

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
March 21, 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

Minister Ken Davidson, Jr., Payson Church of Christ.

PLEDGE OF ALLEGIANCE

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

ABSENT: Council Member Su Connell.

STAFF PRESENT: Debra Galbraith - Town Manager, LaRon Garrett - Assistant Town Manager, Tim Wright - Town Attorney, Silvia Smith - Town Clerk, Don Engler - Police Chief, Cameron Davis - Parks, Recreation and Tourism Director, and Tanner Henry - Water Division Manager.

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 Richard Croy.

Vote: Motion carried 6 - 0

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

Absent: Council Member Su Connell.

C. CURRENT EVENTS PRESENTATION BY THE TOWN MANAGER, MAYOR, AND/OR COUNCIL MEMBER

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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.

Cameron Davis, Parks, Recreation and Tourism Director, announced the spring and summer programs were starting. It was the sixth year for the Gracie Lee Haught ball games. The Eggstravaganza would be on March 30th. The Kids Fishing Festival was the following weekend at Green Valley Park and the Beeline Cruise Inn was on the 27th of April.

Mayor Evans announced Saturday morning was the 12th Annual Women's Wellness Forum and also Pet Smart's grand opening.

Council Member Blair asked if Resolution Copper Mine was coming up again. Mayor Evans responded he had already sent the letter. Tim Wright, Town Attorney, replied yes the Mayor already took action on it.

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.

LaRon Garrett, Assistant Town Manager, introduced Tanner Henry the new Water Department Division Manager. Mr. Henry was a native of Payson and had attended Northern Arizona University then worked for Tetra Tech Engineering. Mr. Henry thanked the Council for the opportunity to work for the Town and felt it was a great honor. Mr. Henry was excited to work for the Town at this time when C.C. Cragin was going in. Mr. Henry stated he has had alot of experience with different water systems and believed this water system was exemplary. Mayor Evans thanked Mr. Henry.

E. MINUTES

1. * Council Meeting Minutes:

03.07.13 Regular Meeting Minutes Pages 1 - 5

***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. * Planning and Zoning Commission Minutes:

01.14.13 Regular Meeting Minutes Pages 1 - 9

***CONSENT* INFORMATION ONLY**

3. * Parks & Recreation Commission Minutes:

02.12.13 Regular Meeting Minutes Pages 1 - 4

***CONSENT* INFORMATION ONLY**

4* Airport Commission:

01.14.13 Regular Meeting Minutes Pages 1 - 8

***CONSENT* INFORMATION ONLY**

F. HEARINGS AND APPEALS

1. 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. * **Resolution No. 2708.** Council approved, on the Consent Agenda, Resolution No. 2708 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 A PORTION OF THE MANZANITA HILLS PHASE 6 SUBDIVISION FOR FUTURE ROADWAY CONSTRUCTION.

***CONSENT* APPROVED**

3. **Ordinance No. 827.** Mayor Evans opened the Second Reading and Public Hearing concerning Ordinance No. 827 Captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SUBSECTION (G) TO SECTION 33.03 OF THE CODE OF THE TOWN OF PAYSON, CREATING A PROVISION TO DESIGNATE A TOWN BOARD, COMMITTEE, OR COMMISSION INACTIVE.

Motion: to Approve Ordinance No. 827 Captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, ADDING SUBSECTION (G) TO SECTION 33.03 OF THE CODE OF THE TOWN OF PAYSON, CREATING A PROVISION TO DESIGNATE A TOWN BOARD, COMMITTEE, OR COMMISSION INACTIVE.

Moved by Council Member John Wilson, seconded by Council Member Fred Carpenter.

Vote: Motion carried 6 - 0

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

Absent: Council Member Su Connell.

4. **Resolution No. 2705 and Ordinance No. 828.** Mayor Evans opened the Public Hearing on Resolution No. 2705 and Ordinance No. 828 RE: Magistrate Court. Resolution No. 2705 Captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 34 (MAGISTRATE COURT) OF THE CODE OF THE TOWN OF PAYSON AND DECLARING SUCH AMENDMENTS TO BE OF PUBLIC RECORD.

Second Reading and Public Hearing concerning Ordinance No. 828 Captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 34 OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE. (MAGISTRATE COURT)

Council Member Blair asked how this was going to change the court and if the public needed to know about it. Tim Wright, Town Attorney, believed the public would not see any change. This was a behind the scenes functional cleanup.

Motion: to Approve Resolution No. 2705 Captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 34 (MAGISTRATE COURT) OF THE CODE OF THE TOWN OF PAYSON AND DECLARING SUCH AMENDMENTS TO BE OF PUBLIC RECORD.

and

Ordinance No. 828 Captioned as follows: AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, AMENDING CHAPTER 34 OF THE CODE OF THE TOWN OF PAYSON AND ADOPTING SUCH AMENDMENTS BY REFERENCE. (MAGISTRATE COURT)

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

Vote: Motion carried 6 - 0

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

Absent: Council Member Su Connell.

5. **Ordinance No. 829.** Mayor Evans opened the First 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 THE TOWN'S SIGN REGULATIONS, INCLUDING BANNERS, TEMPORARY PORTABLE SIGNS, ELECTRONIC MESSAGE CENTERS, AND CONFORMING CHANGES.

Mayor Evans asked LaRon Garrett, Assistant Town Manager, to address this issue. Mayor Evans explained that this was a first reading and would not be acted on at this meeting. Mr. Garrett explained several months ago Council had directed the Planning and Zoning Commission to make recommendations for changes regarding signs. The Commission had looked at three areas and recommended feather banners

be out fifteen days a month and were allowed to be on the town right of way fifteen feet back from improvements. Temporary portable signs would be allowed to be out seven days a week. There would be a thirty-six month trial for both signs to see if this worked. Electronic signs had to have text between six and twenty-four inches high.

Council Member Wilson asked if the permit requirement for fifteen days meant consecutive days or any days. Mr. Garrett replied any days. Council Member Wilson asked if the business owner would have to come in every month for a permit. Mr. Garrett responded the permit could be yearly or longer than that.

Council Member Croy asked how staff would police this. Mr. Garrett replied it would be on a complaint basis.

Council Member Carpenter asked how many meetings did the Planning and Zoning Commission have regarding this. Tim Wright, Town Attorney, replied the Commission had many meetings regarding this issue. Council Member Carpenter asked if the meetings were well attended. Mr. Wright responded there were very few people. Mr. Garrett noted that at the last meeting two people had attended.

Council Member Blair asked if in front of the Bashas shopping center flags needed to be back fifteen feet. Mr. Garrett replied yes, if it was on Town property. If it was on private property it had to be three feet back from improvements. Council Member Blair asked if anyone on Highway 260 had private property. Mr. Garrett believed it varied on Highway 260 and Highway 87.

Council Member Carpenter asked if airup signs were allowed. Mr. Wright responded that kind of sign would not be allowed.

Eugene Brown stated he was not a business owner, but was a consumer. Mr. Brown believed people go out of business because they can't get a good sign and that businesses needed as much signage out there as possible to get people to stop at their businesses. Mr. Brown implored the Council to loosen the signage guidelines.

Scott Moody was a business owner and felt businesses should be able to have the feather signs out longer than fifteen days. Mr. Moody felt signs should look nice and asked the Council to take that into consideration.

Robert Schmidt had a new store in Payson and had done a couple of a-frame signs. In the ten days he had them out there was a forty percent increase in sales. Mr. Brown stated then the Town came and threatened to take the signs away. Mr. Brown believed the Town was losing small businesses and would like to keep the signs out on the street. Mr. Brown asked the Council to take a good look at this and thanked the Council.

John Daley stated he was not a business owner, but wondered what aesthetically pleasing meant. Mr. Garrett replied that would be in the design review.

Rebecca Accord, owner of Crafter Cubby, had put out some a-frame signs and saw a huge increase in traffic in the store. Ms. Accord did not have enough money for other advertising and felt the small signs worked well. Ms. Accord believed these

signs worked and drew attention to her business because they had yellow on them which the Town did not like. Ms. Accord encouraged the Council to look at the rules and what was trying to be accomplished by the businesses. Ms. Accord thanked the Council.

Debra Roberts with Chitwood's Cabinets had an issue with the dates and was glad the sandwich signs could be up seven days a week. Ms. Roberts was concerned that the wooden signs could not be used and had to have a metal frame. Ms. Roberts felt the feather flags should be up longer than fifteen days and asked that the feather flags not be limited on the time they were up.

Mayor Evans appreciated the input and explained the Council's goal and role has been to bring some thought to this process.

Vice-Mayor Hughes asked what the thought process was for the fifteen days on feather flags. Mr. Garrett replied part of that also included signs hanging on the building. Vice-Mayor Hughes asked what was the logic to limiting it to fifteen days.

Council Member Carpenter agreed with Vice-Mayor Hughes and asked Mr. Wright to review areas that were liberalized. Mr. Wright explained they have been liberalized and the banners would be allowed in the right of way with a permit. Council Member Carpenter asked what were the color restrictions. Mr. Garrett replied colors were recommended by the Design Review Board. Mr. Wright stated staff would look at it.

John Swenson, Vice-Chair for the Planning and Zoning Commission, stated the Commission had struggled to liberalize signs. Mr. Swenson explained the Commission believed some banners were ragged and if they were up for only fifteen days owners would be required to look at them periodically and see their condition. Mr. Swenson stated the Commission did not look at colors at all or metal frames that was from the Design Review Board. Mr. Swenson noted the Commission had removed all restrictions on the a-frame signs.

Council Member Blair believed the bright color on a small sign was not a problem and that appropriate colors for buildings were different than colors for signs. Council Member Blair felt the Town should be pro-business and that should be second to aesthetics. Council Member Blair asked staff to tell businesses where the fifty feet was and to get a map and give it to all the business people. Mr. Garrett explained it varied drastically. The three foot was the bare minimum and it could be increased up to fifteen feet back. Staff would have to look at them individually. Council Member Blair asked staff to get some kind of map that businesses could see. Mr. Garrett replied staff could definitely come up with a map with property lines.

Mayor Evans asked if the Planning and Zoning Commission could look at this again. Vice-Mayor Hughes asked if the sign criteria was the same as the building criteria. Mr. Swenson stated that was outside of the Planning and Zoning Commission that was the Design Review Board, the Planning and Zoning Commission did not discuss color.

Council Member Croy asked if businesses would have to get a permit for a sign. Mr.

Garrett responded yes. Council Member Croy asked if that was all approved before they got the sign. Mr. Garrett replied yes, hopefully they do all of that first. Council Member Croy asked if staff showed businesses the right of way when they came in for the permit. Mr. Garrett replied yes staff could address that. Council Member Croy believed it should be in line with their business. Mr. Garrett noted it would be in line with the building they occupied. Council Member Croy asked if that could all be explained when they came in for the permit. Mr. Garrett replied yes. Council Member Croy believed it would be easy to police the deteriorated signs and asked if businesses have time to replace the sign or does the Town take it. Mr. Garrett replied yes, they have time to replace the sign. Council Member Croy felt the color of the signs were irrelevant and believed the Town should help businesses.

Council Member Carpenter believed the feather flags needed to be liberalized. Council Member Wilson noted there was an entire page of crossed out sign rules and asked how that affected the portable signs. Mr. Wright explained under Exhibit G that was basically clean up and does not change anything that was there. Council Member Wilson asked if it took away from two areas that said the same thing and made it clear. Mr. Wright replied yes. Council Member Wilson asked if there was any question about where to put a sign it could be answered during the permit process. Mr. Garrett replied yes.

Council Member Blair asked staff to make a list of the ten requirements and what the current requirements were. Mr. Garrett responded yes staff could do that. Mayor Evans noted the Town had rules and regulations that have been in place a long time and had asked staff to liberalize those. Mayor Evans explained the Council was asking staff to look at these suggestions. Mr. Wright suggested a motion to do that since this was only what Planning and Zoning recommended. The Commission had struggled with this and Council could make changes at the next meeting without going back to the Planning and Zoning Commission.

Eugene Brown asked what the turn around time was to go through the permit process. Mr. Garrett replied a couple of days unless it went through design review. Mr. Brown asked if staff policed this. Mayor Evans explained it was complaint driven.

Robert Schmidt showed the Council his permit and noted that it did not say the Town could take signs. Mr. Schmidt felt that should be on the permit. Mr. Wright noted there was a provision in the Town Code to remove signs. Mr. Garrett explained the Town had a part-time staff person who addressed the complaint and contacted the business to correct it, if the business did not the Town picked up the sign.

Council Member Carpenter asked if the Council's wish was clear or was a motion needed. Mr. Wright responded Council could make a motion now or at the next hearing and believed Council could make a list for staff. Council Member Carpenter asked that the fifteen days on the banners be added to the list. Council Member Wilson agreed with that. Council Member Croy agreed and felt staff could come up with some modifications based on what Council said tonight. Mayor Evans stated he would work with Mr. Garrett and Ms. Galbraith and come back to Council with some suggestions before the Second Reading. Council Member Carpenter asked if they could look at the color issue also. Mayor Evans replied he would try to

get the Design Review Board to put that on their agenda.

Council Member Blair noted Mayor Edwards had been adamant about election signs at the time and all the other sign things were influenced by that. Mayor Evans replied Council would bring forward a recommendation with ample public notification. Council Member Wilson asked that they look at building codes that apply to the signs as to if they require a metal frame. Mr. Garrett explained that was a design review guideline. Council Member Croy believed they could hang anything off of it and it could be removed easily. Mr. Garrett explained both of those issues were addressed in design review. Mr. Wright noted the prior version of this was strict with those signs. Council Member Carpenter pointed out the Planning and Zoning Commission was just doing their job.

Mayor Evans closed the First Reading and Public Hearing.

6. **Resolution No. 2710.** Mayor Evans opened discussion/possible action concerning Resolution No. 2710 Captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, SUPPORTING COMPLETION OF THE IMPROVEMENTS TO HIGHWAY 260 IN THE AREA OF LION SPRINGS AND AUTHORIZING THE MAYOR, ON BEHALF OF THE TOWN, TO FORMALLY SUPPORT SUCH COMPLETION.

Mayor Evans explained the Arizona Department of Transportation (ADOT) had determined to pull the Lion Springs area of the road out of the improvements on Highway 260. ADOT was making cuts in rural Arizona and half of those cuts would come out of Gila County which included the Lion Springs improvements.

Motion: to Approve Resolution No. 2710 Captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, SUPPORTING COMPLETION OF THE IMPROVEMENTS TO HIGHWAY 260 IN THE AREA OF LION SPRINGS AND AUTHORIZING THE MAYOR, ON BEHALF OF THE TOWN, TO FORMALLY SUPPORT SUCH COMPLETION.

Moved by Vice-Mayor Michael Hughes, seconded by Council Member John Wilson.

Vote: Motion carried 6 - 0

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

Absent: Council Member Su Connell.

H. UNFINISHED BUSINESS

1. **Council Decision Request** filed by LaRon Garrett, Assistant Town Manager, requesting direction to staff to proceed with the application to the United States Forest Service for roadway and utility easements for Mud Springs Road between 500 N. Mud Springs Road and Highway 260 and for Granite Dells Road between Mud Springs Road and the Granite Dells Estates Subdivision.

LaRon Garrett, Assistant Town Manager, explained that these right-of-ways had not been granted and needed to be for the purchase of the land by the Separate Legal Entity. The Forest Service had asked the Town to file these applications.

Motion: Direct staff to proceed with the application to the United States Forest Service for roadway and utility easements for Mud Springs Road between 500 N. Mud Springs Road and Highway 260 and for Granite Dells Road between Mud Springs Road and the Granite Dells Estates Subdivision.

Moved by Council Member John Wilson, seconded by Council Member Fred Carpenter.

Council Member Blair believed some residents in the area were nervous because there would be increased traffic and asked Mr. Garrett for a time table. Mr. Garrett replied construction currently did not have a time table and until there were funds it would not be constructed.

Mayor Evans called for the vote.

Vote: Motion carried 6 - 0

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

Absent: Council Member Su Connell.

I. NEW BUSINESS

1. 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 February 22, 2013 through March 14, 2013, Check Nos. 21255 through, 21463 and authorization to file the checks for audit.
***CONSENT* APPROVED**

K. MISCELLANEOUS

1. There were no items in this section.

L. PUBLIC COMMENTS

1. There were no public comments.

Mayor Evans presented Vice-Mayor Hughes with a birthday card and wished him happy birthday.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:43 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 21 of March, 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