

**TOWN OF PAYSON
TOWN COUNCIL MEETING
MINUTES OF THE REGULAR MEETING
September 16, 2010**

CALL TO ORDER: Vice-Mayor Michael Hughes called the regular meeting to order at 5:30 p.m. in the Town Hall Council Chambers, 303 North Beeline Highway, Payson, Arizona.

INVOCATION

Rev. Charles Proudfoot, Community Presbyterian Church, led those present in an invocation.

PLEDGE OF ALLEGIANCE

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

STAFF PRESENT: Debra Galbraith - Town Manager, Silvia Smith - Town Clerk, Tim Wright - Town Attorney, and Cameron Davis - Parks, Recreation & Tourism Director.

OTHERS PRESENT: Gaye Stidham - Deputy Town Clerk, Sgt. John Heflin, Mary McMullen - Recreation Supervisor, Ray Erlandsen - Community Development Director, Kelli Schwein - Payroll Specialist, Anthony Smith - Chairman PAYC, Alicia Bayless - PAYC Member and Dillon Walker - Vice-Chairman PAYC.

Vice-Mayor Hughes explained that Mayor Evans was in Washington, D.C. testifying on behalf of the Town of Payson.

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

There were no comments from the public.

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 the CONSENT AGENDA.

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

Vote: Motion carried 6 - 0

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

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, reported that the FLW Fun Day in Green Valley Park was this weekend, September 18 and 19, 2010. The following weekend, September 23 through 25, is the FLW Tournament. Daily weigh-ins for the tournament will be at Cholla Bay boat launch at Roosevelt Lake with the final weigh-in at Chapman Chevrolet. The National Guard Fun Zone will be at the final weigh-in. Mr. Davis also reported that the kickoff for the Fiddler's Championship will be an Ol' Time Opry concert at the Payson High School auditorium, Friday, September 24, with the Championship competition at the Event Center that Saturday and Sunday.

Debra Galbraith, Town Manager, voiced her appreciation to Cameron Davis for his hard work. Mr. Davis suffered a death in his family and this Council meeting was his first day back at work.

Cllmn. Blair announced that this Tuesday and Wednesday there will be a senior softball tournament at the Kiwanis field on Payson Parkway. There are seven teams participating.

Cllmn. Wilson reported that there were 300,000 non-profit organizations that could lose their tax status if tax returns are not filed this month. He said there are over 70 of those non-profit organizations within our zip code that need to be aware of this deadline.

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 information.

D. CEREMONIAL; ANNOUNCEMENTS; PRESENTATIONS; INTRODUCTIONS

1. Comments, Commendations, and Presentations by Mayor, Council Members, and/or Town Staff.
2. Proclamation declaring October 2010 as Domestic Violence Awareness Month. Gerry Davis, Executive Director, Time Out Shelter, Inc., will be present to accept the proclamation.

Cllmn. Blair read the proclamation. Gerry Davis, Executive Director, Time Out Shelter, Inc., and other representatives from the Shelter were present to accept the proclamation. Ms. Davis announced the upcoming candlelight

walk and program scheduled for October 21, 2010. She thanked the Council for their support through the years.

3. Presentation by Payson Advisory Youth Council.

Mary McMullen, staff advisor to PAYC, introduced the members. Anthony Smith, Chairman, began the presentation describing their mission to help be the connection between Town government and the youth of Payson. Dillon Walker, Vice-Chairman, described the events, fund raisers and promotions PAYC has been involved with this year. Alicia Bayless, PAYC member discussed the survey they had taken at the high school and middle school. She said the questions on the survey asked what youth would like to see in Payson. President Smith reported on PAYC League of Arizona Cities and Town's conference participation. PAYC is sponsoring a concert in the park for youth with the band "Elements" on October 2nd. This was the number one request from the survey.

In answer to a question from Clmn. Connell, President Smith reported the second and third requests on the survey were for a water park and a youth center. PAYC will be involved with a local church who are planning a youth center.

Vice-Mayor Hughes thanked them for their efforts and reminded them that this was a good foundation for their future and would put them head and shoulders above other teens.

E. MINUTES

1. * Council Meeting Minutes:
09-02-10 Regular Meeting Minutes Pages 1 -7
CONSENT APPROVED

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. * Payson Advisory Youth Council Minutes:
07-29-10 Regular Meeting Minutes Pages 1 -3
CONSENT INFORMATION ONLY
3. * Transportation Advisory Board Minutes:
08-04-10 Regular Meeting Minutes Pages 223 -226
CONSENT INFORMATION ONLY

F. HEARINGS AND APPEALS

1. This is a Public Hearing concerning an application for a Liquor Store (Series

9) Sampling Privileges license filed by Janice L. Martin, agent, Safeway Inc., 401 E. Highway 260, Payson, AZ.

Vice-Mayor Hughes opened the public meeting. Dan Dillon, representing Safeway, explained how this license would change their alcohol sampling. He said that currently they are allowed sampling events 12 times a year conducted by someone from a beverage distributor. The new license would allow unlimited events conducted by employees of Safeway. There is no charge for the sampling and the events would be in a designated, roped off area with ID checks. These events occur primarily around the holidays.

Motion: to Approve an application for a Liquor Store (Series 9) Sampling Privileges license filed by Janice L. Martin, agent, Safeway Inc., 401 E. Highway 260, Payson, AZ.

Moved by Council Member John Wilson, seconded by Council Member Su Connell.

Vote: Motion carried 6 - 0

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

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. * Discussion/possible action concerning Resolution No. 2574, captioned as follows: A RESOLUTION OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF PAYSON, ARIZONA, APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE ADDENDUM 1 TO THE GILA COUNTY LIBRARY DISTRICT LIBRARY SERVICE AGREEMENT. *CONSENT* APPROVED

H. UNFINISHED BUSINESS

There were no items in this section.

I. NEW BUSINESS

1. Council Decision Request filed by the Legal Department to approve the attached Open Meeting Law Compliance for Non Town Sponsored Events and Town Sponsored Social Events.

Attorney Wright explained the Council Decision Request. He pointed out this personnel policy was before the Council because it affected them directly. The change to the policy would eliminate public notices and

provide for Special Meeting agendas for events that need them.

Clmn. Blair asked for a definition of what would constitute a meeting needing a posting. Attorney Wright explained that when four or more Council members were discussing Town business, or one or more of them were going to make substantive remarks concerning Town business and there were three other members attending, the Clerk's office should be notified so that the appropriate agenda could be posted.

Clmn. Carpenter asked if it would be the members of the Council individually or the Town who would be out of compliance if a meeting were not noticed. Attorney Wright explained that he would still be their advisor as they worked through the process of an inquiry by the Attorney General's office.

Vice-Mayor Hughes remarked that ultimately each Council member was responsible to comply with the Open Meeting Law and it was not the responsibility of the staff.

Clmn. Blair asked who would be responsible for contacting the Clerk's office. Attorney Wright suggested Council members contact the Clerk although he would be available to answer any questions they may have.

Clmn. Carpenter asked if a quorum of the Council were attending a meeting with candidates or members of the legislature, would it be dangerous to ask questions that were specific to Town business. Attorney Wright answered that it would always be better to talk to the candidate or legislator individually, to speak to your constituents and do a lot of listening at such an event.

2. Council Decision Request filed by Ray Erlandsen, Community Development Director, to temporarily suspend for the period of October 7-11, 2010: a) Portions of the Unified Development Code to allow single family home owners to rent space in their homes to one or more individuals; and b) Portions of Town Code Section 130.17 to allow camping/sleeping on private property with permission of the owner of such private property.

Ray Erlandsen, Community Development Director, explained the proposed Council Decision Request as particular to the Thunder Mountain motorcycle event scheduled for October 8 through 10, 2010. Since hotels, motels and camp grounds around the area are already booked, the availability for residents to charge for a room in their house would help with the event. The current UDC and portions of the Town Code do not allow for this. He noted this was a suspension for this event only.

Clmn. Blair asked questions concerning the event, where and how citizens would be able to participate. Mr. Davis explained that citizens could participate, enter drawings for prizes and watch the festivities.

Ms. Galbraith reminded the Council this event information was available on the paysonrimcountry.com website and is sponsored by the Mogollon Health Alliance.

Clmn. Carpenter commented that Rotary would be providing babysitting services for the children of participants at the event.

Clmn. Connell voiced resident concerns about motorcyclists drinking and driving. She asked about the numbers of motorcycles expected. Mr. Davis said that the sponsor would be happy with 4,000 to 5,000 participants but they don't have any actual count at this time.

Ms. Galbraith also noted that meetings had been held with our Police Department, Gila County Sheriff's Department, ADOT, DPS and private security for this event. Mr. Davis added that there would be a mobile unit for emergencies just like the 4th of July celebrations.

Clmn. Wilson announced that the morning Rotary Club would host a parking area behind the Art Studio on Main Street for a fee.

Mr. Erlandsen noted that the UDC allowed residents to house strangers in their homes now, but did not allow charging them. This would only temporarily suspend that restriction.

3. * Council Decision Request filed by Donald B. Engler, Police Chief, to approve the fiscal year 2010 Department of Justice/Bureau of Justice Assistance Grant in the amount of \$10,361.00 and the associated Memorandum of Understanding.
CONSENT APPROVED

J. CLAIMS

1. * List of checks paid from 08/13/09 through 09/09/10, Check Nos. 011137 through 011466, except Check Nos. 011385, 011386 and 011462 and authorization to file the checks for audit.
CONSENT APPROVED
2. * Check No. 011385 paid 09/09/10, and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Clmn. Connell will be considered to have abstained from voting on this item.)
CONSENT APPROVED
3. * Check No. 11386 paid 09/09/10, and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Clmn. Croy will be considered to have abstained from voting on this item.)
CONSENT APPROVED

4. * Check No. 011462 paid 09/09/10, and authorization to file the check for audit. (Note: due to a perceived and/or conflict of interest, Clmn. Wilson will be considered to have abstained from voting on this item.)
CONSENT APPROVED

K. MISCELLANEOUS

1. Should the need arise, Council reserves the right to suspend the order of the agenda for consideration of a motion to recess/adjourn to executive session, pursuant to ARS 38-431.03 et seq, to discuss any item(s) listed on the regular meeting agenda that would be authorized for executive session under ARS 38-431.03.

L. PUBLIC COMMENTS

1. There were no comments from the Public.

ADJOURNMENT: Vice-Mayor Hughes adjourned the meeting at approximately 6:16 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 16 of September, 2010. I further certify that the meeting was duly called and held and that a quorum was present.

DATED this ____ day of _____, 2010.

Gaye Stidham, Deputy Town Clerk