

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
April 18, 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

Pastor Gordon Hauptman, Crossroads 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, and Tanner Henry - Water Division Manager.

OTHERS PRESENT: Tracie Bailey - Deputy Town Clerk, Doni Wilbanks - Planning Technician and Kathy Klein - Records Administrator.

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

Lew Levenson addressed the Council regarding the Solar Ambassadors program. Mr. Levenson explained the goal was to get five percent of residences to have some sort of solar equipment. Mr. Levenson wanted to make sure residents did not miss out on discounts to participate with the solar program. Mr. Levenson stated he would bring the Council quarterly status reports and thanked the Council for their support. Mayor Evans thanked Mr. Levenson for heading up the Solar Ambassador Program.

Penny Pew, District Director for the office of Congressman Gosar, gave a brief update on bills and reminded everyone of the office hours in Payson. Mayor Evans asked if Ms. Pew had any information regarding the Bureau of Reclamation hold up in Denver. Ms. Pew replied she did not have that information yet. Mayor Evans thanked Ms. Pew.

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

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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.

Don Engler, Police Chief, announced the Police Department would have a collection site set up on the east side of Wal-Mart on Saturday April 22, 2013 to collect any unused prescription medication. The Police Department had also joined some community partners to have a permanent collection site set up in the Police Department lobby seven days a week twenty-four hours a day. Chief Engler thanked the Council

Council Member Croy asked if Chief Engler was doing outreach to the senior centers in Town. Chief Engler replied yes. Council Member Croy asked if the Chief had information sheets that people could print out. Chief Engler replied yes.

Council Member Blair announced there would be a human rights film festival about women's rights on Saturday and on Tuesday April 23, 2013 at 4:00 p.m. the Design Review Board would meet to talk about signs.

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.

Mayor Evans announced a major businessman had asked him to compliment Curtis Ward and LaRon Garrett's Department for helping with some issues as well as the Water Department, it was the best service he has ever had.

2. **Proclamation.** Council Member Blair read into the record a proclamation declaring May 2, 2013 as National Day of Prayer.

Pastor Gordon Hauptman thanked the Council and invited everyone to attend the events for National Day of Prayer at Cross Roads Church on May 2, 2013.

3. **Proclamation.** Council Member Croy read into the record a proclamation declaring April 14 - 20, 2013 as Week of the Young Child. Hazel Chandler, Regional Director, Gila County Partnership Council and Sue Yale were present to accept the proclamation.

Ms. Chandler stated the Week of the Young Child has been an annual event for over thirty years and believed getting children off to a good start helped them to have a good life. Ms. Chandler thanked the Council.

4. **Proclamation.** Council Member Connell read into the record a proclamation declaring April 21 - 27, 2013 as National Volunteer Week. Members of various volunteer organizations were present to accept the proclamations.

Council Member Connell thanked all of the volunteers for everything they do and for coming to the meeting.

Mayor Evans thanked the volunteers.

5. **Presentation** of the 2013 Annual Water Status Report by Tanner Henry, Water Division Manager.

Tanner Henry, Water Division Manager, gave a brief presentation on the 2013 Water Status Report for Payson. Mr. Tanner stated the Water Department continued to promote water conservation. Aquifer recovery was good due to water conservation efforts. Mr. Tanner recommended to continue with level one water conservation. Mayor Evans appreciated the efforts of the citizens and staff and thanked the citizens and Water Department.

E. MINUTES

1. * Council Meeting Minutes:

03.21.13Regular Meeting Minutes Pages 1 - 10

04.02.13Special Meeting Minutes Pages 1 - 5

04.04.13Regular Meeting Minutes Pages 1 - 7

***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. There were no items in this section.

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. **Public Hearing.** Mayor Evans opened the Public Hearing on Resolution No. 2707 and Ordinance No. 830 RE: Mobile Storage Units:

A. **Resolution No. 2707** Captioned as follows: A RESOLUTION 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 OF THE TOWN OF PAYSON RELATING TO MOBILE STORAGE UNITS, RAILROAD CARS, TRACTOR TRAILER UNITS, AND SHIPPING CONTAINERS, ADDING A DEFINITION FOR THE TERM 'MOBILE STORAGE UNIT', AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.

B. **Second 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 OF THE TOWN OF PAYSON RELATING TO MOBILE STORAGE UNITS, RAILROAD CARS, TRACTOR TRAILER UNITS, AND SHIPPING CONTAINERS, ADDING A DEFINITION FOR THE TERM 'MOBILE STORAGE UNIT' .

Mike Harper, Attorney, stated he represented the Car Quest owners. Car Quest had been there for thirteen years and was the only locally owned car parts store in Payson. Mr. Harper noted the owners business was down fifty percent and was struggling. Mr. Harper believed this was a difficult economy and that this ordinance would make it more difficult for businesses. Mr. Harper submitted to Council the eye sore in Payson was vacant businesses not mobile storage units. Mayor Evans asked Mr. Harper if he was aware this ordinance would allow what Car Quest was doing to be done and that the ordinance was loosening the code. Mr. Harper replied this would require Car Quest to remove a unit, Car Quest had three units there. Mr. Harper believed it would cost \$60,000 to have something built to replace the storage unit Car Quest would have to take out.

Mayor Evans noted Car Quest was in violation of the old code. Mr. Harper suggested that this did not change the code enough and felt restricting these units would hurt businesses. Mayor Evans asked Mr. Harper what he believed would be too many units. Mr. Harper felt each use should be evaluated based on size of lot and visibility. Mayor Evans appreciated Mr. Harpers comments and would take note of them.

Tim Wright, Town Attorney, noted at the last Council meeting two changes were made. The ordinance would be in effect for thirty six months and then be reviewed by the Planning and Zoning Commission to see if it should be modified, made permanent or repealed. The colors bright white or off white were taken out and the language was changed to read shall be painted to match the primary structure's exterior or compliment the surroundings.

Mayor Evans asked how the square feet was determined. LaRon Garrett, Assistant Town Manager, replied by the area of the lot.

Council Member Blair asked Mr. Harper if his client was objecting to the maximum

limit of 320 square feet on a parcel less than an acre and a maximum of 640 square feet total on parcels one acre or larger. Mr. Harper responded it would be better to tie it to the visibility of the unit. Council Member Blair asked if staff measured at the feed and seed store and how many square feet that was. Mr. Garrett replied he did not know. Council Member Blair stated he was not ready to vote until he knew how many other lots in Town had this problem and asked if they could be grandfathered in. Mr. Wright noted it would of had to be legal to start with to be grandfathered in and these were not. Council Member Blair asked if the Planning and Zoning Commission noted how many square feet units were for other businesses presently. Mr. Wright replied the Commission did not look at that.

Council Member Carpenter asked Mr. Harper if he had attended any of the Planning and Zoning Commission meetings and how many other people could be unaware of this ordinance. Mr. Harper responded he was at the first meeting for this ordinance and had sent a letter to Sheila DeSchaaf, Zoning Administrator, with pictures of other storage units that were in violation. Mr. Harper believed other businesses would be affected and that the Police Department was in violation. Debra Galbraith, Town Manager, noted the ordinance did apply to the Police Department and staff was addressing it. Ms. Galbraith explained notices had gone out because someone complained about Car Quest. Staff then found this affected more than one person so they looked at the Town Code to see if there needed to be corrections.

Vice-Mayor Hughes asked if the one acre restriction was not there would Car Quest object to this. Mr. Garrett explained one acre was the number staff picked. Vice-Mayor Hughes asked if that was because it was easier to look at one acre. Mr. Wright noted there was also the property set back line.

Council Member Blair asked how many notices were sent out. Ms. Galbraith replied six, in different areas. Mr. Garrett agreed there were six notices sent out. Council Member Blair asked if staff knew how many square feet the violators had. Mr. Garrett replied staff would have to research that. Mr. Wright noted Mr. Harper's client had received the first violation then made staff aware of the other violators.

Mayor Evans asked Mr. Harper what the size of the parcel for Car Quest was. Mr. Harper replied around a half acre.

Council Member Wilson asked how difficult it would be to put a permit process into this to grant a variance and could the variance wording be based on visibility.

Council Member Connell agreed there was an opportunity for variances by granting a waiver and believed Council Member Wilson's suggestion made sense.

Council Member Carpenter stated he was uncomfortable doing anything until he had more information and did not want to put a burden on any businesses. Council Member Croy agreed with Council Member Carpenter and felt this should be tabled temporarily.

Motion: to Table Resolution No. 2707 Captioned as follows: A RESOLUTION 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 OF THE TOWN OF PAYSON RELATING

TO MOBILE STORAGE UNITS, RAILROAD CARS, TRACTOR TRAILER UNITS, AND SHIPPING CONTAINERS, ADDING A DEFINITION FOR THE TERM 'MOBILE STORAGE UNIT', AND DECLARING SUCH AMENDMENT TO BE A PUBLIC RECORD.

And

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 OF THE TOWN OF PAYSON RELATING TO MOBILE STORAGE UNITS, RAILROAD CARS, TRACTOR TRAILER UNITS, AND SHIPPING CONTAINERS, ADDING A DEFINITION FOR THE TERM 'MOBILE STORAGE UNIT'.

Moved by Council Member Richard Croy, seconded by Council Member Fred Carpenter.

Mayor Evans stated this motion was to table both Resolution 2707 and Ordinance 830 until the May 2, 2013 Council meeting.

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.

3* **Resolution No. 2711.** Council approved, on the Consent Agenda, Resolution No. 2711, Captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, MAKING KNOWN ITS COMMITMENT TO THE PRINCIPLE OF FAIR HOUSING, AND DESCRIBING ACTIONS IT WILL UNDERTAKE TO AFFIRMATIVELY FURTHER FAIR HOUSING.

***CONSENT* APPROVED**

4. **Resolution No. 2712.** Mayor Evans opened discussion/possible action concerning Resolution No. 2712, Captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS TO BE UTILIZED FOR THE PURCHASE AND INSTALLATION OF THERMOPLASTIC PAVEMENT STRIPING AND MARKINGS.

LaRon Garrett, Assistant Town Manager, explained the Town was offered a grant through the Highway Safety Program that would replace markings which would make roads safer, this was one hundred percent a grant.

Motion: to approve Resolution No. 2712, Captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA, DEPARTMENT OF TRANSPORTATION, FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM FUNDS TO BE UTILIZED FOR THE PURCHASE AND

INSTALLATION OF THERMOPLASTIC PAVEMENT STRIPING AND MARKINGS.
Moved by Council Member Fred Carpenter, seconded by Council Member John Wilson.

Council Member Blair asked what the plastic was. Mr. Garrett replied instead of paint it was sprayed on.

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.

5. * **Resolution No. 2713. Council approved, on the Consent Agenda, Resolution No. 2713, Captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AMENDMENT NUMBER ONE TO THE AIRPORT DEVELOPMENT REIMBURSEMENT GRANT AGREEMENT (E9F15). (GRANT AGREEMENT EXTENSION THROUGH DECEMBER 31, 2013)**

***CONSENT* APPROVED**

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 March 21, 2013 through April 4, 2013, Check Nos. 21520 through 21675 and authorization to file the checks for audit.

***CONSENT* APPROVED**

H. UNFINISHED BUSINESS

1. There were no items in this section.

K. MISCELLANEOUS

1. There were no items in this section.

L. PUBLIC COMMENTS

1. There were no public comments.

ADJOURNMENT

Mayor Evans adjourned the meeting at approximately 6:49 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 18 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

VOLUNTEERS TO RECEIVE PROCLAMATIONS AT MEETING

1. Library Friends of Payson
2. Library Volunteers
3. Payson Police Volunteers
4. Fire Department Support/Rehab Group
5. Time Out Shelter
6. Rim Country Literacy
7. Mogollon Health Alliance
8. Gracie Lee Haught Foundation
9. Senior Center
10. Friends of Parks and Recreation
11. Tonto Rim Search & Rescue
12. Big Brothers Big Sisters
13. Payson Area Food Bank
14. Senior Circle
15. Pink Ladies
16. Payson Supply Line
17. Habitat for Humanity
18. Historical Society
19. C.E.R.T Program Volunteers
20. Central Arizona Humane Society
21. Payson Community Kids
22. Friends of Tonto Natural Bridge
23. New Beginnings