

MINUTES OF THE REGULAR MEETING OF THE TOWN COUNCIL OF THE TOWN OF PINETOP-LAKESIDE, ARIZONA, HELD OCTOBER 7, 2010 AT 7:00 P.M. IN THE TOWN COUNCIL CHAMBERS.

Mayor Smith called the Regular Meeting to order at 7:00 p.m. Roll call was taken as follows:

<u>ROLL CALL:</u>	<u>Present</u>	<u>Absent</u>		<u>Present</u>	<u>Absent</u>
Mayor Luke Smith	<u>X</u>	<u>    </u>	Stephanie Irwin	<u>X</u>	<u>    </u>
Vice Mayor Rich Crockett	<u>X</u>	<u>    </u>	Kim Webb	<u>X</u>	<u>    </u>
Woody Biscoe	<u>    </u>	<u>X</u>	Leslee Wessel	<u>X</u>	<u>    </u>
Norris Dodd	<u>X</u>	<u>    </u>			

STAFF PRESENT:

Kelly Udall, Town Manager; Rosemary Rosales, Town Attorney; Lu Anne Frost, Town Clerk; Kent Brooksby, Finance Director; Paul Esparza, Community Development Director; Brian McCabe, Town Planner; Tom Thomas, Public Facilities Director; and Woody Eldredge, Chief of Police.

ITEM NO. 2, PLEDGE OF ALLEGIANCE AND INVOCATION:

The Pledge of Allegiance was said, followed with an invocation by Vice Mayor Crockett.

ITEM NO. 3, CALL TO THE PUBLIC:

Mayor Smith explained the rules for Call to the Public.

Joseph Dee stated Vice Mayor Crockett offered a good compromise when he discussed putting his trash out early in the morning. He said they have the same problem in their subdivision, but said he is fortunate enough that he can put his out early in the day. He said the education aspect of this Ordinance is important. He said there are ways to deter bears from the trash such as the use of ammonia or bleach. He said he liked the idea of changing the wording from “property owner” to “individual,” but said it is up to the property owner to educate anyone using their property. He stated the hardest thing would be educating the public.

ITEM NO. 4, CONSENT AGENDA:

The consent agenda consisted of Minutes of the Work Session and Regular Meeting of September 2, 2010; the Minutes of the Work Session and Regular Meeting of September 16, 2010; Resolution No. 10-1149 Adopting a Second Amendment to the Rural Public Transportation Agreement between the City of Show Low, the Town of Pinetop-Lakeside, and MV Public Transportation, Inc.; and Ordinance No. 10-343 Amending Town Code Chapter 6.04 Animal Control, to include Section 6.04.290 Wild Animals.

Mayor Smith stated they would pull Ordinance 10-343 from the consent agenda. He stated they have directed staff to make changes to the Ordinance, and post and publish a notice of public hearing.

**COUNCILMEMBER IRWIN MOVED THE COUNCIL APPROVE THE CONSENT AGENDA AS AMENDED. COUNCILMEMBER DODD SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

Councilmember Dodd asked for recap of changes to the Ordinance. Mayor Smith stated they talked about the verbiage under section 2, paragraph 1 to change property owner to individual, and said they discussed the severity of paragraph 1. Kelly Udall stated they would use paragraph 1 as an educational component to the Ordinance to inform the public that type of activity was prohibited, and said paragraph 2 would be the actual enforcement. Councilmember Dodd stated he believes that is what Game & Fish desired.

**ITEM NO. 5, MAYOR'S PROCLAMATIONS FOR TEEN READ WEEK AND LIGHTS ON AFTERSCHOOL DAY:**

Mayor Smith proclaimed October 21, 2010 as Lights on Afterschool Day, and committed the Town of Pinetop-Lakeside to engage in innovative afterschool programs and activities that ensure the lights stay on and the doors stay open for all children after school.

Mayor Smith proclaimed October 17 through 23, 2010 as Teen Read Week in the Town of Pinetop-Lakeside, and encouraged teens to take advantage of the resources available at the Blue Ridge High School Library and the Wallace H. Larson Memorial Public Library.

**ITEM NO. 6, COUNCIL DECISION REQUEST TO CALL THE 2011 TOWN PRIMARY AND GENERAL ELECTIONS, TO BE HELD ON MARCH 8 AND MAY 17, 2011 RESPECTIVELY:**

Councilmember Wessel asked if they should specify what items go on which ballot. Mayor Smith confirmed.

**COUNCILMEMBER WESSEL MOVED THAT THE TOWN CLERK PUBLISH A CALL FOR THE PRIMARY ELECTION TO INCLUDE REFERENDUM 09-016, THE PENDING INITIATIVE NUMBER 10-018 FOR THE ACQUISITION OF WOODLAND LAKE PARK, AND THREE COUNCIL SEATS, AND THAT THE TOWN CLERK PUBLISH THE GENERAL ELECTION TO INCLUDE HOME RULE-ALTERNATIVE EXPENDITURE LIMITATION AND THE GENERAL PLAN UPDATE. COUNCILMEMBER DODD SECONDED THE MOTION AND IT CARRIED UNANIMOUSLY.**

Councilmember Dodd stated they do not want to incur the additional expense of having a General Election if the Council seats were decided at the Primary Election, but said he agrees the General Plan is a very important issue. He said it would provide for additional education opportunities for the citizens.

ITEM NO. 7, A PROPOSAL TO ADOPT A LOCAL ALTERNATIVE EXPENDITURE LIMITATION - HOME RULE OPTION FOR CONSIDERATION AT AN UPCOMING TOWN ELECTION:

Kent Brooksby stated due to the previous motion, the public hearings on Home Rule would continue in January. He said, in 2007, the voters passed Home Rule by a margin of 3 to 1. He said, in 1980, the Arizona legislature and the voters put a constitutional constraint on what Arizona cities and towns could expend in a budget year. He said this constraint keeps spending on a par with what each city and town was spending in 1980, and said they adjust it annually for inflation and population growth. He said since the cities and towns were spending differently, to meet the needs of their citizens in 1980, every city and town has a different expenditure limitation. He said Pinetop-Lakeside was incorporated in 1984, and said the budgetary limitation was based on the first year of operation. He said that was a time when the Town was not offering the services it currently offers. He said things have changed since 1984. He said sales tax has increased, they have passed the restaurant, and hotel taxes, they developed the park, impact fees were established, and said there is citizenry activity engaged in the acquisition of Woodland Lake Park. He said, under the state imposed limitation, the debt service alone for the acquisition of the Park, would put the Town out of business. He said, for many years, the Town's expenditures were less than the expenditure limitation, and said the first two years after Home Rule was passed the Town exceeded the state minimum. He said, the second 2 years, the Town spent below the expenditure limitation; and said there is a good chance the budget for the next couple of years would also be below the state limitation. He stated the salient factor is who decides what the Town is allowed to spend. He stated 84% of Arizona cities and towns have some form of Home Rule, and said the 1980 constitutional amendment gave cities and towns the opportunity to decide their own budget, which is Home Rule, which he said comes before the voters every 4 years. He indicated Home Rule could be referred to the voters by Council resolution or by voter initiative, and said it could only be held during a regular election cycle. He stated the Town is required to file a detailed analysis with the Auditor General projecting the budget for the next 4 years, and said it is included in the publicity pamphlet. He stated Home Rule allows the Town to address service priorities, and said it puts the Town in charge of its own future. He said the value of Home Rule is that it allows the community to set its own budget limitation given the resources and priorities it has. He stated Home Rule does not impose new taxes or raise any current taxes, and said it only allows the Town to spend money it receives. He said Home Rule does not allow the Town to spend the emergency cash reserves, nor does it allow deficit spending.

Mr. Udall stated a vote against Home Rule might limit spending, but said they should get involved in the budget process to become informed on how the money is spent,. He said that is when the Council discusses and decides how the money would be spent in the upcoming year. He encouraged the citizens to be involved. He stated they do not spend all the money that comes in, and said they try to build the reserves.

The Regular meeting adjourned at 7:27 p.m.

Dated this 14th day of October 2010.

PINETOP-LAKESIDE TOWN COUNCIL

/s/ Lu Anne Frost, 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 Pinetop-Lakeside, Arizona, held on the 7th day of October 2010. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 14th day of October 2010.

/s/ Lu Anne Frost, Town Clerk