2706 Exhibit A 6.a.2 to remove the fifteen day limit on the banners.

Moved by Vice-Mayor Michael Hughes, seconded by Council Member Ed Blair.

Council Member Carpenter asked how long it would take to go to the Design Review Board and back to Council on colors. Mr. Wright believed it could be late April or early May. Mr. Wright noted what was recommended was to go back and make changes it would not come back to Council.

Council Member Blair was concerned about the colors and asked if that was in it. Mr. Wright replied no, the Design Review Board would meet and discuss that. Mr. Wright explained if a sign had a permit for a color it was allowed.

Vice-Mayor Hughes asked if the Design Review Board did not change it could Council amend the resolution to change that. Mr. Wright replied Council could change or tweak what the Design Review Board did or said. Mayor Evans stated there would be public notices for these meetings.

Mayor Evans called for the vote on the amendment.

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.

4. **Ordinance No. 830.** Mayor Evans opened First Reading and Public Hearing concerning Ordinance No. 830 captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING THE PROVISIONS OF SECTION 15-02-003 OF THE UNIFIED DEVELOPMENT CODE RELATING TO MOBILE STORAGE UNITS, RAILROAD CARS, TRACTOR TRAILER UNITS, AND SHIPPING CONTAINERS AND ADDING A DEFINITION FOR THE TERM 'MOBILE STORAGE UNIT.'

Tim Wright, Town Attorney, gave a Power Point presentation on Ordinance No. 830 regarding mobile storage units.

Council Member Croy felt the way the ordinance was written did not define metal storage unit. Mr. Wright explained in theory it could be plastic or metal. Council Member Croy asked if someone could build a shed that fell under this. Mr. Wright replied there was no zoning limit on these, someone could have a 1200 foot shed zoning wise. Council Member Croy asked if there should be a reference to metal. Mayor Evans believed that structurally unaltered portable storage described that. Mr. Wright noted it also had to be from somewhere else and not something someone could build.

Council Member Blair was aware of color perspective and felt white would attract

attention. Council Member Blair felt white and off white needed to be taken out of the color selection.

Council Member Carpenter asked if Council put a temporary time frame on this. Mr. Wright replied yes.

Motion: put a temporary time frame on the provisions of Ordinance No. 830. Moved by Council Member Fred Carpenter, 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.

Mayor Evans agreed with not having the color be white or off white. Mr. Wright suggested Council make a motion to take out white or off white. Mayor Evans asked the Council what was their wish. It was Council consensus to take out the color white or off white.

Sue Malinski had three units behind her building and hoped they were grandfathered in. Ms. Malinski used them for sales areas. Mayor Evans asked if they were twenty feet. Ms. Malinski replied yes. Mayor Evans noted Ms. Malinski could have up to four of those units. Ms. Malinski thanked the Council. Mr. Wright noted there were a lot of units around town that were not legal because the Town did not allow them, now they would be allowed.

Phil Hatch had engineered some of these units and recognized they had to conform.

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

H. UNFINISHED BUSINESS

1. There were no items in this section.

I. NEW BUSINESS

There were no items in this section.

J. CLAIMS

1. ***List of checks.** Council approved, on the Consent Agenda, a list of checks paid from March 14, 2013 through March 21, 2013, Check Nos. 21463 through 21520, and authorization to file the checks for audit.

***CONSENT* APPROVED**

K. MISCELLANEOUS

There were no items in this section.

L. PUBLIC COMMENTS

- 1. There were no public comments.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:28 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 April, 2013. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2013.

Tracie Bailey, Deputy Town Clerk